



Board of Education Regular Meeting January 14, 2021

VIRTUAL MEETING INFORMATION

Due to the Covid-19 pandemic, District 64 is continuing to conduct Board of Education meetings online through Zoom. You can connect as an attendee through Zoom via a computer, mobile device, or phone, and you will be able to listen and view the meeting. While public attendees will be muted, they have the opportunity to email comments which will be read aloud during the public comments section of the meeting with the name of the submitter. Please write your comments in accordance with [Board Policy 2:230](#), including ensuring a 3-minute time limit when read.

Public comments will be read at the beginning of the meeting for non-agenda items, and during discussion of agenda items. Please email your comments to:

d64-publiccomments@d64board.org

Attendee Options to Connect:

- Please click this [link](#) to join the webinar through a computer or mobile device
Password: 2mpN5Q
- iPhone one-tap: **US: +13126266799,,95682920434#,,,,*067362#**
- Telephone: **US: +1 312 626 6799 (Chicago)**
and dial when prompted –
Meeting ID: 956 8292 0434
Password: 067362

One District 64 administrator will participate in the virtual meeting from a public location and a limited number of the public will be able to attend. For the regular Board meeting on Thursday, January 14, Jefferson School (MPR), 8200 Greendale Ave, Niles, will be the designated meeting location. The main entrance doors to the building will open 15 minutes prior to the start of the regular meeting. There is a strict limit of no more than 10 people gathering in one place in effect for this meeting, and face masks are mandatory. Anyone present at this location will be allowed to participate during the public comments portion of the meeting.

Please note that District 64 is following all meeting guidelines identified by the state.

Notes for online Board of Education meetings through Zoom:

- Attendees will be muted by default when calling or logging in to the Zoom meeting. The meeting will be in “listen only” mode.
- During the Public Comment portions, the Administrative Assistant to the Superintendent will read the emails that have been sent to d64-publiccomments@d64board.org.
- The District will make every effort to post recorded online Board meetings afterwards.

Inspire every child to



Meeting of the Board of Education Park Ridge – Niles School District 64

Regular Board Meeting Agenda
Thursday, January 14, 2021

VIRTUAL MEETING

*Alternate Remote Attendance Location: Jefferson School- MPR
8200 Greendale Ave, Niles, IL 60714*

On some occasions, the order of business may be adjusted as the meeting progresses to accommodate Board members' schedules, the length of sessions, breaks, and other needs.

7:00 p.m. Meeting of the Board Convenes

- Roll Call

Pledge of Allegiance

Opening Remarks from President of the Board

Public Comments

Each speaker is given 3 minutes to address the Board. Comments may be made on almost any matter related to the operation of schools. Each person appearing before the Board will be treated with courtesy and respect, and the Board requests the same in return. In light of the privacy of personnel and student matters, commenters are strongly discouraged from speaking about individual staff or students during public comment. Commenters are instead encouraged to first raise such concerns privately with the Board President or Administration. The Board, however, recognizes each commenter's First Amendment rights; thus, it will not prohibit commenters from speaking about individual staff or students, subject to well-recognized exceptions under the First Amendment, such as obscenity, threats, fighting words, or incitements to violence.

A-1 Approval of Meeting Agenda

--Board President

The Board reserves the right to review the agenda at the beginning of each meeting and request additions, amendments, or deletions prior to approval.

A-2 Student/Staff Recognition

- D64 School Nurses
- D64 Custodians

A-3 COVID-19 Update

--Superintendent

- A-4 Adoption of Resolution #1259 Directs the Chief School Business Official Under the Direct Supervision of the Superintendent to Begin Preparation of a Tentative Budget for the 2021-22 Fiscal Year in Accordance with Board Policy 4:10 *Fiscal and Business Management* and the Illinois School Code 105 ILCS 5/17-1**
 --Chief School Business Official **Action Item 21-01-1**
- A-5 Adoption of Resolution #1260 Authorizing the Award of a Custodial Contract to O.P.E.N. American, Inc. DBA OpenWorks for Substitute Custodians**
 --Chief School Business Official/Assistant Superintendent for Human Resources/
 Director of Facility Management **Action Item 21-01-2**
- A-6 Approve the Awarding of Contract to Lowest Responsible Bidder for Mechanical Units - Carpenter Summer 2021 HVAC Project**
 --Chief School Business Official/
 Director of Facility Management **Action Item 21-01-3**
- A-7 Resolution #1261 Declaring the Intention to Issue \$2,015,000 Working Cash Fund Bonds for the Purpose of Increasing the District's Working Cash Fund & Directing that Notice of Such Intention be Published in the Manner Provided by the Law**
 --Chief School Business Official **Action Item 21-01-4**
- A-8 First Reading of Policies from PRESS Issue 106**
 --Superintendent
- A-9 Discussion of Policy 4:180 *Pandemic Preparedness; Management; and Recovery***
 --Board President
- A-10 Discussion & Approval of Substitute Teachers Pay Increase**
 --Assistant Superintendent for Human Resources **Action Item 21-01-5**
- A-11 Approval of Recommended Personnel Report**
 --Board President **Action Item 21-01-6**
- A-12 Consent Agenda**
 --Board President **Action Item 21-01-7**
- Bills, Payroll, and Benefits
 - Approval of Financial Update for the Period Ending November 30, 2020
 - Resolution #1262 Authorizing and Directing the Permanent Transfer of Money from the Operations & Maintenance Fund to the Debt Service Fund for Debt Certificates
 - Resolution #1263 Authorizing and Directing the Permanent Transfer of Money from the Education Fund to the Debt Service Fund for VOIP and Copier Leases
 - Destruction of Audio Closed Recordings (None)

A-13

Approval of Minutes

--Board President

Action Item 21-01-8

- December 10, 2020 - Closed Meeting
- December 10, 2020 - Regular Meeting

A-14

Other Discussion and Items of Information

--Superintendent

- Upcoming Agenda for February 11, 2021
- FOIA requests (None)
- Memorandum of Information (None)
- Minutes of Board Committees (None)

A-15

New Business

Board Recesses & Adjourns to Closed Meeting

--The appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors, or specific volunteers of the District or legal counsel for the District, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor, or a volunteer of the District or against legal counsel for the District to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act [5 ILCS 120/2(c)(1)].

Board Adjourns from Closed Meeting & Resumes Regular Meeting

Adjournment

Next Meetings:

Thursday, February 4, 2021

Committee-of-the-Whole Meeting - 7:00 p.m. **Virtual**

Alternate Remote Attendance Location: Jefferson School - MPR

8200 Greendale Ave, Niles, IL 60714

Thursday, February 11, 2021

Regular Meeting - 7:00 p.m. **Virtual**

Alternate Remote Attendance Location: Field School - North Gym

707 Wisner Street, Park Ridge, IL 60068

In accordance with the Americans with Disabilities Act (ADA), the Board of Education of Community Consolidated School District 64 Park Ridge-Niles will provide access to public meetings to persons with disabilities who request special accommodations. Any persons requiring special accommodations should contact the Director of Facility Management at (847) 318-4313 to arrange assistance or obtain information on accessibility. It is recommended that you contact the District, 3 business days prior to a school board meeting so we can make every effort to accommodate you or provide for any special needs.

Approval of Meeting Agenda

The Board reserves the right to review the agenda at the beginning of each meeting and request additions, amendments, or deletions prior to approval.

To: Board of Education
From: Eric Olson, Superintendent
Date: January 14, 2021
Re: Student/Staff Recognition: Nursing and Custodial staff

Keeping school facilities clean and monitoring and ensuring the health of students has never been more important than during the COVID-19 pandemic. Staff from both departments serve on the front-line against this dangerous virus while District 64 works to maintain in-person learning while keeping its students and staff healthy and safe.

Nursing:

The COVID-19 pandemic directly impacts the nurses' primary role - to keep students and staff healthy and safe. But unlike outbreaks of the seasonal flu, lice or even the H1N1 pandemic of 2010, the COVID-19 pandemic resulted in major changes for how our nurses perform their duties.

Working in reconfigured health offices, nurses wear personal protective equipment at school. They have to be extra vigilant; they are challenged with making a differentiation between sniffles due to allergies and symptoms of the COVID virus. They changed procedures to handle patients with symptoms and have taken protective measures for others who may be asymptomatic virus carriers. Nurses not only take care of their patients, they keep count of those who are ill and report those numbers. They patiently answer questions of staff, parents and students while helping keep people calm and dealing with issues in a factual way. It is our nurses who regularly step forward to assess, help and guide those who may carry the virus. And it is our nurses who continue to perform these tasks admirably under trying circumstances.

Custodial:

Like other departments within District 64, the responsibilities of our custodians changed greatly during the COVID-19 pandemic. But if not for the extra efforts of our custodians, the work of so many others to open the schools to students would have gone for naught.

The constantly changing needs of the schools over the last 10 months has directly added to the list of custodians' job responsibilities. They have continued their standard cleaning duties while adding deep-cleaning measures. These include wiping down high-touch surfaces, shields and chairs and finishing by spraying rooms with electrostatic guns.

And while the department has had custodians out for vacation time or several cases where they were out sick or in quarantine, members of the crew have remained flexible and supportive of

each other. We owe them our thanks for their positive attitude and willingness to create a safe environment that will allow us to bring students back into the classrooms where they belong.

Please join us in thanking our nurses and custodians for their perseverance, dedication and skills that are proving especially vital during the pandemic. The Nursing Department is led by Margaret Temari, Facilitator, School Health Services, while the custodians are under the supervision of Jason Borst, Interim Director of Facility Management.

Building Nurses:

Carpenter: Laura Daehler

Field: Sheri Lavelle

Franklin: Queta Karstens

Jefferson: Paula Coleman

Roosevelt: Patty Lubash, Julie Rudd

Washington: Denise Tully

Emerson: Amy Goss

Lincoln: Theresa Zumba

Custodians:

Carpenter: Head Custodian Vince Evola, Michael Biondo, Randy Smith, and Jacek Jaskolski.

Field: Head Custodian John Imber, Jose Estrada, Anthony Ackerman, and Brian Cash.

Franklin: Head Custodian John Branch, Tim Kearns, Joseph Azzi, and Rico Perez.

Jefferson: Head Custodian Steve Kriho, Matthew Csongradi, and Brian Mowinski

Roosevelt: Head Custodian Javier Valentine, David Mabrito, Karl Cash, and Juan Ibarra.

Washington: Head Custodian Frank Borkowski, Luis Rubio, Chris Csongradi, Tom Russell, and Jose Chavez.

Emerson: Head Custodian Jeff Calloway, Deo Valentin, Brandon Kirincich, Dave Franz, Alexander Diaz, and Ken Bidne.

Lincoln: Dieter Prim, John Pelikan, John Samp, Louie Charles Merck, Everardo Cardenas, and Mark Maksymowicz.

Floater: Randy Lubash, Jamal Scott, Justin Wacker, and Chris Ibarra.

COVID-19 Update

District Superintendent Dr. Eric Olson will update the Board on current metrics and plans for return to school in-person.

07/09/20

To: Board of Education
Dr. Eric Olson, Superintendent
From: Luann Kolstad, Chief School Business Official
Date: January 14, 2021
Re: Adoption of Resolution #1259 Directs the Chief School Business Official Under the Direct Supervision of the Superintendent to Begin Preparation of the Tentative Budget for 2021-22 Fiscal Year

Every January, the administration requests authority to begin preparation of the next fiscal year's budget. The budget project takes many months and input from a wide range of individuals both internally as well as outside the District with vendors that the District contracts with for the following fiscal year. Some examples include curriculum adoptions, transportation, food service, etc.

Inside District 64, the business office works with curriculum specialists, department heads, principals and central office administrators to develop a budget that addresses the education of our students and advances the areas of focus within the Strategic Plan while maintaining a fiscally conservative budget.

ACTION ITEM 21-01-1

I move that the Board of Education of Community Consolidated School District 64, Park Ridge – Niles, Illinois, adopt Resolution #1259, directing the Chief School Business Official Under the Direct Supervision of the Superintendent to Begin Preparation of a Tentative Budget for the 2021-22 Fiscal Year in Accordance with Board Policy 4:10 *Fiscal and Business Management* and the *Illinois School Code* 105 ILCS 5/17-1.

The votes were cast as follows:

Moved by _____ Seconded by _____

AYES:

NAYS:

PRESENT:

ABSENT:

ADOPTION OF RESOLUTION #1259 DIRECTS THE CHIEF SCHOOL BUSINESS OFFICIAL UNDER THE DIRECT SUPERVISION OF THE SUPERINTENDENT TO BEGIN PREPARATION OF THE TENTATIVE BUDGET FOR 2021-22 FISCAL YEAR

The Board of Education authorizes and directs the Chief School Business Official under the direct supervision of the Superintendent, or his designee, to prepare a Tentative Budget for the 2021-22 fiscal year to be presented to the Board of Education on or before June 24, 2021.

Richard Biagi
President
Board of Education
COMMUNITY CONSOLIDATED
SCHOOL DISTRICT 64
Cook County, Illinois

Carolina Y. Sales
Board Secretary

Adopted this 14th day of January 2021

#1259

To: Board of Education
Dr. Eric Olson Superintendent
From: Dr. Joel T. Martin, Assistant Superintendent for Human Resources
Jason Borst, Director of Facility Management
Luann Kolstad, Chief School Business Official
Date: January 14, 2021
Re: Adoption of Resolution 1260 Authorizing the Award of a Custodial Contract
to O.P.E.N. American, Inc. DBA OpenWorks for Substitute Custodians

Administration is presenting to the Board tonight a contract with OpenWorks for substitute custodial staff. Due to the COVID-19 virus and the need to do additional cleaning and specialized cleaning during the school day, the District is experiencing a shortage in custodians. The substitute custodians would be utilized for second shift work in the District when the majority of cleaning of the building takes place. This contract (attachment 1) has been reviewed and the amendment (attachment 2) to the contract developed by James Levi, Hodges & Loizzi.

The acceptance of this contract also includes approval of a formal resolution (attachment 3). The resolution exempts the OpenWorks contract from bidding due to an emergency; this resolution must be passed by 3/4ths of the entire Board to be effective (6 affirmative votes). Additionally, because the Board currently employs custodians, the Board's ability to hire additional custodians is limited by the Third-Party Instructional Services Statute of the *School Code* (105 ILCS 5/10-22.34c). This statute also has an emergency provision that allows the Board to contract with third parties in an emergency situation; however, the term of the contract cannot exceed three months. Thus, the term in the attached Agreement with OpenWorks is three months from the Effective Date, which is the date that will be entered into the preamble of the Agreement.

Important information:

- Criminal background checks are completed on all custodians
- Physical fitness certifications are required for all custodians
- Substitute on-boarding and training is provided by the companies

ACTION ITEM 21-01-2

I move that the Board of Education of Community Consolidated School District 64, Park Ridge – Niles, Illinois, approve the Resolution Authorizing the Award of a Custodial Contract to OpenWorks. The votes were cast as follows:

Moved by _____ Seconded by _____

AYES:

NAYS:

PRESENT:

ABSENT:



Master Services and Supply Agreement

THIS MASTER SERVICES AND SUPPLY AGREEMENT (the “Agreement”) is entered into this _____ day of _____, 20__ (“Effective Date”) by and between O.P.E.N. America, Inc., an Arizona corporation whose principal place of business is 2355 E. Camelback Road, Suite 600, Phoenix, Arizona 85016, doing business as OpenWorks (“OpenWorks”) and _____ (“Client”), a _____ [please enter type of entity and state] whose principal place of business is _____. This Agreement is intended to set forth the terms and conditions upon which OpenWorks may manage for Client: (a) facility services and additional premises-related maintenance services (the “Facility Services”); (b) Facility Services supplies; (c) Facility Services-related equipment; and (d) other services, products or merchandise, all as set forth on various service and/or supply order forms which may be created from time-to-time (each a “Service/Supply Order”). In the event of a conflict between the terms, conditions and provisions of this Agreement and a Service/Supply Order, the terms of the Service/Supply Order shall prevail. OpenWorks and Client may be referred to in this Agreement individually each as a “Party” or collectively as the “Parties”. This Agreement shall continue in full force and effect until terminated or superseded by mutual written agreement of the Parties.

I. Facility Services

A. Facility/Maintenance Services

1. Location-Specific Terms: OpenWorks shall manage on-going and/or one-time Facility Services at one or more of Client’s locations, with the particular location(s)’ frequency, pricing/charges, scheduled start date, initial term and other location-specific terms, conditions and provisions set forth in one or more Service/Supply Orders created and executed from time-to-time between the Parties. Unless otherwise set forth on the Service/Supply Order(s), Facility Services shall be generally performed outside of Client’s normal business hours, but not on New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day (“Holidays”).
2. Fees: The charges for on-going Facility Services (“Monthly Service Charge”) and/or one-time Facility Services (“One-Time Service Charge”) shall be set forth on the applicable Service/Supply Order(s) (collectively, “Fees”). As Holidays are taken into account in determining the Fees, Client shall not be entitled to any “credit” for Holidays on which Facility Services are not rendered. Should Client require special facility service on one or



more of the Holidays or at a day or time outside of the normal schedule, arrangements may be made for an additional fee. All applicable taxes and surcharges are in addition to the quoted Fees. Notwithstanding any other provision(s) to the contrary, whether in this Agreement or on the Services/Supply Order(s) or otherwise, OpenWorks may, upon thirty (30) days' notice to Client, increase the Monthly Service Charges if any state, county, municipal or other local governmental authority mandates an increase in the minimum wage where such new standard(s) are applicable to persons rendering services under or in connection with this Agreement.

3. **OpenWorks to Designate Service Provider:** OpenWorks shall have the sole and exclusive right to designate the service provider(s) ("Service Provider(s)") to perform the Facility Services, which may be an independent OpenWorks franchisee and/or other independent third-party provider under contract with OpenWorks. OpenWorks shall not itself perform the Facility Services but shall only arrange for the Facility Services in accordance with this Agreement and the associated Service/Supply Order. All person(s) or entities rendering Facility Services shall be bonded and insured and, unless otherwise provided, shall be required to perform in accordance with the terms and provisions of this Agreement and any associated Service/Supply Order. The assigned Service Provider is not an employee of OpenWorks. Should a Service Provider request to no longer service an account, OpenWorks shall ensure a replacement Service Provider is assigned.
4. **Equipment and Supplies Incident to Facility Services:** Save and except consumable supplies such as toilet paper, towels, hand soap, toiletries, trash liners and the like, the Fees shall include all customary equipment and supplies reasonably necessary for the Facility Services. As provided in Section II of this Agreement, Client may order from OpenWorks supplies and other products in accordance with OpenWorks' then-current pricing schedule.
5. **Adjustments to Monthly Fees:** From time-to-time, as the Parties may agree, Client's Monthly Service Charge for regular Facility Services at one or more locations may be increased or decreased to reflect an increase or decrease in the area of space receiving service and the kind, amount, or frequency of service to be rendered. Such modifications shall be binding only if in writing and signed by Client and OpenWorks.
6. **Invoices:** OpenWorks will submit invoices to Client for Client's Monthly Service Charges for regular Facility Services on or about the first day of each month and each invoice shall cover all Facility Services to be performed by OpenWorks during the current month. OpenWorks will submit an invoice to Client for full payment of each One-Time Service ("One-Time Service Charges") at the time of execution of the applicable Service/Supply



Order. Client understands and agrees that no work shall be completed for such One-Time Services until full payment for such One-Time Services is received by OpenWorks. Client understands and agrees that each invoice is due upon receipt by Client. Any invoice balance that remains past-due 45 days following the due date will accrue interest at a rate of 1.5% per month or the highest rate allowed under applicable law, whichever is lesser.

B. Term and Renewal

1. Term: Unless the initial term is otherwise specified in the Service/Supply Order(s), the initial term for each location where ongoing Facility Services shall be rendered shall be for a period of ninety (90) days ("Initial Term").
2. Renewal: The term for each location where ongoing Facility Services shall be rendered (each a "Service Location") shall be automatically renewed for one additional ninety (90) day period ("Renewal Term") upon expiration of the Initial Term, unless either party provides written notice of non-renewal to the other party at least thirty (30) days prior to the expiration of the initial term. Unless otherwise stated herein or agreed in writing between OpenWorks and Client, the terms and conditions of this Agreement and associated Service/Supply Order(s) shall apply to the Renewal Term.

C. Termination of Services at Particular Service Location

1. Early Termination for Convenience: Facility Services provided at any particular Service Location may be terminated by either party upon at least thirty (30) days' prior written notice to the other party. Termination of Facility Services at one Service Location shall not affect any other Service Location.
2. Suspension of Service Due to Non-Payment: In the event Client fails to timely and fully pay for Facility Services, One-Time Services, supplies and/or other fees/billings as provided under this Agreement, OpenWorks may immediately suspend any further service until such a default is cured, or, at its sole discretion, may terminate this Agreement.
3. Additional Termination Rights: OpenWorks shall have the right to immediately terminate this Agreement and any Service/Supply Order(s) executed in connection with this Agreement in the event that: (a) Client becomes the subject of a case under the Federal Bankruptcy Code or similar state or federal insolvency laws; (b) if any creditor of Client commences an action to enforce or foreclose upon a lien or security interest in property of Client (c) if a receiver is appointed with respect to any property of Client; (d) Client



breaches this Agreement, including without limitation failing to adhere to the terms of this Agreement or any associated Statement of Work, (e) Client engages in inappropriate or unlawful conduct, or (f) OpenWorks determines, in its sole discretion, that it is unable to designate or continuously provide service provider(s) to perform the Facility Services that meet OpenWorks' quality standards on an economically feasible basis.

II. Sale of Products or Merchandise

1. Sale of Products, Supplies or Merchandise: Client may purchase from OpenWorks such supplies, products or merchandise which OpenWorks may offer for sale from time-to-time. The price of such items shall be set forth in the Service/Supply Order(s) as may be created from time-to-time. The price for these items shall be set forth in the Service/Supply Order(s). Client shall be responsible for any applicable taxes, surcharges and delivery fees/costs. All sales are final and non-refundable once the order is placed.
2. Terms: Unless otherwise provided in the Service/Supply Order, all sales are due and payable within 30 days of order or delivery, whichever is earlier.
3. Charges and Invoices: OpenWorks will submit an invoice to Client for full payment of each Client order of supplies, products or merchandise ("Supply Charges") at the time of execution of the applicable Service/Supply Order. Client understands and agrees that supplies, products or merchandise shall not be delivered to Client until full payment for such One-Time Services is received by OpenWorks.

III. GENERAL TERMS

1. Communication: OpenWorks shall not be deemed to have notice of any fact or defect unless Client communicates such fact or defect directly to OpenWorks.
2. No Hazardous Conditions: Client represents and warrants that each of the Service Locations subject to this Agreement shall be free of asbestos, hazardous materials, and hazardous waste materials, and that the premises do not pose any unusual or hidden risks or hazards. Client agrees to indemnify and hold OpenWorks and its Service Provider(s), franchisees, contractors, affiliates, officers, directors, employees and agents harmless from any and all liability associated with any exposure to such hazardous materials or damages resulting from any hazardous or harmful conditions.



3. Notices: All notices contemplated hereunder shall be either hand-delivered or dispatched via the United States Mail, certified, postage pre-paid, at OpenWorks' address referred to above and to the Client at its address first set forth above. Invoices and routine correspondence shall not be deemed "notices" for the purposes of this Agreement. OpenWorks may change its address for purposes of this Agreement by written notice to the Client.
4. Restrictions Upon Hiring Personnel: Client covenants and agrees that, during the term of this Agreement and associated Service/Supply Order(s) (including any Renewal Terms) and for one (1) year after this Agreement and/or any associated Service/Supply Order expires or terminates, Client shall not, directly or indirectly, hire or employ or contract with OpenWorks' employees, Service Provider(s), agents, representatives, or franchisees (including any employees of an OpenWorks' franchisee) to render, provide, supply, and/or manage any facilities or maintenance services for or on behalf of Client, including any related companies or divisions. In addition, Client agrees it shall not aid, assist or facilitate the hiring, contracting and employing such persons by any third-party.
5. Limitation of Liability: The Client agrees OpenWorks' and its franchisees', agents', employees' and third- party service providers/vendors' total liability and responsibility for loss, damage and/or injury arising out of or in connection with the services provided and/or the products, merchandise and/or materials sold, provided or supplied under this Agreement, whether arising under contract, statute, law, rule, regulation, common law or equity (collectively the "Claims"), shall not exceed OpenWorks' total insurance coverage then actually available for payment of the Claims. Without limiting the generality of the foregoing, Client agrees and acknowledges its sole and total remedy and recourse arising shall be limited to OpenWorks' then available insurance to cover and pay Claims. OpenWorks shall, upon written request, provide a copy of OpenWorks' certificate of insurance and/or any amendments and/or superseding certificates of insurance from time-to-time. At no time and under no circumstances shall OpenWorks' or its franchisees, officers, directors, employees, affiliates, agents or third-party service providers/vendors be liable for any exemplary, incidental or consequential damages arising out of or in connection with any defect, flaw or imperfection in any product or merchandise sold or supplied hereunder and/or arising out of or in connection with any act or omission in performing any services provided hereunder and/or this Agreement and/or Supplies provided pursuant to this Agreement.
6. Warranty Limitations and Exclusions: With respect to any products, merchandise or other items provided, sold or supplied hereunder, OpenWorks hereby disclaims any warranties, express or implied, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY AND/OR



IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE. All warranties, if any exist, are those supplied by the manufacturer of the products, merchandise or other items provided sold, provided or supplied hereunder.

7. Claims Limitation: Any suit or other legal proceedings by Client against OpenWorks arising under or in connection with this Agreement, whether known or unknown, shall be filed not later than one (1) year after the cause of action accrues and not later.
8. Integration: This Agreement and associated Service/Supply Order(s) represents the entire agreement of the Parties with respect to the subject matter hereof, and all agreements with respect to the subject matter hereof entered into prior hereto are revoked and superseded by this Agreement, and no representations, warranties, inducements, or oral agreements have been made by any of the Parties except as expressly set forth herein or in the associated Service/Supply Order. This Agreement and any associated Service/Supply Order may not be changed, modified, or rescinded except in writing, signed by Client and OpenWorks and any attempt at oral modification of this Agreement and associated Service/Supply Order shall be void and of no effect. Unless otherwise specifically agreed to by the Parties in writing, the terms of any modification shall only apply on and after the date the writing memorializing a modification was fully executed and be effective only as to such matters specifically set forth therein.
9. Final Payment: Client shall pay for all unpaid service, materials, or supplies not later than thirty (30) days following issuance of an invoice or expiration or termination of Facility Services at any particular Service Location, whichever is sooner.
10. Costs of Collection; Attorney's Fees: In the event OpenWorks refers this matter to an attorney or collection agency for collection of any sums owed by Client to OpenWorks hereunder, Client shall, in addition to amounts owing hereunder, pay any attorney's fees, court costs, collection agency fees, and any other sums incurred for collection. In any action between OpenWorks and Client arising from or relating to this Agreement, the prevailing Party shall be entitled to recover from the losing or defaulting Party its reasonable attorney fees, expert witness fees, and any other costs incurred in connection with the action.
11. Invalid Provisions: To the fullest extent possible, each provision of this Agreement and associated Service/Supply Order(s) shall be interpreted in such fashion as to be effective and valid under applicable law. If any provision of this Agreement is declared void or unenforceable with respect to circumstances, such provision shall remain in full force and effect in all other circumstances. If any provision of this Agreement and/or associated



Service/Supply Order(s) is declared void or unenforceable, such provision shall be deemed severed from this Agreement or applicable Service/Supply Order(s), which shall otherwise remain in full force and effect.

12. Force Majeure: OpenWorks shall not be liable for any delays or damages caused by events beyond its reasonable control.
13. Indemnification: Client shall defend, indemnify, release and hold harmless OpenWorks, its affiliates and its or their directors, officers, employees, agents, representatives, successors and assigns (collectively, the "Indemnified Parties") from and against any and all demands, claims, suits, causes of action, damages, losses, liabilities, judgments, awards, amounts paid in settlement or judgments, costs, and expenses of any nature whatsoever (including without limitation reasonable attorneys' fees and court costs) (collectively "Claims") which may arise in any way out of (a) injury to or death of any of Client, its employees, representatives, agents and/or invitees (collectively, the "Client Group"), or (b) damage to the property of any of the Client Group, except to the extent arising from any of the Indemnified Parties' or any of their franchisee's or other sub-contractor's gross negligence, recklessness or willful acts or omissions and regardless of whether such Claims arise in contract, warranty, tort, or otherwise. Client shall further defend, indemnify, release and hold harmless the Indemnified Parties from and against any and all Claims, to the extent such Claims arise in any way out of the Client Group's violation of any applicable law.
14. Choice of Law, Forum and Waiver of Jury Trial: Arizona law shall govern the interpretation and enforcement of this Agreement and associated Service/Supply Order(s), without giving effect to any "choice of law" provisions or principles. In addition, OpenWorks and Client agree that all claims, disputes and controversies arising out of or in connection with this Agreement shall be filed, heard and considered in the Maricopa County, Arizona Superior Court or in the United States District Court, District of Arizona. Client and OpenWorks hereby irrevocably consent to the jurisdiction of these Courts and agree that such Courts shall be the sole forum to resolve any disputes, claims and controversies arising out of or in connection with this Agreement. In addition, the Parties hereby waive any rights to seek or demand that any claim or issue be heard or considered by a jury.
15. Heirs and Assigns: This Agreement and associated Service/Supply Order(s) shall be binding upon and inure to the benefit of the Parties hereto, and their respective successors in interest, but in no event shall any Party be relieved of its obligations hereunder without the express written consent of the other Party except as expressly provided herein. Notwithstanding the foregoing, OpenWorks may without consent assign this Agreement to its affiliate or as part of a merger or sale of substantially all its assets.



16. Waiver: No waiver of any right or obligation hereunder shall be effective unless evidenced in a writing signed by the waiving Party. The waiver by any Party of any right granted to such Party shall not be deemed to be a waiver of any other right granted hereunder, and the same shall not be deemed to be a waiver of a subsequent right obtained by reason of the continuation of any matter previously waived. Notwithstanding the foregoing, in the event of any alleged defect in product or service, should Client fail to provide proper and timely notice to OpenWorks pursuant to Section I(C)(1) of this Agreement, the claim(s) is/are deemed waived.

17. Counterparts; Electronic Signature: This Agreement may be executed in multiple counterparts, each of which shall be deemed an original agreement and both of which shall together constitute one and the same Agreement. The counterparts of this Agreement may be executed and delivered by facsimile or other verifiable electronic signature (including without limitation .pdf format) by either of the parties and the receiving party may rely on the receipt of such document so executed and delivered electronically or by facsimile as if the original had been received.

In WITNESS WHEREOF, the Parties have entered into this Agreement as of the Effective Date:

ON BEHALF OF CLIENT:

Client (Company) Name: _____
Representative Signature: _____ Date: _____
Representative Name (Print): _____
Representative Title: _____

ON BEHALF OF O.P.E.N. AMERICA, INC. DBA OPENWORKS:

OpenWorks' Rep. Signature: _____ Date: _____
OpenWorks' Rep. Name (Print): _____
OpenWorks' Rep. Title: _____

IMPORTANT: QUOTED SERVICE FEES DO NOT INCLUDE APPLICABLE SALES TAXES, WHICH SHALL BE ADDED TO TOTAL FEES

**AMENDMENT TO
MASTER SERVICES AND SUPPLY AGREEMENT
BY AND BETWEEN
COMMUNITY CONSOLIDATED SCHOOL DISTRICT NO. 64
AND
O.P.E.N. AMERICA, INC. D/B/A OPENWORKS**

This Amendment (“**Amendment**”) is entered into by and between the Board of Education of Community Consolidated School District No. 64 (“**Client**”) and O.P.E.N. America, Inc. D/B/A OpenWorks (“**OpenWorks**”) on this _____ day of January, 2021 (“**Effective Date**”), and amends the Master Services and Supply Agreement (“**Agreement**”), entered into by Client and OpenWorks. Client and OpenWorks are collectively referred to as the “**Parties**”.

1. Effect of Amendment. The terms and conditions contained herein shall supersede and control over those contained in the Agreement and any Service/Supply Order. Should there be any conflict between this Amendment and any other agreed upon language between the Parties, this Amendment shall control. Capitalized terms in this Amendment shall have the same meaning as those in the Agreement unless otherwise specified herein.

2. Services. Paragraph I.A.1 of the Agreement is stricken and replaced with the following: “OpenWorks shall provide trained custodial staff (“**Staff**”) to Client on the dates, times and at the locations (each a “**Service Location**”) requested by Client to perform one or more of the following custodial services (collectively, the “**Services**” and individually “**Service**”): (i) cleaning all floors and rooms, including, but not limited to, dust mopping, damp mopping, sweeping, vacuuming, dusting, emptying trash and replacing liners, spot cleaning glass and windows; (ii) cleaning restrooms, including, but not limited to, restocking dispensers, emptying trash and replacing liners, cleaning and sanitizing fixtures, cleaning mirrors, spot cleaning partition doors and walls, sweeping and mopping tile floors, and cleaning toilets and urinals; (iii) setting up, stocking and maintaining cleaning equipment and supplies; (iv) monitoring and maintaining sanitization and origination of the Service Locations; (v) assisting other Staff members when needed to ensure optimum cleanliness of the Service Locations; (vi) cleaning and sanitizing all surfaces (e.g. tables, hard-backed chairs, doorknobs, light switches, desks, toilets and sinks) with disinfectant that meets, or exceeds if required by applicable law, the minimum standards established by the United States Environmental Protection Agency for use against SARS-CoV-2; (vii) the ability to lift items weighing forty (40) pounds or more, using proper lifting techniques and (viii) performing such other custodial functions as requested by Client. All Staff providing Services under this Agreement shall meet the following minimum requirements: (i) experience in basic cleaning and disinfecting of institutional buildings, including knowledge of disinfecting surfaces from SARS-CoV-2; (ii) experience in the use of standard cleaning equipment, including, but not limited to, floor scrubbers, carpet extractors and vacuums; and (iii) experience and training in the use of custodial equipment and cleaning products. Client shall have no obligation to provide any training to the Staff; OpenWorks shall ensure that its Staff is properly trained in the proper and safe use of custodial equipment and cleaning chemicals. For clarification purposes, the Services set forth above are a collective description of all services that Client needs to be performed; however, each Staff member provided by OpenWorks need not be able to perform each and every Service detailed above. Rather, OpenWorks will provide a Staff member or members to Client to perform the requested Service(s).

The Parties agree that the Services provided shall be staffing services only and no management or other services are being provided by OpenWorks. No Services shall be provided under this Agreement except with prior written approval of the Client, and at the dates, Service Locations and times approved by Client. OpenWorks shall endeavor to provide Client with the same Staff that has previously provided Services hereunder unless Client specifically requests that a Staff member not return. Client shall pay OpenWorks

at the hourly rates set forth for the Services provided by Staff on the mutually agreed upon and executed Service/Supply Order; the rates on the Service/Supply Order shall be for labor only and shall not include any other costs, fees or expenses (e.g. equipment and supplies fees). Client shall not pay the Staff directly for any Services provided. OpenWorks shall submit invoices for Services rendered to Client. Payments by Client shall be made on a monthly basis and in accordance with the *Illinois Local Government Prompt Payment Act* (“**Prompt Payment Act**”). Interest may be charged on late payments only in accordance with the Prompt Payment Act, and no additional interest or penalties will be charged.” Further, Paragraphs I.A.4, I.A.6, II.2 and III.9 of the Agreement are stricken.

3. **Uniforms.** Client shall either provide Staff with custodial uniforms that must be worn at all times while providing the Services hereunder, or, alternatively, and at Client’s option, Staff shall wear such clothing as directed by Client while providing Services hereunder.

4. **Term.** Paragraphs I.B.1 and I.B.2 of the Agreement are hereby stricken. The term of this Agreement shall commence on the Effective Date and shall terminate three months from said date.

5. **No Hazardous Conditions.** Paragraph III.2 of the Agreement is hereby stricken and replaced with the following: “Client represents and warrants that each of the Service Locations subject to this Agreement, to the best of its knowledge, do not contain any asbestos, hazardous materials and hazardous waste materials that are required to be mitigated by applicable law.”

6. **Pension Reportability.** It is the understanding of the Parties that the individuals performing Services under this Agreement are not eligible to participate in the Illinois Municipal Retirement Fund (“**IMRF**”) or any other pension system. However, upon notification by the Client that the Client has been notified by a pension system or has otherwise made a determination that an individual performing Services is covered by IMRF (or another state pension system for which contributions are required), OpenWorks and Client shall negotiate any changes to fees to address financial responsibility for employer contributions to such pensions system. OpenWorks shall cooperate with the Client in obtaining completion of necessary forms related to pension enrollment and remittances. The Client shall not be liable to OpenWorks or any individual providing services for any determination regarding eligibility for participation in any pension system or for the accuracy of calculation or remittance of contributions amounts to the pension system on behalf of such individuals or OpenWorks.

7. **Criminal Background Checks.** OpenWorks shall ensure that all individuals performing Services under the Agreement, prior to performing such Services, submit to a criminal background investigation in accordance with 105 ILCS 5/10-21.9, as well as all other required background investigations, tests and screenings. Unless directed otherwise by the Client, all criminal background investigations shall be performed by the Client or Client’s agent, at OpenWorks’s expense.

8. **Physical Fitness Certification.** In accordance with 105 ILCS 5/24-5, all individuals performing Services who are subject to the background check requirements in Paragraph 7 also shall submit to a physical examination by a physician licensed in Illinois or any other state to practice medicine and surgery in all its branches, and shall, upon request, provide Client with evidence of physical fitness to perform duties assigned and freedom from communicable disease. OpenWorks represents and warrants to the Client that all individuals providing Services to Client have successfully passed such physical exams.

9. **Expenses.** Client shall not be responsible for any expenses incurred by OpenWorks or those individuals providing any Services under the Agreement, unless specifically agreed to in writing by Client.

10. **Independent Contractor.** No relationship of employer and employee is created by this Agreement between OpenWorks (or the individuals performing Services through OpenWorks) and the Client, it being

understood that OpenWorks and such individuals will provide Services as an independent contractor. OpenWorks, through its individuals providing Services, shall have the responsibility to comply with all applicable laws and standards of care in the provision of Services.

The provision of Services by OpenWorks under this Agreement shall not constitute probationary service or otherwise contribute toward tenure with Client under the Illinois *School Code*. OpenWorks and individuals performing Services hereunder shall have no claim under this Agreement or otherwise against Client for vacation pay, sick leave, retirement benefits, workers' compensation, disability or unemployment insurance benefits, or any other wages or benefits of any kind. OpenWorks acknowledges that it is solely responsible for any taxes, including, but not limited to, self-employment tax and federal and state income tax that it must pay in connection with this Agreement, and is further responsible for providing all compensation and benefits (including, but not limited to, sick leave) and making all required tax withholdings and filings with respect to the individuals performing Services. Client will pay OpenWorks only for hours actually worked.

11. Records. Client is subject to the Illinois *Freedom of Information Act* and may disclose any records related to this Agreement, including this Agreement, when it determines in its discretion that such disclosure is required by law. Any provisions of the Agreement purporting to impose confidentiality of the terms of the Agreement, OpenWorks records or information contrary to these obligations as interpreted by Client are void.

12. Termination. Notwithstanding any notice period for termination of the Agreement, Client may remove and request replacement of any individual performing Services under the Agreement immediately, at any time, if Client determines the continued presence of such individual is not in the best interest of Client or its students. Client shall provide an explanation for the removal, but shall not be required to cite specific policies or laws that have been violated. If an individual performing Services is removed by Client, OpenWorks shall not reassign such individual to Client. Upon termination of the Agreement by either party, Client shall owe OpenWorks only for Services actually performed. No penalty or other additional payments shall apply.

13. Return of Property. Upon termination of the Agreement, OpenWorks and any individual performing Services hereunder will promptly return to Client all uniforms, materials, and documents provided by Client.

14. Claim Limitation and Limitation of Liability. Paragraphs III.5 and III. 7 are stricken from the Agreement.

15. Indemnification. Paragraph III.13 of the Agreement is hereby stricken and replaced with the following: "OpenWorks will indemnify, defend, and hold harmless the Board of Education of Community Consolidated School District No. 64, its individual Board members, employees, agents, representatives, insurers, successors, and assigns ("**Indemnitees**") from and against any and all claims, demands, liabilities, charges, complaints, causes of action, fines and penalties (including, but not limited to, attorney's fees) arising from, related to, or connected in any way with any negligent act or omission of OpenWorks (or any individual performing Services through OpenWorks specifically including Staff) or any breach of this Agreement by OpenWorks, except to the extent arising out of the negligence or willful misconduct of Client. The foregoing indemnification shall survive the expiration or termination of this Agreement. Additionally, OpenWorks waives any and all rights against Client it may have under any Worker's Compensation Act or interpretations of such law."

16. Insurance. OpenWorks shall maintain the following types and amounts of insurance for the duration of this Agreement.

- a. *Commercial General Liability Insurance.* Commercial General Liability Insurance, on an occurrence basis, with policy limits of not less than one million dollars (\$1,000,000) for each occurrence and two million dollars (\$2,000,000) in the aggregate. Such insurance must include coverage for sexual abuse and molestation.
- b. *Umbrella or Excess Insurance.* Umbrella or Excess Liability Insurance with policy limits of not less than three million dollars (\$3,000,000) for each occurrence and in the aggregate. The excess or umbrella insurance shall follow the form of the underlying Commercial General Liability Insurance in all respects.
- c. *Worker's Compensation Insurance and Employer's Liability Insurance.* Worker's Compensation Insurance in the amounts required by applicable laws and Employer's Liability Insurance with policy limits of not less than one million dollars (\$1,000,000) each accident for bodily injury by accident and one million dollars (\$1,000,000) each employee for bodily injury by disease. Notwithstanding, any injuries or illnesses suffered or experienced by OpenWorks, either in an individual capacity or by its employees, agents or subcontractors, shall be the sole responsibility of OpenWorks and; as such, neither Client nor its Worker's Compensation Insurance will carry any responsibility.
- d. *Automobile Liability Insurance.* Automobile Liability Insurance with a policy limit of no less than one million dollars (\$1,000,000) each accident. Such insurance shall cover liability arising out of any auto (including owned, hired, and non-owned autos).
- e. *Additional Insureds, Priority of Insurance and Subrogation.* OpenWorks shall name, by endorsement if necessary, the Indemnitees as additional insureds on a primary and non-contributory basis, on all insurance required hereunder, with the sole exception being Worker's Compensation Insurance. All insurance required of OpenWorks under this Agreement shall be primary insurance and any insurance maintained by any Indemnitee that is applicable to any loss arising out of, related to or connected with this Agreement shall be on an excess basis. OpenWorks waives, to the fullest extent permitted by the applicable insurance policy, any and all rights of subrogation it and its insurers may have against the Indemnitees.
- f. *Evidence of Insurance.* Upon execution of this Agreement, OpenWorks shall provide a current insurance certificate evidencing the insurance required. Upon demand by Client, OpenWorks shall provide Client with copies of the insurance policies, with all endorsements thereto, required hereunder. All insurers referenced in this Paragraph 13 must be licensed to do business in the State of Illinois and have an AM Best Financial Rating of at least A.

17. Binding Effect and Cumulative Rights. The covenants and conditions contained in the Agreement shall apply to and bind the Parties and their heirs, legal representatives, successors and permitted assigns. The Parties' rights under this Agreement are cumulative, and shall not be construed as exclusive of each other unless otherwise required by law.

18. Waiver and Entire Agreement. The failure of either party to enforce any provisions of this Agreement shall not be deemed a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement. Additionally, this Agreement constitutes the entire agreement between the Parties and supersedes any prior understanding or representation of any kind preceding the date of this Agreement. There are no other promises, conditions, understandings or other agreements, whether oral or written, relating to the subject matter of this Agreement. This Agreement may be modified in writing, which amendment must be signed by both Client and OpenWorks to be effective.

19. **Force Majeure.** Paragraph III.12 is stricken and replaced with the following: “In the event a Party to this Agreement is unable to perform due to Acts of God, which shall include, but are not limited to, epidemics, pandemics, plague, outbreaks of infectious disease or any other public health crisis, including quarantine or other employee restrictions, or other causes that are beyond the reasonable control of the affected party (collectively, a “**Force Majeure Event**”), such party shall not be liable or responsible to the other party, nor be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement as a result of a Force Majeure Event. Furthermore, in the event that OpenWorks is unable to perform due to a Force Majeure Event, Client shall have no obligation to pay it for any fees, costs, and expenses of any kind whatsoever during the term of the Force Majeure Event.

20. **Governing Law.** Paragraph III.14 of the Agreement is stricken and replaced with the following: “This Agreement shall be governed by and construed in accordance with the laws of the State of Illinois notwithstanding its choice of law provisions. The appropriate venue for any litigation arising out of this Agreement shall be Cook County Circuit Court or the U.S. District Court, Northern District, Eastern Division.”

21. **Subcontracting and Assignment.** OpenWorks shall not have the right to subcontract, delegate, assign or otherwise transfer its rights or obligations under this Agreement without the prior written consent of Client, which may be withheld in its sole discretion.

22. **Bid Rigging Certification.** As required by the *Illinois Criminal Code of 2012*, 720 ILCS 5/33E-11, by executing this Agreement, OpenWorks certifies that it is not barred from contracting with any unit of State or local government for any reason whatsoever, including, but not limited to, a violation of the bid rigging (Section 33E-3) or bid rotating (Section 33E-4) provisions of the *Illinois Criminal Code of 2012* or as a result of a violation of any other law. OpenWorks acknowledges that Client may declare this Agreement void if the certification herein is false.

23. **Other Laws, Rules and Policies.** OpenWorks and all individuals performing Services hereunder shall comply with all applicable laws, ordinances, rules, regulations and codes, as well as all Client policies and regulations and procedures, now in force or which may hereafter be in force, pertaining to the Services provided under this Agreement. Furthermore, OpenWorks represents and warrants that it and each of the individuals performing the Services, has, and shall maintain during the term of this Agreement, all licenses required to perform the Services hereunder, if required by law or by other terms of this Agreement. OpenWorks represents and warrants to Client that no individual performing Services for Client is a convicted child sex offender or otherwise prohibited from being present on Client’s property. Individuals performing Services also shall abide by all laws and Client policies and procedures applicable to his/her presence on school property and the provision of Services under this Agreement. Smoking, gambling and use and possession of alcohol, firearms are prohibited on school property; OpenWorks shall ensure that all individuals providing Services hereunder are made aware of these prohibitions.

24. **Health and Safety Rules.** OpenWorks and all individuals providing Services hereunder must comply with all Client rules, procedures, and instructions and any guidance or requirements from federal, state, and local public health officials relating to health and safety precautions (*e.g.*, additional cleanings, disinfection, social distancing, face coverings, hand washing, sanitization, and temperature and symptom checks). Furthermore, OpenWorks shall inform its Staff of the symptoms of COVID-19 and ensure that each Staff performs a self-check before reporting to work at Service Location to ensure he or she is free of such systems.

SIGNATURE PAGE TO FOLLOW:

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed on the dates written below.

CLIENT:

OPENWORKS:

**BOARD OF EDUCATION OF
COMMUNITY CONSOLIDATED
SCHOOL DISTRICT NO. 64**

**O.P.E.N AMERICA, INC. D/B/A
OPENWORKS**

By: _____
Its: _____
Date: _____

By: _____
Its: _____
Date: _____

678745_4

RESOLUTION 1260
AUTHORIZING THE AWARD OF A CUSTODIAL CONTRACT TO
O.P.E.N. AMERICA, INC. DBA OPENWORKS

WHEREAS, the Board of Education of Community Consolidated School District No. 64 (the “**Board**”) currently employs custodians to perform custodial services at the facilities of the school district; and

WHEREAS, the Board, after diligent inquiry, has been unable to hire and retain a sufficient number of custodians to provide custodial services at the facilities of the school district; and

WHEREAS, the Board has determined that the inability to fully staff the custodial positions endangers the health and safety of students and staff in the school district in that the State of Illinois is currently in the midst of the COVID-19 pandemic and it is vital to the health and safety of students and staff to maintain clean facilities in the school district to minimize the possible spread of COVID-19; and

WHEREAS, the Board must hire more custodians to maintain a safe and clean environment at the facilities of the school district; and

WHEREAS, the Board is unable to meet its custodial needs with its current workforce, and in order to properly clean and maintain its facilities, the Board must award a contract for custodial services as soon as possible notwithstanding the competitive bid process set forth in Section 10-20.21(a) of the *School Code* (105 ILCS 5/10-20.21(a)); and

WHEREAS, pursuant to Section 10-20.21(a)(xiv) of the *School Code* (105 ILCS 5/10-20.21(a)(xiv)), the Board may award contracts without proceeding with the competitive bid process when such contracts are awarded due to an emergency and approved by three-fourths (3/4) of the members of the Board; and

WHEREAS, pursuant to Section 5/10-22.34c(b) of the *School Code* (105 ILCS 5/10-22.34c(b)), the Board may enter into a contract for non-instructional services for a period not to exceed three (3) months for the purpose of augmenting its current workforce where an emergency situation exists that threatens the safety of the school district’s students or staff, provided that the Board satisfies its obligations under the *Illinois Educational Labor Relations Act*; and

WHEREAS, the Board desires to augment its current custodial workforce to provide adequate custodial services and mitigate the current emergency situation; and

WHEREAS, an emergency situation exists with respect to the provision of custodial services within the school district in that if the Board were to wait to award a contract until after it goes through the competitive bid process, the delay caused by the bid process would unreasonably prolong the Board’s ability to obtain custodial workers to clean the facilities of the school district and minimize the spread of COVID-19.

NOW, THEREFORE, Be It Resolved by the Board of Education of Community Consolidated School District No. 64:

Section 1: The Board has found, and hereby declares, that the inability to fully staff the custodial positions endangers the health and safety of students and staff in the school district in that the State of Illinois is currently in the midst of the COVID-19 pandemic and it is vital to the health and safety of students and staff to maintain clean facilities in the school district to minimize the possible spread of COVID-19.

Section 2: As a result of this emergency situation, the Superintendent, or his designee, is authorized to execute the custodial contract with O.P.E.N. America, Inc., DBA OpenWorks, attached hereto as Exhibit A, for a term not to exceed three (3) months in duration to employ as many custodians as the Superintendent, or his designee, deem reasonably necessary to maintain clean facilities at the school district.

Section 3: This Resolution shall be in full force and effect forthwith upon its passage.

ADOPTED this 14th of the day of January, 2021, by the following three-fourths (3/4) vote:

AYES: _____

NAYS: _____

ABSENT: _____

By: _____

Its: President

ATTEST:

By: _____

Its: Secretary

To: Board of Education
Dr. Eric Olson, Superintendent

From: Luann Kolstad, Chief School Business Official
Jason Borst, Director of Facility Management

Date: January 14, 2021

Subject: Approve the Awarding of Contract to Lowest Responsible Bidder for Mechanical Units - Carpenter Summer 2021 HVAC Project

At the December 10, 2020 Board of Education meeting, administration presented to the Board information pertaining to the Carpenter Heating, Ventilating and Cooling (HVAC) in the remaining Zones (1, 4 & 5) that needs to be replaced. The Board approved the preparation of and bidding out of the project for summer 2021. At that time administration notified the Board that pre-order of the mechanical equipment would be necessary again this year.

In order for this project to be completed prior to school beginning in August, it is important that we pre-order the classroom mechanical units. The current lead time is at least nine weeks on the units. Pre-ordering also saves the District the markup that would be added on by a contractor. Since time is of the essence, the administration is asking that CSBO Luann Kolstad be allowed to accept the lowest responsible bid with a cost not to exceed \$120K. The bid would then be brought to the Board at the April 8, 2021 meeting for ratification of the award.

ACTION ITEM 21-01-3

I move that the Board of Education of Community Consolidated School District 64, Park Ridge-Niles, Illinois, approve the awarding of the contract to the lowest responsible bidder for the mechanical units to be used in the classrooms/office areas of zones 1, 4 & 5 not to exceed \$120K.

The votes were cast as follows:

AYES:

NAYS:

PRESENT:

ABSENT:

To: Board of Education
Dr. Eric Olson, Superintendent
From: Luann Kolstad, Chief School Business Official
Date: January 14, 2021
Subject: Resolution #1261 declaring the intention to issue \$2,015,000 Working Cash Fund Bonds for the purpose of increasing the District's Working Cash Fund, and directing that notice of such intention be published in the manner provided by law.

At the December 10, 2020 Board of Education meeting, administration reviewed with the Board the urgent need to complete the replacement of heating, ventilating and cooling (HVAC) in Zones 1, 4 & 5 at Carpenter School. Administration recommended that the Board use the funds that have accumulated in the Debt Service Fund now that all bonds are paid off except for the final payment to be made in June 2021. There is an accumulation of interest and Lost & Cost payments of approximately \$2,075,000 in the Debt Service Fund. The administration is asking that the Board issue a Working Cash Bond in the amount of \$2,015,000 which will cover the Carpenter project. This will leave approximately \$60,000 in the Debt Service Fund. The remaining balance can be accessed when the District issues any future bonds. The District is working with Raymond James & Associates as the Placement Agent and Chapman Cutler as the Bond Counsel.

Tonight the Board will be approving the following two transactions:

1. Approval of Intent to Issue Working Cash Bonds.

In Article 20 of the School Code of the State of Illinois, the Board of Education of the District is authorized to incur an indebtedness and issue bonds as evidence thereof for the purpose of increasing the Working Cash Fund. The administration believes it is in the best interest of the District to issue this Bond up to \$2,015,000 for capital improvement projects of the District's facilities.

2. Order calling a public hearing to issue the Bonds.

This order, signed by the Board President, calls a public hearing to be held at 7:00 o'clock P.M. on February 11, 2021 at Field Elementary School. The purpose of the hearing will be to receive public comments on the proposal to sell bonds up to \$2,015,000 for the purpose of increasing the Working Cash Fund, which will be used for capital improvement projects of the District Facilities.

At the hearing, the Board shall explain the reasons for the proposed bond issue and permit persons desiring to be heard an opportunity to present written or oral testimony within the time limits established by the Board.

Approval of Resolution #1261 and Order Calling a Public Hearing

ACTION ITEM 21-01-4

I move that the Board of Education of Community Consolidated School District 64, Park Ridge – Niles, Illinois, approve Resolution #1261 declaring the intention to issue \$2,015,000 Working Cash Fund Bonds for the purpose of increasing the District’s Working Cash Fund, and directing that notice of such intention be published in the manner provided by law. The votes were cast as follows:

Moved by _____ Seconded by _____

AYES:

NAYS:

PRESENT:

ABSENT:

MINUTES of a regular public meeting of the Board of Education of Community Consolidated School District Number 64, Cook County, Illinois, held by video conference and at the Jefferson School Building, 8200 Greendale Avenue, Niles, Illinois, in said School District at 7:00 o'clock P.M., on the 14th day of January, 2021.

* * *

The President called the meeting to order and directed the Secretary to call the roll. Upon the roll being called the following members were physically present at said location:

The following members attended the meeting by video or audio conference:

The following members were absent and did not participate in the meeting in any manner or to any extent whatsoever:

The President determined that an in-person meeting was not practical or prudent due to the issuance by the Governor of a disaster declaration related to public health concerns in all or a part of the jurisdiction of the District, and the President stated that physical presence of members of the public at the meeting location was determined by the District to be infeasible due to the disaster.

Access to the meeting was provided to members of the public to contemporaneously hear all discussion, testimony and roll call votes via the following electronic means:

The President announced that in view of the current financial condition of the District, the Board of Education would consider the adoption of a resolution declaring its intention to issue working cash fund bonds pursuant to Article 20 of the School Code and directing that notice of such intention be published.

Whereupon Member _____ presented and the Secretary read by title a resolution as follows, a copy of which was provided to each member of the Board of Education prior to said meeting and to everyone in attendance at said meeting who requested a copy:

RESOLUTION 1261 declaring the intention to issue \$2,015,000 Working Cash Fund Bonds of Community Consolidated School District Number 64, Cook County, Illinois, for the purpose of increasing the Working Cash Fund of said School District, and directing that notice of such intention be published in the manner provided by law.

* * *

WHEREAS, pursuant to the provisions of Article 20 of the School Code of the State of Illinois, and all laws amendatory thereof and supplementary thereto (the “Code”), a fund to be known as a Working Cash Fund (the “Fund”) may be created and maintained in and for Community Consolidated School District Number 64, Cook County, Illinois (the “District”), in the manner prescribed in the Code, for the purpose of enabling the District to have in its treasury at all time sufficient money to meet demands thereon for expenditures for corporate purposes; and

WHEREAS, the District has heretofore created and maintained such Fund in the manner prescribed by the Code; and

WHEREAS, under the provisions of the Code, the Board of Education of the District (the “Board”) is authorized to incur an indebtedness and issue bonds as evidence thereof (the “Bonds”) for the purpose of increasing the Fund; and

WHEREAS, the Board has determined and does hereby determine that it is advisable, necessary and in the best interests of the District that the Fund be increased and that the District incur an indebtedness and issue Bonds as evidence thereof in the amount of \$2,015,000 for said purpose; and

WHEREAS, before such Bonds may be issued for said purpose, the Board must adopt a resolution declaring its intention to issue such Bonds for said purpose and direct that notice of such intention be published as provided by law:

NOW, THEREFORE, Be It and It Is Hereby Resolved by the Board of Education of Community Consolidated School District Number 64, Cook County, Illinois, as follows:

Section 1. Incorporation of Preambles. The Board hereby finds that all of the recitals contained in the preambles to this Resolution are full, true and correct and does incorporate them into this Resolution by this reference.

Section 2. Declaration of Intent. The Board hereby declares its intention to avail of the provisions of the Code, and to issue Bonds in the amount of \$2,015,000 for the purpose of increasing the Fund and enabling the District to have in its treasury at all time sufficient money to meet demands thereon for expenditures for corporate purposes.

Section 3. Notice of Intent. In accordance with the provisions of Section 5 of the Local Government Debt Reform Act of the State of Illinois, as amended, notice of said intention to avail of the provisions of Article 20 of the Code and to issue Bonds for the purpose of increasing the Fund shall be given by publication of such notice at least once in the *Park Ridge Herald-Advocate*, the same being a newspaper of general circulation in the District.

Section 4. Form of Notice. The notice of intention to issue the Bonds shall be in substantially the following form:

**NOTICE OF INTENTION OF
COMMUNITY CONSOLIDATED SCHOOL DISTRICT NUMBER 64,
COOK COUNTY, ILLINOIS
TO ISSUE \$2,015,000
WORKING CASH FUND BONDS**

PUBLIC NOTICE is hereby given that on the 14th day of January, 2021, the Board of Education (the "*Board*") of Community Consolidated School District Number 64, Cook County, Illinois (the "*District*"), adopted a resolution declaring its intention and determination to issue bonds in the aggregate amount of \$2,015,000 for the purpose of increasing the Working Cash Fund of the District, and it is the intention of the Board to avail of the provisions of Article 20 of the School Code of the State of Illinois, and all laws amendatory thereof and supplementary thereto, and to issue said bonds for the purpose of increasing said Working Cash Fund. Said Working Cash Fund is to be maintained in accordance with the provisions of said Article and shall be used for the purpose of enabling the District to have in its treasury at all time sufficient money to meet demands thereon for expenditures for corporate purposes.

A petition may be filed with the Secretary of the Board (the "*Secretary*") within thirty (30) days after the date of publication of this notice, signed by not less than 3,247 voters of the District, said number of voters being equal to ten percent (10%) of the registered voters of the District, requesting that the proposition to issue said bonds as authorized by the provisions of said Article 20 be submitted to the voters of the District. If such petition is filed with the Secretary within thirty (30) days after the date of publication of this notice, an election on the proposition to issue said bonds shall be held on the 15th day of March, 2022. The Circuit Court may declare that an emergency referendum should be held prior to said election date pursuant to the provisions of Section 2A-1.4 of the Election Code of the State of Illinois, as amended. If no such petition is filed within said thirty (30) day period, then the District shall thereafter be authorized to issue said bonds for the purpose hereinabove provided.

By order of the Board of Education of Community Consolidated School District Number 64, Cook County, Illinois.

DATED this 14th day of January, 2021.

Carol Sales
Secretary, Board of Education,
Community Consolidated School District
Number 64, Cook County, Illinois

Rick Biagi
President, Board of Education,
Community Consolidated School District
Number 64, Cook County, Illinois

Section 5. Further Proceedings. If no petition signed by the requisite number of voters is filed with the Secretary of the Board within thirty (30) days after the date of the publication of such notice of intention to issue the Bonds, the Board shall, by appropriate proceedings to be hereafter taken, fix the details concerning the issue of the Bonds and provide for the levy of a direct annual tax to pay the principal and interest on the same.

Section 6. Severability. If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 7. Repealer and Effective Date. All resolutions and parts of resolutions in conflict herewith be and the same are hereby repealed and that this Resolution be in full force and effect forthwith upon its adoption.

Adopted January 14, 2021.

President, Board of Education
Richard Biagi, Board President

Secretary, Board of Education
Carol Sales, Board Secretary

Member _____ moved and Member _____ seconded the motion that said resolution as presented and read by title be adopted.

After a full and complete discussion thereof, the President directed the Secretary to call the roll for a vote upon the motion to adopt said resolution.

Upon the roll being called, the following members voted AYE:

The following members voted NAY:

Whereupon the President declared the motion carried and said resolution adopted, and in open meeting approved and signed said resolution and directed the Secretary to record the same in full in the records of the Board of Education of Community Consolidated School District Number 64, Cook County, Illinois, which was done.

Other business not pertinent to the adoption of said resolution was duly transacted at said meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.

Secretary, Board of Education
Carol Sales, Board Secretary

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATION OF MINUTES AND RESOLUTION

I, the undersigned, do hereby certify that I am the duly qualified and acting Secretary of the Board of Education of Community Consolidated School District Number 64, Cook County, Illinois (the “Board”), and that as such official I am the keeper of the records and files of the Board.

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the meeting of the Board held on the 14th day of January, 2021, insofar as same relates to the adoption of a resolution entitled:

RESOLUTION declaring the intention to issue \$2,015,000 Working Cash Fund Bonds of Community Consolidated School District Number 64, Cook County, Illinois, for the purpose of increasing the Working Cash Fund of said School District, and directing that notice of such intention be published in the manner provided by law.

a true, correct and complete copy of which said resolution as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the Board on the adoption of said resolution were conducted openly, that the vote on the adoption of said resolution was taken openly, that said meeting was called and held at a specified time and place convenient and open to the public, that the meeting was conducted by audio or video conference in accordance with Section 7(e) of the Open Meetings Act of the State of Illinois, as amended (the “Open Meetings Act”), due to the issuance by the Governor of a disaster declaration related to public health concerns in all or a part of the jurisdiction of the District, that the President of the Board determined that an in-person meeting is not practical or prudent because of said disaster, that physical presence of members of the public at the meeting location was determined by the District to be unfeasible due to the disaster, that alternative arrangements to allow interested members of the public access to contemporaneously hear all discussion, testimony, and roll call votes were made and that notice of such arrangements was provided to the public, that notice of said meeting was duly given to all of the news media requesting such notice, given to all members of the Board and posted on the District’s website at least 48 hours in advance of the holding of said meeting, that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Board at least 48 hours in advance of the holding of said meeting, that at least one copy of said agenda was continuously available for public review during the entire 48hour period preceding said meeting, that a true, correct and complete copy of said agenda as so posted is attached hereto as *Exhibit A*, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act (including the requirements of Section 7(e) thereof), and with the provisions of the School Code of the State of Illinois, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board.

IN WITNESS WHEREOF, I hereunto affix my official signature, this 14th day of January, 2021.

Secretary, Board of Education
Carol Sales, Board Secretary

First Reading of Policies from PRESS Issue 106

Policy	Issue	Title	District Policy Committee 12/03/20 Change/No Change	Board Policy Committee 01/08/21 Change/No Change	Regular Board Meeting 01/14/21 Change/No Change
3:40	106	Superintendent	N/C	N/C	
4:10	106	Fiscal and Business Management	N/C	N/C	
4:55	106	Use of Credit and Procurement Cards	N/C	N/C	
4:80	106	Accounting and Audits	N/C	N/C	
4:90	106	Student Activity and Fiduciary Funds	N/C	N/C	
4:150	106	Facility Management and Building Programs	N/C	N/C	
4:175	106	Convicted Child Sex Offender; Screening; Notifications	N/C	N/C	
5:30	106	Hiring Process and Criteria	N/C	N/C	
5:190	106	Teacher Qualifications	N/C	N/C	
5:270	106	Employment-At-Will, Compensation, and Assignment	N/C	N/C	
6:15	106	School Accountability	N/C	N/C	
6:20	106	School Year Calendar and Day	N/C	N/C	
6:40	106	Curriculum Development	N/C	N/C	
6:280	106	Grading and Promotion	N/C	N/C	

6:300	106	Graduation Requirements	N/A	N/A	
6:310	106	High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students	N/A	N/A	
6:315	106	High School Credit for Students in Grade 7 or 8	N/A	N/A	
6:320	106	High School Credit for Proficiency	N/A	N/A	
6:340	106	Student Testing and Assessment Program	N/C	N/C	
7:100	106	Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students	N/C	N/C	
7:140	106	Search and Seizure	N/C	N/C	
7:300	106	Extracurricular Athletics	N/C	N/C	
7:325	106	Student Fundraising Activities	N/C	N/C	

General School Administration

Superintendent 1

Duties and Authority

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

Qualifications

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

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

¹ State law controls this policy's content. Unless the district has only one school with fewer than four teachers, the board must employ a superintendent or a chief executive officer as allowed under specific circumstances. 105 ILCS 5/10-21.4, ~~amended by P.A. 99-846~~. This statute assigns some specific duties to the superintendent including to: (1) make recommendations to the board concerning the budget, building plans, the locations of sites, the selection, retention, and dismissal of teachers and all other employees, the selection of textbooks, instructional material, and courses of study; (2) report to the board, Ill. State Board of Education (ISBE), and chief administrative official any employee named in an abused child report; and (3) keep or cause to be kept the records and accounts as directed and required by the board, aid in making reports required by the board, and perform such other duties as the board may delegate to him/her. 105 ILCS 5/10-16.7 requires boards to direct, through policy, the superintendent, in his or her charge of the district's administration.

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

² See 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, for an annotated list of documents and reports that must be posted on the district's website, if the district has a website. While not comprehensive, see the IASB's *Annual School Calendar* for the required reports that do not need web-posting, available on the IASB website at: www.iasb.com/pdf/schoolcal.pdf

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

⁴ 105 ILCS 5/21B-20 and 5/21B-25 govern Professional Educator Licenses and superintendent endorsements. See also 23 Ill.Admin.Code §§25.355 ([superintendent endorsement](#)) ~~amended at 42 Ill. Reg. 8913 (endorsements on or after 9-1-16), 25.360 (through 8-31-19), and 29.100 (Ill. Professional School Leader Standards), and 29.130 (Superintendent Standards)~~.

Evaluation

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

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

Compensation and Benefits⁷

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

LEGAL REF.: 105 ILCS 5/10-16.7, 5/10-20.47, 5/10-21.4, 5/10-23.8, 5/21B-20, 5/21B-25, 5/24-11, and 5/24A-3.
23 Ill.Admin.Code §§1.310, 1.705, and ~~29.130, 25.355.~~

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

Commented [DJ1]: Repealed section.

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

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

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

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

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

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

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

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DRAFT

Operational Services

Fiscal and Business Management 1

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

The Superintendent shall ensure the efficient and cost-effective operation of the District's business management using computers, computer software, data management, communication systems, and electronic networks, including electronic mail, the Internet, and security systems. Each person using the District's electronic network shall complete an *Authorization for Access to the District's Electronic Network*.⁴

Budget Planning

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

Preliminary Adoption Procedures

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

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

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

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

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

³ 105 ILCS 5/10-17.

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

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

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

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

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

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

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

The Board Secretary shall arrange to publish a notice in a local newspaper stating the date, place, and time of the proposed budget's availability for public inspection and the public hearing.¹¹ The proposed budget shall be available for public inspection at least 30 days before the time of the budget hearing.

At the public hearing, the proposed budget shall be reviewed, and the public shall be invited to comment, question, or advise the Board. ¹²

Final Adoption Procedures

The Board adopts a budget before the end of the first quarter of each fiscal year, September 30, or by such alternative procedure as State law may define.¹³ To the extent possible, the budget shall be balanced as defined by the State Board of Education; if not balanced, the Board will adopt a deficit reduction plan to balance the District's budget within three years according to State Board of Education requirements. ¹⁴

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

The Superintendent or designee shall perform each of the following:

1. Post the District's final annual budget, itemized by receipts and expenditures, on the District's Internet website; notify parents/guardians that it is posted and provide the website's address. ¹⁶
2. File a certified copy of the budget resolution and an estimate of revenues by source anticipated to be received in the following fiscal year, certified by the District's Chief Fiscal Officer, with the County Clerk within 30 days of the budget's adoption. ¹⁷
3. Make all preparations necessary for the Board to timely file its Certificate of Tax Levy, including preparations to comply with the Truth in Taxation Act; file the Certificate of Tax Levy with the County Clerk on or before the last Tuesday in December. The Certificate lists the amount of property tax money to be provided for the various funds in the budget.
4. Submit the annual budget, a deficit reduction plan if one is required by State Board of Education guidelines, and other financial information to the State Board of Education according to its requirements. ¹⁸

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

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

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

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

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

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

¹⁵ Required by 105 ILCS 5/10-7.

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

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

¹⁸ Required by 105 ILCS 5/17-1.

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

Budget Amendments

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

Implementation

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

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

LEGAL REF.: 35 ILCS 200/18-55 et seq.
105 ILCS 5/10-17, 5/10-22.33, 5/17-1, 5/17-1.2, 5/17-2A, 5/17-3.2, 5/17-11, 5/20-5, 5/20-8, and 5/20-10.
23 Ill.Admin.Code Part 100.

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

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

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

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

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

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

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

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

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

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

Operational Services

Use of Credit and Procurement Cards ¹

The Superintendent and employees designated by the Superintendent are authorized to use District credit and procurement cards to simplify the acquisition, receipt, and payment of purchases and travel expenses incurred on the District’s behalf.² Credit and procurement cards shall only be used for those expenses that are for the District’s benefit and serve a valid and proper public purpose; they shall not be used for personal purchases. Cardholders are responsible for exercising due care and judgment and for acting in the District’s best interests.

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

In addition to the other limitations contained in this and other Board policies, District credit and procurement cards are governed by the following restrictions: ³

1. Credit and/or procurement cards may only be used to pay certain job-related expenses or to make purchases on behalf of the Board or District or any student activity fund, or for purposes that would otherwise be addressed through a conventional revolving fund. ⁴

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

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

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

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

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

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

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

10. Indicates how financial or material rewards or rebates are to be accounted for and treated.

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

2. The Superintendent or designee shall instruct the issuing bank to block the cards' use at unapproved merchants.
3. Each cardholder, other than the Superintendent, may charge no more than \$500 in a single purchase and no more than \$1000 within a given month without prior authorization from the Superintendent. ⁵
4. The Superintendent or designee must approve the use of a District credit or procurement card whenever such use is by telephone, fax, and the Internet. Permission shall be withheld when the use violates any Board policy, is from a vendor whose reputation has not been verified, or would be more expensive than if another available payment method were used.
5. The consequences for unauthorized purchases include, but are not limited to, reimbursing the District for the purchase amount, loss of cardholding privileges, and, if made by an employee, discipline up to and including discharge.
6. All cardholders must sign a statement affirming that they are familiar with this policy. ⁶
7. The Superintendent shall implement a process whereby all purchases using a District credit or procurement card are reviewed and approved by someone other than the cardholder or someone under the cardholder's supervision.
8. Cardholders must submit the original, itemized receipt to document all purchases.
9. No individual may use a District credit or procurement card to make purchases in a manner contrary to State law, including, but not limited to, the bidding and other purchasing requirements in 105 ILCS 5/10-20.21, or any Board policy.
10. The Superintendent or designee shall account for any financial or material reward or rebate offered by the company or institution issuing the District credit or procurement card and shall ensure that it is used for the District's benefit.

LEGAL REF.: 105 ILCS 5/10-20.21.
23 Ill.Admin.Code §100.70(d).

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

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⁵ The dollar caps are at the local board's discretion. An alternative follows: "The Superintendent shall limit the amount each cardholder may charge in a single purchase or within a given month and inform the issuing bank of these limitations."

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

Operational Services

Accounting and Audits 1

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

Annual Audit 2

At the close of each fiscal year, the Superintendent shall arrange an audit of the District funds, accounts, statements, and other financial matters. The audit shall be performed by an independent certified public accountant designated by the Board and be conducted in conformance with prescribed standards and legal requirements. A complete and detailed written audit report shall be provided to each Board member and to the Superintendent. The Superintendent shall annually, on or before October 15, submit an original and one copy of the audit to the Regional Superintendent of Schools.

Annual Financial Report 3

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

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

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

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

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

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

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

Inventories ⁴

The Superintendent or designee is responsible for establishing and maintaining accurate inventory records. The inventory record of supplies and equipment shall include a description of each item, quantity, location, purchase date, and cost or estimated replacement cost, unless the supplies and equipment are acquired by the District pursuant to a federal or State grant award, in which case the inventory record shall also include the information required by 2 C.F.R. §200.313, if applicable.⁵ The Superintendent shall establish procedures for the management of property acquired by the District under grant awards that comply with federal and State law. ⁶

Capitalization Threshold ⁷

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

Disposition of District Property ⁸

The Superintendent or designee shall notify the Board, as necessary, of the following so that the Board may consider its disposition: (1) District personal property (property other than buildings and

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

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

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

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

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

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

land) that is no longer needed for school purposes, and (2) school site, building, or other real estate that is unnecessary, unsuitable, or inconvenient. Notwithstanding the above, the Superintendent or designee may unilaterally dispose of personal property of a diminutive value. The Superintendent shall establish procedures for the disposition of property acquired by the District under grant awards that comply with federal and State law.

Taxable Fringe Benefits⁹

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

Controls for Revolving Funds and Petty Cash¹⁰

Revolving funds and the petty cash system are established in Board policy 4:50, *Payment Procedures*. The Superintendent shall: (1) designate a custodian for each revolving fund and petty cash fund, (2) obtain a bond for each fund custodian, and (3) maintain the funds in compliance with this policy, State law, and ISBE rules. A check for the petty cash fund may be drawn payable to the designated petty cash custodian. Bank accounts for revolving funds are limited to a maximum balance of \$500.00. All expenditures from these bank accounts must be directly related to the purpose for which the account was established and supported with documentation, including signed invoices or receipts. All deposits into these bank accounts must be accompanied with a clear description of their intended purpose. The Superintendent or designee shall include checks written to reimburse revolving funds on the Board's monthly listing of bills indicating the recipient and including an explanation.

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

¹⁰ 105 ILCS 5/10-20.19(2); 23 Ill.Admin.Code §100.70. This paragraph's contents are mandatory, except for the \$500 cap on the maximum balance of revolving funds. The cap amount may be changed or the following alternative used: "Each revolving fund shall be maintained in a bank that has been approved by the Board and established in an amount approved by the Superintendent consistent with the annual budget."

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

Control Requirements for Checks ¹¹

The Board must approve all bank accounts opened or established in the District's or a District school's name or with the District's Federal Employer Identification Number. All checks issued by the School District must be signed by either the Treasurer or Board President, except that checks from ~~an~~ accounts containing student activity funds or fiduciary funds and checks from revolving accounts may be signed by their respective account custodians.

Internal Controls ¹²

The Superintendent is primarily responsible for establishing and implementing a system of internal controls for safeguarding the District's financial condition; the Board, however, will oversee these safeguards. The control objectives are to ensure efficient business and financial practices, reliable financial reporting, and compliance with State law and Board policies, and to prevent losses from

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

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

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

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

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

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

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

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

LEGAL REF.: 2 C.F.R. §200 et seq.
30 ILCS 708/, Grant Accountability and Transparency Act, implemented by 44 Ill.Admin.Code 7000 et seq.
105 ILCS 5/2-3.27, 5/2-3.28, 5/3-7, 5/3-15.1, 5/5-22, 5/10-21.4, 5/10-20.19, 5/10-22.8, and 5/17-1 et seq.
23 Ill.Admin.Code Part 100.

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

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

Operational Services

Student Activity and Fiduciary Funds 1

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

Student Activity Funds

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

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

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

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

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

³ See f/n 7, below.

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

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

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

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

Fiduciary Funds ⁷

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

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

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

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

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

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

⁸ See f/n 4, above.

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

Operational Services

Facility Management and Building Programs 1

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

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

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

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

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

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

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

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

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

Standards for Managing Buildings and Grounds

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

Standards for Green Cleaning ⁴

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

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

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

Standards for Facility Construction and Building Programs ⁵

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

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

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

Naming Buildings and Facilities ⁶

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

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

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

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

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

A district may levy a tax for "fire prevention, safety, energy conservation, disabled accessibility, school security, and specified repair purposes." 105 ILCS 5/17-2.11. An expedited process may be available in emergency situations. 105 ILCS 5/17-2.11(a). A district may levy a tax or issue bonds if it determines: (1) it is necessary for school security purposes and the protection and safety of students and staff to hire a school resource officer, or that personnel costs for school counselors, mental health experts, or school resources officers are necessary; and (2) it does not need funds for any other purpose set forth in 105 ILCS 5/17-2.11(d), amended by P.A. 101-455. A board may, subject to certain notice requirements, transfer surplus life safety taxes and interest earnings on them to the Operations and Maintenance Fund for building repair work until June 30, 2021⁹. 105 ILCS 5/17-2.11(j), amended by P.A.s 100-465 and 101-643.

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

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

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

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

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

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

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

Operational Services

Convicted Child Sex Offender; Screening; Notifications 1

Persons Prohibited on School Property without Prior Permission

State law prohibits a child sex offender from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present, unless the offender meets either of the following two exceptions: ²

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

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

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

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

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

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

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

Screening ⁵

The Superintendent or designee shall perform fingerprint-based criminal history records information checks and/or screenings required by State law or Board policy for employees; student teachers; students doing field or clinical experience other than student teaching; contractors' employees who have direct, daily contact with one or more children; and resource persons and volunteers. He or she shall take appropriate action based on the result of any criminal background check and/or screen. ⁶

Notification to Parents/Guardians

The Superintendent shall develop procedures for the distribution and use of information from law enforcement officials under the Sex Offender Community Notification Law and the Murderer and

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

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

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

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

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

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

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

Violent Offender Against Youth Community Notification Law.⁷ The Superintendent or designee shall serve as the District contact person for purposes of these laws. The Superintendent and Building Principal shall manage a process for schools to notify the parents/guardians during school registration that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law.⁸ This notification must occur during school registration and at other times as the Superintendent or Building Principal determines advisable.

LEGAL REF.: 20 ILCS 2635/, Uniform Conviction Information Act.
720 ILCS 5/11-9.3.
730 ILCS 152/, Sex Offender Community Notification Law.
730 ILCS 154/75-105, Murderer and Violent Offender Against Youth Community Notification Law.

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

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

Naming a contact person will facilitate communication and cooperation with local law enforcement agencies. Any school official may be used as the contact person, and boards may wish to have a contact person from each building. See administrative procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*, for implementing procedures.

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

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

General Personnel

Hiring Process and Criteria 1

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



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

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

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

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

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

⁴ An additional optional sentence follows:

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

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

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

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

Job Descriptions

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

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

Investigations

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

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

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

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

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

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

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

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

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

performed on each applicant as required by State law.⁹ When the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President shall ensure that these checks are completed.¹⁰ The Superintendent or designee, or if the applicant is a successful superintendent candidate, then the Board President shall notify an applicant if the applicant is identified in either database.¹¹ The School Code requires the Board President to keep a conviction record confidential and share it only with the Superintendent, Regional Superintendent, State Superintendent, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, or for purposes of clarifying the information, the Ill. Dept. of State Police and/or Statewide Sex Offender Database.¹² The Board reserves its right to authorize additional background inquiries beyond a fingerprint-based criminal history records check when it deems it appropriate to do so, in accordance with applicable laws.

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

¹⁰ *Id.* If a board wants to require additional background inquiries beyond the fingerprint-based criminal history records information check required by 105 ILCS 5/10-21.9, amended by P.A.s 101-72, ~~and~~ 101-531, ~~and~~ 101-643, including the federal *Rap Back Service* (20 ILCS 2630/3.3, added by P.A. 100-718) and/or checks through consumer reporting agencies regulated by the Fair Credit Reporting Act (15 U.S.C. §-1681 ~~et seq.~~), consult the board attorney. For more detailed information, see the laws listed in sample exhibit 3:40-E, *Checklist for the Superintendent Employment Contract Negotiation Process*, under the checklist item entitled **Conditions of Employment**, in the **Other Background Check Laws** row.

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

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

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

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

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

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

The District retains the right to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in 105 ILCS 5/21B-80 or who falsifies, or omits facts from, his or her employment application or other employment documents. If an indicated finding of abuse or neglect of a child has been issued by the Ill. Department of Children and Family Services or by a child welfare agency of another jurisdiction for any applicant for student teaching, applicant for employment, or any District employee, then the Board must consider that person's status as a condition of employment. ¹⁴

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

1. The District uses an applicant's credit history or report from a consumer reporting agency only when a satisfactory credit history is an established bona fide occupational requirement of a particular position. ¹⁶
2. The District does not screen applicants based on their current or prior wages or salary histories, including benefits or other compensation, by requiring that the wage or salary history satisfy minimum or maximum criteria. ¹⁷
3. The District does not request or require a wage or salary history as a condition of being considered for employment, being interviewed, continuing to be considered for an offer of employment, an offer of employment, or an offer of compensation. ¹⁸

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

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

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

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

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

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

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

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

¹⁸ *Id.*

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

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

¹⁹ *Id.*

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

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

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

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

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

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

(A) an employer supplies or pays; or

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

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

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

Physical Examinations ²³

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

Any employee may be required to have an additional examination by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, a licensed advanced practice registered nurse, or a licensed physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations, if the examination is job-related and consistent with business necessity.²⁴ The Board will pay the expenses of any such examination.

Orientation Program

The District's staff will provide an orientation program for new employees to acquaint them with the District's policies and procedures, the school's rules and regulations, and the responsibilities of their position. Before beginning employment, each employee must sign the *Acknowledgement of Mandated Reporter Status* form as provided in policy 5:90, *Abused and Neglected Child Reporting*.

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

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

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

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

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

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

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

LEGAL REF.: 105 ILCS 5/10-16.7, 5/10-20.7, 5/10-21.4, 5/10-21.9, 5/21B-10, 5/21B-80, 5/10-22.34, 5/10-22.34b, 5/22-6.5, and 5/24-5.
20 ILCS 2630/3.3, Criminal Identification Act.
820 ILCS 55/, Right to Privacy in the Workplace Act.
820 ILCS 70/, Employee Credit Privacy Act.
Americans with Disabilities Act, 42 U.S.C. §12112, and 29 C.F.R. Part 1630.
Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
Duldulao v. St. Mary of Nazareth Hospital, 136 Ill. App. 3d 763 (1st Dist. 1985),
aff'd in part and remanded 115 Ill.2d 482(Ill. 1987).
Kaiser v. Dixon, 127 Ill. App. 3d 251 (2nd Dist. 1984).
Molitor v. Chicago Title & Trust Co., 325 Ill. App. 124 (1st Dist. 1945).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 3:50 (Administrative Personnel Other Than the Superintendent), 4:60 (Purchases and Contracts), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:40 (Communicable and Chronic Infectious Disease), 5:90 (Abused and Neglected Child Reporting), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:220 (Substitute Teachers), 5:280 (Educational Support Personnel - Duties and Qualifications)

Professional Personnel

Teacher Qualifications 1

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

1. Each teacher must: ³
 - a. Have a valid Illinois Professional Educator License issued by the State Superintendent of Education with the required endorsements as provided in the School Code.
 - b. Provide the District Office with a complete transcript of credits earned in institutions of higher education.
 - c. On or before September 1 of each year, unless otherwise provided in an applicable collective bargaining agreement, provide the District Office with a transcript of any credits earned since the date the last transcript was filed.
 - d. Notify the Superintendent of any change in the teacher's transcript.
2. All teachers working in a program supported with federal funds under Title I, Part A must meet applicable State certification and licensure requirements. ⁴

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

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

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

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

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

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

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

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

The Superintendent or designee shall:

1. Monitor compliance with State and federal law requirements that teachers be appropriately licensed; **5**
2. Through incentives for voluntary transfers, professional development, recruiting programs, or other effective strategies, ensure that minority students and students from low-income families are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers; and
3. Ensure parents/guardians of students in schools receiving Title I funds are notified of their right to request their students' classroom teachers' professional qualifications. **6**

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

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

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

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

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

6 20 U.S.C. §6312(e)(1)(A).

Educational Support Personnel

Employment At-Will, Compensation, and Assignment 1

Employment At-Will ²

Unless otherwise specifically provided, District employment is at-will, meaning that employment may be terminated by the District or employee at any time for any reason, other than a reason prohibited by law, or no reason at all.³ Nothing in School Board policy is intended or should be construed as altering the employment at-will relationship.

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

Compensation

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

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

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

While the term *educational support personnel* is not defined in the School Code, at least one appellate court and one circuit court decision found in dicta that the term refers to nonlicensed employees, such as clerical workers, custodians, cafeteria workers, bus drivers, and teachers' aides. Laukhuf v. Congerville-Eureka-Goodfield School Dist., 2003 WL 23936148 (~~III-11th Cir.~~; 2003)(non-precedential); Buckellew v. Georgetown-Ridge Farm Community Unit School Dist., ~~575 N.E.2d 556 (Ill.App. 4, 1991)~~215 Ill.App.3d 506 (4th Dist. 1991).

² Illinois law does not specifically create a protected property interest in continued employment for nonlicensed employees, except in a reduction in force. However, whether an employee is actually employed at-will depends on the specific facts. This determination is important because the dismissal of an employee having a protected property right in continued employment requires a notice and hearing. Cleveland Bd of Educ. v. Loudermill, ~~405 S.Ct. 1487~~470 U.S. 532 (1985). See also Griggsville-Perry Community Unit School Dist. v. Ill. Educ. Labor Relations Bd., ~~984 N.E.2d 440~~368 Ill.Dec. 494 (~~III-2013~~)(upheld an arbitrator's finding that the requirement to provide a pre-discharge written notice was drawn from the essence of the agreement).

Even with this policy, it is safest to presume that all nonlicensed employees are at least employed annually. This is a good assumption because districts routinely assure next-year employment so that the employee will not qualify for summer unemployment. In addition, annual employment may be created through a collective bargaining agreement, past practice, an employees' handbook, personnel policy manual, or an oral promise. Arneson v. Bd of Trustees, McKendree College, ~~569 N.E.2d 252~~210 Ill.App.3d 844 (~~III-App-5th Dist.~~; 1991). Moreover, there are several exceptions to at-will including prohibitions against discrimination and retaliatory discharge (Michael v. Precision Alliance Group, ~~952 N.E.2d 682~~351 Ill.Dec. 890 (~~III-App-5th Dist.~~; 2011)(common law recognizes a cause of action for retaliatory discharge when the employee engaged in protected activity). Consult the board attorney for help determining whether an employee is employed *at-will*.

A district, by policy or handbook, may not take away a previously given property interest in continued employment to current employees; only those employees hired afterwards could be affected. Duldulao v. St. Mary of Nazareth Hospital, ~~483 N.E.2d 956~~136 Ill.App.3d 763 (~~III-App-1st Dist.~~; 1985); Kaiser v. Dixon, ~~468 N.E.2d 822~~127 Ill.App.3d 251 (~~III-App-2nd Dist.~~; 1984).

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

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

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

Assignment

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

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

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

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

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

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

Instruction

School Accountability 1

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

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

Quality Assurance

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

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

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

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

² 105 ILCS 5/27-1.

³ 23 Ill.Admin.Code §1, Appendix D.

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

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

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

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

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

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

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

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

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

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

Instruction

School Year Calendar and Day 1

School Calendar

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

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

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

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

A State mandated school holiday on *Good Friday* is unconstitutional according to *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 due to widespread absenteeism. Also, districts may be able to close school on Good Friday by adopting a *spring holiday* rationale or ensuring that it falls within spring break. School districts should discuss all of these options, and collective bargaining implications with their board attorneys.

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

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

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

Commemorative Holidays

The teachers and students shall devote a portion of the school day on each commemorative holiday designated in the School Code to study and honor the commemorated person or occasion.⁴ The Board may, from time to time, designate a regular school day as a commemorative holiday.

School Day

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

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

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

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

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

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

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

LEGAL REF.: 105 ILCS 5/10-19, 5/10-19.05, [5/10-20.56](#), 5/10-24.46, [5/10-30](#), 5/18-12, 5/18-12.5, 5/24-2, 5/27-3, 5/27-18, 5/27-19, 5/27-20, 5/27-20.1, 5/27-20.2, and 20/1. 10 ILCS 5/11-4.1.
23 Ill.Admin.Code §1.420(f).
Metzl v. Leininger, 850 F.Supp. 740 (N.D. Ill. 1994), *aff'd* by 57 F.3d 618 (7th Cir. 1995).

CROSS REF.: 2:20 (Powers and Duties of the School Board; Indemnification), [4:180 \(Pandemic Preparedness; Management; and Recovery\)](#), 5:200 (Terms and Conditions of Employment and Dismissal), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 6:60 (Curriculum Content), 6:70 (Teaching About Religions), 7:90 (Release During School Hours)

DRAFT

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

Instruction

Curriculum Development 1

Adoption ²

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

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

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

Experimental Educational Programs and Pilot Projects ⁶

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

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

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

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

⁴ Alternative for unit districts:

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

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

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

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

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

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

Single-Gender Classes and Activities ⁷

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

Development ⁹

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

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

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

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

Consult the board attorney about accommodation issues for transgender or gender non-conforming students in single sex classes. State law prohibits gender-based discrimination, including transgender and gender non-conforming students. 775 ILCS 5/5-101(A)(11); 775 ILCS 5/1-103(O-1); and 23 Ill.Admin.Code §1.240. Title IX prohibits exclusion and discrimination on the basis of sex. 20 U.S.C. §1681(a). [The DOE's Office for Civil Rights has taken varying positions on the application of Title IX to transgender or gender non-conforming students depending upon the administration in office](#) According to the DOE Office for Civil Rights, Title IX protects lesbian, gay, bisexual, and transgender students, from sex discrimination. See www2.ed.gov/about/offices/list/ocr/lgbt.html; 7:10-AP1, *Accommodating Transgender Students or Gender Non-Conforming Students*.

⁸ 34 C.F.R. §106.34(b)(1).

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

Curriculum Guides and Course Outlines

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

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

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

Instruction

Grading and Promotion 1

The Superintendent or designee shall establish a system of grading and reporting academic achievement to students and their parents/guardians.² The system shall also determine when promotion and graduation requirements are met. The decision to promote a student to the next grade level shall be based on successful completion of the curriculum, attendance, and performance on the standardized tests required by the Ill. State Board of Education (ISBE) and/or other assessments.³ A student shall not be promoted based upon age or any other social reason not related to academic performance.⁴ The administration shall determine remedial assistance for a student who is not promoted.⁵

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

- A miscalculation of test scores,
- A technical error in assigning a particular grade or score,
- The teacher agrees to allow the student to do extra work that may impact the grade,
- An inappropriate grading system used to determine the grade, or
- An inappropriate grade based on an appropriate grading system.

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

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

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

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

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

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

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

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

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

⁴ 105 ILCS 5/10-20.9a(b).

⁵ Id.

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

Should a grade change be made, the administrator making the change must sign the changed record.

LEGAL REF.: 105 ILCS 5/2-3.64a-5, 5/10-20.9a, 5/10-21.8, and 5/27-27.

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

DRAFT

Instruction

Graduation Requirements ¹

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

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

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

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

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

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

³ The escalating graduation requirements in 105 ILCS 5/27-22 had timed-out and were deleted by P.A. 100-443, such that only the final list of required courses in Section 27-22(e), amended by P.A. 101-464, ~~eff. 1-1-20~~, is applicable. 105 ILCS 5/27-22(e)(3) allows the substitution of an advanced placement computer science course for a year of mathematics, and it further states that a mathematics course that includes geometry content may be offered as an integrated, applied, interdisciplinary, or career and technical education course that prepares a student for a career readiness path. 105 ILCS 5/27-22(e)(5) requires students entering the 9th grade in the 2016-2017 school year and each year thereafter to complete one semester of civics. For specific requirements, see 6:300-E2, *State Law Graduation Requirements*, and 6:310, *High School Credit for Non-District Experiences; Course Substitutions; Re-entering Students*. [The Ill. State Board of Education \(ISBE\) may adopt rules modifying graduation requirements for students in grades 9-12 if the Governor has declared a disaster due to a public health emergency under 20 ILCS 3305/7. 105 ILCS 5/27-22\(i\), added by P.A. 101-643.](#)

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

⁵ Required by 105 ILCS 5/27-3, [amended by P.A. 101-643.](#)

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

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

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

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

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

The Superintendent or designee is responsible for:⁸

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

Early Graduation⁹

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

Certificate of Completion¹⁰

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

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

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

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

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

¹⁰ Required by 105 ILCS 5/14-16.

Service Member Diploma ¹¹

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

LEGAL REF.: 105 ILCS 5/2-3.64a-5, 5/22-27, 5/27-3, 5/27-22, and 5/27-22.10.
105 ILCS 70/, Educational Opportunity for Military Children Act.
23 Ill.Admin.Code §1.440.

CROSS REF.: 6:30 (Organization of Instruction), 6:310 (High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students), 6:315 (High School Credit for Students in Grade 7 or 8), 6:320 (High School Credit for Proficiency), 7:50 (School Admissions and Student Transfers To and From Non-District Schools)

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

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

Instruction

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

Credit for Non-District Experiences ²

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

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

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

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

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

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

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

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

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

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

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

Substitutions for Required Courses

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

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

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

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

105 ILCS 5/10-20.62, added by P.A. 100-133 and renumbered by P.A. 100-792, requires school boards to require the district's high schools, if any, to inform all 11th and 12th grade students of dual enrollment and dual credit opportunities at public CCs for qualified students. Qualified students may enroll in an unlimited amount of dual credit courses and earn an unlimited amount of academic credits from them if the course(s) are taught by an Ill. instructor, as provided by 110 ILCS 27/. *Id.* at (b), amended by P.A. 100-792. In addition, all dual credit coursework completed by a high school student must be transferred to all public institutions in Illinois on the same basis as coursework completed by a public CC student who previously earned a high school diploma in the manner set forth under the Ill. Articulation Initiative Act. *Id.* at 27/19, added by P.A. 100-1049.

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

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

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

⁷ Vocational 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 CCs, local employers, and community-based organizations to establish a vocational academy that functions as a two-year school within a school for grades 10 through 12. Grant funds may be available from ISBE when the vocational academy meets statutory requirements.

requirements by successfully completing related vocational or technical education courses ~~or a~~ [registered apprenticeship program](#) if: ⁹

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

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

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

⁸ Allowing for this substitution is optional, but, if offered, must be included in board policy. 105 ILCS 5/27-22.05, amended by P.A. 100-992.

⁹ The *related* requirement is met if the course contains at least 50% of the content of the required course. Id. 23 Ill.Admin.Code §1.445 requires that the vocational or technical education course be completely described in the policy along with its relationship to the required course. The sample policy satisfies these requirements by referring to the courses as described in curricular material.

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

¹⁰ Allowing for this substitution is optional, but, if offered, must be included in board policy. 105 ILCS 5/2-3.175, added by P.A. 100-992, renumbered by P.A. 101-81; 23 Ill.Admin.Code §255.200. A *registered apprenticeship program* is an industry-based occupational training program of study with standards reviewed and approved by the U.S. Dept. of Labor that meets characteristics set forth in State law and ISBE rules. The introductory sentence and listed items 1, 3, 4, and 6 are required to be in the policy if a board decides to allow students to participate in registered apprenticeship programs. See 23 Ill.Admin.Code §255.200(b). Item #2 is not required to be stated in policy, but is required to be included in a district's website notification (if any) to parents/guardians about registered apprenticeship opportunities. See f/n 13, below.

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

¹¹ 105 ILCS 5/2-3.175, added by P.A. 100-992, renumbered by P.A. 101-81; 23 Ill.Admin.Code Part 255. In addition to the requirements listed in the policy, districts allowing for student participation in registered apprenticeship programs must also: (1) submit data on participating students through ISBE's Student Information System, (2) identify and attempt to eliminate any barriers to student participation, and (3) include the program in the Career Pathway Endorsement if the district awards endorsements under the Postsecondary and Workforce Readiness Act (110 ILCS 148/). 23 Ill.Admin.Code §255.200(d)-(f).

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

Parents/guardians and students will be notified of opportunities for registered apprenticeship programs in the appropriate school handbook(s).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Re-Entering Students²³

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

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¹⁹ 23 Ill.Admin.Code §1.425(e)(2) and (e)(3)(A)-~~added at 42 Ill.Reg. 11542-43~~. Prior to P.A. 100-465, the statute only allowed students in grades 11 and 12 to be excused from P.E. "for ongoing participation in an interscholastic athletic program." 105 ILCS 5/27-6(b)(1). 105 ILCS 5/27-6(b), amended by P.A. 100-465, now states "on a case-by-case basis, excuse pupils in grades 7 through 12 who participate in an interscholastic or extracurricular athletic program." While the statute no longer requires such participation to be *ongoing*, 23 Ill.Admin.Code §1.425(e)(3)-~~added at 42 Ill.Reg. 11542~~, requires *ongoing participation*. Thus, if the athletic program is over, the student's *ongoing participation* has ceased and the student no longer qualifies for the P.E. exemption. Common sense, however, would allow the exemption to continue only until the end of the grading period during which the athletic program is active. 23 Ill. Admin. Code §1.425(e)(2) limits interscholastic and extracurricular athletic programs to those that are sponsored by the school district as defined in school board policy. Boards do not have the "authority to honor parental excuses based upon students' participation in athletic training, activities or competitions conducted outside the auspices of the school district." *Id.* at §1.425(e)(6).

State statutes do not define *interscholastic athletic program* or *extracurricular athletic program*; however, 105 ILCS 5/22-80 defines *interscholastic athletic activity* as "any organized school-sponsored or school-sanctioned activity for students, generally outside of school instructional hours, under the direction of a coach, athletic director, or band leader, including, but not limited to, baseball, basketball, cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, ice hockey, lacrosse, marching band, rugby, soccer, skating, softball, swimming and diving, tennis, track (indoor and outdoor), ultimate Frisbee, volleyball, water polo, and wrestling." 23 Ill.Admin.Code §1.425(e)(2), added at 42 Ill. Reg. 11542, defines *interscholastic and extracurricular athletic programs* as "those programs that are sponsored by the school district as defined by school district policy." Boards have no authority to honor parental excuses based upon students' participation in athletic training, activities or competition conducted outside the auspices of the school district. 23 Ill.Admin.Code §1.425(e)(6)-~~added at Ill. Reg. 11543~~.

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

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

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

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

²¹ 23 Ill.Admin.Code §1.425(e)(3)(C)-~~added at 42 Ill. Reg. 11543~~.

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

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

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

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

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

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

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

Instruction

High School Credit for Students in Grade 7 or 8¹

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

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

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

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

[Elementary school districts only]

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

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

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

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

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

³ 105 ILCS 5/27-22.10(c).

⁴ Id. at (c).

⁵ Id. at (d).

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

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

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Instruction

High School Credit for Proficiency

Proficiency Credits¹

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

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

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

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

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

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

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

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

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

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

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

⁶ Optional.

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

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

DRAFT

Instruction

Student Testing and Assessment Program 1

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

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

1. Administers ~~to students the State assessment system, known as the Illinois Assessment of Readiness (IAR)~~ all standardized assessments required by the Ill. State Board of Education (ISBE), ~~to all students~~ and/or any other appropriate assessment methods and instruments, including norm and criterion-referenced achievement tests, aptitude tests, proficiency tests, and teacher-developed tests.
2. Informs students of the timelines and procedures applicable to their participation in every State assessment. ²
3. Provides each student's parents/guardians with the results or scores of each State assessment and an evaluation of the student's progress. See policy 6:280, *Grading and Promotion*. ³
4. Utilizes professional testing practices. ⁴

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

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

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

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

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

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

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

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

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

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

LEGAL REF.: 20 U.S.C. §1232g, Family Educational Rights and Privacy Act.
105 ILCS 10/, Illinois School Student Records Act.
105 ILCS 5/2-3.63, 5/2-3.64a-5, 5/10-17a, 5/22-82, and 5/27-1.

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

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

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

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

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

Students

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

Required Health Examinations and Immunizations

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

1. Entering kindergarten or the first grade;²
2. Entering the sixth and ninth grades;³ and
3. Enrolling in an Illinois school, regardless of the student's grade (including nursery school, special education, Head Start programs operated by elementary or secondary schools, and students transferring into Illinois from out-of-state or out-of-country).⁴

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

As required by State law:

1. Health examinations must be performed by a physician licensed to practice medicine in all of its branches, an advanced practice registered nurse who has a written collaborative agreement with a collaborating physician authorizing the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the performance of health examinations by a supervising physician.⁶
2. A diabetes screening is a required part of each health examination; diabetes testing is not required.⁷
3. ~~Beginning with the 2017-2018 school year, a~~An age-appropriate developmental screening and an age-appropriate social and emotional screening are required parts of each health

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¹ State or federal law controls this policy's content. The policy restates 105 ILCS 5/27-8.1, amended by P.A.s 100-513, 100-977, and 101-643, eff. 1-1-19. Immunization requirements are found in 77 Ill.Admin.Code §665.240, ~~amended by 41 Ill.Reg. 2973~~. A Tuberculosis skin test is required if the student lives in an area designated by the Ill. Dept. of Public Health (IDPH) as having a high incidence of Tuberculosis. See also *Questions & Answers Regarding School Health Record Issues*, revised May 2013, and available at: www.dhs.state.il.us/onenetlibrary/27897/documents/schoolhealth/faq_2013.pdf.

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

³ Id.

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

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

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

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

examination.⁸ A student will not be excluded from school due to his or her parent/guardian's failure to obtain a developmental screening or a social and emotional screening.⁹

4. Before admission and in conjunction with required physical examinations, parent(s)/guardian(s) of children between the ages of one and seven years must provide a statement from a physician that their child was *risk-assessed* or screened for lead poisoning.¹⁰
5. The IDPH will provide all students entering sixth grade and their parent(s)/guardian(s) information about the link between human papillomavirus (HPV) and HPV-related cancers and the availability of the HPV vaccine.¹¹
6. The District will provide informational materials regarding influenza, influenza vaccinations, meningococcal disease, and meningococcal vaccinations developed, provided, or approved by the IDPH when it provides information on immunizations, infectious diseases, medications, or other school health issues to students' parent(s)/guardian(s).¹²

Unless an exemption or extension applies, the failure to comply with the above requirements by October 15 of the current school year will result in the student's exclusion from school until the

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

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

Option 1: If proof of the developmental screening or the social and emotional screening portions of the health examination are not presented, qualified school support personnel may, with a parent/guardian's consent, offer the screenings to the child.

Option 2: Once a student presents proof that he or she received a developmental screening or a social and emotional screening, the school may, with a parent/guardian's consent, make available appropriate school personnel to work with the parent/guardian, child, and provider who signed the screening form to obtain any appropriate evaluations and services.

Option 3: (The use of both Option 1 and 2.)

a. If proof of the developmental screening or the social and emotional screening portions of the health examination are not presented, qualified school support personnel may, with a parent/guardian's consent, offer the screenings to the child.

b. Once a student presents proof that he or she received a developmental screening or a social and emotional screening, the school may, with a parent/guardian's consent, make available appropriate school personnel to work with the parent/guardian, child, and provider who signed the screening form to obtain any appropriate evaluations and services.

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

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

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

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

required health forms are presented to the District.¹³ New students who register after October 15 of the current school year shall have 30 days following registration to comply with the health examination and immunization regulations.¹⁴ If a medical reason prevents a student from receiving a required immunization by October 15, the student must present, by October 15, an immunization schedule and a statement of the medical reasons causing the delay.¹⁵ The schedule and statement of medical reasons must be signed by the physician, advanced practice registered nurse, physician assistant, or local health department responsible for administering the immunizations.

A student transferring from out-of-state who does not have the required proof of immunizations by October 15 may attend classes only if he or she has proof that an appointment for the required vaccinations is scheduled with a party authorized to submit proof of the required vaccinations.¹⁶ If the required proof of vaccination is not submitted within 30 days after the student is permitted to attend classes, the student may no longer attend classes until proof of the vaccinations is properly submitted.¹⁷

Eye Examination ¹⁸

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

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

¹³ 105 ILCS 5/27-8.1(5), amended by P.A. 101-513, requires compliance by October 15 unless a district establishes an earlier date with 60 days notice. If an earlier date is established, replace “October 15” in this paragraph with the earlier locally established date. During any student’s exclusion from school for non-compliance with this policy, the student’s parent(s)/guardian(s) shall be considered in violation of 105 ILCS 5/26-1 and subject to any penalty imposed by 105 ILCS 5/26-10, as provided in 105 ILCS 5/27-8.1. 105 ILCS 5/27-8.1(2.5), amended by P.A. 99-927, exempts developmental or social and emotional screenings from the exclusion from school requirement.

Note: 77 Ill.Admin.Code §665.240(n), created by 41 Ill.Reg. 2973, states “It is not the intent of this Part that any child whose parents comply with the intent of this Part, the Act or the School Code should be excluded from a child care facility or school. A child or student shall be considered in compliance with the law if there is evidence of the intent to comply. Evidence may be: 1) a signed statement from a health care provider that he or she has begun, or will begin, the necessary immunization procedures; or 2) the parent’s or legal guardian’s written consent for the child’s participation in a school or other community immunization program.” Consult with the board attorney about the impact this new regulation may have on the district’s ability to and procedures for excluding students for non-compliance with this policy.

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

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

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

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

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

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

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

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

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

Dental Examination ²⁰

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

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

Exemptions ²¹

In accordance with rules adopted by the IDPH, a student will be exempted from this policy's requirements for:

1. Religious grounds, if the student's parent(s)/guardian(s) present the IDPH's Certificate of Religious Exemption form to the Superintendent or designee. When a Certificate of Religious Exemption form is presented, the Superintendent or designee shall immediately inform the parent(s)/guardian(s) of exclusion procedures pursuant to Board policy 7:280, *Communicable and Chronic Infectious Disease*, and State rules if there is an outbreak of one or more diseases from which the student is not protected. ²²
2. Health examination or immunization requirements on medical grounds, if the examining physician, advanced ~~registered~~ practice registered nurse, or physician assistant provides written verification.

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

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

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

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

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

3. Eye examination requirement, if the student's parent(s)/guardian(s) show an undue burden or lack of access to a physician licensed to practice medicine in all of its branches who provides eye examinations or a licensed optometrist.
4. Dental examination requirement, if the student's parent(s)/guardian(s) show an undue burden or a lack of access to a dentist.

Homeless Child

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce immunization and health records normally required for enrollment.²³ School Board policy 6:140, *Education of Homeless Children*, governs the enrollment of homeless children.

LEGAL REF.: 42 U.S.C. §11431 *et seq.*, McKinney-Vento Homeless Assistance Act
105 ILCS 5/27-8.1 and 45/1-20.
410 ILCS 45/7.1 and 315/2e.
23 Ill.Admin.Code §1.530.
77 Ill.Admin.Code Part 665.
77 Ill.Admin.Code Part 690.

CROSS REF.: 6:30 (Organization of Instruction), 6:140 (Education of Homeless Children),
6:180 (Extended Instructional Programs), 7:50 (School Admissions and Student
Transfers To and From Non-District Schools), 7:280 (Communicable and
Chronic Infectious Disease)

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

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

Students

Search and Seizure 1

In order to maintain order and security in the schools, school authorities are authorized to conduct reasonable searches of school property and equipment, as well as of students and their personal effects. "School authorities" includes school liaison police officers. ²

School Property and Equipment as well as Personal Effects Left There by Students

School authorities may inspect and search school property and equipment owned or controlled by the school (such as, lockers, desks, and parking lots), as well as personal effects left there by a student, without notice to or the consent of the student. Students have no reasonable expectation of privacy in these places or areas or in their personal effects left there. ³

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

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

According to Fourth Amendment cases, a search by the police requires "probable cause" supported by a warrant. However, in a U.S. Supreme Court decision, cited in every student search case, the Court upheld the warrantless search of a student. A search is: (1) justified at its inception when there are reasonable grounds for suspecting the search of a particular student will turn up evidence that the student violated the law or school rules, and (2) permissible in its scope when it is reasonably related to the search's objective and not excessively intrusive. T.L.O. v. New Jersey, 469 U.S. 325+05 S.Ct. 733 (1985).

² The Ill. Supreme Court upheld a search conducted by a school liaison officer, saying: "Decisions ... that involve police officers in school settings can generally be grouped into three categories: (1) those where school officials initiate a search or where police involvement is minimal, (2) those involving school police or liaison officers acting on their own authority, and (3) those where outside police officers initiate a search. Where school officials initiate the search or police involvement is minimal, most courts have held that the reasonable suspicion test [applies]. ...The same is true in cases involving school police or liaison officers acting on their own authority. ...However, where outside police officers initiate a search, or where school officials act at the behest of law enforcement agencies, the probable cause standard has been applied. In the present case, the record shows that Detective Ruettiger was a liaison police officer on staff at the Alternate School, which is a high school student with behavioral disorders. ... We hold that the reasonable suspicion standard applies under these facts." People v. Dilworth, 169 Ill.2d 195661 N.E.2d 310 (Ill., 1996).

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

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

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

This paragraph applies to student vehicles parked on school property. In addition, Building Principals shall require each high school student, in return for the privilege of parking on school property, to consent in writing to school searches of his or her vehicle, and personal effects therein, without notice and without suspicion of wrongdoing.

The Superintendent may request the assistance of law enforcement officials to conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. ⁴

Students ⁵

School authorities may search a student and/or the student's personal effects in the student's possession (such as, purses, wallets, knapsacks, book bags, lunch boxes, etc.) when there is a reasonable ground for suspecting that the search will produce evidence the particular student has violated or is violating either the law or the District's student conduct rules. ⁶ The search itself must be conducted in a manner that is reasonably related to its objective and not excessively intrusive in light of the student's age and sex, and the nature of the infraction. ⁷

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

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

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

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

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

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

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

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

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

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

The U.S. Supreme Court upheld a random drug testing policy for student athletes and extracurricular participants, (Vernonia Sch. Dist. 47J v. Acton, 415 S.Ct. 2386515 U.S. 646 (1995); and Independent Sch. Dist. of Pottawatomie County v. Earls, 422 S.Ct. 2559536 U.S. 822 (2002)). The circumstances justifying random drug searches do not exist for the entire student body; thus, random drug tests of the student body would probably not survive constitutional scrutiny.

Seizure of Property

If a search produces evidence that the student has violated or is violating either the law or the District's policies or rules, such evidence may be seized and impounded by school authorities, and disciplinary action may be taken. When appropriate, such evidence may be transferred to law enforcement authorities.⁹

Notification Regarding Student Accounts or Profiles on Social Networking Websites¹⁰

The Superintendent or designee shall notify students and their parents/guardians of each of the following in accordance with the Right to Privacy in the School Setting Act, 105 ILCS 75/:

1. School officials may not request or require a student or his or her parent/guardian to provide a password or other related account information to gain access to the student's account or profile on a social networking website.
2. School officials may conduct an investigation or require a student to cooperate in an investigation if there is specific information about activity on the student's account on a social networking website that violates a school disciplinary rule or policy. In the course of an investigation, the student may be required to share the content that is reported in order to allow school officials to make a factual determination.

LEGAL REF.: 105 ILCS 5/10-20.14, 5/10-22.6, and 5/10-22.10a.
Right to Privacy in the School Setting Act, 105 ILCS 75/.
Cornfield v. Consolidated High School Dist. No. 230, 991 F.2d 1316 (7th Cir., 1993).
People v. Dilworth, ~~169 Ill.2d 195661 N.E.2d 310~~ (Ill., 1996), *cert. denied*, 116 S.Ct. 1692 (1996).
People v. Pruitt, ~~278 Ill.App.3d 194662 N.E. 2d 540~~ (Ill.App.1st Dist., 1996), *app. denied*, 667 N.E. 2d 1061 (Ill.App.1, 1996).
T.L.O. v. New Jersey, ~~105 S.Ct. 733469~~ U.S. 325 (1985).
Vernonia School Dist. 47J v. Acton, ~~115 S.Ct. 2386515~~ U.S. 646 (1995).
Safford Unified School Dist. No. 1 v. Redding, ~~129 S. Ct. 2633557~~ U.S. 364 (2009).

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

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

⁹ See 105 ILCS 5/10-22.6(e).

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

Students

Extracurricular Athletics

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

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

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

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

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

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

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

² At a minimum, schools should: (1) fully inform and warn students and their parent(s)/guardian(s) of risks inherent in a sport, (2) assist their understanding and appreciation of these risks, and (3) document the school's efforts. See 7:300-E1, *Agreement to Participate*. This form's provision concerning waiver of liability and hold harmless should be reviewed with the board attorney. The district may not be able to waive gross negligence or recklessness on its part, but the waiver language in the form serves to alert the student and his/her parent(s)/guardian(s) to the seriousness of potential injuries.

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

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

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

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

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

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

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

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

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

1. [IESA Policy and School Recommendations for Transgender Participation at: www.iesa.org/documents/handbook/IESA-Policies.pdf](http://www.iesa.org/documents/handbook/IESA-Policies.pdf)
2. [IHSA policy #34, Policy and School Recommendations for Transgender Participation, at: www.ihsa.org/About-the-IHSA/Constitution-By-laws-Policies](http://www.ihsa.org/About-the-IHSA/Constitution-By-laws-Policies); and
3. [SIJHSAA Transgender Participation Policy at: www.sijhsaa.com/images/stories/pdf/TRANSGENDER PARICIPATION POLICY Revised 10-17-18.pdf](http://www.sijhsaa.com/images/stories/pdf/TRANSGENDER%20PARICIPATION%20POLICY%20Revised%2010-17-18.pdf)

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

www.isbe.net/supportallstudents.

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

A district must include information concerning the board's concussion policy in any agreement, contract, code, or other written instrument that the district requires a student athlete and his or her parent(s) or guardian(s) to sign before participating in practice or interscholastic competition. (105 ILCS 5/10-20.54 and 23 Ill.Admin.Code §1.530(b)). The form 7:300-E1, *Agreement to Participate*, contains the requirements in this policy. In addition, the student and student's parent/guardian must sign a form approved by IHSA acknowledging receiving and reading written information on concussions. (105 ILCS 5/22-80(e), added by P.A. 99-245 and amended by P.A. 99-486.)

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

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

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

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

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

DRAFT

Students

Student Fundraising Activities 1

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

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

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

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

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

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

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

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

⁴ Two alternatives follow:

- Alternative 1: 4. Student safety must be paramount and door-to-door solicitations are prohibited.
- Alternative 2: 4. Student safety must be paramount and door-to-door solicitations are discouraged.

8. Any fundraising efforts that solicit donor messages for incorporation into school property₂ (e.g., tiles or bricks₂) or placement upon school property₂ (e.g., posters or placards₂) must:⁵
 - a. Develop viewpoint neutral guidelines for the creation of messages;
 - b. Inform potential donors that all messages are subject to review and approval, and that messages that do not meet the established guidelines must be resubmitted or the donation will be returned; and
 - c. Place a disclaimer on all fundraising information and near the completed donor messages that all messages are “solely the expression of the individual donors and not an endorsement by the District of any message’s content.”

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

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

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

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

General School Administration

Superintendent 1

Duties and Authority

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

Qualifications

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

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

¹ State law controls this policy's content. Unless the district has only one school with fewer than four teachers, the board must employ a superintendent or a chief executive officer as allowed under specific circumstances. 105 ILCS 5/10-21.4, ~~amended by P.A. 99-846~~. This statute assigns some specific duties to the superintendent including to: (1) make recommendations to the board concerning the budget, building plans, the locations of sites, the selection, retention, and dismissal of teachers and all other employees, the selection of textbooks, instructional material, and courses of study; (2) report to the board, Ill. State Board of Education (ISBE), and chief administrative official any employee named in an abused child report; and (3) keep or cause to be kept the records and accounts as directed and required by the board, aid in making reports required by the board, and perform such other duties as the board may delegate to him/her. 105 ILCS 5/10-16.7 requires boards to direct, through policy, the superintendent, in his or her charge of the district's administration.

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

² See 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*, for an annotated list of documents and reports that must be posted on the district's website, if the district has a website. While not comprehensive, see the IASB's *Annual School Calendar* for the required reports that do not need web-posting, available on the IASB website at: www.iasb.com/pdf/schoolcal.pdf

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

⁴ 105 ILCS 5/21B-20 and 5/21B-25 govern Professional Educator Licenses and superintendent endorsements. See also 23 Ill.Admin.Code §§25.355 ([superintendent endorsement](#)) ~~amended at 42 Ill. Reg. 8913 (endorsements on or after 9-1-16), 25.360 (through 8-31-19), and 29.100 (Ill. Professional School Leader Standards), and 29.130 (Superintendent Standards)~~.

Evaluation

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

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

Compensation and Benefits⁷

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

LEGAL REF.: 105 ILCS 5/10-16.7, 5/10-20.47, 5/10-21.4, 5/10-23.8, 5/21B-20, 5/21B-25, 5/24-11, and 5/24A-3.
23 Ill.Admin.Code §§1.310, 1.705, and ~~29.130, 25.355.~~

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

Commented [DJ1]: Repealed section.

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

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

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

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

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

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

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

Instruction

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

Credit for Non-District Experiences ²

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

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

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

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

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

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

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

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

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

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

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

Substitutions for Required Courses

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

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

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

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

105 ILCS 5/10-20.62, added by P.A. 100-133 and renumbered by P.A. 100-792, requires school boards to require the district's high schools, if any, to inform all 11th and 12th grade students of dual enrollment and dual credit opportunities at public CCs for qualified students. Qualified students may enroll in an unlimited amount of dual credit courses and earn an unlimited amount of academic credits from them if the course(s) are taught by an Ill. instructor, as provided by 110 ILCS 27/. *Id.* at (b), amended by P.A. 100-792. In addition, all dual credit coursework completed by a high school student must be transferred to all public institutions in Illinois on the same basis as coursework completed by a public CC student who previously earned a high school diploma in the manner set forth under the Ill. Articulation Initiative Act. *Id.* at 27/19, added by P.A. 100-1049.

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

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

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

⁷ Vocational 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 CCs, local employers, and community-based organizations to establish a vocational academy that functions as a two-year school within a school for grades 10 through 12. Grant funds may be available from ISBE when the vocational academy meets statutory requirements.

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

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

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

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

⁸ Allowing for this substitution is optional, but, if offered, must be included in board policy. 105 ILCS 5/27-22.05, amended by P.A. 100-992.

⁹ The related requirement is met if the course contains at least 50% of the content of the required course. Id. 23 Ill.Admin.Code §1.445 requires that the vocational or technical education course be completely described in the policy along with its relationship to the required course. The sample policy satisfies these requirements by referring to the courses as described in curricular material.

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

¹⁰ Allowing for this substitution is optional, but, if offered, must be included in board policy. 105 ILCS 5/2-3.175, added by P.A. 100-992, renumbered by P.A. 101-81; 23 Ill.Admin.Code §255.200. A registered apprenticeship program is an industry-based occupational training program of study with standards reviewed and approved by the U.S. Dept. of Labor that meets characteristics set forth in State law and ISBE rules. The introductory sentence and listed items 1, 3, 4, and 6 are required to be in the policy if a board decides to allow students to participate in registered apprenticeship programs. See 23 Ill.Admin.Code §255.200(b). Item #2 is not required to be stated in policy, but is required to be included in a district's website notification (if any) to parents/guardians about registered apprenticeship opportunities. See f/n 13, below.

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

¹¹ 105 ILCS 5/2-3.175, added by P.A. 100-992, renumbered by P.A. 101-81; 23 Ill.Admin.Code Part 255. In addition to the requirements listed in the policy, districts allowing for student participation in registered apprenticeship programs must also: (1) submit data on participating students through ISBE's Student Information System, (2) identify and attempt to eliminate any barriers to student participation, and (3) include the program in the Career Pathway Endorsement if the district awards endorsements under the Postsecondary and Workforce Readiness Act (110 ILCS 148/). 23 Ill.Admin.Code §255.200(d)-(f).

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

Parents/guardians and students will be notified of opportunities for registered apprenticeship programs in the appropriate school handbook(s).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Re-Entering Students²³

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

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

¹⁹ 23 Ill.Admin.Code §1.425(e)(2) and (e)(3)(A), ~~added at 42 Ill.Reg. 11542-43~~. Prior to P.A. 100-465, the statute only allowed students in grades 11 and 12 to be excused from P.E. "for ongoing participation in an interscholastic athletic program." 105 ILCS 5/27-6(b)(1). 105 ILCS 5/27-6(b), amended by P.A. 100-465, now states "on a case-by-case basis, excuse pupils in grades 7 through 12 who participate in an interscholastic or extracurricular athletic program." While the statute no longer requires such participation to be *ongoing*, 23 Ill.Admin.Code §1.425(e)(3), ~~added at 42 Ill.Reg. 11542~~, requires *ongoing participation*. Thus, if the athletic program is over, the student's *ongoing participation* has ceased and the student no longer qualifies for the P.E. exemption. Common sense, however, would allow the exemption to continue only until the end of the grading period during which the athletic program is active. 23 Ill. Admin. Code §1.425(e)(2) limits interscholastic and extracurricular athletic programs to those that are sponsored by the school district as defined in school board policy. Boards do not have the "authority to honor parental excuses based upon students' participation in athletic training, activities or competitions conducted outside the auspices of the school district." *Id.* at §1.425(e)(6).

State statutes do not define *interscholastic athletic program* or *extracurricular athletic program*; however, 105 ILCS 5/22-80 defines *interscholastic athletic activity* as "any organized school-sponsored or school-sanctioned activity for students, generally outside of school instructional hours, under the direction of a coach, athletic director, or band leader, including, but not limited to, baseball, basketball, cheerleading, cross country track, fencing, field hockey, football, golf, gymnastics, ice hockey, lacrosse, marching band, rugby, soccer, skating, softball, swimming and diving, tennis, track (indoor and outdoor), ultimate Frisbee, volleyball, water polo, and wrestling." 23 Ill.Admin.Code §1.425(e)(2), added at 42 Ill. Reg. 11542, defines *interscholastic and extracurricular athletic programs* as "those programs that are sponsored by the school district as defined by school district policy." Boards have no authority to honor parental excuses based upon students' participation in athletic training, activities or competition conducted outside the auspices of the school district. 23 Ill.Admin.Code §1.425(e)(6), ~~added at Ill. Reg. 11543~~.

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

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

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

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

²¹ 23 Ill.Admin.Code §1.425(e)(3)(C), ~~added at 42 Ill.Reg. 11543~~.

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

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

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

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

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

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

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

To: Board of Education
From: Dr. Eric Olson, Superintendent
Date: January 14, 2021
Re: Discussion of Policy 4:180 *Pandemic Preparedness; Management; and Recovery*

Background

The Policy Reference Education Subscription Service (PRESS) of the Illinois School Association of School Board (IASB) updated policy 4:180 in its June 2020 issue 104. The updated policy was subsequently reviewed by the District's internal policy committee on August 7, 2020, and by the Board's policy committee on August 14, 2020. The Board policy committee recommended further discussion of the policy by the Board at its regular meeting on August 20, 2020.

During the August 20, 2020 regular meeting, Board members discussed the policy and whether Superintendent Dr. Olson should have full authority on school closing decisions during a pandemic, or if the Board needed to adopt and/or vote on any new learning plan. Some members believed the Board was not required to adopt the plan, others believed revised policy 4:180 and state law required any new plan to be voted on and adopted by the Board. The Board requested that legal counsel Loizzi's opinion on the policy language be provided at the next meeting.

At the September 10, 2020 regular meeting, Board counsel Loizzi provided the members with three options:

- Option 1: Accept the recommendation of PRESS for the Board to adopt any new learning plan. This would require the Superintendent to approve a plan and bring it to the Board for formal action at a Board meeting.
- Option 2: Include just the statutory language. Counsel's opinion was that the Board would not have to take formal action
- Option 3: A variation of option #2: Add language that the plan be approved by the Superintendent and adopted by the District but also presented and reviewed by the Board at an open meeting (a sort of middle ground).

Mr. Loizzi reiterated his opinion that the policy language required no action by the Board. The Board discussed the options and President Biagi asked for everyone's opinion and their stand on the options. A five to two consensus was reached in favor of option 2, to leave the remote learning plan to the Superintendent without Board adoption or approval. The Board policy committee was tasked with finalizing the revised policy language at its meeting on September 15 and bringing it back for approval by the Board at the October 8 regular meeting.

At the October 8, 2020 regular meeting, discussion of the finalized version of the policy took place, centering on the policy language stating "The District will approve the plan" and whether "District"

meant the Superintendent or the Board of Education. Further discussion of the statute took place, counsel Loizzi pointing out that the legislature expressly stated “the board” when it wanted the board to take action. In addition, the statute stated that the superintendent could amend the plan at any time, without board approval. Some Board members disagreed with counsel’s interpretation of the statutory language. Some members stressed that the policy doesn’t bind the Board and it has the power to overrule the Superintendent at any time. In the end, the motion to vote on the language and policy as presented was moved and seconded. The votes were cast as follows:

AYES: Pearl, Biagi, Sanchez, Ryles

NAYS: Sotos, Sales, Little

PRESENT: None

ABSENT: None

The motion carried. The revised policy, as adopted at the October 8, 2020 regular meeting, is attached to this report (attachment 1).

During the December 10, 2020 regular Board meeting, members discussed the necessity to review policy 4:180 once again. Board legal counsel explained that given the last vote on the policy, someone in the majority group of that vote would need to bring the motion to reconsider in order to vote again. He said a discussion could be added to the agenda for possible consensus without a vote; Board member Sotos requested the discussion be added to the agenda for the January 14 meeting.

Operational Services

4:180 Pandemic Preparedness; Management; and Recovery

The School Board recognizes that the District will play an essential role along with the local health department and emergency management agencies in protecting the public's health and safety during a pandemic.

A pandemic is a global outbreak of disease. Pandemics happen when a new virus emerges to infect individuals and, because there is little to no pre-existing immunity against the new virus, it spreads sustainably.

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

Emergency School Closing

In the case of a pandemic, the Governor may declare a disaster due to a public health emergency that may affect any decision for an emergency school closing. Decisions for an emergency school closing will be made by the Superintendent in consultation with and, if necessary, at the direction of the Governor, Ill. Dept. of Public Health, District's local health department, emergency management agencies, and/or Regional Office of Education.

During an emergency school closing, the Board President and the Superintendent may, to the extent the emergency situation allows, examine existing Board policies pursuant to Policy 2:240, *Board Policy Development*, and recommend to the Board for consideration any needed amendments or suspensions to address mandates that the District may not be able to accomplish or implement due to a pandemic.

Board Meeting Procedure: No Physical Presence of Quorum and Participation by Audio or Video

A disaster declaration related to a public health emergency may affect the Board's ability to meet in person and generate a quorum of members who are physically present at the location of a meeting. Policy 2:220, *School Board Meeting Procedure*, governs Board meetings by video or audio conference without the physical presence of a quorum.

Payment of Employee Salaries During Emergency School Closures

The Superintendent shall consult with the Board to determine the extent to which continued payment of salaries and benefits will be made to the District's employees, pursuant to Board policies 3:40, *Superintendent*, 3:50, *Administrative Personnel Other Than the Superintendent*, 5:35, *Compliance with the Fair Labor Standards Act*, 5:200, *Terms and Conditions of Employment and Dismissal*, and 5:270, *Employment At-Will, Compensation, and Assignment*, and consistent with: (1) applicable laws, regulations, federal or State or local emergency declarations, executive orders, and agency directives; (2) collective bargaining agreements and any bargaining obligations; and (3) the terms of any grant under which an employee is being paid.

Suspension of In-Person Instruction: Remote and/or Blended Remote Learning Day Plan(s)

When the Governor declares a disaster due to a public health emergency pursuant to [20 ILCS 3305/7](#), and the State Superintendent of Education declares a requirement for the District to use *Remote Learning Days* or *Blended Remote Learning Days*, the District shall adopt a Remote and/or Blended Remote Learning Plan approved by the Superintendent.

LEGAL REF.:

[105 ILCS 5/10-16.7](#), [5/10-20.5](#), [5/10-20.56](#), and [5/10-30](#).

[5 ILCS 120/2.01](#) and [120/7](#)(e), Open Meetings Act.

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

[20 ILCS 3305/](#), Ill. Emergency Management Agency Act.

[115 ILCS 5/](#), Ill. Educational Labor Relations Act.

CROSS REF.: 1:20 (District Organization, Operations, and Cooperative Agreements), 2:20 (Powers and Duties of the School Board; Indemnification), 2:220 (School Board Meeting Procedure), 2:240 (Board Policy Development), 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 3:70 (Succession of Authority), 4:170 (Safety), 5:35 (Compliance with the Fair Labor Standards Act), 5:200 (Terms and Conditions of Employment and Dismissal), 5:270 (Employment At-Will, Compensation, and Assignment), 6:20 (School Year Calendar and Day), 6:60 (Curriculum Content), 6:300 (Graduation Requirements), 7:90 (Release During School Hours), 8:100 (Relations with Other Organizations and Agencies)

ADOPTED: November 26, 2007

REVISED: April 4, 2011; November 18, 2013; September 18, 2017; October 8, 2020

Park Ridge-Niles School District 64

To: Board of Education
Dr. Eric Olson, Superintendent
From: Joel Martin, Assistant Superintendent for Human Resources
Date: January 14, 2021
Re: Discussion and Approval of Substitute Teachers Pay Increase

District 64 is seeking to raise the in-person substitute teacher rate during the pandemic by \$25 dollars per day. It is important to note that this would only apply to substitutes who work on-site and would only be during the pandemic.

This request for a rate change in the middle of the year is a direct response to our neighboring districts who have made rate changes during this school year. District 64 is in direct competition with our neighboring districts for substitute teachers and the change would allow us to stay competitive during this unique school year.

Currently, District 64 pays substitute teachers \$120 per day. Until now, this was comparable to District 62 (\$120/day) and District 63 (\$127.50/day). Just recently, District 63 significantly raised its substitute teacher rate to \$200 per day during the pandemic in the hope of increasing their substitute pool. District 62 has also increased per diem pay by \$25 dollar to \$145. Because District 64 typically competes for the same pool of substitute teachers with our neighboring districts, the administration believes it is important to provide a comparable per diem rate. It should be noted that the number of available substitute teachers has dwindled significantly during the pandemic.

Therefore, the administration is recommending that we follow the District 62 format of offering an additional \$25 per day for in-person substitute teachers to stay competitive with our neighboring districts.

ACTION ITEM 21-01-5

I move that the Board of Education of Community Consolidated School District 64, Park Ridge – Niles, Illinois, approve the Resolution Authorizing the Administration to Raise the In-Person Substitute Teacher Rate by \$25 per day, to a daily rate of \$145.

The votes were cast as follows:

Moved by _____ Seconded by _____

AYES:
NAYS:
PRESENT:
ABSENT:

Approval of Recommended Personnel Report

ACTION ITEM 21-01-6

I move that the Board of Education of Community Consolidated School District 64, Park Ridge – Niles, Illinois, approve the Personnel Report dated January 14, 2021, noting that the Personnel Report is based on the recommendation of the Superintendent and not upon the Board’s direct knowledge regarding any of the specific individuals selected for employment.

The votes were cast as follows:

Moved by _____ Seconded by _____

AYES:

NAYS:

PRESENT:

ABSENT:

January 14, 2021
Personnel Report
Revised

Sarah Knox	Employ as 5th Grade Teacher at Field School effective January 4, 2021 - BA, Step 1 - \$30,462.87.
Marie Murphy	Employ as .5 Title I Intervention Teacher at Franklin School effective January 11, 2021 - BA, Step 2 - \$14,783.90.
Sean Powers	Employ as a District Floater Night Custodian effective January 11, 2021 - \$17.03 hourly.
Samantha Sanders	Employ as .5 Title I Intervention Teacher at Field School effective January 4, 2021 - MA, Step 1 - \$17,519.00.
Cheryl Stefanowicz	Employ as Level 4 Human Resources Secretary effective January 11, 2021 - \$19.02 hourly.
Samantha Williams	Employ as .5 Title I Intervention Teacher at Franklin School effective January 4, 2021 - BA, Step 1 - \$15,231.44.
Javier Valentin	Reassign as Interim Head Custodian at Roosevelt School effective January 1, 2021.
Sarah Bozai	Resign as 5th Grade Teacher at Field School effective January 15, 2021.
Andrew Duerkop	Resign as Science Teacher at Lincoln Middle School effective June 11, 2021.
Patty McLean	Resign as School Psychologist at Emerson Middle School effective June 11, 2021.
Marybeth Whitney-DeLaMar	Resign as Principal at Franklin School effective June 30, 2021.
Linda Aichinger	Retire as Math Teacher at Emerson Middle School effective June 11, 2021.
Sharon Bailey	Retire as 4th Grade Teacher at Washington School effective June 11, 2021.
Barb Bultinck	Retire as Kindergarten Teacher at Carpenter School effective June 11, 2021.

January 14, 2021
Personnel Report
Revised

Sonja Dziedzic	Retire as Art Teacher at Emerson Middle School effective June 11, 2021.
Franny Keyes	Retire as C of C/Technology Teacher at Lincoln Middle School effective June 11, 2021.
Natalie Jacobson-Prim	Retire as Instrumental District Music Teacher effective June 11, 2021.
Christina O'Donnell	Retire as 5th Grade Teacher at Roosevelt School effective June 11, 2021.
Geralyn Soldan	Retire as Special Education Teacher at Carpenter School effective June 11, 2021.
Harley Tom	Retire as Physical Education Teacher at Carpenter School effective June 11, 2021.
Lisa Truchon	Retire as 4th Grade Teacher at Carpenter School effective June 11, 2021.

Consent Agenda

ACTION ITEM 21-01-7

I move that the Board of Education of Community Consolidated School District 64, Park Ridge – Niles, Illinois, approve the Consent Agenda for January 14, 2021, which includes: Bills, Payroll and Benefits; Approval of Financial Update for the Period Ending November 30, 2020; Resolution #1262 Authorizing and Directing the Permanent Transfer of Money from the Operations & Maintenance Fund to the Debt Service Fund for Debt Certificates; Resolution #1263 Authorizing and Directing the Permanent Transfer of Money from the Education Fund to the Debt Service Fund for VOIP and Copier Leases; and Audio Closed Recordings (None).

The votes were cast as follows:

Moved by _____ Seconded by _____

AYES:

NAYS:

PRESENT:

ABSENT:

Community Consolidated School District No. 64

Disbursement Detail Listing

Bank Name: Accounts Payable
 Bank Account: 885360644

Date Range: 10/01/2020 - 01/14/2021
 Voucher Range: 1134 - 1138

Sort By: Vendor
 Dollar Limit: \$0.00

Fiscal Year: 2020-2021

Print Employee Vendor Names Exclude Voided Checks Exclude Manual Checks Include Non Check Batches

Check Number	Date	Voucher	Payee	Account	Description	Amount
NCB	01/14/2021	1138	Warehouse Direct	20.0000.2542.4850.000.00.000000	Glue Gun,Mini-Emeson Schl.-Acct# M526750	(\$245.70)
NCB	01/14/2021	1135	Wevideo, Inc.	10.0000.2225.3160.000.00.000000	Wevideo licenses - additional 200 seats for 34	\$321.74
NCB	01/14/2021	1135	Wow! Business	10.0000.2633.3420.000.00.000000	Dec internet EM	\$864.99
Check Total:						\$16,714.98
Bank Total:						\$734,614.00

<u>Fund</u>	<u>Amount</u>
10	\$340,100.80
20	\$182,650.90
30	\$12,859.05
40	\$175,852.00
60	\$23,052.25
80	\$99.00
Fund Totals:	\$734,614.00

End of Report

Disbursements Grand Total: \$734,614.00

Community Consolidated School District No. 64

Fund Balances

Fiscal Year: 2020-2021

Month: December

Year: 2020

Fund Type:

Include Cash Balance

FY End Report

<u>Fund</u>	<u>Description</u>	<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expense</u>	<u>Transfers</u>	<u>Fund Balance</u>
10	Education Fund	\$32,122,994.16	\$30,276,958.82	(\$27,765,564.72)	\$0.00	\$34,634,388.26
20	Operations & Maintenance Fund	\$3,478,196.17	\$3,125,323.93	(\$3,281,058.77)	\$0.00	\$3,322,461.33
30	Debt Services Fund	\$3,667,378.08	\$908,802.60	(\$2,327,591.09)	\$0.00	\$2,248,589.59
40	Transportation Fund	\$1,924,279.79	\$1,102,678.58	(\$776,739.54)	\$0.00	\$2,250,218.83
50	Municipal Retirement Fund	\$834,815.39	\$402,962.89	(\$464,831.79)	\$0.00	\$772,946.49
51	Social Security/Medicare Fund	\$585,806.83	\$473,962.98	(\$511,836.65)	\$0.00	\$547,933.16
60	Capital Projects Fund	\$3,100,311.72	\$1,933.32	(\$4,532,657.39)	\$0.00	(\$1,430,412.35)
61	Cap Projects Fund - 2017 Debt Certs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
70	Working Cash Fund	\$812,220.81	\$259,295.68	\$0.00	\$0.00	\$1,071,516.49
80	Tort Fund	\$617,632.11	\$190,516.87	(\$501,169.00)	\$0.00	\$306,979.98
Grand Total:		\$47,143,635.06	\$36,742,435.67	(\$40,161,448.95)	\$0.00	\$43,724,621.78

End of Report

This Report Can be Viewed on the

[Financial Data Current](#)

To: Board of Education
Dr. Eric Olson, Superintendent

From: Valerie Varhalla, Director of Business Services

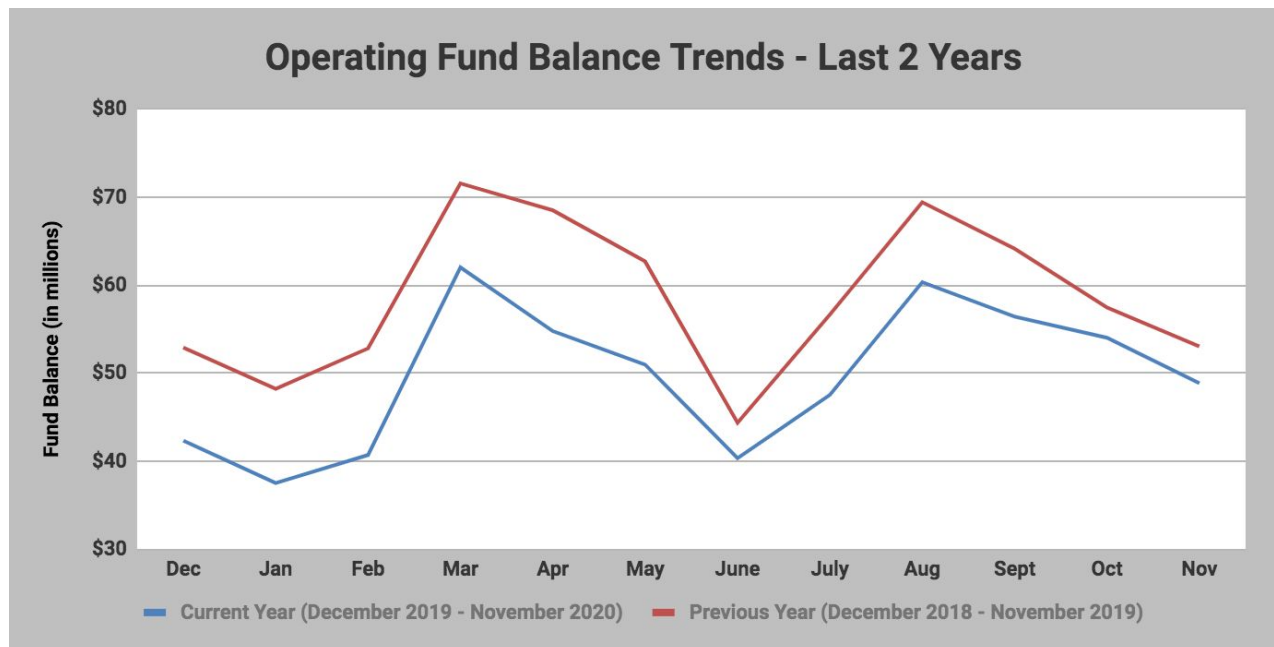
Date: January 14, 2020

Subject: Financial Update for the Period Ending November 30, 2020

Attached for your review are the following reports as of November 30, 2020:

- Fund Balance Report
- Revenue Summary Report
- Expenditure Summary Report

Fund balance in the Operating Funds decreased by \$5.3 million in November to \$48.9 million. The graph below shows a comparison of monthly fund balances over the last two years. The spikes in fund balance during July/August and February/March represent the District's property tax collections, which make up approximately 85% of the District's total annual revenues. It's very important for school districts to maintain fund balance reserves that are sufficient to cover operations in between those months, particularly during the fall/winter when revenues are typically scarce.



The most recent 12-month period followed a similar trend as the preceding year. Some notable exceptions are:

- February-Fund balance typically increases starting in February due to the first installment of property tax revenue collections.
- May and June – The two fund balance lines decreased at varying angles because the District's biweekly payroll schedule produced a different number of payrolls each month.
- In October 2020, fund balance in Capital Projects (fund 60) did drop negative. At the end of each calendar year, the District does a transfer from the Education to Operations and Maintenance to Capital Projects to cover then necessary construction. The district is just finishing making all the necessary Capital Projects payments for the school year and will provide the Board with a resolution to transfer the necessary funds.

From a macro-level perspective, the District continues to have a strong financial position at the middle of the second quarter of the fiscal year. Fund balance is expected to continue declining over the next 1-2 months of operations when revenues are less substantial. Throughout this long-term planning and forecasting the District continues to maintain the goal of operating within its means.

Revenue Summary - November

Total revenue for the District was 45% of budgeted revenues as of November 30 for all funds. This is in line with last year's pace.

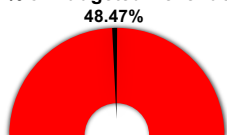
The District received only \$20,000 in property tax revenues this month, as November is always lower on tax revenue collections.

State and federal revenue was significant. The District received the standard two installments of Evidence Based Funding from the State (\$306,000). The District also received \$898,000 of federal reimbursements for previously incurred grant expenditures.

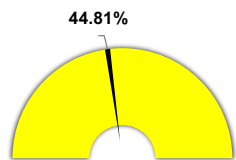
Educational | Operations and Maintenance | Transportation | IMRF | Working Cash | Tort

For the Period Ending November 30, 2020

Projected Year-End Balances as % of Budgeted Revenue

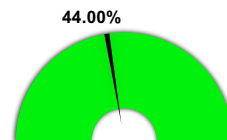


Actual YTD Revenues



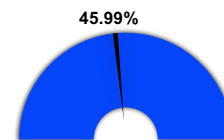
Projected YTD Revenues
44.38%

Actual YTD Local Sources



Projected YTD Local Sources
45.16%

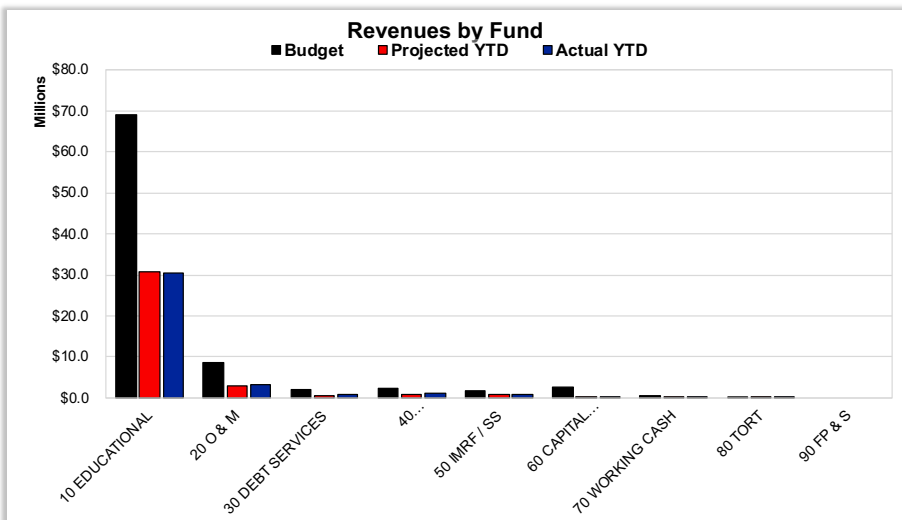
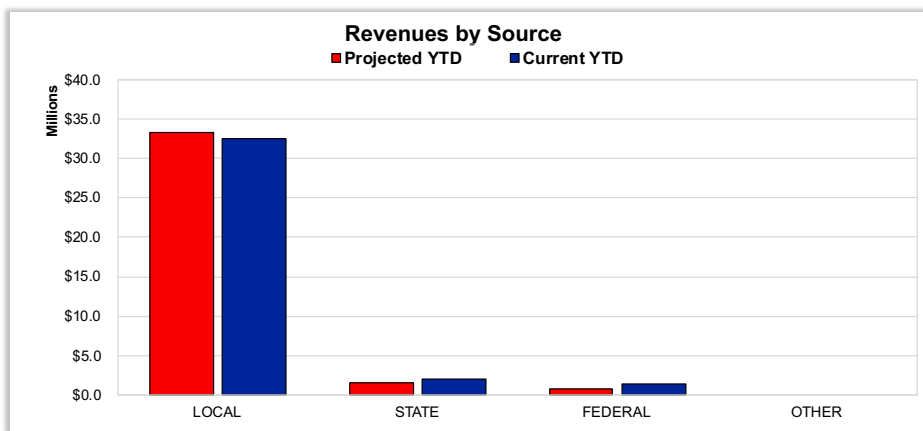
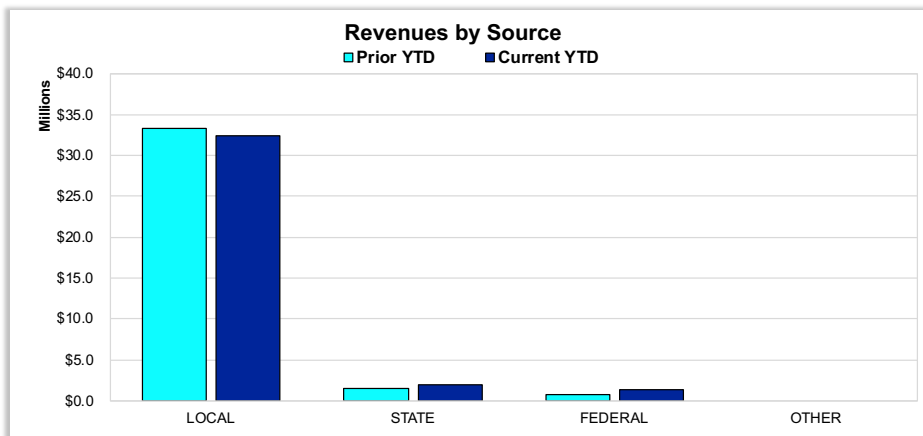
Actual YTD State Sources



Projected YTD State Sources
33.18%

All Funds | Top 10 Sources of Revenue YTD

Ad Valorem Taxes	\$32,311,988
Unrestricted Grants-in-Aid	\$1,224,408
Federal Special Education	\$1,033,209
State Transportation Reimbursement	\$629,609
Payments in Lieu of Taxes	\$469,208
Restricted Grants-In-Aid Received from the Federal Govt Thru	\$291,851
Textbook Income	\$224,048
Earnings on Investments	\$218,954
Special Education	\$129,393
Tuition	\$94,675
Percent of Total Revenues Year-to-Date	99.37%



Expenditure Summary - November

After completing five months of the fiscal year, the District has expended 39% of its overall budget which is slightly behind last year's pace (38%).

Table 1 below shows the year-to-date percentage of the payroll budget (salaries and benefits) that has been spent after each month as compared to last year. Total payroll expenditures are trending as projected in the budget.

Table 1: Payroll Expenditures

Month	YTD Percent of Budget Spent	
	2020-21	2019-20
November	33%	33%
October	25%	25%
September	14%	14%
August	6%	7%
July	1%	0%

The salaries and benefits indicator located on the expenditure dashboard shows actual YTD salaries and benefits running ahead of projected YTD salaries and benefits. When projections were made, it was unclear how the COVID pandemic would specifically affect payroll. As well as information regarding Families First Coronavirus Relief Act (FFCRA) just started to roll in at the start of the school year. At the time of yearly projections, the district had no way of knowing how many staff would take/qualify for FFCRA. It is important to note that the District has maintained the same YTD percentage for payroll as we did last school year.

Table 2 displays the cumulative percentage of the accounts payable budget (purchased services, supplies, equipment, etc.) that has been spent after each month versus last year.

Table 2: Accounts Payable Expenditures

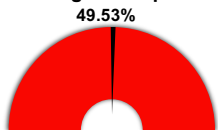
Month	YTD Percent of Budget Spent	
	2020-21	2019-20
November	54%	48%
October	33%	41%
September	31%	33%
August	26%	24%
July	15%	12%

Accounts payable spending is running ahead of last year's budget pace. Since the worldwide pandemic, the District has been conservative in its spending. More resources are needed to ensure students and staff have all the necessary tools to provide the best quality education during these uncertain times.

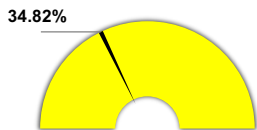
Educational | Operations and Maintenance | Transportation | IMRF | Working Cash | Tort

For the Period Ending November 30, 2020

Projected Year-End Balances as % of Budgeted Expenditures

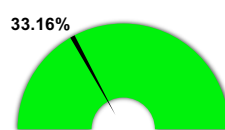


Actual YTD Expenditures



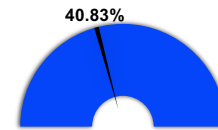
Projected YTD Expenditures 34.71%

Actual YTD Salaries / Benefits



Projected YTD Salaries / Benefits 31.24%

Actual YTD Other Objects



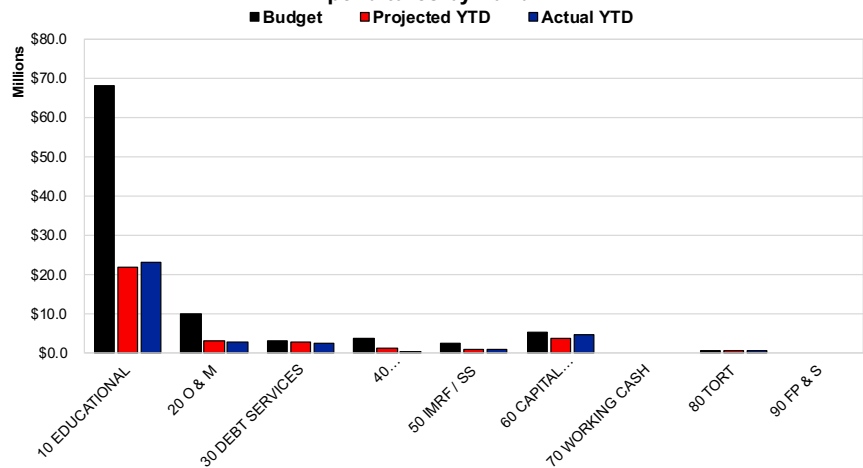
Projected YTD Other Objects 47.26%

All Funds | Top 10 Expenditures by Program YTD

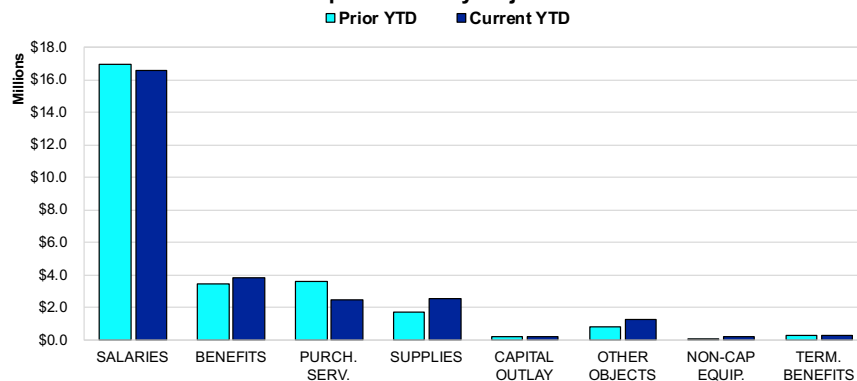
Regular Programs	\$9,979,710
Support Services - Business	\$8,772,912
Support Services - Instructional Staff	\$3,018,267
Special Education/Remedial Programs	\$2,708,032
Debt Services - Payments of Principal on Long-term Debt	\$2,129,731
Support Services - Pupils	\$1,837,476
Support Services - School Administration	\$1,361,077
Payments to Other Govt. Units - Tuition (In-State)	\$1,122,021
Support Services - General Administration	\$782,316
Support Services - Central	\$772,480

Percent of Total Expenditures Year-to-Date 92.20%

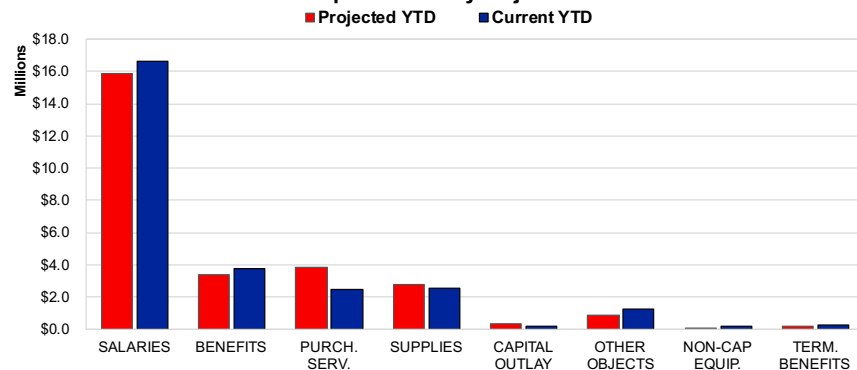
Expenditures by Fund



Expenditures by Object



Expenditures by Object



Community Consolidated School District No. 64

Fund Balances

Fiscal Year: 2020-2021

Month: November

Year: 2020

Fund Type: Operating

Include Cash Balance

FY End Report

<u>Fund</u>	<u>Description</u>	<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expense</u>	<u>Transfers</u>	<u>Fund Balance</u>
10	Education Fund	\$32,122,994.16	\$30,275,277.89	(\$23,108,829.77)	\$0.00	\$39,289,442.28
20	Operations & Maintenance Fund	\$3,478,196.17	\$3,125,323.93	(\$2,771,217.65)	\$0.00	\$3,832,302.45
40	Transportation Fund	\$1,924,279.79	\$1,102,678.58	(\$150,567.28)	\$0.00	\$2,876,391.09
50	Municipal Retirement Fund	\$834,815.39	\$402,962.89	(\$383,452.66)	\$0.00	\$854,325.62
51	Social Security/Medicare Fund	\$585,806.83	\$473,962.98	(\$420,313.35)	\$0.00	\$639,456.46
70	Working Cash Fund	\$812,220.81	\$259,295.68	\$0.00	\$0.00	\$1,071,516.49
80	Tort Fund	\$617,632.11	\$190,516.87	(\$500,361.50)	\$0.00	\$307,787.48
Grand Total:		\$40,375,945.26	\$35,830,018.82	(\$27,334,742.21)	\$0.00	\$48,871,221.87

End of Report

Community Consolidated School District No. 64

Fund Balances

Fiscal Year: 2020-2021

Month: November
 Year: 2020
 Fund Type: Non-Operating

Include Cash Balance
 FY End Report

<u>Fund</u>	<u>Description</u>	<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expense</u>	<u>Transfers</u>	<u>Fund Balance</u>
30	Debt Services Fund	\$3,667,378.08	\$908,802.60	(\$2,314,732.04)	\$0.00	\$2,261,448.64
60	Capital Projects Fund	\$3,100,311.72	\$1,933.32	(\$4,532,657.39)	\$0.00	(\$1,430,412.35)
61	Cap Projects Fund - 2017 Debt Certs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Grand Total:		\$6,767,689.80	\$910,735.92	(\$6,847,389.43)	\$0.00	\$831,036.29

End of Report

This Report Can be Viewed on the

[Financial Data Current](#)

**RESOLUTION #1262 AUTHORIZING AND DIRECTING
THE PERMANENT TRANSFER OF MONEY FROM THE
OPERATIONS & MAINTENANCE FUND TO THE
DEBT SERVICE FUND
FOR DEBT CERTIFICATES**

WHEREAS, the Board of Education of Park Ridge-Niles School District No. 64, Cook County, Illinois, has previously pledged a certain sum of money that the District received pursuant to the Operations & Maintenance Fund levy to be used for the payment of certain long-term debt; and

WHEREAS, Section 100.50 of the Illinois State Board of Education rules, 23 Ill.Admin.Code 100.50, provides that when revenue is pledged to pay debt service on any long-term debt, the pledged money shall be transferred into the Debt Service Fund and the debt paid from that Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of Park Ridge-Niles School District No. 64, Cook County, Illinois, as follows:

Section 1. The Board of Education hereby finds that all of the recitals contained in the preamble to this Resolution are true, correct, and complete and does hereby incorporate them into this Resolution by reference.

Section 2. The Board of Education hereby authorizes and directs that \$783,925, previously having been pledged for the payment of long-term debt, be transferred from the District's Operations & Maintenance Fund to the Debt Service Fund for the 2020-2021 Fiscal Year.

Section 3. The money transferred from the Operations & Maintenance Fund shall be used to pay the long-term debt for which it was previously pledged.

Section 4. The School Treasurer for the District is hereby authorized and directed to make any and all necessary entries on the District's books and records to evidence the transfer of said pledged money.

Section 5. All resolutions or parts thereof in conflict with this Resolution are hereby repealed and this Resolution shall be in full force and effect upon its adoption.

ADOPTED this **14th** day of **January 2021**.

AYES:

NAYS:

ABSTAIN:

ABSENT:

**BOARD OF EDUCATION OF
PARK RIDGE-NILES SCHOOL DISTRICT NO. 64,
COOK COUNTY, ILLINOIS**

By: _____
President, Board of Education

ATTEST:

Secretary

STATE OF ILLINOIS)) SS
COUNTY OF COOK)

CERTIFICATION OF RESOLUTION AND MINUTES

I, the undersigned, do hereby certify that I am the duly qualified acting Secretary of the Board of Education of Park Ridge-Niles School District 64, Cook County, Illinois (the “Board”), and that as such official I am the keeper of the records and files of the Board.

I do further certify that the foregoing constitutes a full, true and complete copy of a resolution entitled:

**RESOLUTION #1262 AUTHORIZING AND
DIRECTING THE PERMANENT TRANSFER OF MONEY
FROM THE OPERATIONS & MAINTENANCE FUND
TO THE DEBT SERVICE FUND
FOR DEBT CERTIFICATES**

as adopted by the Board at its meeting held on the **14th** day of **January 2021**.

I do further certify that the deliberations of the Board on the adoption of said resolution were conducted openly, that the vote on the adoption of said resolution was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the School Code of the State of Illinois, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board in the conduct of said meeting and in the adoption of said resolution.

IN WITNESS WHEREOF, I here hereunto affix my official signature, this **14th** day of **January 2021**.

Secretary, Board of Education

**RESOLUTION #1263 AUTHORIZING AND
DIRECTING THE PERMANENT TRANSFER OF MONEY
FROM THE EDUCATION FUND TO THE DEBT SERVICE FUND
FOR COPIER LEASES**

WHEREAS, the Board of Education of Park Ridge-Niles School District No. 64, Cook County, Illinois, has previously pledged a certain sum of money that the District received pursuant to the Education Fund levy to be used for the payment of certain long-term debt; and

WHEREAS, Section 100.50 of the Illinois State Board of Education rules, 23 Ill.Admin.Code 100.50, provides that when revenue is pledged to pay debt service on any long-term debt, the pledged money shall be transferred into the Debt Service Fund and the debt paid from that Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of Park Ridge-Niles School District No. 64, Cook County, Illinois, as follows:

Section 1. The Board of Education hereby finds that all of the recitals contained in the preambles to this Resolution are true, correct, and complete and does hereby incorporate them into this Resolution by reference.

Section 2. The Board of Education hereby authorizes and directs that \$113,072.09, previously having been pledged for the payment of long-term debt, be transferred from the District's Education Fund to the Debt Service Fund for the 2020-2021 Fiscal Year.

Section 3. The money transferred from the Education Fund shall be used to pay the long-term debt for which it was previously pledged.

Section 4. The School Treasurer for the District is hereby authorized and directed to make any and all necessary entries on the District's books and records to evidence the transfer of said pledged money.

Section 5. All resolutions or parts thereof in conflict with this Resolution are hereby repealed and this Resolution shall be in full force and effect upon its adoption.

ADOPTED this **14th** day of **January 2021**.

AYES:

NAYS:

ABSTAIN:

ABSENT:

**BOARD OF EDUCATION OF
PARK RIDGE-NILES SCHOOL DISTRICT NO. 64,
COOK COUNTY, ILLINOIS**

By: _____
President, Board of Education

ATTEST:

Secretary

STATE OF ILLINOIS)) SS
COUNTY OF COOK)

CERTIFICATION OF RESOLUTION AND MINUTES

I, the undersigned, do hereby certify that I am the duly qualified acting Secretary of the Board of Education of Park Ridge-Niles School District 64, Cook County, Illinois (the “Board”), and that as such official I am the keeper of the records and files of the Board.

I do further certify that the foregoing constitutes a full, true and complete copy of a resolution entitled:

**RESOLUTION #1263 AUTHORIZING AND
DIRECTING THE PERMANENT TRANSFER OF MONEY
FROM THE EDUCATION FUND TO THE DEBT SERVICE FUND
FOR COPIER LEASES**

as adopted by the Board at its meeting held on the **14th** day of **January 2021**.

I do further certify that the deliberations of the Board on the adoption of said resolution were conducted openly, that the vote on the adoption of said resolution was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the School Code of the State of Illinois, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board in the conduct of said meeting and in the adoption of said resolution.

IN WITNESS WHEREOF, I hereunto affix my official signature, this **14th** day of **January 2021**.

Secretary, Board of Education

Approval of Minutes

ACTION ITEM 21-01-8

I move that the Board of Education of Community Consolidated School District 64 Park Ridge-Niles, Illinois approve the minutes from the Closed Meeting on December 10, 2020; and the Regular Meeting on December 10, 2020.

The votes were cast as follows:

Moved by _____ Seconded by _____

AYES:

NAYS:

PRESENT:

ABSENT:

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

**BOARD OF EDUCATION
COMMUNITY CONSOLIDATED SCHOOL DISTRICT 64
Minutes of the Regular Board of Education Meeting held at 7:00 p.m.
December 10, 2020
VIRTUAL MEETING DUE TO COVID-19
Alternate Remote Attendance at Lincoln School (LRC)**

Board President Rick Biagi called the meeting to order at 6:15 p.m. Board members in attendance via remote participation were Tom Sotos, Carol Sales, Dr. Denise Pearl, Fred Sanchez, and Larry Ryles. Board member Rebecca Little was absent. Superintendent Eric Olson attended in-person at Lincoln School. Also attending remotely were: Assistant Superintendent for Human Resources, Dr. Joel T. Martin; Director of Innovation and Instructional Technology Mary Jane Warden; and Board Legal Counsel Tony Loizzi. No member of the public was physically present at the alternate remote location and none were present virtually at that time.

Board of Education meetings are videotaped and may be viewed in their full length from the District’s website at <http://www.d64.org>. The agenda and reports for this meeting are also available on the website or through the District 64 Educational Service Center, 164 S. Prospect Ave., Park Ridge, IL 60068.

BOARD RECESSES & ADJOURNS TO CLOSED MEETING

At 6:16 p.m. it was moved by Board member Ryles and seconded by Board member Sanchez to adjourn to closed session to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors, or specific volunteers of the District or legal counsel for the District, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor, or a volunteer of the District or against legal counsel for the District to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act [5ILCS 120/2(c)(1)]; and collective negotiating matters between the District and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees [5ILCS 120/2(c)(2)].

The votes to adjourn to the closed meeting were cast as follows:

AYES: Biagi, Sales, Pearl, Ryles, Sotos, Sanchez

NAYS: None

PRESENT: None

ABSENT: Little

The motion carried.

BOARD ADJOURNS FROM CLOSED MEETING & RESUMES REGULAR MEETING

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

At 7:00 p.m. the Board returned from the closed meeting and resumed the regular meeting. In addition to those listed above, also attending via remote participation were: Chief School Business Official Luann Kolstad; Director of Student Services Dr. Lea Anne Frost; Director of Facility Management Ronald DeGeorge; Interim Director of Facility Management Jason Borst; Public Information Coordinator Peter Gill (attending but not participating); and Administrative Assistant to the Superintendent Natasha Nedeljkovic. Assistant Superintendent for Student Learning Dr. Lori Lopez was present in-person at Lincoln School. No member of the public was physically present at the alternate remote location, and approximately 38 attended virtually.

PLEDGE OF ALLEGIANCE

Board member Ryles led the pledge of allegiance.

OPENING REMARKS FROM PRESIDENT OF THE BOARD

President Biagi noted this was a special evening due to the retirement of Ron DeGeorge, director of facility management, who was participating in his last meeting tonight. Mr. Biagi had no other remarks.

PUBLIC COMMENTS

Public comments were invited through a posted email address on the District’s website and in the Board report. Public comments were also welcomed at the alternate remote location. Public comments were received via email only, as follows:

- Rose Franco: asked about COVID-19 data and how Dr. Olson is interpreting it, and noted a need to return to school full-time
- Bonnie Rachjel: asked for a return to school full-time
- Allison Collins: questioned the metrics and asked for a return to school full-time
- Kimberly Corsentino: asked why private schools are open and D64’s are not; stressed the need for a return to school full-time and the students’ struggles with remote learning
- Tania Forte: wanted an update on return to school and the status of newly-formed committees
- Diane Hamel: asked for a return to school full-time, emotional support for struggling students, and questioned the metrics and the Board’s involvement
- Bill & Julie Beardsley: thanked the Board and District for the hybrid plan and their efforts during the pandemic
- Vicky Duka: asked for a return to school full-time
- Vicki Mutchler: expressed frustration with the superintendent and the Board for lack of communication and transparency; asked for a return to school full-time
- Kelly Lawrence: expressed concerns with remote learning, stressed other private schools in town remained open; asked for the district to do better
- Nicole Ancona: stressed the emotional and mental suffering of students, asked for more teachers and substitutes hiring
- Elizabeth Juiris: asked why the return to school is not a standing agenda item for the board meetings; asked for a return to school; shared a drawing from her son showing frustration with remote learning

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APPROVAL OF MEETING AGENDA

Superintendent Olson and Board members agreed to add a “Learning Update” to the agenda following the student/staff recognition.

STUDENT/STAFF RECOGNITION

Erica Faulhaber, the curriculum specialist for instrumental music, joined the meeting to introduce the students from both middle schools who had been selected to participate in the Illinois Music Educators Association Festival sponsored by the Illinois Music Educators Association (ILMEA). More than a thousand band and orchestra students from more than fifty junior high schools in the North Suburban area auditioned for a position in these all-star groups. The selected students from Emerson were: Mia Buchheister, clarinet; Eliza Chasak, violin; Cayla Cimilluca, flute; Selah Kim, flute; Marina Kostur, trumpet; Edward Kotty, trombone; Samantha O’Leary, violin; Victoria Stott, percussion; Oliver Tiu, cello *and* jazz piano. From Lincoln: Toby Burkum, trumpet; Grace Halpert, violin; Lucy Hassman, bass; Lily Heneghan, viola *and* percussion; Samara Lefler, clarinet; Julia Moskal, violin; Ryan Schoenstedt, percussion; Aidan Story, trumpet; Laith Tannous, percussion; Simon Trombley, saxophone. Mrs. Faulhaber also commended the other District 64 teachers who instruct these students: Eric Bachmann, Max Hellermann, Ilona Hutter, Roxanne Kieme, Natalie Jacobsen Prim, Alex Teater, and Jamie Zimniok. She then introduced a pre-recorded performance of selected holiday songs from the Emerson chamber orchestra.

LEARNING UPDATE (ADDENDUM TO THE AGENDA)

Dr. Olson noted that the Center for Disease Control (CDC) had issued new guidelines pertaining to the quarantine time shortening the required period to 7 days. He stated that the Illinois Department of Public Health (IDPH) had not yet approved this new timeline. He said the metrics were up every day in the past week, and the district constantly monitored the numbers and their trend; Park Ridge’s rate at the moment was slightly higher than Niles. He mentioned that the District was continually learning about the pandemic and knew more every day, more than months ago when it first started. It is not “moving the goal post” but adapting to the new knowledge. He stressed that educators follow guidelines and rules. He said the District was on target to return to a hybrid format on January 19, and was in contact with IDPH regularly, and would return sooner if possible and the metrics were favorable. He noted the Pandemic Committee, recently formed, had met once already, the discussion centering around questions about how decisions were made, and bringing everybody up to speed; next week’s meeting would focus on debating various topics around a created framework. The committee is comprised of members with very different opinions and will meet twice monthly to establish a path going forward. He answered a question from the Board as to where metrics needed to return earlier than January 19, explaining that a two-week quarantine was recommended after the holiday travels, but a shortened quarantine would change that. Numbers trending downward for a two-week period would also permit an earlier return. The number of new cases per thousand is one metric behind observed, along with the positivity rate. He stressed that Cook County also looks at a larger picture. He explained that he meets weekly with other superintendents from the immediately surrounding districts that feed into District 207, and meets weekly with superintendents from a broader regional group. These

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meetings help to share information, insight, knowledge, and decisions. Weekly, sometimes daily, Dr. Olson also consults with legal counsel Tony Loizzi to stay up to date on COVID-19 developments and legal repercussions that impact the District. Responding to a question from Board member Sotos as to the issue of private schools being open, Dr. Olson noted that he and Dr. Lopez had recently visited a parochial school in Park Ridge and talked with the principal of another. He explained that there are differences in procedures between public and private schools that are under the guidance of the Chicago Archdiocese. He noticed during the visit that the students were not spaced six feet apart, which is required of public schools; their quarantine procedures are also slightly different: if a student is positive, only the immediate family is tested and those who have been in contact, whereas public schools have to quarantine the whole classroom. Member Sotos asked why not take the risk since the private schools don't appear to have outbreaks. Board legal counsel Loizzi mentioned that private schools have requested parents sign waivers of liability to prevent lawsuits in case of COVID-19 infection, something public schools cannot do. He said that insurance companies notified public schools that wrongful death lawsuits from COVID-19 would not be covered. The schools' best defense was to strictly adhere to IDPH guidelines to limit the risks. Member Sotos stated he would like to see more Board involvement, not necessarily via vote but in some other form. Board president Biagi stated the Board had not been derelict in its duties, was in constant contact with Dr. Olson, received weekly updates, and met monthly. Board counsel noted that the Board was not opening itself to more liability by not voting on the issue and that districts were handling this in different ways. Board member Sotos confirmed that the Board had the authority to stop the superintendent at any time should it disagree with the decisions. The Board briefly discussed the staffing issues brought on by the pandemic, from staff requesting leaves, special accommodations, quarantining, etc., as well as the effects on the substitute teachers. The District had received two applications for substitute teachers positions in the past week. Board legal counsel responded to a public comment question from Kelly Lawrence, to state that ISBE's guidelines changed on a weekly basis and strictly monitored. Board member Sales asked about the pandemic committee and whether Board members should attend the meetings. Dr. Olson noted it was another way to provide input, as the committee is comprised of teachers, teachers' assistants, parents, and provided conversations between different stakeholders to help make decisions. Dr. Olson said he was hesitant to post the names of committee members to avoid them being exposed to attacks on social media. He welcomed Board members' rotating attendance at the committee meetings. The Board discussed the necessity to review policy 4:180 *Pandemic Preparedness; Management; and Recovery*. Board counsel stated that given the last vote on the policy, someone in the majority group of the last vote would need to bring the motion to reconsider in order to vote again. He said a discussion could be added to the agenda for possible consensus without a vote.

2019-20 STUDENT ACHIEVEMENT UPDATE & PRESENTATION OF THE ILLINOIS SCHOOL REPORT CARD

Dr. Lopez explained that this annual update shares information about student performance and provides an overview of the 2020 Illinois School Report Card. The student performance data this year is only available from three sources: the Fall 2020 MAP assessments for students in grades 2-8; the Fall 2020 Fastbridge Early Literacy and Math assessments for students in grades K-2; and the 9th-grade enrollment in District

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207 AP classes. Due to the pandemic and remote learning format last spring, the following data was not available: MAP Spring 2020; the 2020 Illinois Assessment of Readiness (IAR) & IAR Growth Percentile; the Dynamic Learning Maps Alternate Assessment (DLM-AA); the 2020 Illinois Science Assessment (ISA); the 2020 *District 64 Climate & Safety Survey*, and updated Summative Designations for the Illinois School Report Card. Dr. Lopez noted we were unable to look at fall-to-spring growth data for 2019-20. The pacing was adjusted to support students within the remote learning and hybrid models. Learning was impacted for young learners. In addition, NWEA completed a normative data update in 2020. The new norms change the percentile rank related to student performance. In math, our students’ percentile rank for achievement and growth is higher as a result of the 2020 norm study. In reading, our students’ percentile rank is slightly lower or comparable as a result of the 2020 norm study. The MAP fall growth went up for reading but was done for math, showing that spring-taught skills were not acquired by students. For High School accelerated classes participation, EL and Science were down, math and foreign language were up. Our early reading assessments in September showed that the reading foundation remained strong. Assessments will be redone this coming spring. Dr. Lopez said the Illinois report card is posted on the website, but once again data is missing due to the pandemic and missing tests as noted above. ISBE reissued the same summative designations for schools as last year. The District will analyze the data to determine how best to support the students, and plan for small group instruction. Member Sales asked about the timeline, Dr. Lopez confirmed data days take place in early January, then the District will plan for before and after school tutoring. Member Sotos asked how long it will take to recover from the impact of the pandemic. Dr. Lopez explained that fall math assessments will provide answers, but expected to recover by Fall of next year. Dr. Olson answered a question from Member Sales about the implementation of a new math curriculum in the future and said he was in discussion with Dr. Lopez to create something new within the curriculum. He mentioned that staffing, math interventionists, social workers’ needs, all impacted that decision on a financial level. Dr. Lopez said the District is on cycle for a math review and was looking at different programs that could fit their needs. She mentioned the District had ongoing conversations with District 207 to coordinate on pacing.

SUMMER INTERIM SESSION 2020 REPORT & PRESENTATION & APPROVAL OF SUMMER INTERIM SESSION 2021

Dr. Lopez noted that last summer’s session was held online due to the pandemic, with 83 students taking part. The session generated \$26K in revenue and cost \$44K, for a loss of \$18K to the District. The session, however, was important to offer remediation classes to students who needed them. She said the District hoped to hold the upcoming session in 2021 in-person, two fourteen-day sessions held at Field and Emerson, to offer enrichment programs and support classes for struggling students. Registration would open on March 2, the cost being \$135 per class for residents and \$20 more for non-residents. As in the past, classes will be based on enrollment. The District offers scholarships, as well as discounts, grant money, and financial assistance for struggling families.

ACTION ITEM 20-12-1

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It was moved by Board member Biagi and seconded by Board member Pearl that the Board of Education of Community Consolidated School District 64, Park Ridge – Niles, Illinois, approve the recommendations of dates and fees for the 2021 Summer Interim Session.

The votes were cast as follows:

AYES: Sanchez, Pearl, Ryles, Sales, Sotos, Biagi

NAYS: None

PRESENT: None

ABSENT: Little

The motion carried.

ADOPTION OF FINAL 2020 TAX LEVY RESOLUTION #1255, RESOLUTION #1256 TO INSTRUCT THE COUNTY CLERK HOW TO APPORTION 2020 TAX LEVY EXTENSION REDUCTIONS, RESOLUTION #1257 AUTHORIZING TAX FOR ILLINOIS MUNICIPAL RETIREMENT PURPOSES

Chief School Business Official (CSBO) Kolstad mentioned the levy was discussed at length at previous meetings, a notice posted publicly, a hearing held, and was finally up for a vote tonight. She stated the District would struggle financially if it levied less than what was needed, explained the various resolutions in the Board’s package, and noted that the Cook County website allowed for electronic filing this year to meet the deadline on the last Tuesday of December. Board member Sotos confirmed that if the District did not levy enough tax, it would not be able to go back later to ask for more, therefore the estimate is always a bit higher. CSBO Kolstad said this was a 3.93 percent increase from the previous year, but the District will only receive a 2.30 percent increase plus the taxes associated with new construction.

ACTION ITEM 20-12-2

It was moved by Board member Sanchez and seconded by Board member Pearl that the Board of Education of Community Consolidated School District 64, Park Ridge-Niles, Illinois, adopt the attached Resolution #1255 Providing for the Levy of Taxes For the Year 2020, Resolution #1256 Instruct the County Clerk How to Apportion 2019 Tax Levy Extension Reductions, Resolution #1257 Authorizing Tax For Illinois Municipal Retirement Purposes. These resolutions and supporting documentation will be filed with the Cook County Clerk’s Office.

The votes were cast as follows:

AYES: Pearl, Sotos, Sanchez, Sales, Biagi, Ryles

NAYS: None

PRESENT: None

ABSENT: Little

The motion carried.

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RESOLUTION #1258 ABATING ALL THE TAXES HERETOFORE LEVIED FOR THE YEAR 2020 TO PAY DEBT SERVICE ON THE GENERAL OBLIGATION LIMITED TAX SCHOOL BONDS, SERIES 2014A, OF COMMUNITY CONSOLIDATED SCHOOL DISTRICT NUMBER 64, COOK COUNTY, ILLINOIS

CSBO Kolstad noted this topic was also discussed at length at the November regular board meeting. The total amounted to \$350,200 and would need to be submitted to Cook County in time to avoid the levy of those taxes. The outstanding \$350,200 bond payment will come directly from the Debt Service Fund and, given the current situation in the community, this will provide a savings of about \$72 for a home valued at \$400,000, depending on the property value.

ACTION ITEM 20-12-3

It was moved by Board member Pearl and seconded by Board member Sanchez that the Board of Education of Community Consolidated School District 64, Park Ridge-Niles, Illinois, approve Resolution #1258 Abating all the Taxes heretofore Levied for the Year 2020 to Pay Debt Service on the General Obligation Limited Tax School Bonds, Series 2014A, of Community Consolidated School District Number 64, Cook County, Illinois.

The votes were cast as follows:

AYES: Sotos, Ryles, Pearl, Sales, Sanchez, Biagi

NAYS: None

PRESENT: None

ABSENT: Little

The motion carried.

DISCUSSION & APPROVAL TO GO TO BID TO REPLACE REMAINING HVAC ZONES AT CARPENTER SCHOOL

Architect Rick Petricek of Studio GC joined the meeting for this discussion, along with Brett Balduf, Carpenter School principal. CSBO Kolstad and Director of Facility Management Ron DeGeorge went over the lengthy history of the issues with the HVAC system. The system was installed in September of 2013 at the initial cost of \$2,145,000 and almost immediately experienced numerous problems. Since July of this current year, the District has spent over \$20K on repairs to zones 2 & 3. President Biagi asked why the contractors were not sued, CSBO Kolstad explained that because another contractor had been hired to do the repairs after the installation, which altered the system, the District most likely would have lost in court. In 2018, the statute of limitation had passed and the District had no legal resource against the original contractor. The District paid for the replacement of two zones in 2018. CSBO Kolstad mentioned that the problems appeared small in the beginning but compounded to larger ones over time. Principal Balduf noted how frustrating the situation was for everyone. 214 critical errors would show up on a given day, parts of the school would be below 60 degrees, every single thing went wrong. By 2018, the District had to address the problems and do the work, as it was a weekly, then daily problem. CSBO Kolstad explained that when she came to the District along with Mr. DeGeorge they thought fixing the small things would solve the

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issues, but the system kept on failing. Mr. DeGeorge said he tried to remain preventative with the system, replacing freon regularly, repairing leaks, etc. He stressed that beyond the costly repairs, reliability was a major issue, 50 degrees in the school in winters not being acceptable, and portable heaters a safety concern. Public comment was received from Karen Hein, a Carpenter parent, to confirm the issues stated by all tonight. Mr. DeGeorge said the system put in two years ago to replace two other zones works well and the contractor hired at the time also did the work for the Washington School addition this year. The District found him to be skilled and reliable. When the District goes out to bid, they hope the same contractor will bid on the project. Board member Ryles stressed the importance of following up on the warranty this time to avoid a similar issue as with the contractor hired in 2013.

ACTION ITEM 20-12-4

It was moved by Board member Sotos and seconded by Board member Sanchez that the Board of Education of Community Consolidated School District 64, Park Ridge-Niles, Illinois, approve the administration's request to prepare bid documents for the Carpenter School Summer 2021 project at a total cost not to exceed \$99,000.

The votes were cast as follows:

AYES: Sotos, Biagi, Sales, Sanchez, Pearl, Ryles

NAYS: None

PRESENT: None

ABSENT: Little

The motion carried.

APPROVAL OF STAFFING AGREEMENT FOR SUBSTITUTE TEACHERS WITH SWING EDUCATION

Assistant Superintendent for Human Resources, Dr. Joel Martin, reminded the Board it had approved another similar contract at the November meeting with Parallel Employment Group. The District is also looking to enter into an agreement with Swing to provide for additional substitute teachers. He reviewed the issues once again, noting that the substitute fill rate had dropped from 98% to 70% during the pandemic and trended further downward. Health concerns, computer skills for remote learning, and technical knowledge issues made the substitute pool smaller. In addition, available substitutes exposed to COVID-19 had to quarantine, further affecting the availability on any given day. He stated that everyone has jumped in to help out but this was not a long-term viable solution. He said the District is still posting open positions on various websites as well. He went over the agreement, which had been tailored by legal counsel and thoroughly reviewed to meet the District's requirements. Public comment was received from Katie Prezas on the issue of in-person vs. remote substitute teaching. Dr. Martin answered a question from Board member Pearl to explain that the agencies were identifying employees in our vicinity for regular bookings and in order to build partnerships.

ACTION ITEM 20-12-5

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It was moved by Board member Sanchez and seconded by Board member Pearl that the Board of Education of Community Consolidated School District 64, Park Ridge – Niles, Illinois, approve the agreement with Swing Education, as amended.

The votes were cast as follows:

AYES: Biagi, Sotos, Ryles, Pearl, Sanchez, Sales

NAYS: None

PRESENT: None

ABSENT: Little

The motion carried.

APPROVAL OF RECOMMENDED PERSONNEL REPORT

It was noted that the Board is relying upon the recommendation of the Superintendent and administration in their professional judgment as to the hiring of these individuals per Policy 2:130.

Julie Field - Employ as .5 Social Worker at Washington School effective November 13, 2020

Jason Borst - Reassign as Director of Facility Management effective January 1, 2021 - \$82,000 salary (prorated)

Danielle Zummo - Resign as Business Services Specialist effective December 31, 2020

Luann Kolstad - Retire as Chief School Business Official effective June 30, 2021 (subject to attached retirement agreement)

Margaret Temari - Retire as Certified School Nurse and Facilitator for the District effective June 18, 2021

President Biagi took a moment to acknowledge both Mr. DeGeorge for his work for District 64, as well as CBSO Kolstad who will be retiring in June.

ACTION ITEM 20-12-6

It was moved by Board member Pearl and seconded by Board member Sanchez that the Board of Education of Community Consolidated School District 64, Park Ridge – Niles, Illinois, approve the Personnel Report for November 12, 2020, noting that the Personnel Report is based on the recommendation of the Superintendent and not upon the Board’s direct knowledge regarding any of the specific individuals selected for employment.

The votes were cast as follows:

AYES: Ryles, Sales, Sanchez, Biagi, Pearl, Sotos

NAYS: None

PRESENT: None

ABSENT: Little

The motion carried.

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CONSENT AGENDA

- Bills, Payroll, and Benefits

Bills

<u>Fund</u>	<u>Fund Total</u>
10 - Education Fund	\$ 1,104,858.43
20 - Operations and Maintenance Fund	\$ 405,163.66
30 - Debt Services	\$ 2,261,221.55
40 - Transportation Fund	\$ 624,545.60
50 - Retirement (IMRF/SS/MEDICARE)	\$ -
60 - Capital Projects	\$ 1,348,997.12
61 - Capital Projects-2017 Debt Certificates	\$ -
80 - Tort Immunity Fund	\$ 807.50
90 - Fire Prevention and Safety Fund	\$ -
Total:	<u>\$ 5,745,593.86</u>

Payroll & Benefits

<u>Fund</u>	<u>Fund Total</u>
10 - Education Fund	\$23,106,515.96
20 - Operations and Maintenance Fund	\$ 2,771,217.65
30 - Debt Services Fund	\$ 66,369.54
40 - Transportation Fund	\$ 150,567.28
50 - IMRF/FICA Fund	\$ 383,480.89
51 - SS/Medicare	\$ 420,330.71
60 - Capital Projects Fund	\$ 4,532,657.39
61 - Cap Projects Fund - 2017 Debt Certs	\$ 0.00
70 - Working Cash Fund	\$ 0.00
80 - Tort Immunity Fund	\$ 500,361.50
Total:	<u>\$31,931,500.92</u>

The Accounts Payable detailed list can be viewed on the District 64 website’s business services page at www.d64.org.

- Approval of Financial Update for the Period Ending October 31, 2020
- Adoption of 2021-22 School Year Calendar
- Destruction of Audio Closed Recordings (none)

ACTION ITEM 20-12-7

It was moved by Board member Sanchez and seconded by Board member Ryles that the Board of Education of Community Consolidated School District 64, Park Ridge – Niles, Illinois, approve the Consent Agenda for December 10, 2020, which includes: Bills, Payroll and Benefits; Approval of Financial Update for the

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Period Ending October 31, 2020; Adoption of 2021-22 School Year Calendar; and the Destruction of Audio Closed Recordings (none).

The votes were cast as follows:

AYES: Sanchez, Sales, Sotos, Pearl, Ryles

NAYS: None

PRESENT: Biagi

ABSENT: Little

The motion carried.

APPROVAL OF MINUTES

ACTION ITEM 20-12-8

It was moved by Board member Pearl and seconded by Board member Sotos that the Board of Education of Community Consolidated School District 64, Park Ridge – Niles, Illinois, approve the minutes from the Closed Meeting on November 12, 2020; the Regular Meeting on November 12, 2020; the Closed Meeting on November 24, 2020; and the Special Meeting on November 24, 2020.

The votes were cast as follows:

AYES: Pearl, Biagi, Sotos, Sanchez, Ryles, Sales

NAYS: None

PRESENT: None

ABSENT: Little

The motion carried.

OTHER DISCUSSION AND ITEMS OF INFORMATION

Dr. Olson noted the draft agenda for the January 14 meeting. He asked the members to mark their calendars for a committee-of-the-whole meeting on February 4 to discuss special education and possibly the strategic plan as well. Board member Sales gave an update on the Illinois Association of School Boards (IASB) Resolutions Committee Assembly and noted the gun storage resolution did not pass a procedural hurdle to go to substantive vote; she abstained from the consent agenda vote because the Board did not agree on all items contained therein; and voted on everything else as agreed by the members at the November meeting when this was discussed ahead of the assembly. Dr. Pearl and Dr. Olson gave an update on the 2020 IASB Virtual Summit they attended, along with Board member Sales. Dr. Pearl noted this year was virtual, with diversity and inclusion the main themes. Leadership and the Board's role during the pandemic were also discussed, and she noted that everybody seemed to be doing things differently in that regard. Dr. Olson said the conference usually offers different options but was limited this year and had a more general format due to the virtual setting. Dr. Pearl missed the networking and side conversations she had experienced at last year's in-person conference. Board member Sales said she could not compare as she had not attended last year, but thought the Board should continue to participate in the future.

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NEW BUSINESS

No new business was discussed.

ADJOURNMENT

At 10:10 p.m. it was moved by Board member Sotos and seconded by Board member Pearl to adjourn.

The votes were cast as follows:

AYES: Sales, Biagi, Sotos, Sanchez, Pearl, Ryles

NAYS: None

PRESENT: None

ABSENT: Little

The motion carried.

Signed Date: January 14, 2021.

President

Secretary

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Inspire every child to



Meeting of the Board of Education Park Ridge – Niles School District 64

Regular Board Meeting Agenda
Thursday, February 11, 2021

VIRTUAL MEETING

*Alternate Remote Attendance Location: Field School- North Gym
707 Wisner Street, Park Ridge, IL 60068*

On some occasions, the order of business may be adjusted as the meeting progresses to accommodate Board members' schedules, the length of sessions, breaks, and other needs.

6:30 p.m. Meeting of the Board Convenes

- Roll Call

Board Recesses & Adjourns to Closed Meeting

-- Collective negotiating matters between the District and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees [5 ILCS 120/2(c)(2)].

7:00 p.m. Board Adjourns from Closed Meeting & Resumes Regular Meeting

Pledge of Allegiance

Board Adjourns from Regular Meeting to Conduct a Public Hearing Concerning the Intent of the Board of Education to sell \$2,015,000 Working Cash Fund Bonds for the Purpose of Increasing the District's Working Cash Fund

Board Adjourns from Public Hearing & Resumes Regular Meeting

Board Adjourns from Regular Meeting to Conduct a Public Hearing Concerning the Intent of the Board of Education to transfer \$2,000,000 from the Education Fund to the Operations and Maintenance Fund of the District

Board Adjourns from Public Hearing & Resumes Regular Meeting

Opening Remarks from President of the Board

Public Comments

Each speaker is given 3 minutes to address the Board. Comments may be made on almost any matter related to the operation of schools. Each person appearing before the Board will be treated with courtesy and respect, and the Board requests the same in return. In light of the privacy of personnel and student matters, commenters are strongly discouraged from speaking about individual staff or students during public comment. Commenters are instead encouraged to first raise such concerns privately with the Board President or Administration. The Board, however, recognizes each commenter's First Amendment rights;

thus, it will not prohibit commenters from speaking about individual staff or students, subject to well-recognized exceptions under the First Amendment, such as obscenity, threats, fighting words, or incitements to violence.

- A-1 Approval of Meeting Agenda**
--Board President
The Board reserves the right to review the agenda at the beginning of each meeting and request additions, amendments, or deletions prior to approval.
- A-2 Student/Staff Recognition**
● (to come)
- A-3 COVID-19 Update**
--Superintendent
- A-4 Resolution Directing the Transfer of \$2,000,000 from the Educational Fund to the Operations & Maintenance Fund & then to the Capital Project Fund of the District**
--Chief School Business Official **Action Item 20-02-1**
- A-5 Presentation of Annual Audit Report FY20**
--Chief School Business Official
- A-6 Preliminary Enrollment Projections for 2021-22 School Year & Discussion of 2022-22 Staffing**
--Chief School Business Official/Assistant Superintendent for Human Resources
- A-7 Update of Long-Range Financial Projections**
--Chief School Business Official
- A-8 Discussion of Upcoming Fourth Amendment to Regular & Special Education Transportation Services Contract**
--Chief School Business Official
- A-9 Discussion of Upcoming Quest Food Management Services Contract Renewal**
--Chief School Business Official
- A-10 Presentation of District 64 Strategic Plan**
--Superintendent
- A-11 Approval of Recommended Personnel Report**
--Board President **Action Item 21-02-2**
- A-12 Consent Agenda**
--Board President **Action Item 21-02-3**
- Bills, Payroll, and Benefits
 - Approval of Financial Update for the Period Ending December 31, 2020
 - Second Reading & Approval of Policies from PRESS 106
 - Approval of Hold or Release of Closed Minutes
 - Destruction of Audio Closed Recordings (None)

A-13

Approval of Minutes

--Board President

Action Item 21-02-4

- January 14, 2021 - Closed Meeting
- January 14, 2021 - Regular Meeting

A-14

Other Discussion and Items of Information

--Superintendent

- Upcoming Agenda for March 11, 2021
- FOIA requests (None)
- Memorandum of Information (None)
- Minutes of Board Committees:
 - Board Policy Committee on January 8, 2021

A-15

New Business

Adjournment

Next Meeting:

March 11, 2021

Regular Meeting - 7:00 p.m. **Virtual**

Alternate Remote Attendance Location: Jefferson School - MPR

8200 Greendale Ave, Niles, IL 60714

In accordance with the Americans with Disabilities Act (ADA), the Board of Education of Community Consolidated School District 64 Park Ridge-Niles will provide access to public meetings to persons with disabilities who request special accommodations. Any persons requiring special accommodations should contact the Director of Facility Management at (847) 318-4313 to arrange assistance or obtain information on accessibility. It is recommended that you contact the District, 3 business days prior to a school board meeting so we can make every effort to accommodate you or provide for any special needs.