

School Board

Powers and Duties of the School Board

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

1. Formulating, adopting, and modifying Board policies, at its sole discretion, subject only to mandatory collective bargaining agreements and State and federal law. **1**
2. Employing a Superintendent and other personnel, making employment decisions, dismissing personnel, and establishing an equal employment opportunity policy that prohibits unlawful discrimination. **2**
3. Directing, through policy, the Superintendent, in his or her charge of the District's administration. **3**
4. 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. **4**
5. Entering contracts using the public bidding procedure when required. **5**
6. 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**

1 State law controls this policy's content. School board powers listed in The School Code are not exclusive (105 ILCS 5/10-20). This policy's intent is to list the *major* statutory powers and duties – not all of them.

For the first numbered paragraph, see 105 ILCS 5/10-20.5 and 115 ILCS 5/1 et seq. (Illinois Educational Labor Relations Act); and policy 2:240, *Board Policy Development*.

2 105 ILCS 5/10-21.4 (employing superintendent); 5/10-20.7 and 5/10-21.1 (teachers); 5/10-21.9 (criminal history records checks); 5/10-22.34 (non-certificated personnel); 5/10-22.4 (dismissing teachers for cause); and 5/10-23.5 and 5/24-12 (reduction in force). See policies in Sections 3, **General School Administration**, and 5, **Personnel**.

3 105 ILCS 5/10-16.7.

4 105 ILCS 5/10-20.17, 5/10-20.19 and 5/17-1 et seq. See policies in Section 4, **Operational Services**.

5 105 ILCS 5/10-20.21. See policy 4:60, *Purchases and Contracts*.

6 105 ILCS 5/10-20.20, amended by P.A. 96-62 (duty to indemnify) and 5/10-22.3 (duty to insure against loss or liability). The individuals who must be protected are identical in both statutes except that the 2009 legislation amended the indemnification statute to add mentors for new certified staff members. See policy 4:100, *Insurance Management*.

7 For the first clause, see 105 ILCS 5/10-20.12, 5/10-22.10, 5/10-22.35A, and 5/10-22.36; and policy 4:150, *Facility Management and Building Programs*. For the second clause, see 105 ILCS 5/10-22.35, amended by P.A. 96-57. For the third clause, see 105 ILCS 5/10-20.19c, amended by P.A. 95-741; and policy 4:70, *Resource Conservation*.

8 Many civil rights laws guarantee equal educational opportunities; see policy 7:10, *Equal Educational Opportunities*.

9 105 ILCS 5/10-20.8 and 5/10-20.9. See policies in Section 6, **Instruction**.

10 105 ILCS 5/2-3.25d and 105 ILCS 5/27-1. See policies 6:10, *Educational Philosophy and Objectives*; and 6:15, *School Accountability*.

11. Submitting to parents/guardians, District taxpayers, the Governor, the General Assembly, and the State Board of Education a school report card assessing the performance of its schools and students. **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. Visiting District facilities. **16**
17. Providing student transportation services. **17**
18. Entering into joint agreements with other boards to establish cooperative educational programs or provide educational facilities. **18**
19. 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. **19**
20. Communicating the schools' activities and operations to the community and representing the needs and desires of the community in educational matters. **20**

11 105 ILCS 5/10-17a.

12 105 ILCS 5/10-22.6. See policies 7:190, *Student Discipline*; 7:200, *Suspension Procedures*; and 7:210, *Expulsion Procedures*.

13 105 ILCS 5/10-21.3 and 5/10-22.5. See policy 7:30, *Student Assignment and Intra-District Transfer*.

14 105 ILCS 5/10-19 and 23 Ill.Admin.Code §1.420. See policy 6:20, *School Year Calendar and Day*.

15 Recognizing veterans on Nov. 11 is required by 105 ILCS 5/10-20.46, added by P.A. 96-84.

16 105 ILCS 5/10-20.6. See policies 2:140, *Communications To and From the Board*; and 8:30, *Visitors to and Conduct on School Property*.

17 105 ILCS 5/10-22.22. See policy 4:110, *Transportation*.

18 105 ILCS 5/10-22.31a. See policy 1:20, *District Organization, Operations, and Cooperative Agreements*.

19 325 ILCS 5/4.

20 See policy 8:10, *Connection with the Community*.

LEGAL REF.: 105 ILCS 5/2-3.25d, 5/10-1 et seq., 5/17-1, and 5/27-1.
115 ILCS 5/1 et seq.
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), 2:240 (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 (Connection with the Community), 8:30 (Visitors to and Conduct on School Property)

School Board

Board Member Qualifications ¹

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

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

LEGAL REF.: Ill. Constitution, Art. 2, ¶ 1; Art. 4, ¶ 2(e); Art. 6, ¶ 13(b).
105 ILCS 5/10-3 and 5/10-10.

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

¹ State law controls this policy's content. Election qualifications are found in 105 ILCS 5/10-3 and 5/10-10, amended by P.A. 96-538. Except for possible residency requirements, there are no general eligibility qualifications for appointment to a board; this sample policy, however, applies the election qualifications to appointments. This is possible because the board controls the appointment process. See policy 2:70, *Vacancies on the School Board - Filling Vacancies*.

Boards may describe additional residency requirements, if any, in the following optional sentence: "On the date of election or appointment, Board members must also meet the following residential requirement: *[insert]*."

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

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

Boards may describe additional residency requirements, if any, in the following optional sentence: "On the date of election or appointment, Board members must also meet the following residential requirement: *[insert]*."

² Prohibitions on simultaneously holding more than one public office, known as the doctrine of incompatibility of offices, arise from the constitutional concept of separation of offices. Appellate decisions have held that incompatibility arises if the duties of one office would necessarily prevent the office holder from faithfully performing all the duties of the other office. Express statutory prohibitions involving a school board member and another office are rare but do exist. For example, a school trustee may not also be a board member (105 ILCS 5/10-3 and 5/10-10, amended by P.A. 96-538). Dual office holding is discussed in the Ill. Council of School Attorneys' publications, *Answers to FAQs, Conflict of Interest and Incompatible Offices*, www.iasb.com/law/conflict.cfm, and *Answers to FAQs, Vacancies on the Board of Education*, www.iasb.com/law/vacancies.cfm.

³ 105 ILCS 5/10-3 and 5/10-10, amended by P.A. 96-538. The definition of child sex offender is found in 720 ILCS 5/11-9.3 and is contained in administrative procedure 8:30-AP, *Definition of Child Sex Offender*.

School Board

Exhibit - Checklist for Filling Board Vacancies by Appointment

The School Board fills a vacancy by either appointment or election. The Board uses this checklist for guidance when it must fill a vacancy by appointment. Some items contain guidelines along with explanations. For more information, see *Answers to FAQs Vacancies on the Board of Education*, published by a committee of the Illinois Council of School Attorneys, and available at: www.iasb.com/law/ICSAFAQsonBoardVacancies.pdf.

- Confirm that the Board must fill the vacancy by appointment.**

Guidelines	Explanation
Review Board policy 2:70, <i>Vacancies on the School Board - Filling Vacancies</i> , to determine if a vacancy on the Board occurred and, if so, whether the successor will be selected by election or Board appointment.	Filling a vacancy by Board appointment or election depends upon when the vacancy occurred. If a vacancy occurs with less than: (1) 868 days remaining in the term of office, or (2) 88 days before the next regularly scheduled election for the vacant office, no election to fill the vacancy is held and the appointee serves the remainder of the term. At all other times, an appointee serves until the next regular school election, at which election a successor is elected to serve the remainder of the unexpired term. See 105 ILCS 5/10-10.

- Notify the Regional Superintendent of the vacancy within 5 days of its occurrence (105 ILCS 5/10-10).**

- Develop list of qualifications for appointment of a person to fill vacancy.**

Guidelines	Explanation
At a minimum, the Board uses election qualifications, that is, a candidate must meet the following: <ul style="list-style-type: none"> • Be a United States citizen. • Be at least 18 years of age. • Be a resident of Illinois and the District for at least one year immediately preceding the appointment. • Be a registered voter. • Not be a child sex offender. • Not hold another incompatible public office. • Not have a prohibited interest in any contract with the District. • Not hold certain types of prohibited State or federal employment. 	While <u>The School Code</u> does not expressly set forth eligibility requirements for appointment to a Board vacancy, the Board may want to use the qualifications for elected Board members listed in 105 ILCS 5/10-3 and 5/10-10. For guidance discussing other qualifications that the Board may want to consider, see IASB's <i>Recruiting School Board Candidates</i> , available at: www.iasb.com/elections/recruiting.pdf . For guidance regarding conflict of interest and incompatible offices, See <i>Answers to FAQs, Conflict of Interest and Incompatible Offices</i> , published by the Ill. Council of School Attorneys, available at: www.iasb.com/law/conflict.cfm .

Guidelines	Explanation
<p>When additional qualifications apply, the following items may be included in the Board's list of qualifications:</p> <ul style="list-style-type: none"> • Meet all qualifications based upon the distribution of population among congressional townships in the district. • Meet all qualifications based upon the distribution of population among incorporated and unincorporated areas. 	<p>Board members of some community unit school districts may be subject to historical residential qualifications based on the distribution of population among congressional townships in the district or between the district's incorporated and unincorporated areas (105 ILCS 5/11A-8).</p>

Decide who will receive completed vacancy applications.

Guidelines	Explanation
<p>The Board President will accept applications.</p> <p>The Board will discuss, at an open meeting, its process to review the applications and who will contact applicants for an interview.</p>	<p>Who accepts vacancy applications is at the Board's sole discretion. According to 2:110, <i>Qualifications, Term, and Duties of Board Officers</i>, the Board President is a logical officer to accept the applications, but this task may be delegated to the Secretary or Superintendent's secretary if the Board determines that it is more convenient. Who accepts the applications must be decided prior to posting the vacancy announcement.</p>

Create Board member vacancy announcement.

Guidelines	Explanation
<p>School District _____ Board Member Vacancy</p> <p>School District is accepting applications to fill the vacancy resulting from [<i>reason for vacancy</i>] of [<i>former Board member's name</i>].</p> <p>The appointment will be from the date of appointment to [<i>date</i>].</p> <p>School District is [<i>School District's philosophy or mission statement</i>].</p>	<p>The contents of a vacancy announcement, how it is announced, and where it is posted are at the Board's sole discretion.</p> <p>The Board may want to consider announcing the vacancy and its intent to fill it by appointment during its meeting and post it on the District's website and in the local newspaper(s).</p> <p>The length of the appointment depends upon when during the term of office the vacancy occurred. See 105 ILCS 5/10-10 and Board policy 2:70, <i>Vacancies on the School Board - Filling Vacancies</i>, to determine the length of the appointment.</p> <p>See Board policy 1:30, <i>School District Philosophy</i>, for the District's mission statement that is specific to the community's goals.</p>
<p>Applicants for the Board vacancy must be: [<i>Board's list of qualifications</i>].</p>	<p>See checklist item titled <i>Develop List of Qualifications for Appointment of a Person to Fill Vacancy</i> above.</p>

Guidelines	Explanation
<p>Applicants should show familiarity with the Board’s policies regarding general duties and responsibilities of a Board and a Board member, including fiduciary responsibilities, conflict of interest, ethics and gift ban. The Board’s policies are available at [locations].</p> <p>Applications may be obtained at [location and address and/or website] beginning on [date and time].</p> <p>Completed applications may be turned in by [time and date] to [name and title of person receiving applications].</p>	<p>Listing this along with the Board’s list of qualifications assists candidates in understanding a Board member’s duties and responsibilities and may facilitate a better conversation during the interview process. See Board policies: 2:20, <i>Powers and Duties of the School Board</i>; 2:80, <i>Board Member Oath and Conduct</i>; 2:100, <i>Board Member Conflict of Interest</i>; 2:105 <i>Ethics and Gift Ban</i>; and 2:120, <i>Board Member Development</i>.</p> <p>See action item titled <i>Decide who will receive completed vacancy applications</i> above.</p>

- Publicize vacancy announcement by placing it on the District’s website, announcing it at a meeting, or advertising it in the local newspaper(s).**
- Accept and review applications from prospective candidates (see *Decide who will receive completed vacancy applications* above).**
- Contact appropriate applicants for interviews (see *Decide who will receive completed vacancy applications* above).**
- Develop interview questions.**

Guidelines	Explanation
<p>Why do you want to be a Board member?</p> <p>What specific skills would you bring to the Board?</p> <p>Please give specific examples of your ability in interpersonal relationships and teamwork.</p> <p>What do you see as the role of a Board member?</p> <p>What have you done to prepare yourself for the challenges of being a Board member?</p> <p>Please describe your previous community or non-profit experiences.</p> <p>What areas in the district would you like to see the Board strengthen?</p> <p>What is your availability to meet the time, training commitments, and other</p>	<p>Interview questions are at the Board’s sole discretion. This list is not exhaustive, but it may help the Board tailor its questions toward finding a candidate who will approach Board membership with a clear understanding of its demands and expectations along with a constructive attitude toward the challenge. The Board may also want to consider allowing an equal amount of time for each interview.</p> <p>See IASB’s <i>Recruiting School Board Candidates</i>, available at: www.iasb.com/elections/recruiting.pdf.</p> <p>A prospective candidate to fill a vacancy may raise other specific issues that the Board will want to cover during an interview.</p>

Guidelines	Explanation
<p>responsibilities required for Board membership?</p> <p>Describe what legacy you would like to leave behind.</p>	

- Conduct interviews with candidates (interviews may occur in closed session pursuant to 5 ILCS 120/2(c)(3)).**

Guidelines	Explanation
<p>The Board President will discuss the following items with each candidate during the interview:</p> <p>Introduce Board members to the candidate at the beginning of the interview.</p> <p>Describe the Board’s interview process, selection process, and ask the candidate if he or she has questions about the Board’s process for filling a vacancy by appointment.</p> <p>Describe the District’s philosophy or mission statement.</p> <p>Describe the vacancy for the candidate by reviewing the: (1) qualifications, and (2) general duties and responsibilities of the Board and the Board members, including fiduciary responsibilities, conflict of interest, ethics and gift ban, and general Board member development.</p> <p>Begin asking the interview questions that the Board developed.</p> <p>Ask the candidate whether he or she has any questions for the Board.</p> <p>Thank the candidate and inform the candidate when the Board expects to make a decision and how the candidate will be contacted regarding the Board’s decision.</p>	<p>The Board President will lead the Board as it interviews prospective candidates. See Board policy 2:110, <i>Qualifications, Term, and Duties of Board Officers</i>. The president presides at all meetings (105 ILCS 5/10-13).</p> <p>The Board may also want to consider allowing an equal amount of time for each interview.</p>

- Fill vacancy by a vote during an open meeting of the Board before the 45th day or notify the Regional Superintendent that the vacancy still exists (105 ILCS 5/10-10).**
- Assist the appointed Board member in filing his or her statement of economic interest (5 ILCS 420/4A-105(c)).**
- Announce the appointment to District staff and community.**

Guidelines	Explanation
<p>The announcement should include: The Board appointed [<i>appointee's name</i>] to fill the vacancy on the Board. The appointment will be from [<i>date</i>] to [<i>date</i>]. The Board previously established qualifications for the appointee in a careful and thoughtful manner. [<i>Appointee's name</i>] meets these qualifications and has demonstrated the willingness to accept the duties and responsibilities of a Board member. [<i>Appointee's name</i>] brings a clear understanding of the demands and expectations of being a Board member along with a constructive attitude toward the challenge.</p>	<p>The contents of the appointment announcement and length of time it is displayed are at the Board's sole discretion. The Board may want to consider announcing the appointment during its meeting and also by posting it in the same places that it posted the vacancy announcement. See Board policy 8:10, <i>Connection with the Community</i>.</p>

- Administer the Oath of Office and begin orientation.**

Guidelines	Explanation
<p>See Board policy 2:80, <i>Board Member Oath and Conduct</i>.</p>	<p>Each individual, before taking his or her seat on the Board, must take an oath in substantially the form given in 105 ILCS 5/10-16.5.</p>
<p>See Board policy 2:120, <i>Board Member Development</i>, and 2:120-E, <i>Guidelines for Serving as a Mentor to a New School Board Member</i>.</p>	<p>Orientation assists new Board members to learn, understand, and practice effective governance principles. See the IASB Foundational Principles of Effective Governance, available at: www.iasb.com/principles_popup.cfm.</p>

- Inform IASB of the newly appointed Board member's name and directory information.**

School Board

Qualifications, Term, and Duties of Board Officers 1

The School Board officers are: President, Vice President, Secretary, and Treasurer. 2 These officers are elected or appointed by the Board at its organizational meeting.

President 3

The Board elects a President from its members for a 2-year term. The duties of the President are to:

1. Focus the Board meeting agendas on appropriate content and preside at all meetings;
2. Make all Board committee appointments, unless specifically stated otherwise; 4
3. Attend and observe any Board committee meeting at his or her discretion; 5
4. Represent the Board on other boards or agencies;
5. Serve as chairperson of the Education Officers Electoral Board which hears challenges to Board candidate nominating petitions;
6. Sign official District documents requiring the President's signature, including Board minutes and Certificate of Tax Levy;
7. Call special meetings of the Board;
8. Serve as the *head of the public body* for purposes of the Open Meetings Act and Freedom of Information Act; 6
9. Ensure that a quorum of the Board is physically present at all Board meetings; 7
10. Administer the oath of office to new Board members; and 8

¹ State law controls this policy's content. Selection of officers must be in open session (5 ILCS 120/2). Board officer vacancies are discussed in *Answers to FAQs: Vacancies on the Board of Education*, Ill. Council of School Attorneys, www.iasb.com/law/vacancies.cfm.

² Districts governed by a board of directors have 3 officers: a president, clerk, and treasurer. The president and clerk must be board members (105 ILCS 5/10-5).

³ 105 ILCS 5/10-13. The board by resolution may decrease to one year the term of office for the president.

Of the listed duties, only the following are imposed by law: #1, preside at meetings (Id.); #5, chair Education Officers Electoral Board (10 ILCS 5/10-8); #6, sign minutes (105 ILCS 5/10-7) and sign certificate of tax levy (105 ILCS 5/17-11); #7, call special meetings (105 ILCS 5/10-16); and #8, serve as *head of the public body* for OMA and FOIA purposes (5 ILCS 140/2(e), 140/7(f), and 140/9.5, amended by P.A. 96-542 (eff. 1-1-10)).

⁴ Alternatively, strike the "unless" clause and substitute: "subject to Board approval." Be sure this treatment is consistent with policy 2:150, *Committees*.

⁵ Optional. A board that wants the president to participate in committee meetings may use the following alternative: "Be a member of all Board committees." Using this alternative, the president would be counted to determine the number of members that constitutes a quorum for each board committee meeting. If a board would like the superintendent to attend any or all meetings of a board committee, it should consider asking the superintendent to be a committee resource person (or other such title) rather than an ex-officio member of the board committee itself. That way, the superintendent will not count to determine the number of committee members that constitutes a quorum.

⁶ The *head of the public body* or its attorney may request an advisory opinion from the Attorney General concerning compliance with the Open Meetings Act or the Freedom of Information Act (5 ILCS 120/3.5(h) and 5 ILCS 140/9.5(h), amended by P.A. 96-542, eff. 1-1-10). The Freedom of Information Act defines *head of the public body* to mean *president* or "such person's duly authorized designee" (5 ILCS 140/2(e), amended by P.A. 96-542 (eff. 1-1-10)). Preliminary drafts, recommendations, and other records in which opinions are expressed, or policies are formulated, lose this exemption from disclosure if a relevant portion of a requested record is publicly cited and identified by the *head of the public body* (5 ILCS 140/7(f)).

⁷ Optional. Requiring the president to monitor the presence of a quorum assists compliance with the Open Meetings Act's mandate that a quorum be physically present at all board meetings (5 ILCS 120/7).

11. Serve as the Board's official spokesperson to the media.

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

The Vice President fills a vacancy in the Presidency.

Vice President ⁹

The Board elects a Vice President from its members for a 2-year term. The Vice President performs the duties of the President if:

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

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

Secretary ¹⁰

The Board elects a Secretary for a 2-year term. The secretary may be, but is not required to be, a Board member. The Secretary may receive reasonable compensation as determined by the Board before appointment. However, if the secretary is a Board member, the compensation shall not exceed \$500 per year, as fixed by the Board at least 180 days before the beginning of the term. The duties of the Secretary are to:

1. Keep minutes for all Board meetings and keep the verbatim record for all closed Board meetings;
2. Mail meeting notification and agenda to news media who have officially requested copies;
3. Keep records of the Board's official acts, and sign them, along with the President, before submitting them annually to the Treasurer on the first Monday of April and October and on such other times as the Treasurer requests;
4. Report to the Treasurer on or before July 7, annually, such information as the Treasurer is required to include in the Treasurer's report to the Regional Superintendent;
5. Act as the local election authority for all Board elections;
6. Arrange public inspection of the budget before adoption;
7. Publish required notices;
8. Sign official District documents requiring the Secretary's signature; and
9. Maintain Board policy, financial reports, publicity, and correspondence.

The Secretary may delegate some or all of these duties, except when State law prohibits the delegation. The Board appoints a secretary pro tempore, who may or may not be a Board member, if

⁸ Optional. Omit this duty if policy 2:80, *Board Member Oath and Conduct* provides that the board member oath is given by other means.

⁹ 105 ILCS 5/10-13.1. The board by resolution may decrease to one year the term of office for the vice president.

¹⁰ 105 ILCS 5/10-14. The board by resolution may decrease to one year the term of office for the secretary. In districts governed by a board of directors, a clerk who is a board member performs these duties (105 ILCS 5/10-5). The policy's provisions regarding compensation are required by 105 ILCS 5/10-14 (governs secretaries who are board members and non-board members) and by 50 ILCS 145/2 (governs secretaries who are board members).

Of the listed duties, only the following are imposed by law: #1, board meeting minutes (105 ILCS 5/10-7; see policy 2:220, *School Board Meeting Procedure*, for the requirements for minutes); #4, records board's official acts and submits them to the treasurer (105 ILCS 5/10-7); #5, treasurer's report (105 ILCS 5/10-8); #6, local election authority (10 ILCS 5/10-1 *et seq.* and 5/17-22; 105 ILCS 5/9-10); #7, public inspection of the budget (105 ILCS 5/17-1).

the Secretary is absent from any meeting or refuses to perform the duties of the office. A permanent vacancy in the office of Secretary is filled by special Board election.

Recording Secretary 11

The Board may appoint a Recording Secretary who is a staff member. The Recording Secretary shall:

1. Assist the Secretary by taking the minutes for all open Board meetings;
2. Assemble Board meeting material and provide it, along with prior meeting minutes, to Board members before the next meeting; and
3. Perform the Secretary's duties, as assigned, except when State law prohibits the delegation.

In addition, the Recording Secretary or Superintendent receives notification from Board members who desire to attend a Board meeting by video or audio means.

Treasurer 12

The Treasurer of the Board shall be either a member of the Board who serves a 1-year term or a non-Board member who serves at the Board's pleasure. **13** A Treasurer who is a Board member may not be compensated. **14** A Treasurer who is not a Board member may be compensated provided it is established before the appointment. **15** The Treasurer must: **16**

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

The Treasurer shall: **17**

1. Furnish a bond, which shall be approved by a majority of the full Board;
2. Maintain custody of school funds;

11 This section is optional.

12 This section is for: (1) districts in a Class I, or (2) a Class II county (Cook Co.) district that has withdrawn from the authority of the township treasurer or is located in a township in which the office of township treasurer was abolished. 105 ILCS 5/5-1 defines Class I county school units as districts in counties with less than 2,000,000 inhabitants. Those districts in Cook County (Class II county) under the authority of the trustees of schools of the township and the township treasurers should use this alternative: "Qualifications, appointment, and duties of the Treasurer for the School District shall be as provided in The School Code." See 105 ILCS 5/8-1(a) for how the township treasurer is appointed and the term of office; duties are found in 105 ILCS 5/8-2, 5/8-6, 5/8-16, and 5/8-17.

13 105 ILCS 5/8-1(b), amended by P.A. 96-538. The treasurer's term of office is 2 years if the district is located in a Class II county (Cook Co.) that was under the jurisdiction and authority of the township treasurer and township trustees of schools at the time those offices were abolished (105 ILCS 5/8-1(c)).

14 105 ILCS 5/8-1(b) and (c), amended by P.A. 96-538.

15 105 ILCS 5/8-3.

16 Qualification #1 is required for treasurers in a Class I county or Class II county (Cook) that withdrew from the authority of the township treasurer and township trustees of schools (105 ILCS 5/8-1(b)). This sample policy makes it applicable to Class II county (Cook Co.) districts that were under the authority of the township treasurer and township trustees of schools at the time those offices were abolished.

Qualification #2 is required for treasurers in a Class I county or Class II county (Cook Co.) that withdrew from the authority of the township treasurer and township trustees of schools (105 ILCS 5/8-1(b)). Districts in Class II county (Cook Co.) that were under the authority of the township treasurer and township trustees of schools at the time those offices were abolished should replace this qualification as follows: "2. Not be the District Superintendent." See 105 ILCS 5/8-1(c).

Qualification #3 is required for treasurers in a Class I county. This qualification should be replaced by the following for districts in a Class II county (Cook Co.): "Upon being appointed for his or her first term, be a certified public accountant or a certified chief school business official as defined in The School Code; experience as a township treasurer in a Class II county school before July 1, 1989 is deemed equivalent." See 105 ILCS 5/8-1(e).

17 105 ILCS 5/8-2, 5/8-6, and 5/8-16.

3. Maintain records of school funds and balances;
4. Prepare a monthly reconciliation report for the Superintendent and Board; and
5. Receive, hold, and expend District funds only upon the order of the Board.

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

LEGAL REF.: 5 ILCS 120/7 and 420/4A-106.
105 ILCS 5/8-1, 5/8-2, 5/8-3, 5/8-6, 5/8-16, 5/8-17, 5/10-1, 5/10-5, 5/10-7, 5/10-8,
5/10-13, 5/10-13.1, 5/10-14, 5/10-16.5, and 5/17-1.

CROSS REF.: 2:80 (Board Member Oath and Conduct), 2:210 (Organizational School Board Meeting)

General School Administration

Superintendent 1

Duties and Authority

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

Qualifications

The Superintendent must be of good character and of unquestionable morals and integrity. The Superintendent shall have the experience and the skills necessary to work effectively with the Board, District employees, students, and the community. The Superintendent shall have a valid

¹ State law controls this policy's content. Unless the district has only one school with less than 4 teachers, the board must employ a superintendent (105 ILCS 5/10-21.4). This statute assigns some specific duties to the superintendent including to: (1) make recommendations to the board concerning the budget, building plans, the locations of sites, the selection, retention, and dismissal of teachers and all other employees, the selection of textbooks, instructional material, and courses of study, (2) report to the board, ISBE, and chief administrative official any employee named in an abused child report, and (3) keep or cause to be kept the records and accounts as directed and required by the board, aid in making reports required by the board, and perform such other duties as the board may delegate to him/her. 105 ILCS 5/10-16.7 requires boards to direct, through policy, the superintendent, in his or her charge of the district's administration.

According to 105 ILCS 5/10-23.8, a superintendent may be employed under: (1) a one-year contract, in which case he or she gains and retains tenure rights, or (2) a multi-year performance-based contract, in which case he or she waives all tenure rights. A multi-year performance-based contract must contain specific student performance and academic improvement goals and indicators; see *Superintendent Performance Contracts*, available at www.iasb.com/law/perfcont.cfm.

With limited exceptions, any individual serving as a first-time superintendent in Illinois must participate in a mentoring program for 2 school years in accordance with the ISBE requirements (105 ILCS 5/2-3.53b, added by P.A. 96-62). Under the superintendent mentoring program, a provider selected by ISBE will assign a mentor to a new superintendent based on similarity of grade level or type of district, learning needs, and geographical proximity. The mentor must not be required to evaluate the new superintendent on the basis of the mentoring relationship.

² Among the required reports/notices added in 2009 are:

1. An itemized compensation report for every employee holding an administrative certificate and working in that capacity that must annually be presented to the board and published on the district's website, if any, on or before October 1 (105 ILCS 5/10-20.46, added by P.A. 96-434, *the identical statutory section number was used in P.A. 96-266*).
2. A description of the district and its records that must be prominently displayed at the administrative office and posted on the district website (5 ILCS 140/4, amended by P.A.96-542, eff. 1-1-10).
3. A salary information report for the superintendent and all administrators and teachers that is annually given to ISBE on or before July 1 (105 ILCS 5/10-20.46, added by P.A. 96-266, eff. 1-1-10; *the identical statutory section number was used in P.A. 96-434*).
4. A written notification to the State Superintendent and applicable regional superintendent that a certificate holder was dismissed or resigned as a result of an intentional act of abuse or neglect (105 ILCS 5/10-21.9(e-5), amended by P.A. 96-431).

While not comprehensive, see the IASB's *Annual School Calendar* for more required reports, www.iasb.com/law/cal10.cfm.

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

administrative certificate with the superintendent endorsement issued by the State Certification Board. ⁴

Evaluation

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

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

Compensation and Benefits

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

LEGAL REF.: 105 ILCS 5/10-16.7, 5/10-20.46, 5/10-21.4, 5/10-23.8, 5/21-7.1, 5/24-11, and 5/24A-3.
23 Ill.Admin.Code §§1.310 and 29.130.

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

⁴ Residency requirements, if desired, should be included in a superintendent's employment contract. 105 ILCS 5/21-7.1(e)(4) governs administrative certificates and superintendent endorsements. See also 23 Ill.Admin.Code §§25.360, 29.100 and 29.130.

⁵ 105 ILCS 5/10-16.7 requires a board to evaluate the superintendent. While greater detail may be added to this paragraph (e.g., a timeline, self-evaluation provision, and discussion requirements), a board must be sure that this policy provision and the superintendent's contract are consistent.

⁶ The reporting requirements in this paragraph are optional, but superintendents, along with other administrators who evaluate certificated personnel, must participate at least once every 2 years in an ISBE-approved workshop on evaluation (105 ILCS 5/24A-3). Continuing professional education is required for administrative certificate renewal (105 ILCS 5/21-7.1).

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Operational Services

Revenue and Investments ¹

Revenue

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

Investments

The Superintendent shall either appoint a Chief Investment Officer or serve as one. ² The Chief Investment Officer shall invest money that is not required for current operations, in accordance with this policy and State law. ³

The Chief Investment Officer and Superintendent shall use the standard of prudence when making investment decisions. They shall use the judgment and care, under circumstances then prevailing, that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of their capital as well as its probable income. ⁴

Investment Objectives ⁵

The objectives for the School District's investment activities are:

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

Authorized Investments ⁶

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

¹ Each district must have an investment policy (30 ILCS 235/2.5); its detail and complexity must be appropriate to the nature of the funds, the funds' purpose, and the amount of the public funds within the investment portfolio.

² 30 ILCS 235/2.5(a)(7). Districts having a chief business official may use this alternative: "The Chief Business Official shall serve as the District's Chief Investment Officer." If a Township Treasurer manages the district funds, substitute this sentence: "The Township Treasurer shall serve as the Chief Investment Officer."

³ Township and school treasurers are authorized by 105 ILCS 5/8-7 to enter into agreements regarding the deposit, investment, and withdrawal of district funds.

⁴ The policy must include a standard of care (30 ILCS 235/2.5(a)(2)).

⁵ The policy must address safety, liquidity, return (30 ILCS 235/2.5(a), as well as diversification (30 ILCS 235/2.5(a)(4)). These objectives also serve as investment guidelines (30 ILCS 235/2.5(a)(3)). How these are addressed is at the board's discretion.

⁶ The policy must contain a "listing of authorized investments" (30 ILCS 235/2.5(a)(1)). Investments from which a board may choose are all listed in this policy (see 30 ILCS 235/2, amended by P.A. 96-741). Alternatively, a board may refer to that law by stating: "The Chief Investment Officer may invest any District funds in any investment as authorized in 30 ILCS 235/2, and Acts amendatory thereto."

1. Bonds, notes, certificates of indebtedness, treasury bills, or other securities now or hereafter issued, that are guaranteed by the full faith and credit of the United States of America as to principal and interest.
2. Bonds, notes, debentures, or other similar obligations of the United States of America, its agencies, and its instrumentalities.
 The term “agencies of the United States of America” includes: (i) the federal land banks, federal intermediate credit banks, banks for cooperative, federal farm credit banks, or any other entity authorized to issue debt obligations under the Farm Credit Act of 1971 and Acts amendatory thereto, (ii) the federal home loan banks and the federal home loan mortgage corporation, and (iii) any other agency created by Act of Congress.
3. Interest-bearing savings accounts, interest-bearing certificates of deposit or interest-bearing time deposits or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act.
4. Short term obligations of corporations organized in the United States with assets exceeding \$500,000,000 if: (i) such obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating services and that mature not later than 270 days from the date of purchase, (ii) such purchases do not exceed 10% of the corporation’s outstanding obligations, and (iii) no more than one-third of the District’s funds may be invested in short term obligations of corporations.
5. Money market mutual funds registered under the Investment Company Act of 1940, provided that the portfolio of any such money market mutual fund is limited to obligations described in paragraph (1) or (2) and to agreements to repurchase such obligations.
6. Short term discount obligations of the Federal National Mortgage Association or in shares or other forms of securities legally issuable by savings banks or savings and loan associations incorporated under the laws of this State or any other state or under the laws of the United States. Investments may be made only in those savings banks or savings and loan associations, the shares, or investment certificates that are insured by the Federal Deposit Insurance Corporation. Any such securities may be purchased at the offering or market price thereof at the time of such purchase. All such securities so purchased shall mature or be redeemable on a date or dates prior to the time when, in the judgment of the Chief Investment Officer, the public funds so invested will be required for expenditure by the District or its governing authority.
7. Dividend-bearing share accounts, share certificate accounts, or class of share accounts of a credit union chartered under the laws of this State or the laws of the United States; provided, however, the principle office of any such credit union must be located within the State of Illinois. Investments may be made only in those credit unions the accounts of which are insured by applicable law.
8. A Public Treasurers’ Investment Pool created under Section 17 of the State Treasurer Act. The District may also invest any public funds in a fund managed, operated, and administered by a bank, subsidiary of a bank, or subsidiary of a bank holding company or use the services of such an entity to hold and invest or advise regarding the investment of any public funds.

9. The Illinois School District Liquid Asset Fund Plus. ⁷
10. Repurchase agreements of government securities having the meaning set out in the Government Securities Act of 1986, as now or hereafter amended or succeeded, subject to the provisions of said Act and the regulations issued there under. The government securities, unless registered or inscribed in the name of the District, shall be purchased through banks or trust companies authorized to do business in the State of Illinois.

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

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

⁷ The Illinois School District Liquid Asset Fund Plus is an Illinois trust organized to permit Illinois school districts, community colleges, and educational service regions to pool their investment funds to obtain the highest possible investment yield consistent with maintaining liquidity and preserving capital, and to engage in cooperative cash management activities resulting in more efficient financial resource utilization. The program was developed in cooperation with the Illinois Association of School Boards, the Illinois Association of School Business Officials, and the Illinois Association of School Administrators. To receive marketing information and the name of the marketing representative, contact: PMA Financial Network, Inc., Illinois School District Liquid Asset Fund Plus, www.isdlafplus.com, 27545 Diehl Road, Warrenville, Illinois 60555; or call 1-866-747-4477.

- k. The custodial bank shall be liable to the District for any monetary loss suffered by the District due to the failure of the custodial bank to take and maintain possession of such securities.

11. Any investment as authorized by the Public Funds Investment Act, and Acts amendatory thereto. Paragraph 11 supersedes paragraphs 1-10 and controls in the event of conflict.

Except as provided herein, investments may be made only in banks, savings banks, savings and loan associations, or credit unions that are insured by the Federal Deposit Insurance Corporation or other approved share insurer. **8**

Selection of Depositories, Investment Managers, Dealers, and Brokers **9**

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

In order to be an authorized depository, each institution must submit copies of the last 2 sworn statements of resources and liabilities or reports of examination that the institution is required to furnish to the appropriate State or federal agency. **10** Each institution designated as a depository shall, while acting as such depository, furnish the District with a copy of all statements of resources and liabilities or all reports of examination that it is required to furnish to the appropriate State or federal agency. **11**

The above eligibility requirements of a bank to receive or hold public deposits do not apply to investments in an interest-bearing savings account, interest-bearing certificate of deposit, or interest-bearing time deposit if: (1) the District initiates the investment at or through a bank located in Illinois, and (2) the invested public funds are at all times fully insured by an agency or instrumentality of the federal government. **12**

The District may consider a financial institution's record and current level of financial commitment to its local community when deciding whether to deposit funds in that financial institution. The District may consider factors including: **13**

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

8 30 ILCS 235/2.

9 The policy must address these topics (30 ILCS 235/2.5(a)(11)).

10 30 ILCS 235/6.

11 Id.

12 30 ILCS 235/6.5.

13 This paragraph is optional, but is authorized by 30 ILCS 235/8.

Collateral Requirements 14

All amounts deposited or invested with financial institutions in excess of any insurance limit shall be collateralized in accordance with 30 ILCS 235/6(d). The Board must approve each collateral agreement.

Safekeeping and Custody Arrangements 15

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

Controls and Report 16

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

The Chief Investment Officer shall provide a quarterly investment report to the Board. The report will: (1) assess whether the investment portfolio is meeting the District's investment objectives, (2) identify each security by class or type, book value, income earned, and market value, (3) identify those institutions providing investment services to the District, and (4) include any other relevant information. The investment portfolio's performance shall be measured by appropriate and creditable industry standards for the investment type. 17

The Board will determine, after receiving the Superintendent's recommendation, which fund is in most need of interest income and the Superintendent shall execute a transfer. This provision does not apply when the use of interest earned on a particular fund is restricted. 18

Ethics and Conflicts of Interest 19

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

1. Have any interest, directly or indirectly, in any investments in which the District is authorized to invest,
2. Have any interest, directly or indirectly, in the sellers, sponsors, or managers of those investments, or

14 Collateral requirements are permissive; if used, guidelines regarding their use must be included in the policy (30 ILCS 235/2.5(a)(5)). The requirements for collateral agreements are in 30 ILCS 235/6(d), amended by P.A. 95-331. The sample policy makes it clear that the board must approve collateral agreements. An additional guideline follows: "In addition, the financial institution must provide the Board with a copy of its board of directors' meeting minutes evidencing that the board of directors approved the collateral agreement."

15 The policy must address safekeeping and custody arrangements (30 ILCS 235/2.5(a)(5)). Registration requirements are in 30 ILCS 235/3.

16 The policy must provide for internal controls, periodic review, and at least quarterly written investment reports (30 ILCS 235/2.5(a)(6), (9), and (10)). The operational procedures to prevent losses are best addressed by each district in consultation with its auditor and legal counsel. See 4:80, *Accounting and Audits*, and 4:80-AP, *Checklist for Internal Controls*.

17 The policy must include performance measures (30 ILCS 235/2.5(8)).

18 105 ILCS 5/10-22.44. "Chief Business Official" may replace "Superintendent." Interest income earned on any funds for IMRF, Tort Immunity Act, Fire Prevention, Safety and Environmental Energy, and Capital Improvement Act are restricted to the respective fund. Id.

19 The policy must address these topics (30 ILCS 235/2.5(a)(12)). The conflict of interest prohibition is in 30 ILCS 235/2.

3. Receive, in any manner, compensation of any kind from any investments in that the agency is authorized to invest.

LEGAL REF.: 30 ILCS 235/
105 ILCS 5/8-7, 5/10-22.44, 5/17-1, and 5/17-11.

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

Operational Services

Incurring Debt ¹

The Superintendent shall provide early notice to the School Board of the District's need to borrow money. The Superintendent or designee shall prepare all documents and notices necessary for the Board, at its discretion, to: (1) issue State Aid Anticipation Certificates,² tax anticipation warrants,³ working cash fund bonds,⁴ bonds,⁵ notes,⁶ and other evidence of indebtedness,⁷ or (2) establish a line of credit with a bank or other financial institution. ⁸ The Superintendent shall notify the State Board of Education before the District issues any form of long-term or short-term debt that will result in outstanding debt that exceeds 75% of the debt limit specified in State law. ⁹

LEGAL REF.: 30 ILCS 305/2 and 352/1 et seq.
50 ILCS 420/
105 ILCS 5/17-16, 5/17-17, 5/18-18, and 5/19-1 et seq.

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

¹ State law controls this policy's content. School districts are subject to a statutory debt limitation (105 ILCS 5/19-1(a); other provisions in 5/19-1 contain exceptions. Not all forms of indebtedness are subject to the statutory debt limitations. Before incurring any debt, the board must be certain that the debt will be within the district's debt limitation.

² 50 ILCS 420/1 et seq. and 105 ILCS 5/18-18.

³ 105 ILCS 5/17-16.

⁴ 105 ILCS 5/20-2, 5/20-4, and 5/20-5; 30 ILCS 305/2.

⁵ 105 ILCS 5/19-1 et seq. and 20 ILCS 3105/1A-8.

⁶ 50 ILCS 420/0.01 et seq. A district may borrow money and issue bonds for the purposes stated in 105 ILCS 5/19-3, provided the board properly adopted an election referendum and subsequently the voters approved the proposition (10 ILCS 5/28-2). Districts have the authority to issue bonds for certain purposes without a referendum, e.g., School Fire Prevention and Safety Bonds, Working Cash Fund Bonds, Funding Bonds, and Insurance Reserve Bonds.

⁷ Other types of indebtedness include funding bonds and refunding bonds (105 ILCS 5/19-1 et seq.).

⁸ 105 ILCS 5/17-17, amended by P.A. 96-19.

⁹ 105 ILCS 5/19-1.

Operational Services

Insurance Management 1

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: 2

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. 3
2. 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. 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.

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.
 215 ILCS 5/.
 820 ILCS 305/.

1 State law controls this policy's content. The Health Insurance Portability and Accountability Act (HIPAA) guarantees the continuity of health insurance benefits for individuals changing employment. It also contains provisions promoting the: (1) standardization and efficiency for the electronic submission, processing, and payment of health care claims, and (2) security and privacy requirements for health information (see 45 C.F.R. §§160 and 164). **School officials are urged to consult with their insurance providers and legal counsel to devise a compliance plan.**

2 Other types of district-purchased insurance should also be listed here, such as: (1) insurance programs for employees and their dependents (105 ILCS 5/10-22.3a) (any employee or retired employee insurance program is a mandatory subject of bargaining), and (2) district-purchased insurance on student athletes as allowed by 105 ILCS 5/22-15. The latter type of insurance should be distinguished from insurance offered through the district by an insurance company covering students and paid for by the student's family.

3 A board's duty to indemnify and protect specific individuals is found in 105 ILCS 5/10-20.20, amended by P.A. 96-62. A board's duty to insure against loss or liability is found in 105 ILCS 5/10-22.3. The lists of individuals to be protected are identical in both statutes except that *mentors* was added in 2009 to only the indemnification statute. As the best method for providing indemnification is through insurance, this policy includes mentors in its list of individuals covered by the district's liability insurance.

Operational Services

Transportation ¹

The District shall provide free transportation for any student in the District who resides: (1) at a distance of one and one-half miles or more from his or her assigned school, unless the School Board has certified to the Illinois State Board of Education that adequate public transportation is available, 2 or (2) within one and one-half miles from his or her assigned school where walking to school or to a pick-up point or bus stop would constitute a serious hazard due to vehicular traffic or rail crossing, and adequate public transportation is not available. 3 A student's parent(s)/guardian(s) may file a petition with the Board requesting transportation due to the existence of a serious safety hazard. 4 Free transportation service and vehicle adaptation is provided for a special education student if included in the student's individualized educational program. 5 Non-public school students shall be transported in accordance with State law. 6 Homeless students shall be transported in accordance with the McKinney Homeless Assistance Act. 7

Bus schedules and routes shall be determined by the Superintendent or designee and shall be altered only with the Superintendent or designee's approval and direction. In fixing the routes, the pick-up and discharge points should be as safe and convenient for students as possible.

¹ State or federal law controls this policy's content. Each district must have a post-trip inspection policy (625 ILCS 5/12-816).

² The following districts must provide free transportation as described in the sample policy: community consolidated districts, community unit districts, consolidated districts, consolidated high school districts, and combined school districts if the combined district includes any district that was previously required to provide transportation (105 ILCS 5/29-3 and 23 Ill.Admin.Code §1.510(a). Districts that are not required to provide free transportation may do so (Id.). Districts may provide transportation within 1-1/2 miles and may charge for such transportation (105 ILCS 5/29-2).

Optional provision: (105 ILCS 5/29-3.1)

The District may provide transportation to and from school-sponsored activities and may charge for such transportation.

³ 105 ILCS 5/29-3 and 23 Ill.Admin.Code §1.510.

⁴ Required by 105 ILCS 5/29-3. If a petition is filed, the district must conduct a study and forward its findings to the Illinois Department of Transportation for review.

⁵ 23 Ill.Admin.Code §§226.20d(5), 226.910, and 226.960.

⁶ 105 ILCS 5/29-3.2 and 5/29-4.

⁷ 42 U.S.C. §11431 et seq., amended by the No Child Left Behind Legislation of 2001. This federal legislation requires a district to provide transportation to a homeless student at the request of the parent/guardian (or in the case of an unaccompanied youth, the Liaison for Homeless Children), to and from the school of origin [42 U.S.C. §11432(g)(1)(J)(iii)]. The term "school of origin" means the school that the student attended when permanently housed or the school in which the student was last enrolled [42 U.S.C. §11432(g)(3)(G)]. Transportation must be arranged as follows:

1. If the homeless student continues to live in the area served by the school district in which the school of origin is located, the student's transportation to and from the school of origin shall be provided or arranged by the district in which the school of origin is located [42 U.S.C. §11432(g)(1)(J)(iii)(I)].
2. If the homeless student's living arrangements in the area served by the district of origin terminate and the student, though continuing his or her education in the school of origin, begins living in an area served by another school district, the district of origin and the district in which the homeless student is living shall agree upon a method to apportion the responsibility and costs for providing the student with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally [42 U.S.C. §11432(g)(1)(J)(iii)(II)].

No school employee may transport students in school or private vehicles unless authorized by the administration. **8**

Every vehicle regularly used for the transportation of students must pass safety inspections in accordance with State law and Illinois Department of Transportation regulations. **9** The strobe light on a school bus may be illuminated any time a bus is bearing one or more students. **10** The Superintendent shall implement procedures in accordance with State law for accepting comment calls about school bus driving. **11**

All contracts for charter bus services must contain the clause prescribed by State law regarding criminal background checks for bus drivers. **12**

8 Optional. This presents an opportunity for each board to discuss this issue with the superintendent and direct the superintendent to include it in the curriculum for the required in-service on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel (105 ILCS 5/10-22.39, amended by P.A. 96-431). See 5:120, *Ethics* (f/n 2), and 5:100 *Staff Development* (f/n 3), for more detailed discussions. Include policies 5:100, *Staff Development* and 5:120, *Ethics*, in the cross references when this sentence is used.

9 625 ILCS 5/13-109.

625 ILCS 5/11-1414.1, amended by P.A. 96-410, requires districts to transport students to and from any curriculum-related school activity in a school bus or vehicle as defined at 625 ILCS 5/1-182, amended by P.A. 96-410. This transportation includes: (1) to and from home and school, (2) tripper or shuttle services between school attendance centers, (3) to and from a vocational or career center or other trade-skill development site, (4) to and from a regional safe school, (5) to and from a school-sponsored alternative learning program, and (6) trips directly related to the regular curriculum of a student for which he or she earns credit.

105 ILCS 5/29-6.3, amended by P.A. 96-410, requires districts to transport students to and from specified interscholastic or school-sponsored activities in: (1) a school bus (see definition in above paragraph), (2) a vehicle manufactured to transport not more than 10 persons including the driver, or (3) a multifunction school-activity bus manufactured to transport not more than 15 persons including the driver (defined at 625 ILCS 5/1-148.3a-5, added by P.A. 96-410). These activities do not require student participation as part of the education services of the district and are not associated with the regular class-for-credit schedule or required 5 clock hours of instruction.

10 625 ILCS 5/12-815.

11 625 ILCS 5/12-821(b), amended by both P.A. 95-176 and 96-410, requires districts that own school busses (P.A. 95-176) and multifunction school activity busses (P.A. 96-410) to establish procedures for accepting comment calls and responding to them. In accordance with good governance principles, this duty is delegated to the superintendent. For a sample procedure, see 4:110-AP2, *Post-Trip Inspection and Bus Driving Comments*.

12 105 ILCS 5/10-20.21a, requires all contracts for providing charter bus services to transport students to or from interscholastic athletic or interscholastic or school sponsored activities to contain clause (A) except that a contract with an out-of-state company may contain clause (B) or clause (A). The clause must be set forth in the contract's body in at least 12 points typeface and all upper case letters:

(A) "ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:

(1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION THAT THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION 6-508 OF THE ILLINOIS VEHICLE CODE; AND

(2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION, INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY AGENCY."

(B) "NOT ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:

Post-Trip Vehicle Inspection 13

The Superintendent or designee shall develop and implement a post-trip inspection procedure to ensure that the school bus driver is the last person leaving the bus and that no passenger is left behind or remains on the vehicle at the end of a route, work shift, or workday.

- LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.
105 ILCS 5/10-22.22 and 5/29-1 et seq.
105 ILCS 45/1-15.
625 ILCS 5/1-148.3a-5, 5/1-182, 5/11-1414.1, 5/12-815, 5/12-816, 5/12-821, and
5/13-109.
23 Ill.Admin.Code §§1.510 and 226.935.
92 Ill.Admin.Code §440-3.
- CROSS REF.: 5:100 (Staff Development), 5:120 (Ethics), 5:280 (Educational Support Personnel
- Duties and Qualifications), 6:140 (Education of Homeless Children), 7:220
(Bus Conduct)
- ADMIN. PROC.: 4:110-AP2 (Post-Trip Inspection and School Bus Driving Comments), 6:140-AP
(Education of Homeless Children)

(1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THESE FINGERPIRNTS SHALL BE CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE DEPAARTMENT OF STATE POLICE AND FEDERAL BUREAU OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES THE FINGERPRING CHECK HAS RESULTED IN A DETERMINATION THAT THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION 6-508 OF THE ILLINOIS VEHICLE CODE; AND

(2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION, TESTS FOR DRUG USE, TO A STATE REGULATORY AGENCY.”

13 625 ILCS 5/12-816 requires a school bus post-trip inspection policy. See also 23 Ill.Admin.Code §1.510(i)(3) and 92 Ill.Admin.Code §440-3.

4:110

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Operational Services

Administrative Procedure - Post-Trip Inspection and Bus Driving Comments

Bus/Vehicle Post-Trip Inspection ¹

All school bus drivers, whether employed by the School District or private sector school bus company, shall perform a visual sweep for sleeping children at the end of a route, work shift or workday by: (1) activating interior lights of the school bus to assist the driver in searching in and under each seat,² and (2) walking to the rear of the school bus/vehicle checking in and under each seat. ³

If a mechanical post-trip inspection reminder system is installed, the driver shall comply with the requirements of that system. ⁴

Bus Driving Comments ⁵

Each school bus and multifunction school activity bus shall display a sign at the rear, with letters and numerals readily visible and readable, in the following form:

TO COMMENT ON MY DRIVING, CALL [*insert District area code and telephone number*] ⁶

Driving comments shall be accepted in the following manner:

1. Calls to comment on school bus driving shall be directed to the Superintendent or designee.
2. The Superintendent or designee shall conduct an internal investigation of the events that led to each complaint. ⁷
3. The Superintendent or designee shall inform the commenting party of the results of any investigation and the action, if any, taken to remedy the situation. ⁸

¹ 625 ILCS 5/12-816(b) requires superintendents or private contractors to develop post-trip inspection procedures. 23 Ill.Admin.Code §1.510 requires school bus drivers to follow this procedure.

² Required by 625 ILCS 5/12-816(c).

³ Required by 625 ILCS 5/12-816(b).

⁴ Optional, but if the district has a mechanical post-trip inspection reminder system, it is required. 625 ILCS 5/12-816(d).

⁵ This section applies only to districts that own school buses. 625 ILCS 5/12-821 (b). The Ill. Vehicle Code requires school bus owners to display an area code and telephone number at the rear of all buses for the purpose of commenting on school bus driving. *Id.* at (a), amended by P.A. 95-655, eff. 1-1-10. It allows school bus owners who placed a sign without an area code pursuant to P.A. 95-176 to use that sign until the owner replaces the sign. School bus owners must also establish procedures for accepting calls and taking complaints. *Id.* at (b) and 92 Ill.Admin.Code §440-3.

⁶ An area code in addition to the telephone number of the school bus owner must be displayed, regardless of whether the owner is a school district or another person or entity. 625 ILCS 5/12-821(a), amended by P.A. 96-655, eff. 1-1-10. The procedure's language assumes the district owns the school bus.

School districts that do not own school buses may want to insert the following sentence:

The Superintendent will communicate regularly with the school bus owner to ensure bus driving comments are accepted and investigated in accordance with State law.

⁷ Required for districts that own school buses by 625 ILCS 5/12-821(c)(1).

⁸ Required for districts that own school buses by 625 ILCS 5/12-821(c)(2).

Operational Services

Waiver of Student Fees ¹

The Superintendent will recommend to the School Board for adoption what fees, if any, will be charged for the use of textbooks, consumable materials, extracurricular activities, and other school fees. Students will pay for loss of school books or other school-owned materials.

Fees for textbooks, other instructional materials, and driver education are waived for students who meet the eligibility criteria for fee waiver contained in this policy. ² In order that no student is denied educational services or academic credit due to the inability of parents/guardians to pay fees and charges, the Superintendent will recommend to the Board for adoption what additional fees, if any, the District will waive for students who meet the eligibility criteria for fee waiver. ³ Students receiving a fee waiver are not exempt from charges for lost and damaged books, locks, materials, supplies, and equipment. ⁴

Notification

The Superintendent shall ensure that applications for fee waivers are widely available and distributed according to State law and ISBE rule and that provisions for assisting parents/guardians in completing the application are available.

Eligibility Criteria

A student shall be eligible for a fee waiver when:

¹ State or federal law requires this subject matter be covered by policy (105 ILCS 5/10-20.13). State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled (see footnotes 2 and 3).

² Districts must waive textbooks fees (105 ILCS 5/10-20.13) and driver education fees (105 ILCS 5/27-23) for students whose parents/guardians are unable to afford them. In order to effectuate the law's intent, the term "textbook" should be interpreted broadly to include fees for instructional materials, laboratory fees, and workbooks. The enforceability of 105 ILCS 5/10-20.13(b) and implementing ISBE regulations (23 Ill.Admin.Code §1.245) requiring districts to waive "other fees" are questionable because they are unfunded mandates. According to an 8-5-91 letter from the State Superintendent to all superintendents, ISBE regulations on school fees will not be enforced because the General Assembly failed to make necessary appropriations (see also the Weekly Message from State Superintendent Robert Schiller, 8-15-03).

A school district may charge up to \$50 for district residents between 15 and 21 years of age who participate in the driver education course. The fee must be waived for any such resident who is unable to pay. When space permits, the district also may provide driver education for residents above age 55 who have never been licensed to drive and may charge a fee not to exceed actual costs of the course (105 ILCS 5/27-23).

Resident tuition fees are not permissible. Hamer v. Board of Education, School District No. 109, 292 N.E.2d 569 (Ill.App. 2, 1977); Polzin v. Rand, McNally & Co., 95 N.E. 623 (1911).

³ This sentence is optional even though 105 ILCS 5/10-20.13(b) was added in 1983 to require districts to waive "other fees" in addition to the costs of textbooks (P.A. 83-603). The General Assembly, however, never appropriated the necessary funds making the amendment unenforceable because it violated the State Mandates Act (30 ILCS 805/1; see above footnote). Alternatively, if a board wants to make a longstanding commitment to waiving specific fees, it may list them by using this alternative:

In order that no student is denied educational services or academic credit due to the inability of parents/guardians to pay fees and charges, the following fees are also waived for students who meet the eligibility criteria for fee waiver: athletic participation fees, lock fees, towel fees, shop fees, lab fees, registration fees, and driver education fees.

⁴ Districts in which a referendum was approved to provide students with free textbooks must have a policy on textbook care and preservation (105 ILCS 5/28-17). The textbook loan program operated by the State Board of Education is found at 105 ILCS 5/18-17.

1. The student currently lives in a household that meets the free lunch or breakfast eligibility guidelines established by the federal government pursuant to the National School Lunch Act, 42 U.S.C. §1758; 7 C.F.R. Part 245; or ⁵
2. The student or student's family is currently receiving aid under Article IV of The Illinois Public Aid Code (Aid to Families with Dependent Children). ⁶

The Superintendent or designee will give additional consideration where one or more of the following factors are present: ⁷

- Illness in the family;
- Unusual expenses such as fire, flood, storm damage, etc.;
- Seasonal unemployment;
- Emergency situations;
- When one or more of the parents/guardians are involved in a work stoppage.

Verification ⁸

The Superintendent or designee must follow the verification requirements of 7 C.F.R. 245.6a when using the free lunch or breakfast eligibility guidelines pursuant to The National School Lunch Act as the basis for waiver of the student's fee(s).

When using a District established or other independent verification process, the Superintendent or designee may not require verification more often than every 60 calendar days. The Superintendent or designee shall not use any information from any independent verification process to determine free lunch or breakfast eligibility pursuant to The National School Lunch Act.

Determination and Appeal

The Superintendent or designee will notify the parent(s)/guardian(s) promptly as to whether the fee waiver request has been granted or denied. The denial of a fee waiver request may be appealed to the Superintendent by submitting the appeal in writing to the Superintendent within 14 days of the denial. ⁹ The Superintendent or designee shall respond within 14 days of receipt of the appeal. The Superintendent's decision may be appealed to the Board. The decision of the Board is final and binding.

Questions regarding the fee waiver request process should be addressed to the Building Principal's office.

LEGAL REF.: 105 ILCS 5/10-20.13 and 5/10-22.25.
23 Ill.Admin.Code §1.245 [unenforceable].

CROSS REF.: 4:130 (Free and Reduced-Price Food Services)

⁵ Required by 105 ILCS 5/10-20.13, amended by P.A. 96-360.

⁶ This eligibility standard is optional and may be omitted. A board may establish a process for the determination of eligibility for fee waivers that is completely independent of the free lunch or breakfast eligibility guidelines in 42 U.S.C. 1758; 7 C.F.R. 245 et seq. 105 ILCS 5/10-20.13 (c), amended by P.A. 96-360.

⁷ This paragraph is optional and may be omitted.

⁸ 105 ILCS 5/10-20.13 (c), amended by P.A. 96-360.

⁹ State law does not provide a specific appeal process.

General Personnel

Hiring Process and Criteria ¹

The District hires the most qualified personnel consistent with budget and staffing requirements and in compliance with School Board policy on equal employment opportunity and minority recruitment.

² The Superintendent is responsible for recruiting personnel and making hiring recommendations to the Board. ³ If the Superintendent's recommendation is rejected, the Superintendent must submit another. ⁴ No individual will be employed who has been convicted of a criminal offense listed in Section 5/21-23a of The School Code. ⁵

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

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. ⁷

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

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

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

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

⁴ An additional optional sentence follows:

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

⁵ 105 ILCS 5/10-21.9(c), amended by P.A. 96-431.

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

Each employment application for a certificated position must state the following (Id.):

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

⁷ Districts should have job descriptions for each position in order to establish the position's essential functions. The Americans with Disabilities Act protects individuals who have a disability and are qualified, with reasonable accommodation, to perform the *essential functions* of the job (42 U.S.C. §12101, amended by the ADA Amendments Act (ADAAA), Pub. L. 110-325). Determining which functions are essential may be critical to determining if an individual with a disability is qualified. An individual is qualified to perform a job even though he or she is unable, due to a disability, to perform tasks which are incidental to the job. Only when an individual is unable to perform the *essential functions* of a job may a district deny the individual employment opportunities (29 C.F.R. §1630.2(m)).

A job description is evidence of a position's *essential functions* (29 C.F.R. §1630.2(n)). In order for a particular function to be essential: (1) the employer must actually require employees in the position to perform it, and (2) the position would be *fundamentally altered* if the function were removed (Id.). Whether a particular function is essential is a factual determination.

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 (when available) is performed on each applicant as required by State law. ⁸ The Superintendent or designee shall notify an applicant if the applicant is identified in either database. ⁹ The Board President will keep a conviction record confidential and share it only with the Superintendent, Regional Superintendent, State Superintendent, State Teacher Certification Board, or any other person necessary to the hiring decision. ¹⁰

Each newly hired employee must complete an Immigration and Naturalization Service Form as required by federal law. ¹¹

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 5/21-23a of The School Code or who falsifies, or omits facts from, his or her employment application or other employment documents.

Physical Examinations

New employees must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease, including tuberculosis. ¹² All physical fitness examinations and tests for tuberculosis 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.

Important: The ADAAA makes significant changes to the ADA's definition of disability that broadens the scope of coverage and overturns a series of U.S. Supreme Court decisions that made it difficult to prove that an impairment was a disability. On June 17, 2009, the Equal Employment Opportunity Commission (EEOC) voted to approve a proposed Notice of Proposed Rulemaking (NPRM) to conform its current ADA regulations to the ADAAA. The EEOC has stated that it may immediately begin using the positions set forth in its proposed regulations for its litigation and enforcement proceedings because it views ADAAA as restorative to ADA. The latest information about the NPRM to the ADA regulations is available at: www.eeoc.gov/ada/amendments_notice.html. Consult the board attorney regarding these amendment's impact on the district's hiring processes.

⁸ The policy's requirements on criminal records checks are mandated by 105 ILCS 5/10-21.9. See administrative procedure 5:30-AP2, *Investigations*, for the process and positions requiring criminal background investigation.

⁹ *Id.*

¹⁰ 105 ILCS 5/10-21.9(b).

¹¹ Immigration Reform and Control Act, 8 U.S.C. §1324a *et seq.* Consult with the board attorney regarding the district's rights and responsibilities under all Illinois laws if the district uses any electronic employment verification system, including *E-Verify* and/or the Basic Pilot Program (820 ILCS 55/, amended by P.A. 96-623). P.A. 96-623 urges employers who voluntarily use *E-Verify* (formerly known as the Basic Pilot/Employment Eligibility Verification Program) to consult the Ill. Dept. of Labor's website for current information on the accuracy of *E-Verify* and to review and understand their legal responsibilities relating to the use of any electronic employment verification systems. See footnote 2 in 5:150-AP, *Personnel Records*, for a more detailed discussion of *E-Verify* issues.

¹² Pre-employment medical inquiries must be limited to whether the applicant is able to perform job-related functions; required medical examinations of applicants is forbidden (American with Disabilities Act [ADA], 42 U.S.C. §12112(d)(2), as amended by the ADAAA, Pub. L. 110-325); see also footnote 7 for an explanation regarding the ADAAA. Districts may condition an employment offer on taking and passing medical inquiries or physical exams, provided that all entering employees in the same classification receive the same conditional offer. Boards must require new employees to furnish evidence of a physical examination and a tuberculin skin test and, if appropriate, an X-ray (105 ILCS 5/24-5).

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

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. ¹³ The Board will pay the expenses of any such examination.

Orientation Program

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

LEGAL REF.: 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, 5/21-23a, 5/10-22.34, 5/10-22.34b, 5/22-6.5, and 5/24-1 et seq.
820 ILCS 55/.
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), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:40 (Communicable and Chronic Infectious Disease), 5:280 (Educational Support Personnel - Duties and Qualifications)

¹³ The State law (105 ILCS 5/24-5) allowing boards to require physicals of current employees "from time to time," has been superseded by federal law (ADA, 42 U.S.C. §12112(d)(4), as amended by the ADAAA, Pub. L. 110-325). The ADA allows medical inquiries of current employees only when they are job-related and consistent with business necessity or part of a voluntary employee wellness program (Id.). Districts may deny jobs to individuals with disabilities who pose a direct threat to the health or safety of others in the workplace, provided that a reasonable accommodation would not either eliminate the risk or reduce it to an acceptable level (42 U.S.C. §12113; 29 C.F.R. Part 1630.2(r)). See footnote 7 for an explanation regarding the ADAAA.

See the above footnote for a discussion of examinations by spiritual leaders/practitioners.

General Personnel

Abused and Neglected Child Reporting ¹

Any District employee who suspects or receives knowledge that a student may be an abused or neglected child shall immediately report such a case to the Illinois Department of Children and Family Services on its Child Abuse Hotline 800/25-ABUSE or 217/524-2606. The employee shall also promptly notify the Superintendent or Building Principal that a report has been made. All District employees shall sign the *Acknowledgement of Mandated Reporter Status* form provided by the Illinois Department of Child and Family Services (DCFS) and the Superintendent or designee shall ensure that the signed forms are retained. ²

Any District employee who discovers child pornography on electronic and information technology equipment shall immediately report it to local law enforcement, the National Center for Missing and Exploited Children's CyberTipline 800/843-5678, or online at www.cybertipline.com. The Superintendent or Building Principal shall also be promptly notified of the discovery and that a report has been made. ³

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

² The Abused and Neglected Child Reporting Act requires school personnel to make an immediate report to DCFS; it states that they "may also notify the person in charge of [the] school," (325 ILCS 5/4). The sample policy makes the report to the superintendent or building principal mandatory in order to keep the administration informed. Of course, the administration may not force the staff member to change or modify his or her report (325 ILCS 5/4).

Abuse and neglect are defined in 325 ILCS 5/3. Abuse may be generally understood as any physical or mental injury or sexual abuse inflicted on a child other than by accidental means or creation of a risk of such injury or abuse by a person who is responsible for the child's welfare. Neglect may be generally understood as abandoning a child or failing to provide the proper support, education, medical, or remedial care required by law by one who is responsible for the child's welfare.

Reports should include, when known, the child's name and address, parents or other custodian, and condition including any evidence of previous injuries or disabilities, plus any other helpful information. Any person required by law to report child abuse and neglect who willfully fails to report is guilty of a Class A misdemeanor. A teaching certificate may be suspended for willful failure to report suspected child abuse or neglect as required by law (105 ILCS 5/21-23, amended by P.A. 96-431).

School personnel are granted broad immunities against civil and criminal claims when they file a child abuse or neglect report in good faith, even if it proves groundless. Such immunities are not available, however, to the individual who knowingly files a false report.

³ The Reporting Act requires an electronic and information technology equipment worker or the worker's employer to report a discovery of child pornography depicted on an item of electronic and information technology equipment (325 ILCS 5/4.5, added by P.A. 95-944). Consult the board attorney to determine whether any district employees fit the definition of an *electronic and information technology worker*, i.e., are "persons who in the scope and course of their employment or business install, repair, or otherwise service electronic and information technology equipment for a fee."

The paragraph exceeds the newly added requirements by requiring *all* district employees to report a discovery of child pornography on electronic and information technology equipment. This furthers the National Center for Missing and Exploited Children's public policy goal of "empowering the public to take immediate and direct action to enforce a zero tolerance policy regarding child sexual exploitation."

Similar to school personnel who are mandated reporters, electronic and information technology equipment workers and their employers have broad immunities from criminal, civil, or administrative liabilities when they report a discovery of child pornography as required under 325 ILCS 5/4.5, except for willful or wanton misconduct (e.g. knowingly filing a false report). Failure to report a discovery of child pornography is a business offense subject to a fine of \$1001.

District employees who are not information and technology equipment workers who, in good faith, make a report also receive immunity, except in cases of willful or wanton misconduct. See 325 ILCS 5/4 and 9. Further, for the purpose of any proceedings, civil or criminal, good faith of the person making the report is presumed. *Id.*

The Superintendent shall execute the requirements in Board policy 5:150, *Personnel Records*, whenever another school district requests a reference concerning an applicant who is or was a District employee and was the subject of a report made by a District employee to DCFS. ⁴

The Superintendent shall notify the State Superintendent and the regional superintendent in writing when he or she has reasonable cause to believe that a certificate holder was dismissed or resigned from the District as a result of an act that made a child an abused or neglected child. The Superintendent must make the report within 30 days of the dismissal or resignation and mail a copy of the notification to the certificate holder. ⁵

The Superintendent or designee shall provide staff development opportunities for school personnel working with students in grades kindergarten through 8, in the detection, reporting, and prevention of child abuse and neglect. ⁶

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. ⁷

LEGAL REF.: 105 ILCS 5/10-21.9.
325 ILCS 5/.

CROSS REF.: 2:20 (Powers and Duties of the School Board), 5:20 (Sexual Harassment), 5:100 (Staff Development Program), 5:150 (Personnel Records), 7:20 (Harassment of Students Prohibited), 7:150 (Agency and Police Interviews)

⁴ 325 ILCS 5/4, amended by P.A. 95-908, requires a superintendent, upon being requested for a reference concerning an employee or former employee, to disclose to the requesting school district the fact that a district employee has made a report involving the conduct of the applicant or caused a report to be made to DCFS. For more information, see policy 5:150, *Personnel Records*.

⁵ 105 ILCS 5/10-21.9(e-5), amended by P.A. 96-431, requires these notifications and provides superintendents immunity from any liability, whether civil or criminal or that otherwise might result by complying with the statute.

⁶ While it is unclear whether this is a duty or power, 105 ILCS 5/10-23.12 authorizes boards "[t]o provide staff development for local school site personnel who work with pupils in grades kindergarten through 8, in the detection, reporting and prevention of child abuse and neglect." The drill during such training should be: "If in question, report." Of course, a board could extend the training opportunity or make participation mandatory, depending on any applicable collective bargaining agreement, by replacing this sentence with:

Option 1: The Superintendent or designee shall provide staff development opportunities for all school personnel working with students, in the detection, reporting, and prevention of child abuse and neglect.

Option 2: All District employees working with students shall participate in a meeting that specifically addresses and reviews the reporting requirements of the Abused and Neglected Child Reporting Act.

⁷ 325 ILCS 5/4, amended by P.A. 95-461. This statute makes board members mandatory child abuse reporters "to the extent required in accordance with other provisions of this section expressly concerning the duty of school board members to report suspected child abuse." Thus, a board member's duty is "to direct the superintendent or other equivalent school administrator to comply with the Act's requirements concerning the reporting of child abuse" whenever an "allegation is raised to a school board member during the course of an open or closed school board meeting that a child who is enrolled in the school district of which he or she is a board member is an abused child." Of course, any board member with reason to doubt that a report was or will be made should directly contact DCFS.

General Personnel

Staff Development Program ¹

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

The staff development program shall provide, at a minimum, at least once every 2 years, the in-service training of certificated school personnel and administrators on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children. ²

The staff development program shall provide, at a minimum, once every 2 years, the in-service training of all District staff on educator ethics, teacher-student conduct, and school employee-student conduct. ^{3 4}

¹ State law requires the subject matter in paragraph 2 to be covered by policy. State or federal law controls this policy's content. A school board may set and enforce professional growth requirements (105 ILCS 5/24-5). Failure to meet professional growth requirements is considered remediable. *Morris v. ISBE*, 555 N.E.2d 725 (Ill.App.3, 1990).

105 ILCS 5/2-3.60 directs ISBE to require that districts provide a continuing education program for teachers. This policy applies the rationale behind that requirement to all staff. Note that determining the program's goals is board work.

² This paraphrases 105 ILCS 5/10-20.36. The topic covered in this paragraph must be in a board policy (Id.). A school medical staff, an individualized educational program team, or a professional worker (as defined in Section 14-1.10) may recommend that a student be evaluated by an appropriate medical practitioner. School personnel may consult with the practitioner, with the consent of the student's parent/guardian.

³ 105 ILCS 5/10-22.39 (e), amended by P.A. 96-431, requires boards to conduct this in-service, but the language of this paragraph is not required to be in board policy. This is an opportunity for each board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject. Each board may then want to have a conversation with the superintendent and direct him or her to develop a curriculum for the in-service that instructs all district staff to maintain boundaries and act appropriately, professionally and ethically with students. See also 5:120, *Ethics* and footnote 8 in 4:110, *Transportation*. These expectations will be most effective when they reflect local conditions and circumstances. Employee conduct issues may be subjects of mandatory collective bargaining, therefore consulting the board attorney should be a part of this process. A district would commit an unfair labor practice by implementing new employee conduct rules without first offering to negotiate them with the applicable exclusive bargaining representative.

⁴ Following are 2 optional paragraphs that paraphrase in-services that The School Code requires school districts to provide its entire staff but are not required to be in board policy. 105 ILCS 5/10-22.39 lists other in-service training requirements that are not required to be in policy. They include training to acquire a basic knowledge of matters relating to acquired immunodeficiency syndrome (AIDS) and in grades 7-12, training to identify the warning signs of suicidal behavior in adolescents and teens along with appropriate intervention and referral techniques.

The first optional paragraph lists 2 ways of stating that an in-service training must occur for school personnel who work with students who are parents, expectant parents, or victims of domestic or sexual violence; these in-services are required at least every 2 years. 105 ILCS 10-22.39(d), amended by P.A. 95-558.

Alternate 1: At least every 2 years, the Superintendent or designee must arrange an in-service for school personnel who work with students; the in-service shall be conducted by persons with expertise in domestic and sexual violence and the needs of expectant and parenting youth. The in-service shall include: (a) communicating with and listening to youth victims of domestic or sexual violence and expectant and parenting youth, (b) connecting youth victims of domestic or sexual violence and expectant and parenting youth to appropriate in-school services and other agencies, programs and services as needed, and (c) implementing the School District's policies, procedures, and protocols with regard to such youth, including confidentiality.

- LEGAL REF.: 105 ILCS 5/2-3.60, 5/10-22.39, 5/10-23.12, 5/24-5, and 110/3.
745 ILCS 49/., Good Samaritan Act.
- CROSS REF.: 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 4:160 (Hazardous and Infectious Materials), 5:90 (General Personnel - Abused and Neglected Child Reporting), 5:120 (Ethics), 5:250 (Leaves of Absence), 6:15 (School Accountability), 6:20 (School Year Calendar and Day)
- ADMIN PROC.: 4:170-AP6 (Plan for Responding to a Medical Emergency at an Indoor Physical Fitness Facility), 5:100-AP (Staff Development Program), 5:150-AP (Personnel Records), 7:250-AP1 (Measures to Control the Spread of Head Lice at School)

Alternate 2: At least every 2 years, the Superintendent or designee shall arrange an in-service to train school personnel, at a minimum, to understand, provide information and referrals, and address issues pertaining to youth who are parents, expectant parents, or victims of domestic or sexual violence.

The second optional paragraph restates 105 ILCS 5/3-11, 105 ILCS 110/3, and 77 Ill.Admin.Code §527.800:

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

Persons performing CPR are generally exempt from civil liability if they are certified in CPR (745 ILCS 49/10); persons performing automatic external defibrillation are generally exempt from civil liability if they were trained and acted according to the standards of the American Heart Association (745 ILCS 49/12).

105 ILCS 5/3-11 contains requirements that the regional superintendents must include during teachers institutes. P.A. 95-969 added instruction on prevalent student chronic health conditions beginning in school year 2009-2010, and P.A. 96-431 added training committed to educator ethics and teacher-student conduct.

5:100

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General Personnel

Ethics ¹

All District employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional and appropriate relationships with students, parents, staff members, and others. ²

The following employees must file a “Statement of Economic Interests” as required by the Illinois Governmental Ethics Act: ³

1. Superintendent;
2. Building Principal;
3. Head of any department;
4. Any employee responsible for negotiating contracts, including collective bargaining agreement, in the amount of \$1,000 or greater;
5. Hearing officer;
6. Any employee having supervisory authority for 20 or more employees; and
7. Any employee in a position that requires an administrative or a chief school business official endorsement.

Ethics and Gift Ban

School Board policy 2:105, *Ethics and Gift Ban*, applies to all District employees. ⁴ Students shall not be used in any manner for promoting a political candidate or issue.

Outside Employment and Conflict of Interest

No District employee shall be directly or indirectly interested in any contract, work, or business of the District, or in the sale of any article by or to the District, except when the employee is the author or

¹ The State Officials and Employees Ethics Act (5 ILCS 430/1-1 *et seq.*), requires a policy on a subject-matter covered in this sample policy; State and federal law controls its content. This policy contains items on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. This policy concerns an area in which the law is unsettled.

² 105 ILCS 5/10-22.39, amended by P.A. 96-431, requires each board to conduct in-service training on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel. These expectations will be most effective when the in-service curriculum reflects local conditions and circumstances. While The School Code only requires the in-service, the new requirement presents an opportunity for each board and the superintendent to examine all current policies, collective bargaining agreements, and administrative procedures on this subject. Each board may then want to have a conversation with the superintendent and direct him or her to develop a curriculum for the in-service that instructs all district staff to maintain boundaries and act appropriately, professionally, and ethically with students. See discussion in third option of footnote 3, 5:100, *Staff Development*. After its discussion of these issues, the board may have further expectations and may choose to reflect those expectations here. Employee conduct issues may be subjects of mandatory collective bargaining, therefore consulting the board attorney should be a part of this process. A district would commit an unfair labor practice by implementing procedures containing new conduct rules without first offering to negotiate them with the applicable exclusive bargaining representative.

³ 5 ILCS 420/4A-101.

⁴ The State Officials and Employees Ethics Act prohibits State employees from engaging in certain political activities and accepting certain gifts (5 ILCS 430/1-1 *et seq.*). The Act requires all school districts to adopt an “ordinance or resolution” “in a manner no less restrictive” than the Act’s provisions. See policy 2:105, *Ethics and Gift Ban*.

Districts may not inhibit or prohibit employees from petitioning, making public speeches, campaigning for or against political candidates, speaking out on public policy questions, distributing political literature, making campaign contributions, and seeking public office (50 ILCS 135/1). An employee may not use his/her position of employment to coerce or inhibit others in the free exercise of their political rights or engage in political activities at work. *Id.*

developer of instructional materials listed with the State Board of Education and adopted for use by the School Board. ⁵ An employee having an interest in instructional materials must file an annual statement with the Board Secretary. ⁶

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District.

Employees shall not engage in any other employment or in any private business during regular working hours or at such other times as are necessary to fulfill appropriate assigned duties.

LEGAL REF.: U.S. Constitution, First Amendment.
5 ILCS 420/4A-101 and 430/.
50 ILCS 135/.
105 ILCS 5/10-22.39, 5/22-5 and 5/24-22.
Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).
Garcetti v. Ceballos, 547 U.S. 410 (2006).

CROSS REF.: 2:105 (Ethics and Gift Ban); 5:100 (Staff Development Program)

⁵ State law prohibits teachers from having an interest in the sale of any book, apparatus, or furniture used in any school in which the teacher is employed with the limited exception as provided in this policy (105 ILCS 5/22-5 and 5/24-22).

⁶ Id.
5:120

General Personnel

Administrative Procedure - Employee Conduct Standards ¹

Professional and ethical behavior is expected of all District staff members. The standards listed below serve as a notice of expected conduct. The standards are intended to protect the health, safety, and general welfare of students and employees, ensure the community a degree of accountability within the School District, and define misconduct justifying disciplinary action. The listed standards are not a complete list of expectations, and depending on the factual context, an employee may be disciplined for conduct that is not specifically listed. The conduct standards apply to all District employees to the extent they do not conflict with an applicable collective bargaining agreement; in the event of a conflict, the provision is severable and the applicable bargaining agreement will control.

All school employees shall:

1. Exhibit positive examples of preparedness, punctuality, attendance, self-control, language, and appearance.
2. Exemplify honesty and integrity. Violations of this standard include, but are not limited to, falsifying, misrepresenting, omitting, or erroneously reporting the professional qualifications of oneself or another individual or information submitted in connection with job duties or during the course of an official inquiry/investigation.
3. Maintain a professional relationship with all students, both in and outside the school and attend all in-service trainings on educator ethics, teacher-student conduct, and school, employee-student conduct for all personnel (105 ILCS 5/10-22.39). Violations of this standard, include but are not limited to: (a) committing any act of child abuse or cruelty to children; (b) engaging in harassing behavior; (c) soliciting, encouraging, or consummating an inappropriate written, verbal, or physical relationship with a student; and (d) furnishing

¹ This sample procedure is a tool to assist local consideration of employee conduct standards and should not be automatically added to the district's procedure or personnel manual. Many districts already have collective bargaining agreements and/or personnel manuals addressing conduct and misconduct. These items are subjects of mandatory collective bargaining. A district would commit an unfair labor practice by adopting procedures containing new conduct rules without first offering to negotiate them with the applicable exclusive bargaining representative. In addition, an employee conduct code is most effective when it reflects local conditions and circumstances. As employee conduct rules are frequently litigated, obtaining legal advice is a necessary part of their development.

The introductory paragraph recognizes that an applicable collective bargaining agreement will supersede a conflicting provision of the procedure. It also provides coverage for those employees who are not included in a bargaining unit. **This language, however, does not relieve a district from its collective bargaining mandate because the district would still be adopting conduct rules without bargaining.** Use the following alternative when the district intends to use the conduct rules for only those employees who are not represented by an exclusive bargaining agent:

The employee conduct standards apply to only those District employees who are not represented by an exclusive bargaining representative.

Our sample policies contain many personnel conduct rules. The broadest example is sample policy 5:120, *General Personnel - Ethics*, which states that "[a]ll District employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional relationships with students, parents/guardians, staff members, and others." The superintendent is authorized to develop procedures to implement board policy by sample board policy 3:40, *Superintendent*, which states: "The Superintendent is the District's executive officer and is responsible for the administration and management of the District schools in accordance with Board policies and directives, and State and federal law. The Superintendent is authorized to develop administrative procedures and take other action as needed to implement Board policy and otherwise fulfill his or her responsibilities." Thus, the superintendent may develop conduct rules and standards subject to the collective bargaining requirements.

tobacco, alcohol, or illegal/unauthorized substance to any student or allowing a student under his or her supervision to consume alcohol or an illegal/unauthorized substance.

4. Maintain a safe and healthy environment, free from harassment, intimidation, bullying, substance abuse, and violence, and free from bias and discrimination. Violations of this standard include, but are not limited to: (a) using alcohol or illegal or unauthorized substances when on school property or at school-sponsored events, or whenever engaged in job responsibilities; (b) failing to report suspected cases of child abuse or neglect, or of gender harassment; and (c) tolerating student-on-student bullying or harassment.
5. Honor the public trust when entrusted with public funds and property by acting with a high level of honesty, accuracy, and responsibility. Violations of this standard include, but are not limited to: (a) misusing public or school-related funds; (b) failing to account for funds collected from students or parents/guardians; (c) submitting fraudulent requests for reimbursement of expenses or for pay; (d) co-mingling District or school funds with personal funds or checking accounts; and (e) using school property without the approval of the supervising school official.
6. Maintain integrity with students, colleagues, parents/guardians, community members, and businesses concerning business dealings and when accepting gifts and favors. Violations of this standard, include but are not limited to, soliciting students or parents/guardians to purchase supplies or services from the employee or to participate in activities that financially benefit the employee without fully disclosing the interest.
7. Respect the confidentiality of student and personnel records, standardized test material, and other information covered by confidentiality agreements. Violations of this standard include, but are not limited to: (a) disclosing confidential information concerning student academic and disciplinary records, health and medical information, family status and/or income, and assessment/testing results, unless disclosure is required or permitted by law; and (b) disclosing confidential information restricted by State or federal law.
8. Demonstrate conduct that follows generally recognized professional standards and attend all in-service trainings on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel (105 ILCS 5/10-22.39). Unethical conduct is any conduct that impairs the employee's ability to function professionally in his or her employment position or a pattern of behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students.
9. Comply with all State and federal laws and rules regulating public schools and School Board policies, including but not limited to: 2:105 (Ethics and Gift Ban), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Sexual Harassment), 5:30 (Hiring Process and Criteria), 5:50 (Drug- and Alcohol-Free Workplace), 5:60 (Expenses), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:120 (Ethics), 5:130 (Responsibilities Concerning Internal Information), 5:140 (Solicitations By or From Staff), 5:170 (Copyright), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:230 (Maintaining Student Discipline), 5:280 (Duties and Qualifications), 5:290 (Employment Termination and Suspensions), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:190 (Student Discipline), 7:340 (Student Records), and 8:30 (Visitors to and Conduct on School Property).

Conviction of any employment disqualifying criminal offense listed in Section 5/21-23a of The School Code will result in dismissal.

Before disciplinary action is taken, the supervisor will conduct a fair and objective investigation to determine whether the employee violated a standard or other work rule and the extent that any violation impacts educational or operational activities, effectiveness, or efficiency. Discipline must

be appropriate and reasonably related to the seriousness of the misconduct and the employee's record. Any applicable provision in a contract, bargaining agreement, or State law will control the disciplinary process.

Professional Personnel

Leaves of Absence ¹

Each of the provisions in this policy applies to all professional 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.

Sick and Bereavement Leave ²

Each full-time professional staff member is granted 10 days sick leave each school year at full pay. Unused days are allowed to accumulate to 180 days. Sick leave is defined in State law as personal illness, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, or placement for adoption.

As a condition for paying sick leave after 3 days absence for personal illness or 30 days for birth or as the Board or Superintendent deem necessary in other cases, the Board or Superintendent may require that the staff member provide a certificate from: (1) a physician licensed in Illinois to practice medicine and surgery in all its branches, (2) a chiropractic physician licensed under the Medical Practice Act, (3) an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, (4) a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or (5) if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the employee's faith. If the Board or Superintendent requires a certificate during a leave of less than 3 days for personal illness, the District shall pay the expenses incurred by the employee.

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

This policy is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that exceed these requirements. The introductory paragraph recognizes that an applicable collective bargaining agreement or individual employment contract will supersede a conflicting provision of the policy. It also provides policy coverage for those professional personnel who are not included in a bargaining unit or have employment contracts with conflicting provisions. Alternatively, if the policy's subject matter is superseded by a bargaining agreement, the board policy may state, "Please refer to the current [*insert name of professional CBA*]."

Districts must coordinate leaves provided by State law and the local bargaining agreement with the leave granted by the Family and Medical Leave Act (FMLA), 29 U.S.C. §2612. The FMLA grants eligible employees 12 weeks unpaid leave each year for: (1) the birth and first-year care of a child, (2) the adoption or foster placement of a child, (3) the serious health condition of an employee's spouse, parent, or child, (4) the employee's own serious health condition, (5) the existence of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation, and (6) to care for the employee's spouse, child, parent, or next of kin who is a covered servicemember with a serious injury or illness. Districts are permitted to count paid leave (granted by State law or board policy) taken for an FMLA purpose against an employee's FMLA entitlement (29 C.F.R. §825.207). See policy 5:185, *Family and Medical Leave*.

A plethora of State laws grant leaves to employees of the State and municipalities but are not applicable to school districts, including the Employee Blood Donation Leave Act (820 ILCS 149/1), Local Government Disaster Service Volunteer Act (50 ILCS 122/1), Organ Donor Leave Act (5 ILCS 327/1), and Civil Air Patrol Leave Act (820 ILCS 148/1, added by P.A. 95-763).

² The provisions in this section are required by 105 ILCS 5/24-6, amended by P.A. 96-367 and P.A. 96-51. Each specified number of days in this section is the statutory minimum. Before adopting this policy or applying its provisions, the district should examine any applicable bargaining agreements.

The use of paid sick leave for adoption or placement for adoption is limited to 30 days unless a longer leave is provided in an applicable collective bargaining agreement. The Superintendent may require that the employee provide evidence that the formal adoption process is underway. ³

Sabbatical Leave ⁴

Sabbatical leave may be granted in accordance with The School Code.

Personal Leave ⁵

Professional staff members are granted one personal leave day per year. A personal leave day is defined as a day to allow professional personnel time to conduct personal business (but not vacation, travel, or work stoppage), which is impossible to schedule at a time other than during a school day. Any unused personal leave day in a school year will be credited to the cumulative sick leave.

The use of a personal day is subject to the following conditions:

1. Except in cases of emergency or unavoidable situations, personal leave requests should be submitted to the Building Principal 3 days in advance of the requested date,
2. No personal leave days may be used immediately before or immediately after a holiday unless the Superintendent grants prior approval,
3. Personal leave may not be used in increments of less than one-half day,
4. Personal leave days are subject to a substitute's availability,
5. Personal leave days may not be used during the first and/or last 5 days of the school year,
6. Personal leave days may not be used on in-service and/or institute training days, and
7. Personal leave may not be used by more than 10% of the teaching staff in each building at the same time.

Leave of Absence Without Pay ⁶

The Board may grant a leave of absence without pay to tenured professional staff members who have rendered satisfactory service and desire to return to employment in a similar capacity at a time determined by the Board.

Each leave of absence shall be of the shortest possible duration required to meet the leave's purpose consistent with a reasonable continuity of instruction for students.

Child-Rearing Leave ⁷

The Board shall grant a professional staff member's request for a non-paid, child-rearing leave, not to exceed the balance of the school year plus one additional school year (but in no event shall such leave

³ 105 ILCS 5/24-6, amended by P.A. 96-51.

⁴ State law provides guidelines for sabbatical leaves but does not require boards to offer them (105 ILCS 5/24-6.1).

⁵ State law does not address personal leave.

⁶ State law does not address leaves of absence without pay other than stating that a mutually agreed leave will not affect a teacher's contractual continued service (105 ILCS 5/24-13).

⁷ The School Code does not address child-rearing. The Family and Medical Leave Act (FMLA), 29 U.S.C. §2612, 29 C.F.R. §825.200, grants eligible employees a combined total of 12 weeks each year, with exceptions for teachers at the end of the school year, for, among other things, a child's: (1) birth and first-year care, and (2) adoption or foster placement (see policy 5:185, *Family and Medical Leave*). Districts not covered by the FMLA must treat a request for child-care leave to care for an adopted infant on terms comparable to those given biological mothers. McWright v. Alexander, 982 F.2d 222 (7th Cir., 1993).

exceed 3 semesters), provided the request complies with this policy. Nothing in this section shall prohibit a professional staff member from using paid sick days as provided in this policy. ⁸

A teacher must request, if possible, a child-rearing leave by notifying the Superintendent in writing no later than 90 days before the requested leave's beginning date. ⁹ The request should include the proposed leave dates. The leave shall end before a new school year begins or before the first day of school after winter recess. ¹⁰

Subject to the insurance carrier's approval, the teacher may maintain insurance benefits at his or her own expense during a child-rearing leave.

A professional staff member desiring to return before the leave's expiration will be assigned to an available vacancy for which the teacher is qualified, subject to scheduling efficiency and instruction continuity.

Leaves for Service in the Military ¹¹

Leaves for service in the U.S. Armed Services or any of its reserve components and the National Guard, as well as re-employment rights, will be granted in accordance with State and federal law. A professional staff member hired to replace one in military service does not acquire tenure.

General Assembly Leave ¹²

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

Leave for Employment in Department of Defense ¹³

The Board may grant teachers a leave of absence to accept employment in a Department of Defense overseas school.

School Visitation Leave

An eligible professional staff member is entitled to 8 hours during any school year, no more than 4 hours of which may be taken on any given day, to attend school conferences or classroom activities related to the teacher's child, if the conference or activity cannot be scheduled during non-work hours. ¹⁴ Professional staff members must first use all accrued vacation leave, personal leave,

⁸ Districts offering a child-rearing or maternity leave must be very careful not to violate anti-discrimination laws. Districts can prohibit pregnant teachers from combining paid disability leave with an unpaid maternity leave, provided that non-pregnant teachers are likewise prohibited from combining a paid disability leave with an unpaid general leave of absence. Maganuco v. Leyden Comm. High School Dist. 212, 939 F.2d 440 (7th Cir., 1991); U.S. v. Consolidated High School Dist. 230, 983 F.2d 790 (7th Cir., 1992); E.E.O.C. v. Elgin Teachers' Ass'n., 780 F.Supp. 1195 (N.D.Ill. 1991). A sick leave bank exclusion of maternity benefits violates Title VII. U.S. v. Consolidated High School Dist. 230, Supra.

⁹ The length of the notice - here 90 days - is *not* covered by State or federal law. If an employee fails to provide this notice, the employee still has the right to request a family and medical leave which has a much shorter notice requirement (see policy 5:185, *Family and Medical Leave*), and could be followed by a child-rearing leave.

¹⁰ For a high school, omit "the first day of school after winter recess" and insert "at the semester break." Alternatively, the board may want to be more flexible by stating:

Every effort shall be made to have the leave minimally interrupt instructional continuity by ending . . .

¹¹ Required by: The School Code (105 ILCS 5/10-20.7b, 5/24-13, and 5/24-13.1); the Military Leave of Absence Act (5 ILCS 325/1); Service Member's Employment Tenure Act (330 ILCS 60/4); Public Employee Armed Services Rights Act (5 ILCS 330/4); National Guard Employment Rights (20 ILCS 1805/30.20); and Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. §4301).

¹² Required by 105 ILCS 5/24-13.

¹³ State law provides guidelines for Dept of Defense leaves but does not require boards to offer them (105 ILCS 5/24-13.1).

¹⁴ 820 ILCS 147/15.

compensatory leave, and any other leave that may be granted to the professional staff member, except sick, and disability leave. **15**

The Superintendent shall develop administrative procedures implementing this policy consistent with the School Visitation Rights Act. **16**

Leaves for Victims of Domestic or Sexual Violence **17**

An unpaid leave from work is available to any staff member who: (1) is a victim of domestic or sexual violence, or (2) has a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence. The unpaid leave allows the employee to seek medical help, legal assistance, counseling, safety planning, and other assistance without suffering adverse employment action.

The Victims' Economic Security and Safety Act governs the purpose, requirements, scheduling, and continuity of benefits, and all other terms of the leave. Accordingly, if the District employs at least 50 employees, an employee is entitled to a total of 12 work weeks of unpaid leave during any 12-month period. **18** Neither the law nor this policy creates a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. §2601 et seq.). **19**

15 Id. The school visitation leave entitlement applies to both professional and educational support personnel. Rather than duplicate its requirements in separate policies, board policy 5:330, Educational Support Personnel - *Sick Days, Vacation, Holidays, and Leaves*, grants the leave on the same terms applicable to professional staff.

16 820 ILCS 147/1.

17 Required by the Victims' Economic Security and Safety Act, 820 ILCS 180/, amended by P.A. 96-635, and 56 Ill.Admin.Code §280. While the law applies to all school districts (820 ILCS 180/10(10)), the leave is only available to employees working for employers with at least 15 employees (820 ILCS 180/20(a)(2), amended by P.A. 96-635). The term *employee* includes part-time workers. The Ill. Dept. of Labor must furnish to all employers a notice summarizing the law's requirements; all districts must post this notice in a conspicuous place where notices to employees are customarily posted.

18 If the district employs fewer than 50 employees, it may substitute the following sentence: "Accordingly, if the District employees at least 15 but not more than 49 employees, an employee is entitled to a total of 8 work weeks of leave during any 12-month period." 820 ILCS 180/20(a)(2), amended by P.A. 96-635.

19 The Victims' Economic Security and Safety Act, both before and after its amendment in 2009, stated that an employee does not have a right to take unpaid leave that exceeds the unpaid leave time allowed under the Family and Medical Leave Act (820 ILCS 180/20(a)(2), amended by P.A. 96-635). Section 25 of P.A. 96-635 creates an ambiguity by stating, "[t]he employer may not require the employee to substitute available paid or unpaid leave for [leave available to victims of domestic or sexual violence]," (820 ILCS 180/25, amended by P.A. 96-635). Contact the board attorney for advice resolving this ambiguity.

Leaves to Serve as an Officer or Trustee of a Specific Organization

Upon request, the Board will grant: (1) an unpaid leave of absence to an elected officer of a State or national teacher organization that represents teachers in collective bargaining negotiations,²⁰ (2) twenty days of paid leave of absence per year to a trustee of the Teachers' Retirement System in accordance with 105 ILCS 5/24-6.3,²¹ and (3) a paid leave of absence for the local association president of a State teacher association that is an exclusive bargaining agent in the District, or his or her designee, to attend meetings, workshops, or seminars as described in 105 ILCS 5/24-6.2. ²²

LEGAL REF.: 20 ILCS 1805/30.1 et seq.
105 ILCS 5/24-6, 5/24-6.1, 5/24-6.2, 5/24-6.3, 5/24-13, and 5/24-13.1.
820 ILCS 147/1 et seq. and 180/1 et seq.

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

²⁰ Required by 105 ILCS 5/24-13.

²¹ Required by 105 ILCS 5/24-6.3. P.A. 96-357 added a leave for an elected trustee for the Ill. Municipal Retirement Fund. See 5:330, *Educational Support Personnel - Sick Days, Vacation, Holidays, and Leaves*.

²² Required by 105 ILCS 5/24-6.2.
5:250

Educational Support Personnel

Duties and Qualifications ¹

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

Paraprofessionals and Teacher Aides ²

"Paraprofessionals" and "teacher aides" are noncertificated personnel with instructional duties; the terms are synonymous. Service as a paraprofessional or teacher aide requires a "statement of approval" issued by the Illinois State Board of Education (ISBE).

A paraprofessional or teacher aide in a targeted assistance program that is paid with federal funds under Title I, Part A, or in a school-wide program that is supported with such funds, shall hold a "statement of approval," issued by the ISBE, for this purpose. ³

Individuals with only non-instructional duties (e.g., providing technical support for computers, providing personal care services, or performing clerical duties) are not paraprofessionals or teacher aides and the requirements in this section do not apply. In addition, individuals who are completing their clinical experiences and/or student teaching do not need to comply with this section, provided they otherwise qualify for instructional duties under ISBE rules. ⁴

Noncertificated Personnel Working with Students Performing Non-Instructional Duties

Noncertificated personnel performing non-instructional duties may be used:

1. For supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media (e.g., computers, video, and audio) detention and discipline areas, and school-sponsored extracurricular activities; ⁵
2. As supervisors, chaperones, or sponsors for non-academic school activities; or ⁶
3. For non-teaching duties not requiring instructional judgment or student evaluation. ⁷

Nothing in this policy prevents a noncertificated person from serving as a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval. ⁸

Coaches and Athletic Trainers

Athletic coaches and trainers shall have the qualifications required by any association in which the School District maintains a membership. ⁹ The coach for an extracurricular athletic activity sponsored or sanctioned by the Illinois High School Association (IHSA) at or above the ninth grade level must have completed the IHSA's educational program and competency testing on preventing abuse of

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

² 23 Ill.Admin.Code §25.510.

³ 23 Ill.Admin.Code §25.510(d).

⁴ 105 ILCS 5/10-22.34(d); 23 Ill.Admin.Code §25.520.

⁵ 105 ILCS 5/10-22.34(a)(2).

⁶ 105 ILCS 5/10-22.34a.

⁷ 105 ILCS 5/10-22.34(a)(1).

⁸ 105 ILCS 5/10-22.34b, last paragraph.

⁹ A district should consult the handbooks and by-laws of the appropriate associations, e.g., the Illinois High School Association, the Southern Illinois Junior High School Athletic Association, and the Illinois Elementary School Association.

performance-enhancing substances. **10** Regardless of whether the athletic activity is governed by an association, the Superintendent or designee shall ensure that each athletic coach: (1) is knowledgeable regarding coaching principles, (2) has first aid training, and (3) is a trained Automatic External Defibrillator user according to rules adopted by the Illinois Department of Public Health. **11** Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law. **12**

Bus Drivers

All school bus drivers must have a valid school bus driver permit. **13** The Superintendent or designee shall inform the Illinois Secretary of State, within 30 days of being informed by a school bus driver, that the bus driver permit holder has been called to active duty. **14** New bus drivers and bus drivers who are returning from a lapse in their employment are subject to the requirements contained in Board policy 5:30, *Hiring Process and Criteria* and Board policy 5:285, *Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers*.

LEGAL REF.: No Child Left Behind Act of 2001, 20 U.S.C. §6319(c).
34 C.F.R. §§200.58 and 200.59.
105 ILCS 5/10-22.34, 5/10-22.34a, 5/10-22.34b, and 25/1.5.
625 ILCS 5/6-104 and 5/6-106.1.
23 Ill.Admin.Code §§25.510, 25.520.

CROSS REF.: 4:110 (Transportation), 4:170 (Safety), 5:30 (Hiring Process and Criteria), 5:35 (Compliance with the Fair Labor Standards Act), 5:285 (Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers), 6:250 (Community Resource Persons and Volunteers)

10 Required by 105 ILCS 25/1.5, added by P.A. 96-132.

11 Optional and may be amended. The first requirement identifies a basic competency and the second two requirements are intended to ensure coaches are trained emergency responders. For AED training program requirements, see Automated External Defibrillator Act (410 ILCS 4/15) and Automated External Defibrillator Code (77 Ill.Admin.Code Part 525).

12 225 ILCS 5/3 and 5/4.

13 The regional superintendent is authorized to conduct school bus driver instruction courses and investigate whether persons hired to operate school buses have valid school bus driver permits (105 ILCS 5/3-14.23).

School bus driver permits are issued by the Secretary of State (625 ILCS 5/6-106.1). Districts must conduct a pre-employment interview with bus driver candidates, distribute bus driver applications and medical forms, and submit the applicant's fingerprint cards to the State Police for criminal background investigations. Districts must also certify in writing to the Secretary of State that all pre-employment conditions were completed, including an Illinois-specific criminal background investigation through the State Police and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information (Id.). The applicant presents this certification to the Secretary of State when submitting the school bus driver permit application (Id.).

A school bus driver operating a school bus at the time of an accident is deemed by the implied consent law to agree to submit to tests at the direction of a law enforcement officer of the driver's breath, blood, or urine to determine the presence of alcohol, or other drugs, in the person's system (625 ILCS 5/6-516).

Anyone driving a bus chartered to transport students to or from interscholastic athletic or interscholastic or school sponsored activities must have a valid school bus driver permit; this does not apply to any driver employed by a public transportation provider when the bus is on a regularly scheduled route for transporting other fare paying passengers (625 ILCS 5/6-104(d-5)).

14 This sentence is optional but the notification is required by 625 ILCS 5/6-106.1(h), added by P.A. 96-89. "Active duty" is defined in the statute as active duty pursuant to an executive order of the U.S. President, an act of the Congress, or an order of the Governor. Upon notification, the Secretary of State will characterize the permit as inactive until a permit holder renews the permit pursuant to 625 ILCS 5/6-106.1(b).

5:280

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Educational Support Personnel

Sick Days, Vacation, Holidays, and Leaves ¹

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.

Sick and Bereavement Leave ²

Full or part-time educational support personnel who work at least 600 hours per year receive 10 paid sick leave days per year. Part-time employees will receive sick leave pay equivalent to their regular workday. Unused sick leave shall accumulate to a maximum of 180 days, including the leave of the current year. ³

Sick leave is defined in State law as personal illness, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, or placement for adoption. The Superintendent and/or designee shall monitor the use of sick leave.

As a condition for paying sick leave after 3 days absence for personal illness or 30 days for birth or as the Board or Superintendent deem necessary in other cases, the Board or Superintendent may require that the staff member provide a certificate from: (1) a physician licensed in Illinois to practice medicine and surgery in all its branches, (2) a chiropractic physician licensed under the Medical Practice Act, (3) an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, (4) a physician assistant who has been delegated the authority to perform health examinations by his

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

This policy is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that exceed these requirements. The introductory paragraph recognizes that an applicable collective bargaining agreement or individual employment contract will supersede a conflicting provision of the policy. Alternatively, if the policy's subject matter is superseded by a bargaining agreement, the board policy may state, "Please refer to the current [*insert name of educational support CBA*]."

Districts must coordinate leaves provided by State law and the local bargaining agreement with the leave granted by the Family and Medical Leave Act (FMLA), 29 U.S.C. §2612. The FMLA grants eligible employees 12 weeks unpaid leave each year for: (1) the birth and first-year care of a child, (2) the adoption or foster placement of a child, (3) the serious health condition of an employee's spouse, parent, or child, (4) the employee's own serious health condition, (5) the existence of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation, and (6) to care for the employee's spouse, child, parent, or next of kin who is a covered servicemember with a serious injury or illness. Districts are permitted to count paid leave (granted by State law or board policy) taken for an FMLA purpose against an employee's FMLA entitlement (29 C.F.R. §825.207). See policy 5:185, *Family and Medical Leave*.

A plethora of State laws grant leaves to employees of the State and municipalities, but are not applicable to school districts, including the Employee Blood Donation Leave Act (820 ILCS 149/1), Local Government Disaster Service Volunteer Act (50 ILCS 122/1), Organ Donor Leave Act (5 ILCS 327/1), and Civil Air Patrol Leave Act (820 ILCS 148/1, added by P.A. 95-763).

² This section contains the minimum benefits provided by 105 ILCS 5/24-6, amended by P.A. 96-367 and P.A. 96-51. Each specified number of days in this section is the statutory minimum. Before adopting this policy or applying its provisions, the district should examine any applicable bargaining agreements.

³ As this policy is consistent with the minimum requirements of State law, this provision on the maximum number of sick days that may be accumulated is based on the minimum number required as stated in 105 ILCS 5/24-6. The number may be increased to meet or exceed the number IMRF will recognize for retirement credit purposes. The following alternative does this: "Unused sick leave shall accumulate to the maximum number of days that IMRF will recognize for retirement credit purposes."

or her supervising physician, or (5) if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the employee's faith. If the Board or Superintendent requires a certificate during a leave of less than 3 days for personal illness, the District shall pay the expenses incurred by the employee.

The use of paid sick leave for adoption or placement for adoption is limited to 30 days unless a longer leave is provided in an applicable collective bargaining agreement. The Superintendent may require that the employee provide evidence that the formal adoption process is underway. ⁴

Vacation ⁵

Twelve-month employees shall be eligible for paid vacation days according to the following schedule:

<u>Length of Employment</u>		<u>Monthly Accumulation</u>	<u>Maximum Vacation Leave Earned Per Year</u>
<u>From:</u>	<u>To:</u>		
Beginning of year 2	End of year 5	0.83 Days	10 Days per year
Beginning of year 6	End of year 15	1.25 Days	15 Days per year
Beginning of year 16	End of year	1.67 Days	20 Days per year

Part-time employees who work at least half-time are entitled to vacation days on the same basis as full-time employees, but the pay will be based on the employee's average number of part-time hours per week during the last vacation accrual year. The Superintendent will determine the procedure for requesting vacation.

Vacation days earned in one fiscal year must be used by the end of the following fiscal year; they do not accumulate. Employees resigning or whose employment is terminated are entitled to the monetary equivalent of all earned vacation. ⁶

Holidays ⁷

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

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

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

⁴ 105 ILCS 5/24-6, amended by P.A. 96-51.

⁵ State law does not require districts to give employees vacations.

⁶ Required by 820 ILCS 115/5.

⁷ Found in 105 ILCS 5/24-2. A State-mandated school holiday on "Good Friday" is unconstitutional according to Metzl v. Leininger, 57 F.3d 618 (7th Cir. 1995). Closing school on religious holidays may still be permissible for those districts able to demonstrate, e.g., through surveys, that remaining open would be a waste of educational resources because of widespread absenteeism. Also, districts may be able to close school on Good Friday by adopting a "spring holiday" rationale or ensuring that it falls within spring break. School districts should discuss their options, including the collective bargaining implications, with their board attorney.

Personal Leave 8

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.

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. ⁹

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. ¹⁰
2. School Visitation Leave. ¹¹
3. Leaves for Victims of Domestic or Sexual Violence. ¹²

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)

⁸ State law does not address personal leave.

⁹ Required by 105 ILCS 5/24-6.3, amended by P.A. 96-357. A similar leave exists for an elected trustee for the Ill. Teachers' Retirement System. See 5:250, *Professional Personnel - Leaves of Absence*.

¹⁰ Military leave is governed by: The School Code (105 ILCS 5/10-20.7b, 5/24-13, and 5/24-13.1); the Military Leave of Absence Act (5 ILCS 325/1); Service Member's Employment Tenure Act (330 ILCS 60/4); Public Employee Armed Services Rights Act (5 ILCS 330/4); National Guard Employment Rights (20 ILCS 1805/30.20); and Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. §4301).

Granting General Assembly leave to ESPs is optional.

¹¹ 820 ILCS 147/1. See policy 5:250, *Leaves of Absence*, and administrative procedure 5:250-AP, *School Visitation Leave*.

¹² Required by Victims' Economic Security and Safety Act, 820 ILCS 180/, amended by P.A. 96-635, and 56 Ill.Admin.Code §280. Important information about this leave is discussed in the footnotes in policy 5:250, *Professional Personnel - Leaves of Absence*.

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Instruction

Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program ¹

The Superintendent or designee shall develop, maintain, and supervise a program for students at risk of academic failure or dropping out of school. The program shall include education and support services addressing individual learning styles, career development, and social needs, and may include:

- Parent-teacher conferences
- Counseling services by social workers and/or guidance counselors
- Counseling services by psychologists
- Psychological testing
- Truants' alternative and optional education program ²
- Alternative school placement
- Community agency services
- Alternative learning opportunities program, in conformity with the Alternative Learning Opportunities Law, as it may be amended from time to time ³
- Graduation incentives program ⁴
- Illinois Hope and Opportunity Pathways through Education (IHOPE) Program

Any student who is below the age of 20 years is eligible to enroll in a graduation incentives program if he or she: ⁵

1. Is considered a dropout according to State law;
2. Has been suspended or expelled;
3. Is pregnant or is a parent;
4. Has been assessed as chemically dependent; or
5. Is enrolled in a bilingual education or LEP program.

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

² 105 ILCS 5/2-3.66 authorizes the ISBE to award grants to school districts, ROEs, and community college districts.

³ 105 ILCS 5/13B-1 *et seq.* Districts are not required to establish an alternative learning opportunities program. However, if they do, State law requires that the program "provide a flexible standards-based learning environment, innovative and varied instructional strategies, a student-centered curriculum, social programs, and supplemental social, health, and support services to improve the educational achievement of students at risk of academic failure" (105 ILCS 5/13B-20). The program must also meet the requirements in 105 ILCS 5/13B-45. Alternative learning opportunities programs "may include without limitation evening high school, in-school tutoring and mentoring programs, in-school suspension programs, high school completion programs to assist high school dropouts in completing their education, support services, parental involvement programs, and programs to develop, enhance, or extend the transition for students transferring back into the regular school program, an adult education program, or a post-secondary education program" (105 ILCS 5/13B-20.5). See 105 ILCS 5/13B-25.10, as well as other requirements for general State aid, for additional requirements to receive State funds for creating this program.

⁴ Required by 105 ILCS 5/26-16.

⁵ Required by 105 ILCS 5/26-16. Graduation incentives programs are entitled to claim general State aid. A school district must ensure that its graduation incentives program receives supplemental general State aid, transportation reimbursements, and special education resources, if appropriate, for students enrolled in the program.

Illinois Hope and Opportunity Pathways through Education (IHOPE) Program ⁶

The Superintendent or designee shall develop the required partnerships necessary to build a comprehensive plan to re-enroll high school dropouts in the District through the IHOPE Program. The IHOPE Program shall include all components required by State law and regulations. Any student who wishes to earn a high school diploma must meet the prerequisites to receiving a high school diploma in policy 6:300, *Graduation Requirements*.

LEGAL REF.: 105 ILCS 5/2-3.41, 5/2-3.66, 5/2-3.66b, 5/13B-1 et seq., 5/26-2a, 5/26-13, 5/26-14, and 5/26-16.

CROSS REF.: 6:300 (Graduation Requirements), 7:70 (Attendance and Truancy)

⁶ Optional. 105 ILCS 5/2-3.66b, added by P.A. 96-106, authorizes ISBE to award Illinois Hope and Opportunity Pathways through Education (IHOPE) Program grants to ROEs that partner with school districts and community colleges to re-enroll high school drop-outs in programs that will enable them to earn their high school diploma. Alternatively, an ROE can contract with a school district (and create a sub-grant) to operate the IHOPE Program. An ROE or school district that enrolls students who receive qualifying services in a program funded by the IHOPE Program may claim general State aid.

Instruction

Graduation Requirements ¹

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

1. Completing all District graduation requirements that are in addition to the State requirements. ²
2. Completing all courses as provided in The School Code, 105 ILCS 5/27-22, according to the year in which a student entered the 9th grade. ³
3. Completing all minimum requirements for graduation as specified by Illinois State Board of Education rule, 23 Ill.Admin.Code §1.440.
4. Passing an examination on patriotism and principles of representative government, proper use of the flag, methods of voting, and the Pledge of Allegiance. ⁴
5. Taking the Prairie State Achievement Examination, unless the student is exempt according to 105 ILCS 5/2-3.64. ⁵

The Superintendent or designee is responsible for: ⁶

1. Maintaining a description of all course offerings that comply with the above graduation requirements.
2. Notifying students and their parents/guardians of graduation requirements.
3. Developing the criteria for #4 above.
4. Taking all other actions to implement this policy.

Early Graduation ⁷

The Superintendent or designee shall implement procedures for students to graduate early, provided they finish 7 semesters of high school and meet all graduation requirements.

Certificate of Completion ⁸

A student with a disability who has an Individualized Education Program prescribing special education, transition planning, transition services, or related services beyond the student's 4 years of high school, qualifies for a certificate of completion after the student has completed 4 years of high school. The student is encouraged to participate in the graduation ceremony of his or her high school graduation class. The Superintendent or designee shall provide timely written notice of this requirement to children with disabilities and their parents/guardians.

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

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

³ 105 ILCS 5/27-22 contains escalating graduation requirements depending on the year a student enters 9th grade. For specific requirements, see 6:300-E2, *State Law Graduation Requirements*.

⁴ Required by 105 ILCS 5/27-3.

⁵ Required by 105 ILCS 5/2-3.64(c), amended by P.A. 96-430. The law makes *taking* the PSAE a prerequisite to receiving a "regular high school diploma." These terms are susceptible to numerous interpretations that might trigger good board conversation leading to a common understanding that will guide the superintendent's implementation efforts.

⁶ Items #1 and #2 are required by 23 Ill.Admin.Code §1.440(d) and (e), respectively. Item #3 must be addressed because the law leaves many implementation issues unanswered. A comprehensive Student Handbook can provide notice of the district's graduation requirements, conduct rules, and other important information.

⁷ This is optional. State law and rules are silent regarding early graduation.

⁸ Required by 105 ILCS 5/14-16.

Veterans of World War II, the Korean Conflict, or the Vietnam Conflict⁹

Upon application, an honorably discharged veteran of World War II, the Korean Conflict, or the Vietnam Conflict will be awarded a diploma, provided that he or she: (1) resided within an area currently within the District at the time he or she left high school, (2) left high school before graduating in order to serve in the U.S. Armed Forces, and (3) has not received a high school diploma or General Educational Development (GED) diploma.

LEGAL REF.: 105 ILCS 5/2-3.64, 5/22-27, 5/27-3, 5/27-22, and 5/27-22.10.
23 Ill.Admin.Code §1.440.

CROSS REF.: 6:30 (Organization of Instruction), 6:320 (High School Credit for Proficiency),
7:50 (School Admissions and Student Transfers To and From Non-District
Schools)

⁹ Optional. 105 ILCS 5/22-27, amended by P.A. 96-88, does not designate a time requirement for when the veteran “resided within an area currently within the district.” Thus, a reasonable interpretation may be adopted locally. The sample policy designates “at the time he or she left high school” as the pertinent time for residence. See 6:300-E, *Application for a Diploma for Veterans of WWII, the Korean Conflict, or the Vietnam Conflict*.

Instruction

Exhibit - Application for a Diploma for Veterans of WW II, the Korean Conflict, or the Vietnam Conflict

Complete and submit to the Superintendent.

Please print:

Name	Phone
Address	Birth Date
City	State Zip

The applicant is requesting a high school diploma and attests that he or she meets the following criteria as established by School Board policy:

1. Served in the U.S. Armed Forces during World War II or the Korean Conflict.

Please check one or more of the following:

- WW II: December 7, 1941 - September 2, 1945
 - Korean Conflict: June 25, 1950 - July 27, 1953
 - Vietnam Conflict: historians generally date U.S. Armed Forces involvement from late 1961-1975
2. Left high school in order to serve in the U.S. Armed Forces.
 3. Resided within an area currently within the School District at the time he or she withdrew from high school.
 4. Has not received a high school diploma or a GED (high school equivalency).

Applicant's Signature

Date

Instruction

Credit for Alternative Courses and Programs, and Course Substitutions ¹

[For high school and unit districts]

Correspondence Courses ²

A student enrolled in a correspondence course may receive high school credit for work completed, provided:

1. The course is given by an institution accredited by the North Central Association of Colleges and Secondary Schools;
2. The student is a fourth or fifth year senior;
3. The student assumes responsibility for all fees; and
4. The Building Principal approves the course in advance.

A maximum of 6 units of credit may be counted toward the requirements for a student's high school graduation.

Distance Learning Courses, Including Virtual or Online Courses ³

A student enrolled in a distance learning course, including a virtual or online course, may receive high school credit for work completed, provided:

1. The course is offered by an institution approved by the Superintendent or designee;
2. The course is not offered at the student's high school;
3. The student assumes responsibility for all fees (including tuition and textbooks); and
4. The Building Principal approves the course in advance.

Students may be limited as to the number of distance learning courses that apply toward high school credit. Grades earned in approved distance learning courses count toward a student's grade point average, class rank, and eligibility for athletic and extracurricular activities. The District may pay the fee for expelled students who are permitted to take virtual or online courses in alternative settings.

Exchange Programs ⁴

An exchange student will be granted a diploma if he or she completes the criteria for graduation established by the State of Illinois and the School Board. The Board may grant a certificate of attendance to exchange students.

District students will receive high school credit for foreign exchange courses that meet the criteria established in the curriculum and that are approved by the Building Principal. International study course work not meeting District requirements may be placed in the student's permanent record and recorded as an international study experience.

¹ State or federal law requires this subject matter be covered by policy. State or federal law controls this policy's content.

² High school and unit districts must have a policy on correspondence courses (23 Ill.Admin.Code §1.450(c), but the specific provisions are at the board's discretion, e.g., who is eligible and maximum credits.

³ Optional; the specific provisions are at the board's discretion, e.g., who is eligible and maximum credits. While there are no administrative rules for the Illinois Virtual High School, ISBE adopted a framework for it in 2000; see www.ivhs.org. See also the Distance Learning Foundation Act, 105 ILCS 40/.

⁴ Optional.

Summer School and Independent Study ⁵

A student will receive high school credit for successfully completing: (1) any course given by an institution accredited by the North Central Association of Colleges and Secondary Schools, and (2) independent study in a curriculum area not offered by the District, provided the student obtains the consent of a supervising teacher as well as the Building Principal.

College Courses ⁶

A student who successfully completes community college courses may receive high school credit, provided:

1. The student is a senior in good academic standing;
2. The course is not offered in the high school curriculum;
3. The course is approved in advance by the student's guidance counselor and the High School Principal; and
4. The student assumes responsibility for all fees.

A maximum of 6 units of credit may be counted toward the requirements for a student's high school graduation.

Dual Credit Courses ⁷

A student who successfully completes a dual credit course may receive credit at both the college and high school level.

Foreign Language Courses

A student will receive high school credit by studying foreign language in an approved ethnic school program, provided such program meets the minimum standards established by the State Board of Education. ⁸

The amount of credit will be based on foreign language proficiency achieved. The Building Principal may require a student seeking foreign language credit to successfully complete a foreign language proficiency examination.

Military Service ⁹

The Board may accept military service experience as credit toward graduation, provided the student making the request has a recommendation from the U.S. Commission of Accreditation of Service Experiences. The student seeking credit shall supply any documents or transcripts necessary to support the request.

⁵ Optional.

⁶ This section, as well as its terms, is optional (23 Ill.Admin.Code §1.440(f). Superintendents, pursuant to 105 ILCS 5/10-21.4, must annually report to the Ill. State Board of Education the number of students enrolled in accredited courses at any community college along with the name(s) and number(s) of the course(s) each student is taking (105 ILCS 2-3.142).

⁷ This section is optional. A district may have more specific information about its dual credit program to include in this section. The Dual Credit Quality Act, 110 ILCS 27, added by P.A. 96-194 (eff. 1-1-10), defines dual credit as a college course taken by a high school student for credit at both the college and high school level. An instructor who teaches a dual credit course does not need the certification required by Article 21 of The School Code. Dual credit programs will require cooperation between the school district and the institution providing the dual credit courses (see the Higher Education Student Assistance Act at 110 ILCS 947/10 for a definition of *institution*). A high school evaluation of a dual credit program must also incorporate the analysis of data from ISBE's statewide longitudinal data system (see the P-20 Longitudinal Education Data System Act, 105 ILCS 13/, added by P.A. 96-107, for more information).

⁸ 105 ILCS 5/2-3.44 and 5/10-22.43a. An ethnic school is a part-time, private school that teaches the foreign language of a particular ethnic group as well as the culture, geography, history, and other aspects of a particular ethnic group.

⁹ Military service credit is optional with the local district, but, if offered, must be included in district policy (23 Ill.Admin.Code §1.470(c)).

Volunteer Service Credit Program 10

A student may earn high school credit through community service activities. The Superintendent shall implement the volunteer service credit program to ensure student enrichment, educational growth, and personal welfare. Students shall receive the amount of credit given for the completion of one semester of language arts, math, science, or social studies.

Youth Apprenticeship Vocational Education Program (Tech Prep) 11

Students participating in the Youth Apprenticeship Vocational Education Program (Tech Prep) may earn credit toward graduation for work-related training received at manufacturing facilities or agencies.

Vocational Academy 12

Students enrolled in the Vocational Academy earn credit toward graduation as provided in the Academy's design.

Substitutions for Physical Education and Other Required Courses

A student in grades 9-12 may satisfy one or more high school courses (including physical education) or graduation requirements by successfully completing related vocational or technical education courses if: **13**

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

A student in grades 9-12, unless otherwise stated, may submit a written request to the Building Principal to be excused from physical education courses for the reasons stated below. The Superintendent or designee shall maintain records showing that the criteria set forth in this policy were applied to the student's individual circumstances. **14**

10 This is an optional program, but the credit given for one semester may not exceed that stated in this policy (105 ILCS 5/27-22.3. The program may include participation in the organization of a high school or community blood drive or other blood donor recruitment campaign. The ISBE must provide assistance to districts opting to offer the program (105 ILCS 5/2-3.108).

11 This paragraph is optional. The State Superintendent and Board of Higher Education were encouraged by 105 ILCS 5/2-3.115 to establish a program of academic credit for youth apprenticeship vocational education programs, which could be instituted by school districts.

12 Vocational Academies Act, 105 ILCS 433/. The Act's purpose is to "integrate workplace competencies and career and technical education with core academic subjects." School districts are permitted to partner with community colleges, local employers, and community-based organizations to establish a vocational academy that functions as a 2-year school within a school for grades 10 through 12. Grant funds may be available from ISBE when the vocational academy meets statutory requirements.

13 Allowing this substitution is optional, but, if offered, must be included in district policy (105 ILCS 5/27-22.05). The "related" requirement is met if the course contains at least 50% of the content of the required course. 23 Ill.Admin.Code §1.445 requires that the vocational or technical education course be completely described in the policy along with its relationship to the required course. The sample policy satisfies these requirements by referring to the courses as described in curricular material.

ISBE requires that the parent/guardian of a student under the age of 18 must request the course substitution "on forms that the school district makes available" and that the request must be maintained in the student's temporary record (23 Ill.Admin.Code §1.445). See 6:310-E, *Class Substitution Request*.

14 Required by 105 ILCS 5/27-6; 23 Ill.Admin.Code §1.420(p). A board that wants to allow any of these P.E. exemptions must include the ones it selects in a policy that excuses students on an individual basis.

1. Enrollment in a marching band program for credit;
2. Enrollment in Reserve Officer's Training Corps (ROTC) program sponsored by the District;
3. Ongoing participation in an interscholastic athletic program (student must be in the 11th or 12th grade);
4. Enrollment in academic classes that are required for admission to an institution of higher learning (student must be in the 11th or 12th grade); or
5. Enrollment in academic classes that are required for graduation from high school, provided that failure to take such classes will result in the student being unable to graduate (student must be in the 11th or 12th grade).

A student in grades 3-12 who is eligible for special education may be excused from physical education courses if:

1. The student's parent/guardian agrees that the student must utilize the time set aside for physical education to receive special education support and services, or
2. The student's individualized education program team determines that the student must utilize the time set aside for physical education to receive special education support and services.

The agreement or determination must be made a part of the individualized education program. A student requiring adapted physical education must receive that service in accordance with the student's individualized education program. **15**

LEGAL REF.: 105 ILCS 5/2-3.44, 5/2-3.108, 5/2-3.115, 5/2-3.142, 5/10-22.43a, 5/27-6, 5/27-22.3, and 5/27-22.05.
23 Ill.Admin.Code §§1.420(p), 1.440(f), and 1.450(c).

CROSS REF.: 6:180 (Extended Instructional Programs), 6:300 (Graduation Requirements), 6:320 (High School Credit for Proficiency), 7:260 (Exemption from Physical Activity)

This policy excuses students from P.E. only during the marching band season because the statute allows the exemption "for ongoing participation in such marching band program." Thus, if the marching band season is over, the student's "ongoing participation" has ceased and the student no longer qualifies for the P.E. exemption. Common sense, however, would allow the exemption to continue until the end of the current grading period.

15 105 ILCS 5/27-6.

Instruction

High School Credit for Proficiency

Proficiency Credits ¹

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

Proficiency credit will be offered in the following subject areas:

Consumer education ² - In order to receive credit, a student must pass the Annual Consumer Education Proficiency Test developed by the State Board of Education. A student in grades 9 through 12 is eligible to take the proficiency examination.

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

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

¹ ISBE rule requires districts with a high school to have a policy on earning credit through proficiency exams (23 Ill.Admin.Code §1.460). State law controls this policy's content. Students must *successfully complete* the courses listed in 105 ILCS 5/27-22 in order to receive a high school diploma. See, 6:300-E2, *State Law Graduation Requirements*.

² State law requires school districts to administer consumer education proficiency exams (105 ILCS 5/27-12.1).

³ 105 ILCS 5/10-22.43.

⁴ Id.

⁵ 105 ILCS 5/10-22.43a.

⁶ Optional.

Course Credit for High School Diploma ⁷

[Unit districts only]

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

Students in grades 7 and 8 may enroll in a course required for a high school diploma when: (1) the course is offered by the high school that the elementary student would attend, (2) the student participates in the course at the location of the high school, and (3) the student's enrollment in the course would not prevent a high school student from being able to enroll.

Students in grades 7 and 8 may enroll in a course required for a high school diploma where they attend school when: (1) the course is taught by a high school teacher who teaches in a high school of the district where the student will attend high school, and (2) no high school students are enrolled in the course.

A student that successfully completes a course required for a high school diploma while in grades 7 and 8 shall receive such academic credit from the Board. ⁸ That academic credit shall satisfy the requirements of Section 27-22 of The School Code for purposes of receiving a high school diploma, unless evidence about the course's rigor and content show that the course did not address the relevant Illinois learning standard at the level appropriate for the high school grade during which the course is usually taken. ⁹ The student's grade in the course shall also be included in the student's grade point average in accordance with Board policy. ¹⁰

[High school districts only]

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

Students in grades 7 and 8 may enroll in a course required for a high school diploma when: (1) the course is offered by the high school that the elementary student would attend, (2) the student participates in the course at the location of the high school, and (3) the student's enrollment in the course would not prevent a high school student from being able to enroll.

The Superintendent or designee will coordinate with the cooperating elementary school district superintendent to implement a schedule that meets the State law requirements for providing students in grades 7 and 8 the opportunity to enroll in a course required for a high school diploma where they attend school.

A student that successfully completes a course required for a high school diploma while in grades 7 and 8 shall receive such academic credit from the Board. ¹¹ That academic credit shall satisfy the requirements of Section 27-22 of The School Code for purposes of receiving a high school diploma, unless evidence about the course's rigor and content show that the course did not address the relevant

⁷ This subhead is optional. The first sentence of each option recognizes that implementation of all aspects to this policy will require cooperation between school districts, superintendents, building principals and other administrators.

Boards may adopt a policy for students enrolled in grade 7 or 8 to enroll in a course required for high school graduation (105 ILCS 5/27-22.10(a), amended by P.A. 96-412, and 23 Ill.Admin.Code §1.440(c)(3)). The 2nd and 3rd paragraph of each unit, high school, and elementary district option describes the different statutory requirements for students in grades 7 or 8 to enroll in these courses. The statutory requirements are independent of one another, and each district may choose one or the other or both, i.e., offering courses only at the high school or only at the elementary school or at both locations. A high school and elementary district cooperating for this purpose should ensure that their policies state the agreed upon process correctly.

⁸ 105 ILCS 5/27-22.10 (b).

⁹ Id. at (c).

¹⁰ Id. at (d).

¹¹ 105 ILCS 5/27-22.10 (c). The elementary school board must award academic credit to its 7th and 8th grade students who successfully complete a high school course (see f/n 8) and the high school board must award the transferring elementary student with high school credit upon his or her transfer.

Illinois learning standard at the level appropriate for the high school grade during which the course is usually taken. ¹² The student's grade in the course shall also be included in the student's grade point average in accordance with Board policy. ¹³

[Elementary school districts only]

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

Students in grades 7 and 8 may enroll in a course required for a high school diploma at the high school that the elementary student would attend in accordance with State law and the high school board policy in the high school district that the elementary student will attend.

Students in grades 7 and 8 may enroll in a course required for a high school diploma where they attend school when: (1) the course is taught by a high school teacher who teaches in a high school of the district where the student will attend high school, and (2) no high school students are enrolled in the course.

A student that successfully completes a course required for a high school diploma while in grades 7 and 8 shall receive such academic credit from the Board. ¹⁴ High school credit will be awarded in accordance with the high school board policy in the district that the elementary student will attend. ¹⁵

LEGAL REF.: 105 ILCS 5/10-22.10, 5/10-22.43, 5/10-22.43a, 5/27-12.1, 5/27-22, 5/27-22.10, 5/27-24.3, and 5/27-24.4.
23 Ill.Admin.Code §1.460.

CROSS REF.: 6:180 (Extended Instructional Programs), 6:280 (Grading and Promotion); 6:300 (Graduation Requirements), 6:310 (Credit for Alternative Courses and Programs, and Course Substitutions), 7:40 (Nonpublic School Students, Including Parochial and Home-Schooled Students)

¹² *Id.* at (c).

¹³ *Id.* at (d).

¹⁴ 105 ILCS 5/27-22.10 (b).

¹⁵ *Id.* at (c).

Instruction

Student Testing and Assessment Program ¹

The District student assessment program provides information for determining individual student achievement and instructional needs; curriculum and instruction effectiveness; and school performance measured against District student learning objectives and statewide norms.

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

1. Uses the State assessment system and any other appropriate assessment methods and instruments, including norm and criterion-referenced achievement tests, aptitude tests, proficiency tests, and teacher-developed tests.
2. Tests the grades and subjects according to the schedule required by the State assessment system. ² The District's assessment program may include testing students in grades not required by State law to be tested.
3. Tracks the achievement of all students. ³
4. Provides each student and his or her parents/custodians with an evaluation of the student's learning on the basis of test and assessment results. See policy 6:280, *Grading and Promotion*. ⁴
5. Utilizes professional testing practices. ⁵

Overall student assessment data on tests required by State law will be aggregated by the District and reported, along with other information, on the District's annual report card. ⁶ Board policy 7:340, *Student Records*, and its implementing procedures govern recordkeeping and access issues.

LEGAL REF.: Family Educational Rights and Privacy Act, 20 U.S.C. §1232g.
105 ILCS 5/2-3.63, 5/2-3.64, 5/10-17a, and 5/27-1.

CROSS REF.: 6:15 (School Accountability), 7:340 (Student Records)

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

² State law specifies the grades and subjects for annual testing. See 105 ILCS 5/2-3.64, amended by P.A. 96-430. High schools must afford all students one opportunity to take the Prairie State Achievement Examination (Id.). To receive a regular high school diploma, a student must take the Prairie State Achievement Examination unless the student is exempt as provided in 105 ILCS 5/2-3.64, amended by 96-430. For ISBE resource material, see www.isbe.net/assessment.

³ The indicators to determine adequate yearly progress for children with disabilities is based on their Individualized Education Plans (IEP), unless the U.S. Dept. of Education formally disapproves of such policy through the submission and review process for the Illinois Accountability Workbook (105 ILCS 5/2-3.25a). Students with severe disabilities participate in the Illinois Alternate Assessment (IAA) if their IEPs indicate that participation in the State's regular assessments – the ISAT or the PSAT – is not appropriate, even with accommodation.

⁴ Optional component.

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

⁶ Required by 105 ILCS 5/10-17a. School districts must annually, by October 31, submit to parents/guardians, district taxpayers, the Governor, the General Assembly, and the State Board of Education a school report card assessing the performance of its schools and students. The report card must describe student performance by attendance center, the district's use of financial resources, and indicators of parental involvement in each attendance center (105 ILCS 5/10-17a).

Students

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

Required Health Examinations and Immunizations

A student's parent(s)/guardian(s) shall present proof that the student received a health examination and the immunizations against, and screenings for, preventable communicable diseases, as required by the Illinois Department of Public Health, within one year prior to:

1. Entering kindergarten or the first grade;
2. Entering the sixth and ninth grades; and ²
3. Enrolling in an Illinois school, regardless of the student's grade (including nursery school, special education, headstart programs operated by elementary or secondary schools, and students transferring into Illinois from out-of-state or out-of-country). ³

As required by State law:

1. Health examinations must be performed by a physician licensed to practice medicine in all of its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician authorizing the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the performance of health examinations by a supervising physician. ⁴
2. A diabetes screening must be included as a required part of each health examination; diabetes testing is not required. ⁵
3. Before admission and in conjunction with required physical examinations, parents/guardians of children between the ages of 6 months and 6 years must provide a statement from a physician that their child was "risk-assessed" or screened for lead poisoning. ⁶
4. The Department of Public Health will provide all female students entering sixth grade and their parents/guardians information about the link between human papilloma virus (HPV) and cervical cancer and the availability of the HPV vaccine. ⁷

Unless the student is homeless, failure to comply with the above requirements by October 15 of the current school year will result in the student's exclusion from school until the required health forms are presented to the District. New students who register mid-term shall have 30 days following registration to comply with the health examination and immunization regulations. ⁸ If a medical reason prevents a student from receiving a required immunization by October 15, the student must

¹ State or federal law controls this policy's content. The policy restates 105 ILCS 5/27-8.1. Immunization requirements are found in 77 Ill.Admin.Code §665.240. A Tuberculosis skin test is required if the student lives in an area designated by the Dept. of Public Health as having a high incidence of Tuberculosis.

² 105 ILCS 5/27-8.1; 77 Ill.Admin.Code §665.140 *et seq.* For the 2008-2009 school year only, a health examination conducted from August 2006 through September 2007 (for a child who was entering fifth grade for the 2007-2008 school year) was deemed to meet the requirements of 105 ILCS 5/27-8.1.

³ 77 Ill.Admin.Code §665.140. If grade levels are not assigned, examinations must be completed within one year prior to the school year in which the child reaches the ages of 5, 11, and 15 (*Id.*).

⁴ 105 ILCS 5/27-8.1; 77 Ill.Admin.Code §665.130 *et seq.*

⁵ 105 ILCS 5/27-8.1; 77 Ill.Admin.Code §665.700 *et seq.*

⁶ Required by 410 ILCS 45/7.1. Physicians are required to screen children over 6 years of age for lead poisoning when, in the physician's judgment, a child is at risk (410 ILCS 45/6.2).

⁷ This sentence restates the requirement in the Communicable Disease Prevention Act regarding cervical cancer prevention (410 ILCS 315/2e). It requires IDPH to adopt emergency rules to the extent necessary to administer its responsibilities under this provision.

⁸ This provision is a matter of local discretion.

present, by October 15, an immunization schedule and a statement of the medical reasons causing the delay. The schedule and statement of medical reasons must be signed by the physician, advanced practice nurse, physician assistant, or local health department responsible for administering the immunizations. ⁹

Eye Examination ¹⁰

Parents/guardians are encouraged to have their children undergo an eye examination whenever health examinations are required. ¹¹

Parents/guardians of students entering kindergarten or an Illinois school for the first time shall present proof before October 15 of the current school year that the student received an eye examination within one year prior to entry of kindergarten or the school. A physician licensed to practice medicine in all of its branches or a licensed optometrist must perform the required eye examination.

If a student fails to present proof by October 15, the school may hold the student's report card until the student presents proof: (1) of a completed eye examination, or (2) that an eye examination will take place within 60 days after October 15. The Superintendent or designee shall ensure that parents/guardians are notified of this eye examination requirement in compliance with the rules of the Department of Public Health. Schools shall not exclude a student from attending school due to failure to obtain an eye examination.

Dental Examination ¹²

All children in kindergarten and the second and sixth grades must present proof of having been examined by a licensed dentist before May 15 of the current school year in accordance with rules adopted by the Illinois Department of Public Health.

If a child in the second or sixth grade fails to present proof by May 15, the school may hold the child's report card until the child presents proof: (1) of a completed dental examination, or (2) that a dental examination will take place within 60 days after May 15. The Superintendent or designee shall ensure that parents/guardians are notified of this dental examination requirement at least 60 days before May 15 of each school year.

Exemptions ¹³

In accordance with rules adopted by the Illinois Department of Public Health, a student will be exempted from this policy's requirements for:

1. Religious or medical grounds if the student's parents/guardians present to the Superintendent a signed statement explaining the objection;

⁹ 105 ILCS 5/27-8.1(5) requires compliance by October 15 unless a district establishes an earlier date with 60 days notice. During a student's exclusion from school for non-compliance with this policy, the student's parents/guardians shall be considered in violation of 105 ILCS 5/26-1 and subject to any penalty imposed by 105 ILCS 5/26-10, as provided in 105 ILCS 5/27-8.1.

¹⁰ Required by 105 ILCS 5/27-8.1(1.10) and (2). The IDPH's rules are published at 77 Ill.Admin.Code §665.610 *et seq.* 77 Ill.Admin.Code §665.150 and 630 prescribe the statewide eye examination report form. It is available at: www.idph.state.il.us/HealthWellness/EyeExamReport.pdf or 77 Ill.Admin.Code §665, Appendix A.

¹¹ While 105 ILCS 5/27-8.1 requires eye examinations for students entering kindergarten or an Illinois school for the first time, it still encourages parent(s)/guardian(s) to have their children undergo eye examinations at the same points in time as their required health examinations. The IDPH must require that individuals conducting vision screenings give a child's parent/guardian a written notification stating:

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

¹² Required by 105 ILCS 5/27-8.1(1.5). The IDPH's rules are published at 77 Ill.Admin.Code §665.410 *et seq.* 77 Ill.Admin.Code §665.150 and 430 prescribe the statewide dental examination report form. It is available at: www.idph.state.il.us/HealthWellness/oralhlth/DentalExamProof.pdf.

¹³ *Id.* and 105 ILCS 5/27-8.1(1.10).

2. Health examination or immunization requirements on medical grounds if a physician provides written verification;
3. Eye examination requirement if the student's parents/guardians show an undue burden or lack of access to a physician licensed to practice medicine in all of its branches who provides eye examinations or a licensed optometrist; or
4. Dental examination requirement if the student's parents/guardians show an undue burden or a lack of access to a dentist.

Homeless Child

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce immunization and health records normally required for enrollment. ¹⁴ School Board policy 6:140, *Education of Homeless Children*, governs the enrollment of homeless children.

LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.
105 ILCS 5/27-8.1.
410 ILCS 45/7.1 and 315/2e.
77 Ill.Admin.Code Part 665.

CROSS REF.: 6:30 (Organization of Instruction), 6:140 (Education of Homeless Children),
6:180 (Extended Instructional Programs), 7:50 (School Admissions and Student
Transfers To and From Non-District Schools)

¹⁴ Required by the McKinney Homeless Assistance Act, 42 U.S.C. §1142(g)(3)(C)(i).
7:100

Students

Student Discipline 1

Prohibited Student Conduct 2

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. ³
2. Using, possessing, distributing, purchasing, or selling alcoholic beverages. ⁴ 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, controlled substance, or cannabis (including marijuana and hashish). ⁵
 - b. Any anabolic steroid unless being administered in accordance with a physician's or licensed practitioner's prescription. ⁶
 - 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. ⁷
 - 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.
 - 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

¹ All districts must have a policy on student discipline, including corporal punishment (105 ILCS 5/10-20.14; 23 Ill.Admin.Code §1.280). Teachers and other certificated employees must maintain discipline (105 ILCS 5/24-24). Given the unique concerns facing school officials, school disciplinary codes are not required to be drafted as narrowly or with the same precisions as criminal statutes. *Bethel School Dist. v. Fraser*, 106 S.Ct. 3159 (1986).

² Boards for elementary districts may customize the items listed as *prohibited student conduct* that clearly will not apply to their students.

³ Federal law prohibits smoking within schools by anyone (Pro-Children Act of 1994, 20 U.S.C. §6081). Districts that fail to comply risk a civil penalty of up to \$1,000 per violation per day. See policy 8:30, *Visitors to and Conduct on School Property*, for more information.

⁴ Alcoholic beverages are defined in 235 ILCS 5/1-3.01 to 3.05.

⁵ Controlled substance is defined in 720 ILCS 570/102; cannabis is defined in 720 ILCS 550/3. Either spelling, "marihuana" or "marijuana," is correct; however, "marijuana" is more common.

⁶ Anabolic steroid is defined in 720 ILCS 570/102.

⁷ 105 ILCS 25/1.5, added by P.A. 96-132, requires IHSA to prohibit a student from participating in an IHSA-sponsored athletic competition unless the student has agreed not to use any performance-enhancing substances on IHSA's current banned drug list and to submit to performance-enhancing substance testing. See policy 7:240, *Conduct Code for Participants in Extracurricular Activities*.

would lead a reasonable person to believe that the student expressly or impliedly represented to be an illegal drug or controlled substance. ⁸

- 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. ⁹

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. ¹⁰
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. 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. ¹¹
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.

⁸ “Look-alike” and counterfeit substances are defined in 720 ILCS 570/102. “Look-alike” drugs should be defined; an unpublished Ill. Court of Appeals decision in 2000 found a board policy prohibiting possession of “look-alikes” to have vagueness problems.

⁹ Drug paraphernalia is defined in 720 ILCS 600/2.

¹⁰ This language is broader than the *Weapons* section of this policy. The *Weapons* section contains the statutorily required punishment for “a student who is determined to have brought” a weapon to school along with the statutory definition of *weapon* (105 ILCS 5/10-22.6, amended by P.A. 96-633). The language in item #4 is broader because it prohibits “using, possessing, controlling, or transferring” a weapon in addition to violating the *Weapons* section.

¹¹ 105 ILCS 5/10-21.10 prohibits student possession of electronic paging devices, but State law leaves to local boards the discretion whether to prohibit student possession of cellular phones (105 ILCS 5/10-20.28). Camera phones are now common and their misuse could seriously invade a student’s privacy. A board wanting a sweeping prohibition may use the following alternative for item 5:

Using or possessing a cellular telephone, electronic signaling device, two-way radio, video recording device, and/or other telecommunication device, unless authorized and approved by the Building Principal.

Operating transmitters designed to jam or block wireless communications violates the federal Communications Act of 1934 (47 U.S.C. §§301, 302a, and 333). Fines for a first offense can range as high as \$11,000 for each violation or imprisonment for up to one year, and the device may also be seized by the U.S. government. 47 U.S.C. §§501-510.

Making a video recording or live video transmission of another person without their consent in a restroom, locker room, or changing room is a felony (720 ILCS 5/26-4, added by P.A. 95-265).

9. Engaging in hazing or any kind of bullying or aggressive behavior that does physical or psychological harm to another or any urging of other students to engage in such conduct. **12** Prohibited conduct includes any use of violence, force, noise, coercion, threats, intimidation, fear, harassment, hazing, or other comparable conduct. **13**
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. **14**
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. **15**
13. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia. **16**
14. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, and hazing.
15. 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. **17**

12 105 ILCS 5/10-20.14 requires boards, in consultation with their parent-teacher advisory committees and other community-based organizations, to include provisions in their student discipline policy to address aggressive behavior, including bullying. Implementing procedures must include a method for informing parents/guardians when their child or ward engaged in aggressive behavior as well as early intervention procedures based upon available community and district resources. See 7:190-E, *Aggressive Behavior Reporting Letter and Form*.

A person commits a felony hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, sexual orientation, disability, or national origin of another person, he or she commits assault or battery (720 ILCS 5/12-7.1). The penalty is heightened when the offense is committed in a school or administrative facility.

13 All districts must have a policy on bullying (105 ILCS 5/27-23.7(d), amended by P.A. 95-349). See policy 7:180, *Preventing Bullying, Intimidation, and Harassment*.

A trial court's order enjoining a student's expulsion for committing aggressive behavior was overturned in Wilson ex rel. Geiger v. Hinsdale Elementary School Dist. 181, 810 N.E.2d 637 (Ill.App.2, 2004). The board expelled an 11-year-old student for bringing 2 CDs to school containing a song entitled, "Gonna Kill Mrs. Cox's Baby." Mrs. Cox was the student's pregnant science teacher. The student was expelled for the remainder of the school year for violating the district's policy prohibiting aggressive behavior. The Court of Appeals reversed the trial court's temporary restraining order (that had stopped the penalty's imposition until after a trial) finding that the student had violated school rules subjecting him to exclusion and that the penalty was not unreasonable, arbitrary, capricious, or oppressive. The district's policy prohibiting aggressive behavior was substantially identical to the PRESS policy.

See also Gendelman v. Glenbrook North High School and Northfield Township School District 225, 2003 WL 21209880 (N.D.Ill., 2003)(student suspensions for hazing were upheld).

14 105 ILCS 5/26-2a, 5/26-9, and 5/26-12. See policy 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*, and 7:70, *Attendance and Truancy*.

15 State law requires schools to suspend or expel any student who engages in this activity (105 ILCS 5/31-3).

16 See Kelly v. Board of Educ. of McHenry Community High School Dist. 156, 2007 WL 114300 (N.D.Ill., 2007)(upheld student's expulsion for drawing gang symbols while at school; testimony that the danger posed by gang signs and the presence of gangs at school supported the board's insistence on strict enforcement of board policy prohibiting gang related behavior and made expulsion a proper remedy). Significantly, the General Assembly recognized in 105 ILCS 5/27-23.7(a), amended by P.A. 95-198, that "[g]iven the higher rates of criminal offending among gang members, as well as the availability of increasingly lethal weapons, the level of criminal activity by gang members has taken on new importance for law enforcement agencies, schools, the community, and prevention efforts."

740 ILCS 147/15 et seq. allows a school district to bring a civil suit against a gang, gang officers, or gang members for losses it suffers due to their criminal activity.

17 A catchall provision, e.g., this one, gives staff members authority to respond to unforeseen situations.

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. **18**

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 physiological 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. **19** 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. **20**

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: **21**

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;

If the board adopts a mandatory uniform policy (see 7:165, *School Uniforms*), add the following item to the list as number 16: “Failing to comply with the mandatory uniform policy, but only after repeated attempts to secure compliance, such as conferences with parents/guardians, have been unsuccessful.”

18 “Possession” should be defined to avoid vagueness problems.

19 See footnote 9.

20 Mandated by 105 ILCS 5/10-20.36, amended by P.A. 95-331.

21 A school’s power over students does not cease when students leave the campus. However, Illinois statutes do not describe when a school may suspend or expel a student. Thus, board policy must provide a jurisdictional statement telling students and staff the circumstances under which the district will take disciplinary action. Rules taking jurisdiction of off-campus misconduct generally survive the test of reasonableness if they are limited to situations having a direct nexus to the school. Jurisdictional rules in board policy should generally be as broad as possible in order to give staff members authority to respond to unforeseen situations. However, a countervailing interest concerns liability for off-campus student injuries, i.e., the greater the jurisdiction a district is willing to impose, the greater the scope of liability it may be assuming. Ultimately, a decision whether to discipline for off-campus misconduct requires a factual inquiry to determine the degree of nexus and impact on the school. There are many decisions on disciplining a student for off-campus misconduct; for examples, see: *Morse v. Frederick*, 127 S.Ct. 2618 (2007) (held school’s compelling interest in stopping student drug abuse allows schools to prohibit student speech that maybe reasonably regarded as promoting illegal drug use); *Boucher v. School District of Greenfield*, 134 F.3d 821 (7th Cir., 1998)(upheld expulsion for off-campus speech – an article explaining how to hack into the school’s computers); *Giles v. Brookville Area School District*, 669 A.2d 1079 (Pa. Commw. 1995)(upheld expulsion for selling marijuana to another student off-campus where negotiations took place on campus); *J.S. v. Bethlehem Area School District*, 807 A.2d 847 (Pa. 2002)(suspension upheld for posting on a private web site derogatory, offensive, and threatening statements directed toward a teacher); *Wisniewski v. Board of Education of Weedsport Cent. School District*, 494 F.3d 34 (2nd Cir. 2007), (upheld suspension for off-campus speech - an instant message icon illustrating a pistol firing a bullet at teacher’s head with words “kill Mr. Vandermolten.”); *Doe v. Pulaski County Special School*, 306 F.3d 616 (8th Cir., 2002) (vacated holding in *Doe v. Pulaski County Special School*, 263 F.3d 833 (8th Cir., 2001), holding that the school board did not violate the student’s First Amendment rights when it expelled him for writing a letter at home referring to killing his girlfriend).

Note that the law is different regarding participants in athletics and extracurricular activities. See policy 7:240, *Conduct Code for Participants in Extracurricular Activities*.

According to the Civil No Contact Order Act, a judge may order a student who has committed non-consensual sexual contact against another student, or who has aided and abetted such an act, to transfer to another school; the parents/guardians are responsible for transportation and other costs associated with the transfer (740 ILCS 22/213, added by P.A. 96-311, eff. 1-1-10). The school district is not a party to a petition for a Civil No Contact order, and will probably not be notified before it is issued. School officials should immediately seek the board attorney’s advice on managing such the order.

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. ²²

Disciplinary Measures ²³

Disciplinary measures may include: ²⁴

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. ²⁵ A suspended student is prohibited from being on school grounds.
5. Suspension of bus riding privileges, provided that appropriate procedures are followed. ²⁶
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. ²⁷ An expelled student is prohibited from being on school grounds. ²⁸
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.

²² Suspending or expelling a student for off-campus misconduct is problematic when the school’s jurisdiction is premised on nothing more than “the student’s presence at school may reasonably be considered to create an interference with school purposes or an educational function.” If possible, other grounds for jurisdiction should be added. The factual context will determine jurisdiction. Even when there is no other jurisdictional ground, if the nature of the conduct is particularly troublesome, a detrimental impact on the school can be inferred. See Doer v. Superintendent of Schools of Stoughton, 767 N.E.2d 1054 (Mass., 2002)(suspension for off-campus commission of a felony was upheld).

²³ Aside from procedural due process protection, students have a constitutional substantive due process right. This right protects them from an abuse of government power which “shocks the conscience.” While the scope of substantive due process is very limited, it is available to students who believe they were subject to arbitrary and excessive discipline. Generally, however, school officials need not fear being found guilty of a substantive due process violation. Federal courts are loath to second-guess school officials.

An example of the judicial reluctance to interfere is Tun v. Whitticker, 398 F.3d 899 (7th Cir., 2005). A student named Brandon brought a substantive due process claim against the school for expelling him without evidence of wrongdoing. Brandon and three others were expelled for allowing nude pictures of themselves to be taken in the school shower. After Brandon appealed using the school’s procedures, the expulsion was rescinded and his record expunged of any reference to the incident. Brandon, however, brought a federal court action alleging that his substantive due process rights were violated. While the Court believed that school officials overacted to boys “just horsing around,” it did not believe the expulsion amounted to a substantive due process violation - it fell short of the required “shocks the conscience” standard.

²⁴ Most school attorneys advise against using a grade reduction as a disciplinary measure. One case upheld the application of such a policy. Knight v. Board of Education, 348 N.E.2d 299 (Ill.App. 4, 1976). Another case, however, found unconstitutional, a grade reduction policy requiring 9-week grades to be reduced 4% for each day of a suspension. Smith v. School City of Hobart, 811 F.Supp. 391 (N.D.Ind., 1993).

²⁵ 105 ILCS 5/10-22.6. The next sentence is optional.

²⁶ Id.

²⁷ 105 ILCS 5/10-22.6. The Indiana Supreme Court upheld a policy to deny semester credit to a student expelled anytime during the semester. South Gibson School Board v. Sollman, 768 N.E.2d 437 (Ind. 2002). An optional provision, such as the following, should first be discussed with the board’s attorney before adoption:

Unless the Building Principal determines otherwise, a student expelled anytime during a semester will be denied credit for the semester regardless of whether the student had completed sufficient course work to earn a passing grade before being expelled.

²⁸ Optional (105 ILCS 5/10-22.6).

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. ²⁹
11. After-school study or Saturday study ³⁰ 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. ³¹ 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 who is subject to suspension or expulsion may be eligible for transfer to an alternative school program. ³²

Corporal punishment shall not be used. 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. ³³

Weapons ³⁴

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. ³⁵

²⁹ State law does not cover in-school suspensions. Generally, an educational program must be included in an in-school suspension; otherwise, it may become a regular suspension with procedural requirements.

³⁰ Teachers may not be required to teach on Saturdays (105 ILCS 5/24-2).

³¹ Optional. See Herndon v. Chapel Hill-Carrboro City Bd., 89 F.3d 174 (C.A. 4, 1996)(upheld policy requiring students to complete community service in order to graduate).

³² 105 ILCS 5/10-22.6.

³³ This paragraph paraphrases 105 ILCS 5/24-24.

³⁴ This section restates 105 ILCS 5/10-22.6, amended by P.A. 96-633. See also the Gun-Free Schools Act, 20 U.S.C. §7151 et seq. This section contains the statutorily required punishment for bringing a weapon to school along with the statutory definition of *weapon* (105 ILCS 5/10-22.6, amended by P.A. 96-633). Item #4 in the **Prohibited Student Conduct** section is broader because it prohibits "using, possessing, controlling, or transferring" a weapon in addition to violating the *Weapons* section.

When preparing for a due process hearing, a principal needs to use the applicable State and federal law definitions of "firearm"— not just The School Code. Analyzing the student's circumstances on a case-by-case basis may avoid a judicial finding that an expulsion is too severe. See Washington v. Smith, 618 N.E.2d 561 (Ill.App., 1993).

³⁵ Optional.

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. **36** 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. **37** "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. **38** Teachers may temporarily remove students from a classroom for disruptive behavior. **39**

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. **40** The Board may suspend a student from riding the bus in excess of 10 school days for safety reasons. **41**

Student Handbook

The Superintendent, with input from the parent-teacher advisory committee, **42** 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.

36 105 ILCS 5/10-27.1A, 5/10-27.1B, and 5/10-21.7. "School grounds" includes the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground. To satisfy the reporting requirement, ISBE created the School Incident Reporting System (SIRS), a web-based application on IWAS for schools to report incidents electronically. Reporting on SIRS does not satisfy the requirement to report incidents to local law enforcement authorities.

37 *Id.* State law imposes this duty to report firearm possession only on school officials; this duty may be also imposed on volunteers and community members. Only staff members, however, are vulnerable to committing a petty offense for their failure to report, and only staff members are protected from civil or criminal liability that might arise as a result of making a report (although the liability potential for anyone making a report is remote).

The building principal must notify the student's parents/guardians only when the alleged offense is firearm possession. The policy expands this notification duty; a board disinclined to do this should substitute the following sentence:

Upon receiving such a report, the Building Principal or designee shall immediately notify the applicable local law enforcement agency, State Police, and, if a student is reportedly in possession of a firearm, also the student's parents/guardians.

38 Required by 105 ILCS 5/24-24 and 23 Ill.Admin.Code §1.280.

39 *Id.*

40 Required by 105 ILCS 5/10-22.6.

41 *Id.*

42 The board must establish and maintain a parent-teacher advisory committee to develop guidelines on student discipline. See policy 2:150, *Committees*. This policy's dissemination requirements are from 105 ILCS 5/10-20.14.

A comprehensive student handbook can provide notice of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board.

A student handbook, including the District disciplinary policies and rules, shall be distributed to the students' parents/guardians within 15 days of the beginning of the school year or a student's enrollment.

LEGAL REF.: Gun-Free Schools Act, 20 U.S.C. §7151 et seq.
Pro-Children Act of 1994, 20 U.S.C. §6081.
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.
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 and/or Dropping Out
of School and Graduation Incentives Program), 7:70 (Attendance and Truancy),
7:130 (Student Rights and Responsibilities), 7:140 (Search and Seizure), 7:150
(Agency and Police Interviews), 7:160 (Student Appearance), 7:170
(Vandalism), 7:180 (Preventing Bullying, Intimidation, and Harassment), 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 and Written or Electronic
Material), 8:30 (Visitors to and Conduct on School Property)

Students

Conduct Code for Participants in Extracurricular Activities ¹

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. ² 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 off school property, and (2) notify participants that failure to abide by it could result in removal from the activity. ³ The conduct code shall be reviewed by the Building Principal periodically at his or her discretion and presented to the Board.

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 12 participating in these programs. ⁴

Extracurricular Drug and Alcohol Testing Program ⁵

The District maintains an extracurricular drug and alcohol testing program in order to foster the health, safety, and welfare of its students. Participation in extracurricular activities is a privilege and participants need to be exemplars. The program promotes healthy and drug-free participation.

Each student and his or her parent(s)/guardian(s) must consent to random drug and alcohol testing in order to participate in any extracurricular activity. Failure to sign the District's "Random Drug and Alcohol Testing Consent" form will result in non-participation.

If a test is "positive," the student will not participate in extracurricular activities until after a "follow-up" test is requested by the Building Principal or designee and the results are reported. The Building Principal or designee will request a "follow-up" test after such an interval of time that the substance previously found would normally be eliminated from the body. If this "follow-up" test is negative, the student will be allowed to resume extracurricular activities. If a "positive" result is obtained from the "follow-up" test, or any later test, the same previous procedure shall be followed.

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

² Optional:

...and the rules adopted by any association in which the School District maintains a membership.

³ In most cases involving a student's removal from an extracurricular activity, courts have ruled that participation in extracurricular programs is a privilege rather than a right. Clements v. Board of Education of Decatur Public School District No. 61, 478 N.E.2d 1209 (Ill.App.4, 1985). The deprivation of a privilege does not trigger the Constitution's due process provision. Consequently, unlike school attendance, students generally have no constitutional right to participate in extracurricular programs. See also Kevin Jordan v. O'Fallon THSD 203, 706 N.E.2d 137 (Ill.App.5, 1999). This case involved a type of "good citizen" rule in which all student-participants in extracurricular activities agreed to abide by the school's ban on alcohol and drug use. Pursuant to this rule, the school suspended a star football player who police had found intoxicated at a convenience store around 3:00 A.M. The suspension was upheld. Nevertheless, participants who violate the conduct code should be allowed to give an explanation before being removed from the activity.

⁴ 105 ILCS 5/27-23.3.

⁵ This program is optional. The U.S. Supreme Court upheld the constitutionality of a student activities drug testing policy that required all middle and high school students to consent to random urinalysis testing for drugs in order to participate in any extracurricular activity. Board of Education of Independent School Dist. No. 92 v. Earls et al., 122 S.Ct. 2559 (2002). This sample policy, as well as the procedures and forms implementing it, are based on the policy approved by the Seventh Circuit in Todd v. Rush County Schools, 133 F.3d 984 (7th Cir., 1998). Alternatively, this program may be limited to extracurricular athletic participants; if so, add the Drug and Alcohol Testing Program to policy 7:300, *Extracurricular Athletics*, and delete it from here.

The Superintendent or designee shall develop procedures to implement this policy. No student shall be expelled or suspended from school as a result of any verified positive test conducted under this program other than when independent reasonable suspicion of drug and/or alcohol usage exists. This program does not affect the District policies, practices, or rights to search or test any student who at the time exhibits cause for reasonable suspicion of drug and/or alcohol use.

Performance Enhancing Drug Testing 6

State law requires the Illinois High School Association (IHSA) to prohibit a student from participating in an athletic competition sponsored or sanctioned by IHSA unless the student has agreed, (a) not to use any performance-enhancing substances on IHSA's current banned drug list, and (b) to submit to random testing for these substances in the student's body if the student is in high school. In addition, the student's parent/guardian must sign a statement for IHSA containing specific acknowledgments including that the student, if in high school, may be subject to random performance-enhancing substance testing and that violating the laws regulating the use of performance-enhancing substances is a crime.

IHSA, with oversight from the Illinois Department of Public Health, administers a performance-enhancing substance testing program under which high school participants in athletic competition sponsored or sanctioned by IHSA are tested at multiple times throughout the athletic season for the presence in their bodies of performance-enhancing substances on the IHSA's banned drug list.

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, 25/1.5.

CROSS REF.: 5:280 (Duties and Qualifications), 6:190 (Extracurricular and Co-Curricular Activities), 7:190 (Student Discipline), 7:300 (Extracurricular Athletics)

⁶ 105 ILCS 25/1.5, added by P.A. 96-132. See IHSA policy #24, *Performance Enhancing Drug Testing Policy* for its requirements, www.ihsa.org/org/policy/2009-10/policies.pdf.
7:240

Students

Extracurricular Athletics ¹

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

1. The student must meet the academic criteria set forth in the School Board policy on school sponsored extracurricular activities. ²
2. The parent(s)/guardian(s) must provide written permission for the student's participation, giving the District full waiver of responsibility of the risks involved.
3. The student must present a certificate of physical fitness issued by a licensed physician, an advanced practice nurse, or a physician assistant who assures that the student's health status allows for active athletic participation. ³
4. The student must show proof of accident insurance coverage either by a policy purchased through the District-approved insurance plan or a parent(s)/guardian(s) written statement that the student is covered under a family insurance plan. ⁴
5. The student and his or her parent(s)/guardian(s) must provide written consent to random drug and alcohol testing pursuant to the Extracurricular Drug and Alcohol Testing Program. ⁵
6. The student and his or her parent(s)/guardian(s) must complete forms required by the Illinois High School Association (IHSA) concerning its performance-enhancing substance testing program, implemented in accordance with State law, before the student may participate in an athletic competition sponsored or sanctioned by IHSA. ⁶

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

² A comprehensive Student Handbook can provide notice to parents and students of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The building principal usually develops the Handbook, subject to review and approval by the superintendent and board.

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

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

³ Students participating in interscholastic athletics must have an annual physical exam (23 Ill.Admin.Code §1.530(b). The Illinois High School Association, by-law 2.140, requires schools to have on file for each student participating in interscholastic athletics a certificate of physical fitness issued by a licensed physician, physician's assistant, or nurse practitioner.

⁴ 105 ILCS 5/22-15 allows districts to purchase insurance on athletes.

⁵ Optional, but must be consistent with policy 7:240, *Conduct Code for Participants in Extracurricular Activities*. The Seventh Circuit upheld the constitutionality of a high school's random drug testing program for students involved in extracurricular activities in Todd v. Rush County Schools, 133 F.3d 984 (7th Cir. 1998).

⁶ 105 ILCS 25/1.5, added by P.A. 96-132. See IHSA policy #24, *Performance Enhancing Drug Testing Policy* for its requirements, www.ihsa.org/org/policy/2009-10/policies.pdf.

The Superintendent or designee shall maintain the necessary records to ensure student compliance with this policy.

LEGAL REF.: 105 ILCS 5/10-20.30, 25/1.5.
23 Ill.Admin.Code §1.530(b).

CROSS REF.: 4:170 (Safety), 6:190 (Extracurricular and Co-Curricular Activities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:330 (Student Use of Buildings - Equal Access), 7:340 (Student Records)

State law requires the Illinois High School Association (IHSA) to: (1) prohibit a student from participating in an athletic competition sponsored or sanctioned by IHSA unless the student has agreed not to use any performance-enhancing substances on IHSA's current banned drug list, and (2) require that the student's parent/guardian, if the student is in high school, sign a statement acknowledging that the student may be subject to performance-enhancing substance testing, that State law regulates the use of such substances, and that a violation of State law is a crime. IHSA, with oversight from the Illinois Department of Public Health, administers a performance-enhancing substance testing program under which high school students participating in athletic competition sponsored or sanctioned by IHSA are tested at multiple times throughout the athletic season for the presence of performance-enhancing substances on the IHSA's most current banned drug list in the students' bodies.

Important student records note: Several State and federal statutes prohibit schools from releasing student information without appropriately issued consents to disclosures; consult the board attorney about these issues.

Community Relations

Relations with Other Organizations and Agencies

The District shall cooperate with other organizations and agencies, including but not limited to:

- County Health Department
- Law enforcement agencies
- Fire authorities
- Planning authorities
- Zoning authorities
- Illinois Emergency Management Agency (IEMA), local organizations for civil defense, and other appropriate disaster relief organizations concerned with civil defense. **1**
- Other school districts

CROSS REF.: 1:20 (District Organization, Operations, and Cooperative Agreements), 4:170 (Safety), 5:90 (Abused and Neglected Child Reporting), 7:150 (Agency and Police Interviews)

1 105 ILCS 5/10-22.35, amended by P.A. 96-57.