

**Oak Park and River Forest High School  
201 N. Scoville  
Oak Park, Illinois 60302**

**BOARD POLICY, EVALUATION AND GOALS COMMITTEE MEETING  
Thursday, January 20, 2011  
Immediately Following Instruction Committee Meeting  
Board Room  
AGENDA**

- I. Approval of Minutes** Sharon Patchak Layman/Dr. Dietra D. Millard
- II. Consideration of Policies for Second Reading**
  - A. Policy 4113, Certified Personnel – Certification
- III. Consideration of Policies for First Reading**
  - A. Policy 4122, Substitute Teachers
  - B. Policy 4015, Equal Employment and Minority Recruitment
- IV. Discussion Items**
  - A. PAC Program
  - B. Organizational Needs Assessment
  - C. Board Policy Manual Evaluation
  - D. Superintendent Goals and Indicators
  - E. Future Retreats
    - i. Potential Topics to Finish – Governance, Establishing Policy and Time Management
- V. Additional Matters for PEG Committee Information/Deliberation**

- Docket:**
- 1. Classification of Non-Affiliated Employees
  - 2. Superintendent Evaluation Tool: Format and Timeline
  - 3. Energy Policy
  - 4. Policy 3310, Contracts/Purchasing

C: Board Members, Dr. Dietra D. Millard and Sharon Patchak-Layman, Co-Chairs

**Oak Park and River Forest High School  
201 N. Scoville  
Oak Park, IL 60302**

**Policy, Evaluation and Goals (PEG) Committee  
Thursday, December 9, 2010  
Minutes  
Board Room**

A Policy, Evaluation and Goals Committee meeting was held on Thursday, December 9, 2010, in the Board Room. Co-chair Dr. Millard opened the meeting at 9:20 a.m. Committee members present were Terry Finnegan, Dr. Ralph H. Lee, Amy McCormack, Dr. Dietra D. Millard, and Sharon Patchak-Layman. Also present were: Dr. Steven T. Isoye, Superintendent; Philip M. Prale, Assistant Superintendent for Curriculum and Instruction (departed at 9:39 a.m.); Nathaniel L. Rouse, Principal; Lauren M. Smith, Director of Human Resources; and Gail Kalmerton, Executive Assistant/Clerk of the Board.

Visitors: Kay Foran, Communications and Community Relations Coordinator; James Paul Hunter, Faculty Senate Executive Committee Chair (departed at 11:13 a.m.); Nathan Eklund and Todd Bloom (arrived telephonically at 10:15 a.m.) of Blueprint Education Group.

**Minutes**

It was the consensus of the Policy Committee members to accept the minutes of the November 11, 2010 meeting, as presented.

**Consideration for Second Reading and Action**

Policy 3910, Identity Protection

It was the consensus of the PEG Committee members to recommend to the Board of Education that it approve Policy 3910, Identity Protection, at its regular December Board of Education meeting, as presented.

Special mention was made about the importance of educating employees about this policy; Human Resources will begin Step 1 training.

Policy 5144, Food Management Program

It was the consensus of the PEG Committee members to recommend to the Board of Education that it approve Policy 5144, Food Management Program, as its regular December Board of Education meeting, as presented.

**Consideration for First Reading and Action**

Policy 4113, Certified Personnel – Certification

It was the consensus of the PEG Committee members to recommend to the Board of Education that it approve Policy 4113, Certified Personnel—Certification, for first reading as presented.

The original policy had not addressed highly qualified teachers who are teachers of record who assign student grades and are qualified in each of their teaching areas. Ms. Smith used the language provided by IASB's PRESS service and incorporated it into this policy. Teachers gain that distinction of highly qualified either through experience, education, a test, etc. Special Education teachers who teach self-contained classes must be highly qualified in each of their teaching areas. No OPRFHS teachers have been removed from their content area teaching responsibilities because they were not highly qualified.

#### 4122. Substitute Teachers

This policy was removed from consideration as a result of a recent amended veto taking away the centralized data base.

#### **Superintendent Goals and Indicators**

The PEG Committee considered Dr. Isoye's language for the goals and the language for his annual performance evaluation. The goals would remain the same during the term of his contract and the Board of Education would evaluate his annual goals. Dr. Millard had asked Dr. Isoye to include his goals and indicators in one document and to show the evidence for the outcomes. Dr. Millard asked for the committee members' comments as the Board of Education is required, based on his multi-year contract, to vote on specific goals and indicators. Provisional time was given for this when the contract was first agreed upon.

Dr. Isoye stated that both the IASA and the Board of Education's attorneys have reviewed this document. While both Dr. Millard and he were presenting this draft, it is from the Board of Education's attorney. Dr. Millard had asked the District's attorney about what was legally required for the contract.

Ms. Patchak-Layman felt the goals were more of a mission and she wanted to see the use of smart goals included, which usually included numbers or percents. Dr. Millard noted that legal counsel cautioned the Board of Education about specificity, because when it is time to determine whether to rehire Dr. Isoye, if the goals of his contract were not attended to, the Board of Education would not be allowed to extend or remove them from his contract. The state developed performance contracts because of the practice to continue to renew contracts with superintendents even if the schools remained status quo or lost ground.

Ms. Patchak-Layman suggested using things that showed positive improvement with subjectivity. The Board of Education's liability was that if it liked Dr. Isoye's work and rehired him, even if he did not meet the goals, and someone challenged that, he legally would have to be released. When he was hired, both he and the Board of Education were aware that the contract needed to be tweaked, thus, the January approval date. Discussion ensued about what might be acceptable. Even the language "use effective measures," reflecting a trend in the right direction, would indicate that there were no measures in effect previously.

Ms. Patchak-Layman suggested using a dashboard saying that the Board of Education wanted to see a positive direction in the AYP scores, i.e., using the present baseline. Dr. Isoye was uncomfortable with that suggestion as a statistician may say there was a margin of error and it was subject to interpretation. He reminded the Board of Education that this is about 1) satisfying

the law, and 2) allowing the Board of Education to have options in the future. Ms. Patchak-Layman responded that the words are important as they are what the community sees. What faith will the community have in the Board of Education that there will be a change at the school to move things forward?

Ms. McCormack, Dr. Lee, and Mr. Finnegan were comfortable with draft. Ms. McCormack agreed with legal counsel and the language presented. Dr. Lee saw no need for numerical indicators because it could prohibit options. Mr. Finnegan preferred to leave this as general and global as possible knowing that further information was available and the Board of Education would use the annual evaluation tool.

Dr. Millard noted that this would move forward as presented. If there were specific suggestions they should be brought to her and she will share them with others.

### **Organizational Needs Assessment**

Dr. Isoye reported that there was a contractual agreement with Blueprint Education Group to do an assessment of the District. That assessment had gone through many variations since the original and it was decided to have Blueprint present again. Mr. Bloom put together a side-by-side activity report to compare the two processes. Blueprint Education Group received an \$11,000 payment, representing 50% of the work it had done including expenses. Mr. Rouse reiterated that last year the District was not able to schedule the 90-minute sessions due to the work involved with the number of new hires. This had been presented to the Board of Education as well as to Mr. Bloom, who came back with adaptations, yet still adjustments continued to be made. Then Dr. Isoye was hired. Dr. Millard noted that on February 15 an alteration was presented that was not an expectation of the contract and it had been Dr. Weninger's decision to pay for that adaption. Subsequent activities were rejected. Dr. Millard noted that she had discussed this with Mr. Allen and he is cognitive of the alternations and supportive of them.

Ms. Patchak-Layman noted that the Baldrige process provided the school with an opportunity to have committees in place to discuss activities in a focused way, involving the administration, the staff, and the Board of Education. Over 100 people would have been involved in the criterion committees and it was valuable to have that many people using at standard vocabulary at the table focusing on the school's problems and assessing the current work. The value was the communal value that all would be sitting together looking at the school in a focused way. The discussion is happening within only DLT. Part of the discussion is that the Board of Education does not know what happens in the classroom and this was a way to have a full-fledged conversation about that.

Mr. Eklund stated that Blueprint had spent three full days talking with people. It was a positive experience for the interviewees who participated, community members, students, staff, and faculty, in that they were able to speak openly and freely about their own view and the current state of the school. The dialogue contained a focus and richness and the participants were told that it would be shared with the Board of Education and the administration. One thing that did emerge as the core was the fact that people have a deep love and commitment to this school. The participants were grateful for the opportunity to speak.

Mr. Bloom stated that Blueprint Education Group had not completed its interviewing. Mr. Bloom underscored the importance of one-on-one meetings. While data collection takes more time in this format, people feel safer in one-on-one meetings. While not suggesting that one cannot collect good information through groups, he stated that those groups can change. Blueprint wants to focus on the quality of data and was willing to meet with other stakeholders.

Dr. Millard noted that the District's needs have changed over the past two years. Mr. Finnegan noted there was a more collegial environment and this was a starting point from which to assess the needs of individuals and to hear the themes. Dr. Lee felt the District was moving in a positive direction.

Dr. Millard asked the Committee's opinion about the alteration of the process. Ms. McCormack acknowledged Ms. Patchak-Layman's concern and frustration that the game was changed; however, the methodology for gathering this information was far less important to her. She agreed with the value of the individual meetings and that would have been her original choice. She hoped the Board of Education would have the information necessary to move forward. Ms. Patchak-Layman's concerns stemmed from the contract and that any amendment should have come before the Board of Education. The District did not go out for an RFP for these services. What the contract provides for is not happening: 1) specific things, and 2) the payment of those things. Would this addendum have been approved? She felt this was a violation of the contract and action was necessary, i.e. an amendment to the contract that specifies the deliverables should be added. Dr. Isoye will speak with the attorney about amending the contract. Mr. Rouse stated that the District asked for the change and Blueprint Education Group graciously adapted to its needs.

Mr. Bloom added that the changes are more in the "how" than the "what." Blueprint is not changing the deliverables and he was unconcerned about amending the contract. The work was unchanged in his perspective. Blueprint is excited about capturing the enthusiasm from the people they have met within the community. Discussion will occur about a final date to present to the Board of Education.

Dr. Isoye stated that the District needs to start doing things relative to benchmarks. The District is doing a variety of things that are not parallel, but they will converge and that will be rich. The key to change will be the information gathered and how it is synthesized. Ms. Patchak-Layman stated that the end point might be the report, but it is the "how" that furnished the rest of the end point, e.g., the number of people aware of Baldrige, its vocabulary, etc. She agreed that there will be a list of recommendations, but the only people who will have that will be the administration. She felt the Baldrige process was part of the expected outcome as well, e.g., the number of people involved, the vocabulary, the structure of a facilitated conversation to take forward on their own that come forward to work on other problems, etc. Blueprint was hired because the District wanted the Baldrige process. Dr. Isoye felt Blueprint would interview DLT members just as it did everyone else. He wanted to alleviate any fear that there was a tone from the District as to the outcome. Ms. Patchak-Layman noted that DLT replaced the Steering Committee and that part of the improvements was prioritization by the Steering Committee. It appears that Blueprint will make recommendations for immediate improvement and there will be no vetting of it, just a straight report. Dr. Isoye was unsure of the format for the outcomes.

Nathan Eklund looked forward to the element of this conversation ironed out in a pleasant way for all involved. It has been a remarkable experience for him and he felt privileged to be let into this community.

### **Superintendent Evaluation Tool: Format and Timeline**

Dr. Millard asked the Committee members whether they wanted to use the same evaluation tool that was designed previously. The timeline for completion is June 1 for 2011 and 2013 and November 2011.

Dr. Lee felt that while it was too bulky and could be more concise, it was not worth the effort to trim it down, despite its imperfections. Mr. Finnegan noted there was virtue to respecting the work previously done and concurred with Dr. Lee. Ms. Patchak-Layman noted a deficiency was the lack of evidence that something had been accomplished. She asked if there were possible to have a portfolio of evidence. One of the pieces of information she had disseminated was on the basis of the work by Doug Reeves, "The Best Practice in Assessing Educational Leaders." In talking about leadership, specifics are part of it and feed into a bigger picture of leadership, the attributes of leadership. Does the Board of Education want leaders to be decision makers? While one may say they want leaders with vision, there are no criteria that will help one see that an activity is taking place. What are the attributes of a leader that can implement the vision of the Board of Education? Ms. Patchak-Layman offered to disseminate the information to see the foundation of the conversation and to have a further conversation about it. It goes along governance questions as to what the Board of Education sees and where leadership fits in. She suggested that other criteria might be developed. Ms. McCormack, while happy to read information about useful ways to look at evaluations, tended to see the big picture and she looked at these as being prompts for the Board of Education to be able to address both the positive and negatives of the superintendent performance. She felt the tool presented was fine and that the Board of Education would be successful in evaluating the superintendent properly with it.

Dr. Isoye asked if the Board of Education wanted him to focus on the goals or on everything. If everything, he may have to change how he does his daily work. He was concerned about the definitions of "low" and "high" and suggested using a three-number scale, as follows: 1) unsatisfactory, 2), satisfactory, and 3) exceeding. Originally the Board of Education could not find an evaluation tool that offered the opportunity of comment and evaluating subjective verbiage; it wanted the option of writing something that could be shared with other Board members. Ms. Patchak-Layman added that the Board of Education had talked about rubrics but it did not want to have that conversation. She felt there should be consistency as the Danielson model which states that exceeding will look like x so there is consistency across the board. Dr. Millard did not want to see Dr. Isoye change his focus. Dr. Lee stated that the Board of Education never settled on the evaluation on the basis of what was important at the time, i.e., the goals. He did not believe the Board of Education could come to a meaningful resolution on the difference between the total job and the goals that are important right now. Dr. Millard did not feel any tool would be perfect but that she would bring this one back in a couple of months after possibly making some adjustments. Dr. Isoye and Dr. Millard will work toward that end.

**Retreat Evaluation**

Evaluation of the past retreat, consideration of future retreats and suggestions for PEG will be considered at the next PEG committee meeting.

**Additional Matters for Deliberation**

Ms. Patchak-Layman questioned whether the present process of reviewing the Policy Manual was the most efficient use of staff members' time. Dr. Isoye suggested proposing a process at the January PEG meeting; he will talk with co-chairs about the next best steps.

Mr. Rouse planned to present a status report on the Courageous Conversations About Race and additional professional development, including further Board of Education discussion. It will include a debriefing on the first semester's work and a budget for next year. Dr. Isoye stated that the plans for this year and next year were set prior to him coming to the District. The leadership has focused on training and discussion. The District must itself about its strengths, its mission, why should people attend various conferences, and should more people attend them. At the retreat, discussion occurred about working towards an equity policy and Ms. Patchak-Layman stated that an annual goal might be the creation of such.

**Adjournment**

The Policy Evaluation and Goals Committee adjourned at 11:32 a.m.

## Policy 4113, CERTIFIED PERSONNEL - CERTIFICATION

Certified staff members must hold a State of Illinois certificate valid for their school assignments and must provide evidence of meeting the qualifications of the State of Illinois, ~~as listed in "The Illinois Program for Evaluation, Supervision, and Recognition of Schools," or the North Central Association, whichever has the greater requirement.~~

The following qualifications apply:

1. Each teacher must:

a. Have a valid Illinois certificate that legally qualifies the teacher for the duties for which the teacher is employed.

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.

e. Certified staff members shall be responsible for notifying the District of and providing documentation for any additional credits or degrees or certificates earned throughout their employment with the District. The District shall have the right to rely on the information contained in a certified staff member's file when making reduction-in-force decisions.

2. All teachers with primary responsibility for instructing students in the core academic subject areas (science, the arts, reading or language arts, English, history, civics and government, economics, geography, foreign language, and mathematics) must be highly qualified for those assignments as determined by State and federal law.

The Superintendent or designee shall:

1. Monitor compliance with State and federal law requirements that teachers be appropriately certified and highly qualified for their assignments;

2. Through incentives for voluntary transfers, professional development, recruiting programs, or other effective strategies, ensure that minority students and students from low-income families are not taught at higher rates than other students by unqualified, out-of-field, or



inexperienced teachers; and

3. Ensure parents/guardians of students in schools receiving Title I funds are notified: (a) of their right to request their students' classroom teachers' professional qualifications, and (b) whenever their child is assigned to, or has been taught for 4 or more consecutive weeks by, a teacher who is not *highly qualified*.

Amended Date(s):

Adopted Date: September 22, 1994

Review Date:

Legal Refer: 20 USC §§6319; 34 C.F.R. § 200.55, -56, -57 and 61; 105 ILCS 5/10-20.15, 5/21-1, 5/21-10, 5/21-11.4, 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)

***Oak Park and River Forest High School  
District 200***

*201 North Scoville Avenue • Oak Park, IL 60302-2296*

TO: Board of Education

FROM: Lauren Smith, Director of Human Resources

DATE: January 20, 2011

Cc: Stephen Isoye, Superintendent

RE: Policy Recommendations for Policy 4122, Substitute Teachers, and Policy 4105, New Equal Employment Opportunity and Minority Employment

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**BACKGROUND**

As previously communicated to the Board of Education, an audit of the current personnel policies has been completed. There are several policies that will be presented to the BOE for revision or adoption in the coming months. There are two policies being presented to the BOE for review and revision.

**SUMMARY OF FINDINGS**

Policy 4122, Substitute Teachers, is being presented due to recent changes in Illinois as well as to have clearer language on the legal working ability of substitutes. As of today, the local Regional Offices are implementing new start requirements as represented in this policy

Policy 4105, Equal Employment Opportunity and Minority Employment, is being presented in support of the Board of Education's goals and commitment to diversity and equality.

**Next Steps**

Motion: Move to present policy as first reading at the next regularly scheduled Board of Education Meeting.

## Policy 4122, SUBSTITUTE TEACHERS

~~A list of qualified substitute teachers will be maintained in the Personnel Office. Such teachers will be paid on a daily rate schedule adopted by the Board of Education.~~

The Superintendent may employ substitute teachers as necessary to replace teachers who are temporarily absent.

A substitute teacher must hold a valid teaching or substitute certificate and present a certificate of authorization from the Regional Superintendent showing that he or she is approved to substitute teach. Substitute teachers with a substitute certificate may teach only when an appropriate, fully-certificated teacher is unavailable.

A substitute teacher may teach only for a period not to exceed 90 paid school days or 450 paid school hours in any one school district in any one school term. However, a teacher holding an early childhood, elementary, high school, or special certificate may substitute teach for a period not to exceed 120 paid school days or 600 paid school hours in any one school district in any one school term, unless the subject area is one where the Regional Superintendent has certified that a personnel shortage exists.

The School Board establishes a daily rate of pay for substitute teachers. Substitute teachers receive only monetary compensation for time worked and no other benefits.

If members of the professional staff are assigned as substitutes during one of their unscheduled periods, they will be paid according to a schedule adopted by the Board of Education.

### LEGAL REF.:

~~105 ILCS 5/21-9; 24-5~~

~~23 Ill. Admin. Code §1-790~~

Policy last updated ~~October, 2010~~

Amended Date(s): May 15, 1975; July 18, 1974; December 2010

Adopted Date: September 23, 1968

Review Date:

Law Reference: \_\_\_\_\_

.105 ILCS 5/21-9; 24-5.

—23 Ill.Admin.Code §1.790

Related Policies:

Related Instructions

And Guidelines:

Cross Ref.:

Amended Date(s):

Adopted Date: September 22, 1994

Review Date:

Law Reference:

Related Policies:

Related Instructions

And Guidelines:

Cross Ref.:

## General Personnel

### Equal Employment Opportunity and Minority Recruitment <sup>1</sup>

The School District shall provide equal employment opportunities<sup>2</sup> to all persons regardless of their race, color, creed, religion,<sup>3</sup> national origin, sex,<sup>4</sup> sexual orientation,<sup>5</sup> age,<sup>6</sup> ancestry, marital status,<sup>7</sup> arrest record,<sup>8</sup> military status, order of protection status,<sup>9</sup> unfavorable military discharge,<sup>10</sup>

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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.

<sup>1</sup> Federal and State law (see the policy's legal references) require that all districts have a policy on equal employment opportunities and control this policy's content.

<sup>2</sup> "Equal employment opportunities" applies to virtually all terms and conditions of employment, e.g., discharge, hire, promotion, pay, demotion, and benefits (see legal references). The Illinois Constitution protects the following categories from discrimination in employment: race, color, creed, national ancestry, and handicap (Art. I, §§17, 18, and 19). The Ill. Human Rights Act protects the following categories from discrimination in employment: race, color, religion, national origin, ancestry, age, sex, marital status, handicap, military status, order of protection status, sexual orientation, and unfavorable discharge from military service (775 ILCS 5/1-102, amended by P.A. 96-447).

The Equal Employment Opportunities Act (Title VII) prohibits discrimination because of an individual's race, color, religion, sex, or national origin (42 U.S.C. §2000e, amended by The Lilly Ledbetter Fair Pay Act, Pub.L. 111-2).

The Lilly Ledbetter Fair Pay Act clarifies that a discriminatory compensation decision or other practice occurs each time an employee is paid or receives a last benefits check pursuant to the discriminatory compensation decision as opposed to only from the time when the discriminatory compensation decision or other practice occurred. The Act has no legislative history available to define what the phrase *or other practice* might mean beyond a discriminatory compensation decision. Consult the board attorney for guidance regarding the Lilly Ledbetter Fair Pay Act's specific applications to the district.

While not exhaustive, other laws protecting these and additional classifications are named in subsequent footnotes.

<sup>3</sup> In addition to the Ill. Human Rights Act and the federal Equal Employment Opportunities Act (discussed in footnote 2), see the Religious Freedom Restoration Act (775 ILCS 35/).

<sup>4</sup> In addition to the Ill. Human Rights Act and the federal Equal Employment Opportunities Act (discussed in footnote 2), see Title IX of the Education Amendments, 20 U.S.C. §1681 *et seq.* The federal Equal Pay Act prohibits an employer from paying persons of one gender less than the wage paid to persons of the opposite gender for equal work (29 U.S.C. §206(d). The State Equal Pay Act of 2003, 820 ILCS 112/, amended by P.A. 96-467, offers greater protection by prohibiting the payment of wages to one gender less than another gender "for the same or substantially similar work." Similar to the Lilly Ledbetter Fair Pay Act, P.A. 96-467 now defines "date of underpayment" as each time wages are underpaid. Employees have one year from the time they become aware of the underpayment to file a complaint with the Ill. Dept. of Labor. The Pregnancy Discrimination Act amended the Equal Employment Opportunities Act to prohibit discrimination on the basis of pregnancy, childbirth, or related medical conditions (42 U.S.C. §2000e(k).

<sup>5</sup> Illinois Human Rights Act, 775 ILCS 5/1-101 *et seq.* *Sexual orientation* means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity; it does not include a physical or sexual attraction to a minor by an adult (775 ILCS 5/1-103(O-1).

<sup>6</sup> Age Discrimination in Employment Act (ADEA), 29 U.S.C. §621 *et seq.*, amended by The Lilly Ledbetter Fair Pay Act, Pub.L. 111-2 (see fn 2 above). 29 C.F.R. Part 1625, amended the EEOC regulations under ADEA to reflect the U.S. Supreme Court's decision in General Dynamic Systems, Inc. v. Cline, 540 U.S. 581(2004), holding the ADEA to permit employers to favor older workers because of age. Thus favoring an older person over a younger person is not unlawful discrimination, even when the younger person is at least 40 years old.

<sup>7</sup> 105 ILCS 5/10-22.4 and 775 ILCS 5/1-103(Q). The term *marital status* means an individual's legal status of being married, single, separated, divorced, or widowed (775 ILCS 5/1-103(J). This statutory definition does not encompass the identity of one's spouse. Thus, school districts may adopt no-spouse policies. Boaden v. Dept. of Law Enforcement, 664 N.E.2d 61 (1996). See policy 5:30, *Hiring Process and Criteria*, for a sample no-spouse rule.

<sup>8</sup> Districts may not make employment decisions on the basis of arrest history, but may use conviction information (775 ILCS 5/2-103).

<sup>9</sup> 775 ILCS 5/1-103(Q), amended by P.A. 96-447. The term *order of protection status* means a person protected under an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by a court of another state (775 ILCS 5/1-103(K-5), amended by P.A. 96-447).



citizenship status provided the individual is authorized to work in the United States,<sup>11</sup> use of lawful products while not at work,<sup>12</sup> being a victim of domestic or sexual violence,<sup>13</sup> genetic information,<sup>14</sup> physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation,<sup>15</sup> credit history, unless a satisfactory credit history is an established bona fide occupational requirement of a particular position,<sup>16</sup> or other legally protected categories. <sup>17 18 19 20</sup>

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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.

<sup>10</sup> *Military status* means a person's status on active duty in the U.S. Armed Forces (775 ILCS 5/1-103). *Unfavorable military discharge* does not include those characterized as RE-4 or "dishonorable," (*Id.*). The Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. §§4301 *et seq.*, prohibits employers from discriminating or retaliating against any person for reasons related to past, present, or future service in a *uniformed service*. See footnote 9 in policy 5:30, *Hiring Process and Criteria*.

<sup>11</sup> 775 ILCS 5/1-102(C). According to the Immigration Reform and Control Act of 1986, 8 U.S.C. §§1324(a) *et seq.*, all employers must verify that employees are either U.S. citizens or authorized to work in the U. S.

<sup>12</sup> 820 ILCS 55/5 prohibits discrimination based on use of lawful products, e.g., alcohol and tobacco, off premises during non-working hours.

<sup>13</sup> Victims' Economic Security and Safety Act, 820 ILCS 180/30.

<sup>14</sup> Illinois' Genetic Information Protection Act (GIPA) (410 ILCS 513/25) and Title II of Genetic Information Nondiscrimination Act (GINA) (42 U.S.C. §2000ff *et seq.*). Both laws protect job applicants and current and former employees from discrimination based on their genetic information. Note that GIPA provides greater protections to Illinois employees than Title II of GINA. See footnote 5 in 2:260, *Uniform Grievance Procedure* for the definition of genetic information and a detailed description of both statutes, including of Title I of GINA affecting the use of genetic information in health insurance. Consult the board attorney for guidance regarding specific application of these laws and how they integrate with other related laws, e.g., the Family Medical Leave Act, the Americans with Disabilities Act, and other State laws governing time off for sickness and workers' compensation.

<sup>15</sup> Americans with Disabilities Act, 42 U.S.C. §§12111 *et seq.*, amended by the Americans with Disabilities Act Amendments Act (ADAAA), Pub. L. 110-325 and modified by the Lilly Ledbetter Fair Act, Pub. L. 111-2; Rehabilitation Act of 1973, 29 U.S.C. §791 *et seq.*, modified by the Lilly Ledbetter Fair Pay Act, Pub. L. 111-2.

<sup>16</sup> Employee Credit Privacy Act, 820 ILCS 70/, added by P.A. 96-1426. Unless a satisfactory credit history is an *established bona fide occupational requirement* of a particular position, an employer may not: (1) refuse to hire, discharge, or otherwise discriminate against an individual with respect to employment because of the individual's credit history or credit report, (2) inquire about an applicant's or employee's credit history, or (3) order or obtain an applicant's or employee's credit report from a consumer reporting agency. 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.

<sup>17</sup> Optional sentence (775 ILCS 5/1-103 and 29 U.S.C. §631):

*Age*, as used in this policy, means the age of a person who is at least 40 years old.

<sup>18</sup> Optional provision (29 U.S.C. §705(10)(A) and (B), and 42 U.S.C. §12114):

*Handicap and disability*, as used in this policy, excludes persons:

1. Currently using illegal drugs;
2. Having a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, are unable to perform the duties of the job; or
3. Whose current alcohol or drug use prevents them from performing the job's duties or constitutes a direct threat to the property or safety of others.

Persons who have successfully completed or are participating in a drug rehabilitation program are considered *handicapped*.

<sup>19</sup> Districts may not make residency in the district a condition of employment for teachers or educational support personnel (105 ILCS 5/24-4.1 and 10-23.5). This ban on residency requirements for teachers applies only to instructional personnel, and not, for example, to assistant principals. *Owen v. Kankakee School Dist.*, 632 N.E.2d 1073 (Ill.App.3, 1994). Districts also may not ask an applicant, or the applicant's previous employer, whether the applicant ever received, or filed a claim for, benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act (820 ILCS 55/10).

<sup>20</sup> School districts must accommodate mothers who choose to continue breastfeeding after returning to work. See the Right to Breastfeed Act, 740 ILCS 137/; Nursing Mothers in the Workplace Act, 820 ILCS 260/; and Fair Labor Standards Act, 29 U.S.C. §207(r), added by P.L. 111-148. See sample language for a personnel handbook in 5:10-AP, *Administrative Procedure - Workplace Accommodations for Nursing Mothers*.



Persons who believe they have not received equal employment opportunities should report their claims to the Nondiscrimination Coordinator and/or a Complaint Manager for the Uniform Grievance Procedure. These individuals are listed below. No employee or applicant will be discriminated or retaliated against because he or she initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws, rules or regulations, provided the employee or applicant did not make a knowingly false accusation nor provide knowingly false information. <sup>21</sup>

#### Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator for personnel who shall be responsible for coordinating the District's nondiscrimination efforts. The Nondiscrimination Coordinator may be the Superintendent or a Complaint Manager for the Uniform Grievance Procedure. The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers. <sup>22</sup>

#### **Nondiscrimination Coordinator:**

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Name

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Address

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Telephone

#### **Complaint Managers:**

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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.

<sup>21</sup> Most discrimination laws prohibit retaliation against employees who oppose practices made unlawful by those laws, including, for example, the Equal Employment Opportunities Act, Title IX, Americans with Disabilities Act, Age Discrimination in Employment Act, Victims' Economic Security and Safety Act, the Ill. Equal Pay Act, and the Ill. Whistleblower Act, 740 ILCS 174/.

The Ill. Whistleblower Act specifically prohibits employers from retaliating against employees for: (1) disclosing information to a government or law enforcement agency (740 ILCS 174/15(a)), (2) disclosing information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding where the employee has reasonable cause to believe that the information reveals a violation of a State or federal law, rule or regulation (740 ILCS 174/15(b)), (3) refusing to participate in an activity that would result in a violation of a State or federal law, rule, or regulation, including, but not limited to, violations of the Freedom of Information Act (740 ILCS 174/20), and (4) disclosing or attempting to disclose public corruption or wrongdoing (740 ILCS 174/20.1, added by P.A. 96-555). The definition of retaliation is expanded to include *other retaliation* and *threatening retaliation* (740 ILCS 174/20.1 and 20.2, added by P.A. 96-555).

The Ill. False Claims Act, 740 ILCS 175/, amended by P.A. 96-1304, defines *State* to include school districts. Thus, boards may seek a penalty from a person for making a false claim for money or property (740 ILCS 175/4). For additional information regarding the Ill. Whistleblower Act and the tort of retaliatory discharge, see Thomas v. Guardsmark, 487 F.3d 531 (7<sup>th</sup> Cir., 2007)(discussing the elements of Ill. tort of retaliatory discharge and Ill. Whistleblower Act), and Sherman v. Kraft General Foods, Inc., 651 N.E.2d 708 (Ill.App.4<sup>th</sup> Dist., 1995)(finding employee who reported asbestos hazard had a cause of action for tort of retaliatory discharge).

<sup>22</sup> 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. A policy should not be adopted with a person's name in it; rather, the identifying information can be added and amended as necessary. Thus the policy should be adopted with blanks for the superintendent to fill in later.



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Name

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Address

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Name

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Address

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Telephone

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Telephone

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The Superintendent shall also use reasonable measures to inform staff members and applicants that the District is an equal opportunity employer, such as, by posting required notices and including this policy in the appropriate handbooks. <sup>23</sup>

#### Minority Recruitment <sup>24</sup>

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

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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.

<sup>23</sup> In addition to notifying employees of the Uniform Grievance Procedure, a district must notify them of the person(s) designated to coordinate the district's compliance with Title IX and the Rehabilitation Act of 1973 (34 C.F.R. §§106.8(a) and 104.8(a)). The Nondiscrimination Coordinator may be the same individual for both this policy and policy 7:10, *Equal Educational Opportunities*, as well as a Complaint Manager for policy 2:260, *Uniform Grievance Procedure*. A comprehensive faculty handbook can provide required notices, along with other important information, to recipients. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and school board. Any "working conditions" contained in the handbook may be subject to mandatory collective bargaining.

<sup>24</sup> All districts must have a policy on minority recruitment (105 ILCS 5/10-20.7a). Unlike minority recruitment efforts, affirmative action plans are subject to significant scrutiny because of the potential for reverse discrimination. The U.S. Constitution's guarantee of equal protection prohibits school districts from using racial hiring quotas without evidence of past discrimination. See 29 C.F.R. §1608.1 *et seq.* (Equal Employment Opportunity Commission's guidelines for affirmative action plans); *Wygant v. Jackson Board of Education*, 106 S.Ct. 1842 (1986) (The goal of remedying societal discrimination does not justify race-based layoffs.); *City of Richmond v. J.A. Croson Co.*, 109 S.Ct. 706 (1989) (Minority contractor quota struck; quotas must be narrowly tailored to remedy past discrimination and the city failed to identify the need for remedial action and whether race-neutral alternatives existed.).

The Ill. Human Rights Act, 775 ILCS 5/1-101.1, states that it shall not be construed as requiring any employer to give preferential treatment or special rights based on sexual orientation or to implement affirmative action policies or programs based on sexual orientation.



- LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.  
 Americans With Disabilities Act, Title I, 42 U.S.C. §12111 et seq.  
 Civil Rights Act of 1991, 29 U.S.C. §§621 et seq., 42 U.S.C. §1981 et seq., §2000e et seq., and §12101 et seq.  
 Equal Employment Opportunities Act (Title VII of the Civil Rights Act of 1964), 42 U.S.C. §2000e et seq., 29 C.F.R. Part 1601.  
 Equal Pay Act, 29 U.S.C. §206(d).  
 Employee Credit Privacy Act, 820 ILCS 70/.  
 Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.  
 Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.  
 Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.  
 Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.  
 Pregnancy Discrimination Act, 42 U.S.C. §2000e(k).  
 Title IX of the Education Amendments, 20 U.S.C. §1681 et seq., 34 C.F.R. Part 106.  
 Uniformed Services Employment and Reemployment Rights Act (1994), 38 U.S.C. §§4301 et seq.  
Ill. Constitution, Art. I, §§17, 18, and 19.  
 105 ILCS 5/10-20.7, 5/10-20.7a, 5/10-21.1, 5/10-22.4, 5/10-23.5, 5/22-19, 5/24-4, 5/24-4.1, and 5/24-7.  
 Genetic Information Protection Act, 410 ILCS 513/25.  
 Ill. Whistleblower Act, 740 ILCS 174/.  
 Ill. Human Rights Act, 775 ILCS 5/1-103 and 5/2-102.  
 Religious Freedom Restoration Act, 775 ILCS 35/5.  
 Ill. Equal Pay Act of 2003, 820 ILCS 112/.  
 Victims' Economic Security and Safety Act, 820 ILCS 180/30.  
 23 Ill.Admin.Code §1.230.
- CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria, 5:40 (Communicable and Chronic Infectious Disease), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:250 (Leaves of Absence), 5:270 (Employment, At-Will, Compensation, and Assignment), 5:300, (Schedules and Employment Year), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 7:10 (Equal Educational Opportunities), 7:180 (Preventing Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)

# *OAK PARK AND RIVER FOREST HIGH SCHOOL*

*201 NORTH SCOVILLE AVENUE • OAK PARK, IL 60302-2296*

Date: January 20, 2011  
To: Policy, Evaluation and Goals (PEG) Committee  
From: Dr. Steven T. Isoye  
Subj: Discussion Items for PEG

## PAC Program

The first formal delivery of information to the Board of Education was the High School Subcommittee of PAC's executive summary of its research. Today's discussion will focus on determining next steps for the Board of Education and its wishes on moving forward with the topics. The administration will work with the Board of Education on development of the next steps.

## Organization Needs Assessment

Follow up information will be given in regards to the progress with Blueprint. Blueprint plans to spend another day interviewing various individuals, followed by determining a timeframe for the delivery of its report.

The contract was sent to our attorney to give an opinion on the action the Board of Education may need or want to consider. I am waiting for more details and hope to be able to present this to the PEG.

## Superintendent Goals

Attached is a copy of my goals for contractual purposes, as delivered for a first read in December. No changes have been made and this will be presented for approval at the Board of Education's regular January meeting.

Other documents are attached as informational items to alert you to the activities that have been taking place within the school. There are several different formats which I will describe at the meeting. Feedback about the format and the information that might be conveyed in the future will be the point of discussion.

## Future Retreats

I would like to recommend that the Board of Education consider future retreats. Some unfinished business remains in regards to topics on governance, time utilization, and policy. I would also like the Board of Education to consider goal setting during one of the retreats for the next year. The purpose would be to align its goal setting with the budget process for the upcoming year in order for the budget to support the Board of Education goals.

## GOALS – Draft for Contract Purposes

**Goal 1 – Provide leadership in review of current programs and recommend appropriate measures and courses of action to eliminate predictability and disproportionality in student achievement and eliminate systemic inhibitors to success for students and staff of color.**

Indicators for Goal 1: Through the leadership of the Superintendent, the District will: (1) identify systemic inhibitors of success for students and staff of color, (2) develop effective measures of student and staff achievement and (3) implement one or more courses of action designed to eliminate predictability and disproportionality in these areas.

**Goal 2 – Provide leadership in review of current programs and recommend appropriate measures and courses of action to improve student achievement.**

Indicators for Goal 2: The results of this review will be communicated through on-going reports to the Board. Student achievement will be measured through standardized testing and other measures to be identified and approved by the Board.

**Goal 3 – Provide leadership for ongoing programs related to the management of the organization and recommend appropriate courses of action to effectively and efficiently provide for a safe learning environment.**

Indicators for Goal 3: The Superintendent will provide to the Board an annual report regarding the safety of students and staff. As part of this process, the Superintendent will develop appropriate measures of safety and operational conditions that may be linked to fluctuations in safety. Where appropriate, the Superintendent will also recommend operational modifications designed to address safety issues.

**Goal 4 – Oversee the financial condition of the school district and recommend steps to preserve prudent fund balances while maintaining and upgrading facilities and academic programs.**

Indicators for Goal 4: The Superintendent will summarize on an annual basis to the Board his analysis of the financial condition of the District and any recommendations made to preserve prudent fund balances while upgrading facilities and academic programs. This report will also reflect on the implementation of previously recommended steps and their impact.

Actions/Evidence – Annual Performance Evaluation  
1-20-11

Goal 1 – Provide leadership in review of current programs and recommend appropriate measures and courses of action to eliminate predictability and disproportionality in student achievement and eliminate systemic inhibitors to success for students and staff of color.

Action Plan to Achieve the Goal

- Continue the work with Courageous Conversations. Current focus is on the work with two cohorts of participants. Cohort one is in the second year and in a train the trainer mode, Cohort 2 is a beginning discussion group with Courageous conversations.
- Begin to develop a plan for further disseminating Courageous Conversations throughout the faculty and staff.
- Begin to work on a conceptual framework for a “phase 2” for our discussions about race. Beyond racial awareness, there is a need to drill down into our practice as an organization and the practices we follow in the classroom.

Evidence

- Courageous Conversations focuses on awareness of race, through conversation. The measure would be based on increased participation, along with plans for wider audience participation next year.
- “Phase 2” is measured on part with the conferences and meetings attended by various people to begin to collect information and evaluate steps for the future, beyond Courageous Conversations.
- 2 part survey of people that went through the training....effectiveness for learning and degree that they applied.

Goal 2 – Provide leadership in review of current programs and recommend appropriate measures and courses of action to improve student achievement. Identify C&I within this goal.

Action Plan to Achieve the Goal

- The focus of the year is to better understand the organization and begin to develop plans for improving how the organization functions and serves out constituents.
- Complete an organizational needs assessment with Blueprint.
- Develop a technology plan to assist in long range planning of technology as a resource and tool throughout the organization.
- Develop a District Improvement Plan and School Improvement Plan that will become an ongoing document used for future targets in school improvement. This includes our work with learning targets, common core, RtI, and progress monitoring.
- Begin a focus on reading and math and begin to develop plans for improving student performance in these areas. These plans will most likely include changes to existing programs. Determine appropriate assessment measures for progress monitoring.

- Work with Districts 90 and 97 on placement of 8<sup>th</sup> grade students. Begin our understanding and potential use of MAP testing.
- Work with Board on developing our skills on governance and determine our needs for future planning.
- There is a need to create/determine benchmarks and baseline data and a format for a dashboard.

#### Evidence

- Prioritize recommendations based on the Blueprint Organizational Needs Assessment for future focus.
- Determine a plan for future focused work with the Board of Education.
- Develop a plan with Districts 90 and 97 on how to transfer information for student placement.
- Understand the MAP test and develop a plan for use with our 9<sup>th</sup> grade students or targeted 9<sup>th</sup> grade students for extensive progress monitoring.
- Have a technology plan in place to increase technology tools for utilization by teachers and students. As we improve in our measures, to work to have our data bases communicate across platforms, or develop a means to consolidate data.
- Work with CIO and Director of Communications on the potential changes for the website.
- Have a DIP and SIP in place with continuous updates.
- Have course unpack the common core, and have developed learning targets.
- Begin to determine/create benchmarks. The study may reveal new patterns for student placement.

Goal 3 – Provide leadership for ongoing programs related to the management of the organization and recommend appropriate courses of action to effectively and efficiently provide for a safe learning environment.

#### Action Plans to Achieve the Goal

- The new Director of Human Resources will evaluate practices and recommend changes to practice and policy.
- Work closely with the Principal on addressing safety concerns and the necessary actions to consider for improving safety in the building. This could include student programs, personnel, or building features.
- Work closely with the Board and community about proposals for consideration about the PAC concerns.
- Work closely with the leadership of Faculty Senate to provide information and receive feedback of the work in the school.
- Work with the principal to develop a means to get greater feedback in regards to the Code of Conduct.
- Provide leadership for policy manual updates.

#### Evidence



- Changes in practice in regards to HR, along with policy recommendations going to the Board.
- Provide an annual report along with proposed plans for improvements to safety in the building.
- Begin discussion and/or implement of proposals brought forward from the community in regards to drug/alcohol issue. Bring in other constituents (Students and parents) to the discussion, and work closely with the Board.
- Weekly scheduled meetings occur with the Faculty Senate President.
- Report about feedback and constituents in regards to the Code of Conduct.
- Have a plan for policy development and updates.

Goal 4 – Oversee the financial condition of the school district and recommend steps to preserve prudent fund balances while maintaining and upgrading facilities and academic programs.

#### Action Plans to Achieve the Goal

- To develop the work of the FAC and determine next steps for the work in 2011-2012. As a part of this group, work closely with the ALT to begin to forecast future expenditures and revenues to understand the district's financial situation.
- Work closely with DLT to determine the best course of action for determining FTE.
- Develop models for the Board to consider with administrative compensation.
- Develop a plan to improve the efficiencies of the administration through the administrative structure.
- Develop a practice of contracting out building construction projects with a greater checks and balance system.

#### Evidence

- Provide a proposal of models or options to consider with administrative compensation.
- Provide a recommendation for changes to line and staff charts and descriptions of administrative positions.
- Develop a practice for establishing and periodic review throughout the school year with our FTE needs.
- Provide for contracts for the summer projects.
- Present the work from FAC to the Board.



## Summary Time Chart

Name	Duration	%	Owner	Assigned	Work	Q2 2010			Q3 2010			Q4 2010			Q1 2011			Q2 2011			Q3 2011			Q4 2011		
						Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Courageous conversations	216 days?	50	NR	NR		<div><div></div></div> Courageous conversations																				
DIP	183 days?	86	SI	SI, AH, CW, KF, LS, MC, NR,		<div><div></div></div> DIP																				
SIP	172 days?	87	NR	SI, AH, CW, KF, LS, MC, NR,		<div><div></div></div> SIP																				
PAC Initiatives	95 days?	1	SI	SI, KF, NR		<div><div></div></div> PAC Initiatives																				
Dashboard development	57 days?	33	MC	SI, AH, KF, MC, NR, PP		<div><div></div></div> Dashboard development																				
Organizational needs assessment	133 days?	78	SI	SI, KF, NR		<div><div></div></div> Organizational needs assessment																				
Admin compensation	104 days?	48	LS	SI, CW, LS		<div><div></div></div> Admin compensation																				
Admin Structure	75 days	11	SI	SI, CW, LS		<div><div></div></div> Admin Structure																				
Hiring	220 days?	40	LS	SI, CW, LS, NR, PP		<div><div></div></div> Hiring																				
Reading	160 days?	70	PP	AH, NR, PP		<div><div></div></div> Reading																				
Tech plan	145 days	60	MC	KF, MC		<div><div></div></div> Tech plan																				
FAC	177 days?	58	CW	SI, AH, CW, KF, LS, MC, NR,		<div><div></div></div> FAC																				
Student Discipline	203 days	5	NR	SI, NR, PP		<div><div></div></div> Student Discipline																				
strategic planning????	1 day?					<div><div></div></div> l strategic planning????																				
policy manual????	1 day?					<div><div></div></div> l policy manual????																				