

DRAFT UPDATE

Urbana School District Number 116

2:160

Board of Education

Board Attorney

The Board of Education may enter into ~~any agreement~~agreements for legal services with ~~a specific attorney or law firm~~one or more attorneys or law firms to be the Board Attorney(s). ~~The Board Attorney represents the School Board in its capacity as the governing body for the School District. The Board Attorney shall not represent another client if the representation involves a concurrent conflict of interest, unless permitted by the Ill. Rules of Professional Conduct adopted by the Ill. Supreme Court.~~ The Board Attorney serves on a retainer or other fee arrangement as determined in advance. The Board Attorney will provide services as described in the agreement for legal services. The District will only pay for legal services that are provided in accordance with the agreement for legal services or are otherwise authorized by this policy or a majority of the Board.

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

The Superintendent may authorize the Board Attorney to represent the District in any legal matter until the Board has an opportunity to consider the matter.

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

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

CROSS REF: 4:60 (Purchases and Contracts)

ADOPTED: September 21, 2010

Comment [AKL1]: The changes clarify that: (1) the school board may select one or more attorneys or law firms as *Board Attorneys*; (2) the *Board Attorney* represents the school board as the governing body for the district; and (3) the *Board Attorney* must not represent another client if the representation would create a conflict of interest.

The new text is a restatement of the Ill. Supreme Court's rules governing the professional conduct of attorneys.

Issue 89, August 2015

NEW

August 2015

2:160-E

Board of Education

Exhibit - Checklist for Selecting a Board Attorney

The Board of Education selects and retains the Board Attorney(s). The Board may use this checklist for guidance when it selects and retains attorney(s) and/or law firms for legal services. This checklist is designed for the Board to use a request for proposal (RFP) process to seek outside attorneys/law firms, but it can be adapted for an application process, if the Board seeks an in-house attorney. For more information, call the IASB Office of General Counsel; see its current phone numbers at www.iasb.com/whatis/staff.cfm.

Comment [A1]: The exhibit is a checklist designed to assist school boards in selecting and retaining legal counsel.
Issue 89, August 2015

Determine what type of legal services the District needs.

1. Review Board policy 2:160, *Board Attorney*. **Note:** Critically analyze whether the District's legal needs are best served by in-house attorney(s) or outside attorney(s)/law firms. Many districts use a combination of these services. Many districts also use multiple attorney(s)/law firms for their specialties, e.g., different law firms for bond counsel, special education, or labor law. This checklist is designed for the Board to use a request for proposal (RFP) process to seek outside attorney(s)/law firms, but it can be adapted for an application process, which would better fit if the Board seeks an in-house attorney.
2. Consider the following factors to analyze the type(s) of legal services needed for the District including, but are not limited to:
 - District's size;
 - Any past and current experiences with legal matters;
 - Complexity of the District's legal needs;
 - Availability of expertise; and
 - Cost of outside fees compared to internal staff expenses for an in-house arrangement.

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

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

2:160-E

Page 1 of 6

NEW

- Experience that meets the District's needs, including litigation experience in State and federal courts
 - Membership in professional associations, such as, the Illinois Council of School Attorneys (ICSA) and education law sections of bar associations, etc.
 - Demonstrated knowledge of and ability to apply professional responsibility rules
 - Accessibility for the District's identified needs, e.g., evening Board meetings, phone calls, etc.
 - Ability to declare that representation of the District will be to the exclusion of all other clients having potential conflicts with the District's interests
 - When additional qualifications apply, those list those qualifications for providing legal services. This may include specialties such as bond counsel, etc.
- Develop the RFP.**
1. Insert the list of qualifications that the Board developed.
 2. Include the following information:
 - The deadline for responses to be submitted
 - The location (address or email) where responses should be sent
 - A statement that the Board is soliciting proposals from qualified lawyers and law firms to provide legal services to the School District
 - Significant information about the District. See Board policy 1:30, *School District Philosophy*, for the District's mission statement that is specific to the community's goals.
 - The scope of work, e.g., "The Board Attorney will provide legal advice concerning [typical duties, specific duties, excluded duties]."
 - Qualifications
 - Details about interviews and presentations
 3. Specify what responders must include in their responses, such as the following:
 - Cover letter, complete name, address, and legal structure (if the responder is a law firm)
 - The individuals who prepared the response, including their titles
 - If different from above, the identity of and directory information for the individuals who have authority to answer questions regarding the submitted proposal
 - A proposed fee schedule, e.g., "Respondents may combine set fees and hourly fees. If hourly fees are proposed, please provide the minimum time increment for billing purposes. If a retainer agreement is proposed, please specifically describe options."
 - A summary of the responder's relevant experience representing public schools
 - A writing sample
 - An assurance that the responder meets the RFP's qualifications
 - References including current or past clients
- Announce the RFP.**
1. Title the announcement. **Note:** How and where the RFP is announced are at the Board's sole discretion. The Board may want to announce the RFP during an open meeting, post it on the District's website, mail it to local law firms, and/or place it in the local newspaper(s) or other legal publications. A directory of those lawyers belonging to the Council of School Attorneys

NEW

(ICSA) is on the IASB website, www.iasb.com. A printed copy is available upon request. Inclusion in the directory does not represent an IASB endorsement. Some attorneys who practice school law do not belong to ICSA. Other online sources, such as the Illinois State Bar Association, also maintain directories of information about attorneys. The Board may want to title the announcement "The [*Insert District's name*] Board of Education Requests Proposals to Provide Legal Services."

2. Announce that the Board seeks an attorney or law firm to serve as its Board Attorney.
 3. Inform the reader that the attorney or law firm selected will serve from the date of appointment to [*date*]. The length of the appointment is at the Board's discretion.
 4. State the School District's philosophy or mission statement.
 5. Insert the RFP location and contact information with the beginning date and time.
 6. Tell prospective responders that completed RFPs must be returned [*by certain time and date*] to [*name and title of person receiving applications*].
- Receive and manage responses to the RFP.**
1. Review policy 2:110, *Qualifications, Term, and Duties of Board Officers*. The Board President is a logical officer to accept the applications, but this task may be delegated to the Secretary or Superintendent's secretary if the Board determines that it is more convenient. Who accepts applications is at the Board's sole discretion and should be decided by the Board prior to posting the RFP announcement
 2. The Board will discuss, at an open meeting, its process to review the applications and who will contact RFP responders for an interview.
 3. The designated person will contact RFP responders for interviews.
- Develop interview questions.**
1. Interview questions are at the Board's discretion.
 2. A prospective attorney or law firm to fill the Board Attorney position may raise other specific issues that the Board will want to cover during an interview.
 3. The following non-exhaustive list of interview questions may help the Board tailor its questions toward finding an attorney or law firm with an approach to the role of the Board Attorney that the Board desires:
 - What do you see as your role as Board Attorney?
 - How many other school districts do you currently represent?
 - What kind of legal services do you provide to your school clients? Please explain how your other experience is relevant to this position.
 - How many years of experience does your firm (or, the attorney) have? How long have you been practicing law? How long have you been representing school districts?
 - What methods will you use to ensure all members of the Board, which is your client, remain informed? See the discussion about the *Ill. Professional Rules of Conduct* in *fn 2* of policy 2:160, *Board Attorney*.
 - How would you manage a situation in which the Board feels strongly about its position but you believe that position is not legally supportable? The *Ill. Rules of Professional Conduct*, at www.illinoiscourts.gov/supremecourt/rules/art_viii/default_new.asp, require

NEW

attorneys to represent the Board in its capacity as the governing body for the District. The responders should be discussing these rules, specifically Rule 1.7 (Conflict of Interest: Current Clients) and Rule 1.13 (Organization as Client), among others, in their answers to this question. See also, PRESS policy 2:160, *Board Attorney*.

- How would you manage a situation in which the Board's interest may be or become adverse to one or more of its members? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
 - How would you manage a situation in which the Board and Superintendent are in conflict? How about a divided Board? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
 - If the Board did something that you had advised against, could you still defend the Board's action? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
 - Will you try to shape Board decisions or do you have a *whatever the Board decides philosophy*? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
 - Do you give clients specific recommendations or do you advise them of the available options and let the client decide? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
 - Do you provide your Board of Education clients with any updating services gratis?
 - How do you keep your Board clients apprised of litigation and other legal matters you are handling for them?
 - Will you be handling this business personally (i.e., will you delegate to your associates or partners)?
 - Can anyone else in your firm handle our inquiries when you are unavailable?
 - How do you keep current on school law?
 - When do you tell your school clients to contact you regarding a matter with possible legal repercussions?
 - Have you represented a school district in a matter involving the rights of disabled students? ...involving disabled employees? ... involving a student expulsion? ... involving a teacher dismissal? ... involving an employee's contract or dismissal? ... involving a building contract or bidding matter? ... Can you tell us about that case?
 - How do you bill? How are you to be paid? Please explain your rates and/or fees. The subject of billing should cover whether the attorney or law firm prepares a budget for representation and its method for billing in detail, including the date and time, what work was performed, and who worked on the project, along with expenses.
 - Did you bring a written agreement for legal services or a retainer agreement? If yes, please review it for us now. If not, please explain the options for a written agreement for legal services.
- Develop an interview protocol.** Interviews may occur in closed session pursuant to 5 ILCS 120/2(c)(1).
1. The Board President will lead the Board as it interviews responders to its RFP (see 105 ILCS 5/10-13 stating that the Board President presides at all meetings and Board policy 2:110, Qualifications, Term, and Duties of Board Officers.

NEW

2. The Board may also want to consider allowing an equal amount of time for each interview.
 3. Discuss the following items with each responder during the interview:
 - Introduce Board members to the responder.
 - Describe the Board's interview process, selection process, and ask the responder if he or she has questions about the Board's process for selecting its attorney.
 - Describe the District's philosophy or mission statement.
 - Describe the Board Attorney position by reviewing the RFP.
 - Begin asking the interview questions. (See *Develop interview questions*, above).
 - Ask the responder whether he or she has any questions for the Board.
 - Thank the responder and inform him or her when the Board expects to make its decision and how the responder will be contacted regarding the Board's decision.
- Conduct a reference check and other background investigation(s).
1. The Board President may perform this check or direct the Superintendent to:
 - Check the ARDC's master roll of attorneys as "Authorized to Practice Law." To do this, enter the attorney's name into the ARDC's registration and public disciplinary records database at: www.iardc.org/lawversearch.asp.
 - Click on the attorney's name to review whether any disciplinary actions are pending or resolved; current and prior actions will appear at the bottom of the screen.
 - If disciplinary actions are listed, ask the attorney or law firm for more information.
 2. There are other online attorney review services available. These services may be overly subjective and/or the attorney may have control over the content in these services. Always check with the ARDC.
 3. Call references provided by the responder.
- Enter into a written contract with the selected attorney or law firm.
1. All *agreements for legal services* should be in writing. At minimum, the agreement should provide the fee arrangement and the scope of services. *Agreements for legal services* and individual billing statements from the Board Attorney are subject to disclosure pursuant to a Freedom of Information Act request (PAC-14-002).
 2. Discuss the fee arrangements with the responder and decide:
 - Whether to enter into a fee arrangement or a retainer agreement. Note: Attorneys typically bill by a pre-determined percentage of the hour, e.g., in one-tenth of an hour increments. Many districts enter into a retainer agreement for legal services that requires them to pay the attorney a pre-determined fee every month. In return, the attorney provides a pre-determined amount of legal services whenever the district needs him or her. Districts find this useful because (1) they can budget for legal expenses, (2) legal advice is available up to the pre-determined amount for lower fees, and (3) this arrangement often provides for an enhanced, long-term relationship with the attorney.
 - The appropriate scope of services.
 3. Review the written contract (*Agreement for Legal Services*) for these provisions:
 - Fee arrangement.
 - Scope of services.

NEW

- Who will be providing legal services?
 - A statement that the Board controls all legal decisions.
 - A statement that the attorney and his or her law firm have no conflicts of interest or, if a conflict exists, that the Board understands the conflict and waives it.
 - Board's right to terminate the services of the attorney and law firm at any time for any reason.
4. Approve the *Agreement for Legal Services* during an open Board meeting.
- Announce the appointment to District staff and community.**
1. The contents of the announcement and length of time it is displayed are at the Board's sole discretion.
 2. The Board may want to consider announcing during an open meeting. See Board policy 8:10, *Connection with the Community*.
 3. The Board may want to include the following information in its announcement:
 - The Board appointed [attorney's name or law firm name] as the Board Attorney.
 - The appointment will begin on [date] for [length of time].
 - The Board previously established qualifications for the Board Attorney in a careful and thoughtful manner. [Attorney or law firm's name] meets these qualifications and has demonstrated the willingness to accept its duties and responsibilities. [Attorney or law firm's name] brings a clear understanding of the demands and expectations of the Board Attorney position along with a constructive attitude toward the challenge.

DATED:

DRAFT UPDATE

Board of Education

Uniform Grievance Procedure

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

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

The Complaint Manager will first attempt to resolve complaints without resorting to this grievance procedure. ~~and, If a formal complaint is filed, to under this procedure, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this procedure may forego any informal suggestions and/or attempts to resolve it and may proceed directly to the grievance procedure. The Complaint Manager will not require a student or parent/guardian complaining of any form of harassment to attempt to resolve allegations directly with the accused (or the accused's parents/guardians): this includes mediation.~~

Right to Pursue Other Remedies Not Impaired

The right of a person to prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, e.g., criminal complaints, civil actions, etc. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. If a person is pursuing another remedy subject to a complaint under this policy, the District will continue with a simultaneous investigation under this policy.

Comment [AKL1]: Text throughout the policy is updated to clarify the rights of a complainant, an accused, and the school district when investigations pursuant to this policy occur. These clarifications were made in response to the uptick of investigations by the Dept. of Education's Office for Civil Rights (OCR) in Illinois involving Title VI (discrimination on the basis of race, color, and national origin) and Title IX (discrimination on the basis of sex). While the changes reflect what OCR has requested in past investigations, OCR investigations are a moving target - meaning these changes do not guarantee that OCR would not request your district to make different changes during an OCR investigation.

Issue 89, August 2015

DRAFT UPDATE

Deadlines

All deadlines under this procedure may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, "school business days" means days on which the District's main office is open.

Filing a Complaint

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

For bullying and cyber-bullying, the Complaint Manager shall process and review the complaint according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy.

Investigation

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

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

The Complaint Manager will inform, at regular intervals, the person(s) filing a complaint under this procedure about the status of the investigation. Within 30 school business days of the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Superintendent. The Complaint Manager may request an extension of time. If a complaint of sexual harassment contains allegations involving the Superintendent, the written report shall be filed with the Board, which will make a decision in accordance with Section 3 of this policy. The Superintendent will keep the Board informed of all complaints.

Decision and Appeal

Within 5 school business days after receiving the Complainant and the accused by U.S. mail, first class, U.S. mail as well as to the Complaint Manager. All decisions shall be based upon the preponderance of evidence standard.

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

Comment [AKL2]:

Preponderance of evidence is a standard of proof in civil cases. It means "evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

Issue 89, August 2015

DRAFT UPDATE

school business days of the Board's decision, the Superintendent shall inform the Complainant and the accused of the Board's action.

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

Appointing Nondiscrimination Coordinator and Complaint Managers

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

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

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

Nondiscrimination Coordinator:

Katherine Barbour, Asst. Supt. of Human Resources and Professional Development

Name

205 N. Race St. Urbana, IL 61803

Address

gjeffries@usd116.org

Email

217-384-3641

Telephone

Complaint Managers:

Todd Taylor, Asst. Supt. Of Student Services

Name

205 N. Race St. Urbana, IL 61803

Address

ttaylor@usd116.org

Email

217-384-3645

Telephone

Katherine Barbour, Asst. Supt. of Human Resources and Professional Development

Name

205 N. Race St. Urbana, IL 61803

Address

gjeffries@usd116.org

Email

217-384-3641

Telephone

LEGAL REF.:

Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.

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

Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.

Equal Pay Act, 29 U.S.C. §206(d).

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

Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.

McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.

Comment [AKL3]: Title IX regulations require districts to identify the name, address, and telephone number of the person who is responsible for coordinating the district's compliance efforts. OCR prefers that school districts make Title IX information and coordinators visible to the community, and it has provided materials designed to remind schools of their obligation to designate a Title IX coordinator.

Issue 89, August 2015

DRAFT UPDATE

Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.

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

Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.

105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.

Illinois Genetic Information Privacy Act, 410 ILCS 513/.

Illinois Whistleblower Act, 740 ILCS 174/.

Illinois Human Rights Act, 775 ILCS 5/.

Victims' Economic Security and Safety Act, 820 ILCS 180, 56 Ill.Admin.Code Part 280.

Equal Pay Act of 2003, 820 ILCS 112.

Employee Credit Privacy Act, 820 ILCS 70/.

23 Ill.Admin.Code §§1.240 and 200-40.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 6:140 (Education of Homeless Children), 6:170 (Title I Programs), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities), 8:110 (Public Suggestions and Concerns)

ADOPTED: **September 3, 2013**

DRAFT UPDATE

Urbana School District Number 116

4:50

Operational Services

Payment Procedures

The Treasurer shall prepare a list of all due and payable bills, indicating vendor name and amount, and shall present it to the Board of Education in advance of the Board's second regular monthly ~~meeting~~ or, if necessary, a special meeting. These bills are reviewed by the Board, after which they may be approved for payment by Board order. Approval of all bills shall be given by a roll call vote and the votes shall be recorded in the minutes. The Treasurer shall pay the bills after receiving a Board order or pertinent portions of the Board minutes, even if the minutes are unapproved, provided the order or minutes are signed by the Board President and Secretary, or a majority of the Board.

The Treasurer is authorized, without further Board approval, to pay Social Security taxes, wages, pension contributions, utility bills, and other recurring bills. These disbursements shall be included in the listing of bills presented to the Board.

The Board authorizes the Superintendent or designee to establish revolving funds and a petty cash fund system for school cafeterias, lunchrooms, athletics, or similar purposes, provided such funds are maintained in accordance with Board policy 4:80, *Accounting and Audits*, and remain in the custody of an employee who is properly bonded according to State law.

Comment [APowell]:
Following its 5-year review, the policy is updated in response to subscriber feedback.

Issue 89, August 2015

LEGAL REF.: 105 ILCS 5/8-16, 5/10-7, and 5/10-20.19.
23 Ill.Admin.Code §100.70.

CROSS REF.: 4:55 (Use of Credit and Procurement Cards), 4:60 (Purchases and Contracts),
4:80 (Accounting and Audits)

ADOPTED: ~~December 14, 2010~~

DRAFT UPDATE

General Personnel

Drug- and Alcohol-Free Workplace: Tobacco Prohibition

All District workplaces are drug- and alcohol-free workplaces. All employees are prohibited from engaging in any of the following activities while on District premises or while performing work for the District:

1. Unlawful manufacture, dispensing, distribution, possession, or use of an illegal or controlled substance.
2. Distribution, consumption, use, possession, or being under the influence of an alcoholic beverage; ~~being present on District premises or while performing work for the District when alcohol consumption is detectable, regardless of when and/or where the use occurred~~
3. Possession or use of medical cannabis.

For purposes of this policy a controlled substance means a substance that is:

1. Not legally obtainable,
2. Being used in a manner different than prescribed,
3. Legally obtainable, but has not been legally obtained, or
4. Referenced in federal or State controlled substance acts.

As a condition of employment, each employee shall:

1. Abide by the terms of the Board policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than 5 calendar days after such a conviction.

To make employees aware of the dangers of drug and alcohol abuse, the Superintendent or designee shall perform each of the following:

1. Provide each employee with a copy of this policy.
2. Post notice of this policy in a place where other information for employees is posted.
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations.
4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees.
5. Establish a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace,
 - b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
 - c. The penalties that the District may impose upon employees for violations of this policy.

REMOVING AND DIFFICULT TO SURFACE.

Comment [AKL1]: These actions are prohibited by both federal and State statute. These laws do not address *under the influence*. The board may add the following optional language at the end of this sentence.

OPTION - , or being under the influence of any illegal substance or any detectable use of any illegal substance regardless of when or where the use occurred.

Contact the board attorney for advice concerning this optional provision and whenever the district wants to discipline or dismiss an employee using it. (See the following comment box and the Update Memo for more information.)

Issue 89, August 2015

Comment [AKL2]: Optional; alcohol is not addressed in either the federal or State Drug-Free Workplace Acts. Contact the board attorney for advice concerning this provision and whenever the district wants to discipline or dismiss an employee using it. If a hearing is required before the district may discipline or discharge an employee under this provision, the district must put forth evidence that the employee violated it. A district would also have this burden if a grievance is filed under a *just cause* provision in a collective bargaining agreement.

Issue 89, August 2015

DRAFT UPDATE

Tobacco Prohibition

All employees are covered by the conduct prohibitions contained in policy 8:30, *Visitors to and Conduct on School Property*. The prohibition on the use of tobacco products applies both (1) when an employee is on school property, and (2) while an employee is performing work for the District at a school event regardless of the event's location. *Tobacco* shall have the meaning provided in section 10-20.5b of the School Code.

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. Alternatively, the School Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse rehabilitation program.

The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate State or federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction.

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. §12114.
Compassionate Use of Medical Cannabis Pilot Program, 410 ILCS 130/
Controlled Substances Act, 21 U.S.C. §812; 21 C.F.R. §1308.11-1308.15.
Drug-Free Workplace Act of 1988, 41 U.S.C. §701 et seq.
Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101 et seq.
Drug-Free Workplace Act, 30 ILCS 580/
105 ILCS 5/10-20.5b.

CROSS REF.: 8:30 (Visitors to and Conduct on School Property)

ADOPTED: ~~June 17, 2014~~

DRAFT UPDATE

General Personnel

Copyright

Works Made for Hire

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

Copyright Compliance

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

Copyright Infringement: Designation of District Digital Millennium Copyright Act (DMCA) Agent

The employee listed below receives complaints about copyright infringement within the use of the District's online services. The Superintendent or designee will register this information with the federal Copyright Office as required by federal law.

District DMCA Agent:

Name

Address

Email

Telephone

LEGAL REF.: Federal Copyright Law of 1976, 17 U.S.C. §101 et seq.
105 ILCS 5/10-23.10.

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

ADOPTED: January 19, 2010

Comment [APowell1]:

Option: An optional subhead is added for districts that are *online service providers* (OSP) under the DMCA. The DMCA is an amendment to 17 U.S.C. §101 *et seq.* that provides limitations on OSP liability for storage of copyrighted material residing on a system or network controlled or operated by or for the OSP. This liability limitation is called the *Safe Harbor Provision* (SHP).

If a district is an OSP, the SHP provision will not apply if the district does not designate, publicize, and register a DMCA Agent with the federal Copyright Office (at publication time, registration was \$105).

Districts that may benefit from the SHP are those that operate or contract to operate the following types of websites: file and information sharing sites; blogs that allow guests to post content; social media sites; and other sites that accept, publish or host content created and submitted by other parties. For further steps to designate a DMCA agent, see 5:170-AP4, *Designation of District Digital Millennium Copyright Act (DMCA) Agent, Registration Process.*

Before adopting this section, consult the board attorney to first identify whether the District is an *online service provider* (OSP) under the DMCA.

DRAFT UPDATE

Urbana School District Number 116

5:270

Educational Support Personnel

Employment At-Will, Compensation, and Assignment

Employment At-Will

Unless otherwise specifically provided, District employment is at-will, meaning that employment may be terminated by the District or employee at any time for any reason, other than a reason prohibited by law, or no reason at all. Nothing in Board of Education 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 ~~non-certificated~~~~nonlicensed~~ employees at-will but shall maintain a record of positions or employees who are not at-will, ~~and the reason for the exception.~~

Compensation

Please refer to the following current agreement:

Agreement between Urbana Education (Support) Association, IEA-NEA and Urbana School District #116 Board of Education.

For employees not covered by this agreement:

The Board will determine salary and wages for educational support personnel. An employee covered by the overtime provisions in State or federal law, shall not work overtime without the prior authorization from the employee's immediate supervisor. Educational support personnel are paid twice a month.

Assignment

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

Please refer to the following current agreement:

Agreement between Urbana Education (Support) Association, IEA-NEA and Urbana School District #116 Board of Education.

Comment [AP1]: The policy and Legal References are edited to delete ~~certificated~~ and for efficiency reasons.

Issue 88, May 2015

DRAFT UPDATE

LEGAL REF.: 105 ILCS 5/10-22.34 and 5/10-23.5.
~~Griggsville-Perry Community Unit School Dist. No. 4 v. Illinois Educ. Labor Relations Bd., 963 N.E.2d 332 (Ill.App.4, 2013).~~
~~Cook v. Eldorado Community Unit School District, No. 03-MR-32 (Ill.App.5, 2004).~~
~~Duldulac v. St. Mary of Nazareth Hospital, 483 N.E. 2d 956 (Ill.App.1, 1985),~~
~~aff'd in part and remanded, 505 N.E.2d 314 (Ill. 1987).~~
~~Keiser v. Dixon, 468 N.E. 2d 822 (Ill.App.2, 1984).~~

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

ADOPTED: ~~January 19, 2010~~

Comment [APowell2]: The Legal References are updated to delete case law that has been overturned or refers to lower court decisions. The reference to Griggsville-Perry Community Unit School Dist. No. 4 v. Illinois Educ. Labor Relations Bd. was added with PRESS Issue 88. At this time, your district has not yet responded to Issue 88; this change to the Legal References reverses the change offered in that issue.

Issue 89, August 2015

DRAFT UPDATE

Educational Support Personnel

Employment Termination and Suspensions

Resignation and Retirement

An employee is requested to provide 2 weeks' notice of a resignation. A resignation notice cannot be revoked once given. An employee planning to retire should notify his or her supervisor at least 2 months before the retirement date.

Please refer to the Agreement between Urbana Education (Support) Association, IEA-NEA and Urbana School District #116 Board of Education and the Board-approved Retirement Plan.

Non-RIF Dismissal

Please refer to the following current agreement:

Agreement between Urbana Education (Support) Association, IEA-NEA and Urbana School District #116 Board of Education.

For employees not covered by this agreement:

The District may terminate an at-will employee at any time for any reason, subject to State and federal law.

Employees who are employed annually or have a contract, or who otherwise have a legitimate expectation of continued employment, may be dismissed: (1) at the end of the school year or at the end of their respective contract after being provided appropriate notice and after compliance with any applicable contractual provisions, or (2) mid-year or mid-contract provided appropriate due process procedures are provided.

The Superintendent is responsible for making dismissal recommendations to the Board of Education consistent with the Board's goal of having a highly qualified, high performing staff.

Reduction in Force and Recall

Please refer to the following current agreement:

Agreement between Urbana Education (Support) Association, IEA-NEA and Urbana School District #116 Board of Education.

For employees not covered by this agreement:

~~This section is applicable whenever~~The Board ~~decides~~may, as necessary or prudent, decide to decrease the number of educational support personnel or to discontinue some particular type of educational support service and, as a result of that action, ~~an educational support employee is removed, dismissed, or his or her hours are reduced~~dismiss or reduce the hours of one or more educational support employees. When making decisions concerning reduction in force and recall, the Board will follow Sections 10-22.34c (outsourcing non-instructional services) and 10-23.5 (procedures) of the School Code, to the extent they are applicable and not superseded by legislation or an applicable collective bargaining agreement.

~~The Board shall use a seniority list to determine the order of dismissal or removal. The seniority list, categorized by positions, shows the length of continuing service of each full-time educational support~~

Comment [AKL1]: This section is updated, and the paragraphs paraphrasing the RIF statute (for nonlicensed employees) are omitted because it is unnecessary in a governance policy and is frequently superseded by collectively bargained provisions.

Issue 88, May 2015

DRAFT UPDATE

~~employee. The employee with the shorter length of continuing service within the respective category of position shall be dismissed first.~~

~~Except as provided below, written notice will be given the employee by certified mail, return receipt requested, at least 30 days before the employee is removed or dismissed, or his or her hours are reduced, together with a statement of honorable dismissal and the reason therefore if applicable. The prior written notice will be extended to at least 90 days if the lay off is due to the District entering into a contract with a third party for non-instructional services. The prior written notice will be shortened to at least 5 days before an employee's hours are reduced as a result of an unforeseen reduction in the student population.~~

~~Any vacancies for the following school term or within one calendar year from the beginning of the following school term, shall be offered to the employees so removed or dismissed from that category or any other category of position provided they are qualified to hold such positions.~~

Final Paycheck

A terminating employee's final paycheck will be adjusted for any unused, earned vacation credit. Employees are paid for all earned vacation. Terminating employees will receive their final pay on the next regular payday following the date of termination, except that an employee dismissed due to a reduction in force shall receive his or her final paycheck on or before the next regular pay date following the last day of employment.

Suspension

Except as provided below, the Superintendent is authorized to suspend an employee without pay as a disciplinary measure, during an investigation into allegations of misconduct or pending a dismissal hearing whenever, in the Superintendent's judgment, the employee's presence is detrimental to the District. A disciplinary suspension shall be with pay: (1) when the employee is exempt from the overtime provisions, or (2) until an employee with an employment contract for a definite term is provided a notice and hearing according to the suspension policy for professional employees.

LEGAL REF.: ~~5 ILCS 430 et seq.
105 ILCS 5/10-22.34c and 5/10-23.5.
820 ILCS 105/4a.
Griggsville-Perry Community Unit School Dist. No. 5 v. Illinois Educ. Labor Relations Bd., 963 N.E.2d 332 (Ill.App.4, 2013).~~

CROSS REF.: 5:240 (Professional Personnel - Suspension), 5:270 (Educational Support Personnel - Employment At-Will, Compensation, and Assignment)

ADOPTED: ~~December 14, 2010~~

Comment [APowell2]: The Legal References are updated to delete case law that has been overturned. The reference to Griggsville-Perry Community Unit School Dist. No. 5 v. Illinois Educ. Labor Relations Bd., was added with PRESS Issue 88. At this time, your district has not yet responded to Issue 88, this change to the Legal References reverses the change offered in that issue.

Issue 89, August 2015

DRAFT UPDATE

Urbana School District Number 116

6:140

Instruction

Education of Homeless Children

Each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, as provided to other children and youths, including a public pre-school education. A ~~homeless child~~ is defined as provided in the McKinney Homeless Assistance Act and ~~State law~~, the Ill. Education for Homeless Children Act. The Superintendent ~~or designee~~ shall act as or appoint a Liaison for Homeless Children to coordinate this policy's implementation.

Comment [APowell1]: After its 5-Year Review, this policy was nonsubstantively edited for clarity.
Issue 89, August 2015

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

The Superintendent or designee shall review and revise rules or procedures that may act as barriers to the enrollment of homeless children and youths. In reviewing and revising such procedures, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship. Transportation shall be provided in accordance with the McKinney Homeless Assistance Act and State law. The Superintendent or designee shall give special attention to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school. If a child is denied enrollment or transportation under this policy, the Liaison for Homeless Children shall immediately refer the child or his or her parent/guardian to the ombudsperson appointed by the Regional Superintendent and provide the child or his or her parent/guardian with a written explanation for the denial. Whenever a child and his or her parent/guardian who initially share the housing of another person due to loss of housing, economic hardship, or a similar hardship continue to share the housing, the Liaison for Homeless Children shall, after the passage of 18 months and annually thereafter, conduct a review as to whether such hardship continues to exist in accordance with State law.

LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 ~~et seq.~~
Ill. Education for Homeless Children Act, 105 ILCS 454-1 et seq.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 4:110 (Transportation), 7:10 (Equal Educational Opportunities), 7:30 (Student Assignment), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students)

ADOPTED: ~~January 19, 2010~~

DRAFT UPDATE

Students

Equal Educational Opportunities

Equal educational and extracurricular opportunities shall be available for all students without regard to color, race, nationality, religion, sex, sexual orientation, ancestry, age, physical or mental disability, gender identity, status of being homeless, immigration status, order of protection status, actual or potential marital or parental status, including pregnancy. Further, the District will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status, except that the District remains viewpoint neutral when granting access to school facilities under Board of Education policy 8:20, *Community Use of School Facilities*. Any student may file a discrimination grievance by using Board policy 2:260, *Uniform Grievance Procedure*.

Sex Equity

No student shall, based on sex, sexual orientation, or gender identity be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities.

Any student may file a sex equity complaint by using Board policy 2:260, *Uniform Grievance Procedure*. A student may appeal the Board's resolution of the complaint to the Regional Superintendent (pursuant to 105 ILCS 5/3-10) and, thereafter, to the State Superintendent of Education (pursuant to 105 ILCS 5/2-3.8).

Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator. The Superintendent and Building Principal shall use reasonable measures to inform staff members and students of this policy and grievance procedure.

Comment [AKL1]: The list of protected classifications now includes immigration status. The change is for clarification purposes. *Nationality* was and continues to be listed as a protected classification; it was intended to protect children from discrimination based on their immigration status. ISBE states that "no school system may deny access to its schools or programs to students who lack documentation of their immigration status or legal presence in the United States, and no school system may inquire about the immigration status of a student (*Plyler v. Doe*, 457 U.S. 202 (1982))."
Issue 89, August 2015

DRAFT UPDATE

- LEGAL REF.: 42 U.S.C. §11431 et seq., McKinney Homeless Assistance Act.
20 U.S.C. §1681 et seq., ~~34 C.F.R. Part 106~~, Title IX of the ~~Education~~Education
Amendments implemented by 34 C.F.R. Part 106.
29 U.S.C. §791 et seq., Rehabilitation Act of 1973.
775 ILCS 35/5, Religious Freedom Restoration Act.
Ill. Constitution, Art. I, §18.
Good News Club v. Milford Central School, 121 S.Ct. 2093 (2001).
105 ILCS 5/3.25b, 3.25d(b), 10-20.12, 10-22.5, and 27-1.
775 ILCS 5/1-101 et seq., Illinois Human Rights Act.
23 Ill.Admin.Code §1.240 and Part 200.
- CROSS REF.: 2:260 (Uniform Grievance Procedure), 6:220 (Instructional Materials Selection and Adoption), 7:20 (Harassment of Students Prohibited), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:130 (Student Rights and Responsibilities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), , 7:330 (Student Use of Buildings - Equal Access), 8:20 (Community Use of School Facilities)
- ADOPTED: ~~September 21, 2019~~

DRAFT UPDATE

Students

Nonpublic School Students, Including Parochial and Home-Schooled Students

Part-Time Attendance

The District accepts nonpublic school students, including parochial and home-schooled students, who live within the District for part-time attendance in the District's regular education program on a space-available basis. Requests for part-time attendance must be submitted to the principal of the school in the school attendance area where the student resides.

A student accepted for partial enrollment must comply with all discipline and attendance requirements established by the school. He or she may participate in any co-curricular activity associated with a District class in which he or she is enrolled. The parent(s)/guardian(s) of a student accepted for partial enrollment must pay all fees, pro-rated on the basis of a percentage of full-time fees. Transportation to and/or from school is provided on regular bus routes to or from a point on the route nearest or most easily accessible to the nonpublic school or student's home. This transportation shall be on the same basis as the District provides transportation for its full-time students. Transportation on other than established bus routes is the responsibility of the parent(s)/guardian(s).

Students with a Disability

The District ~~will accept~~accepts for part-time attendance those ~~students with disabilities who live within the District and children for whom it has been determined that special education services are needed,~~ are enrolled in nonpublic schools, and otherwise qualify for enrollment in the District. Requests must be submitted by the student's parent/guardian. Special educational services shall be provided to such students as soon as possible after identification, evaluation, and placement procedures provided by State law, but no later than the beginning of the next school semester following the completion of such procedures. Transportation for such students shall be provided only if required in the child's individualized educational program on the basis of the child's disabling condition or as the special education program location may require.

Comment [AKL1]: This paragraph restates State law (105 ILCS 5/14-6.01). Federal law requires districts to develop and implement a system to locate, identify, and evaluate children with disabilities who attend private schools (including religiously affiliated schools and home-schools) located within the district. Moreover, the district must conduct child find activities for private school children with disabilities that are similar to those for children with disabilities in public schools.
Issue 89, August 2015

Extracurricular Activities, Including Interscholastic Competition

Nonpublic or home-schooled student, regardless of whether they attend a District school part-time, will not be allowed to participate in IHSA/IESA sponsored extracurricular activities unless the activity is directly related to an/or part of the requirements of a credit class. Any non eligibility tracked activities are open to all students. A nonpublic or home-schooled student who participates in an extracurricular activity is subject to all policies, regulations, and rules that are applicable to other participants in the activity.

Assignment When Enrolling Full-Time in a District School

Grade placement by, and academic credits earned at, a nonpublic school will be accepted if the school has a Certificate of Nonpublic School Recognition from the Illinois State Board of Education, or, if outside Illinois, if the school is accredited by the state agency governing education.

A student who, after receiving instruction in a non-recognized or non-accredited school, enrolls in the District will: (1) be assigned to a grade level according to academic proficiency, and/or (2) have academic credits recognized by the District if the student demonstrates appropriate academic

DRAFT UPDATE

proficiency to the school administration. Any portion of a student's transcript relating to such instruction will not be considered for placement on the honor roll or computation in class rank.

Notwithstanding the above, recognition of grade placement and academic credits awarded by a nonpublic school is at the sole discretion of the District. All school and class assignments will be made according to School Board policy 7:30, *Student Assignment*, as well as administrative procedures implementing this policy.

LEGAL REF.: 105 ILCS 5/10-20.24 and 5/14-6.01.

CROSS REF.: 4:110 (Transportation), 6:170 (Title I Programs), 6:190 (Extracurricular and Co-Curricular Activities), 6:320 (Credit for Proficiency), 7:30 (Student Assignment), 7:300 (Extracurricular Athletics)

ADOPTED: ~~January 19, 2010~~

DRAFT UPDATE

Students

Restrictions on Publications

School-Sponsored Publications and Web Sites

School-sponsored publications, productions, and web sites are part of the curriculum and are not a public forum for general student use. School authorities may edit or delete material that is inconsistent with the District's educational mission.

All school-sponsored communications shall comply with the ethics and rules of responsible journalism. Text that is libelous, obscene, vulgar, lewd, invades the privacy of others, conflicts with the basic educational mission of the school, is socially inappropriate, is inappropriate due to the maturity of the students, or is materially disruptive to the educational process will not be tolerated.

The author's name will accompany personal opinions and editorial statements. An opportunity for the expression of differing opinions from those published/produced will be provided within the same media.

Non-School Sponsored Publications Accessed or Distributed On-Campus

For purposes of this section and the following section, a *publication* includes, without limitation: (1) written or electronic print material, ~~and~~ (2) audio-visual material; on any medium including electromagnetic media (e.g., images, MP3 files, flash memory, etc.), or combinations of these whether off-line (e.g., a printed book, CD-ROM, etc.) or ~~on-line~~ online (e.g., any website, social networking site, database for information retrieval, etc.), or (3) information or material on electronic devices (e.g., data or voice messages delivered by cell phones, tablets, and other hand-held devices).

Creating, distributing and/or accessing non-school sponsored publications shall occur at a time and place and in a manner that will not cause disruption, be coercive, or result in the perception that the distribution or the publication is endorsed by the School District.

Students are prohibited from creating, distributing and/or accessing at school any publication that:

1. Will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities;
2. Violates the rights of others, including but not limited to material that is libelous, invades the privacy of others, or infringes on a copyright;
3. Is socially inappropriate or inappropriate due to maturity level of the students, including but not limited to material that is obscene, pornographic, or pervasively lewd and vulgar, contains indecent and vulgar language, or *sexting* as defined by School Board policy and Student Handbooks;
4. Is reasonably viewed as promoting illegal drug use; or
5. Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. Nothing herein shall be interpreted to prevent the inclusion of material from outside sources or the citation to such sources as long as the material to be distributed or accessed is primarily prepared by students.

Comment [APowell1]: The sample definition of publication is edited to keep the policy current with rapid technology changes. The definition uses broad and generally understood terms, and it may be amended by the district.

Issue 89, August 2015

DRAFT UPDATE

Accessing or distributing "on-campus" includes accessing or distributing on school property or at school-related activities. A student engages in gross disobedience and misconduct and may be disciplined for: (1) accessing or distributing forbidden material, or (2) for writing, creating, or publishing such material intending for it to be accessed or distributed at school.

Bullying and Cyberbullying

The Superintendent or designee shall treat behavior that is bullying and/or cyberbullying according to Board policy 7:180, Prevention of and Response to Bullying, Intimidation, and Harassment, in addition to any response required by this policy.

Comment [APowell2]: A section regarding Bullying and Cyberbullying was added in response to 105 ILCS 5/27-23.7

Issue 89, August 2015

LEGAL REF.: 105 ILCS 5/27-23.7

Hazelwood v. Kuhlmeier, 108 S.Ct. 562 (1988).

Hedges v. Wauconda Community Unit School Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 89 S.Ct. 733 (1969).

CROSS REF.: 6:235 (Access to Electronic Networks), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:25 (Advertising and Distributing Materials in School Provided by Non-School Related Entities)

ADOPTED: December 14, 2010

REWRITTEN

7:325

Students

Student Fundraising Activities

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:

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. Participation in fundraising efforts must be voluntary.
4. Student safety must be paramount.
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.
8. Any fundraising efforts that solicit donor messages for incorporation into school property (e.g., tiles or bricks) or placement upon school property (e.g., posters or placards) must:
 - 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."

Comment [AKL1]: The policy is RENAMED to align with the State and national lunch programs' use of *fundraising* without a hyphen.

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." Except for #2, all directives are optional and may be deleted or amended.

Issue 89, August 2015

Comment [AKL2]: Selling popular food items to raise funds is restricted by federal and State rules if the items meet ISBE's definition of *competitive foods*.

Issue 89, August 2015

Comment [AKL3]: In response to subscriber feedback, we amended this directive. Alternatively, the board may select one version of the following option:

Option

A - , and door-to-door solicitations are prohibited.

OK

B - , and door-to-door solicitations are discouraged.

Issue 89, August 2015

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

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

ADOPTED:

Compare to current policy 7:325, or consider adding to your manual if not currently included.

DRAFT UPDATE

Community Relations

Connection with the Community

Public Relations

The Board President is the official spokesperson for the School Board. The Superintendent is the District's chief spokesperson ~~and, The Superintendent or designee~~ shall plan and implement a District public relations program that will:

1. Develop community understanding of school operation.
2. Gather community attitudes and desires for the District.
3. Secure adequate financial support for a sound educational program.
4. Help the community feel a more direct responsibility for the quality of education provided by their schools.
5. Earn the community's good will, respect, and confidence.
6. Promote a genuine spirit of cooperation between the school and the community.
7. Keep the news media ~~provided with accurate information~~ accurately informed.
8. Coordinate with the District Safety Coordinator to provide accurate and timely information to the appropriate individuals during an emergency.

The public relations program should include:

1. Regular news releases concerning District programs, policies, ~~and activities, that will be sent activities, and special event management for distribution by, for example, posting on the District website or sending~~ to the news media.
2. News conferences and interviews, as requested or needed. The Board President and Superintendent will coordinate their respective media relations efforts. Individuals may speak for the District only with prior approval from the Superintendent, or designee.
3. Publications having a high quality of editorial content and effective format. All publications shall identify the District, school, department, or classroom and shall include the name of the Superintendent, the Building Principal, and/or the author and the publication date.
4. Other efforts that highlight the District's programs and activities.

CROSS REF.: 2:110 (Qualifications, Term, and Duties of Board Officers)

ADOPTED: January 19, 2010

Comment [A1]: These objectives are examples and should be customized for each district.
OPTION 1 – The board may choose to replace the Public Relations section with the following:
The Board President is the official spokesperson for the School Board. The Superintendent is the District's chief spokesperson. The Superintendent or designee shall plan and implement a District public relations program to keep the community informed and build support through open and authentic communications. The public relations program shall include, without limitation, media relations; internal communications; communications to the community; communications to students and parents/guardians; emergency communications in coordination with the District Safety Coordinator; the District website and social media channels; and other efforts to reach all audiences using suitable mediums.
Issue 89, August 2015

REWRITTEN

8:80

Community Relations

Gifts to the District

The Board of Education appreciates gifts from any education foundation, other entities, or individuals. All gifts must adhere to each of the following:

1. Be accepted by the Board or, if less than \$500.00 in value, the Superintendent or ~~designee~~. Individuals should obtain a pre-acceptance commitment before identifying the District, any school, or school program or activity as a beneficiary in any fundraising attempt, including without limitation, any Internet fundraising attempt.
2. Be given without a stated purpose or with a purpose deemed by the party with authority to accept the gift to be compatible with the Board's educational objectives and policies.
3. Be consistent with the District's mandate to provide equal educational and extracurricular opportunities to all students in the District as provided in Board policy 7:10, *Equal Educational Opportunities*. State and federal laws require the District to provide equal treatment for members of both sexes to educational programing, extracurricular activities, and athletics. This includes the distribution of athletic benefits and opportunities.
4. Permit the District to maintain resource equity among it learning centers.
5. Be viewpoint neutral. The Superintendent or designee shall manage a process for the review and approval of donations involving the incorporation of messages into or placing messages upon school property.
6. Comply with all laws applicable to the District including, without limitation, the Americans with Disabilities Act, the Prevailing Wage Act, the Health/Life Safety Code for Public Schools, and all applicable procurement and bidding requirements.

The District will provide equal treatment to all individuals and entities seeking to donate money or a gift. Upon acceptance, all gifts become the District's property. The acceptance of a gift is not an endorsement by the Board, District, or school of any product, service, activity, or program. The method of recognition is determined by the party accepting the gift.

LEGAL REF.: 20 U.S.C. §1681 *et seq.*, Title IX of the Education Amendments implemented by 34 C.F.R. Part 106.
105 ILCS 5/16-1.
23 Ill.Admin.Code §200.40.

CROSS REF.: 4:60 (Purchases and Contracts), 4:150 (Facility Management and Building Programs), 6:10 (Educational Philosophy and Objectives), 6:210 (Instructional Materials), 7:10 (Equal Educational Opportunities)

ADOPTED:

Compare to current policy 8:80, or consider adding to your manual if not currently included.

Comment [AKL1]: The policy is rewritten to specify the criteria for gifts.

105 ILCS 5/16-1 grants authority to school boards to accept and manage gifts. Specifying the criteria for gifts in the board policy provides important information to potential donors and promotes a common understanding, uniform treatment, and adherence to legal requirements.

Issue 89, August 2015

Comment [AKL2]: The board may remove or amend in any way the value of a gift that the superintendent or designee is permitted to accept. Please provide any edits the board wishes to make.

Issue 89, August 2015

Comment [AKL3]: The U.S. Constitution's Free Speech, Establishment, and Equal Protection Clauses may be triggered when a donation comes with a message. Contact the board attorney for assistance.

Issue 89, August 2015