

RESPONSE FORM

PRESS PLUS ISSUE 88, May 2015

Return to The Illinois Association of School Boards
 Attn: Angie Powell, Assistant Policy Consultant
 Email: pressplus@iasb.com or Fax: 217-528-2831

District Name: O'Fallon CCSD90 **Date of Adoption:** _____

*If date of adoption is different for any of the policies listed below, please note.

Please read carefully and mark one column in each row. Do not mark in shaded boxes. Policies not marked in any column will be held for future response.

Policy Code	Policy Title	Adopted as presented by IASB	Adopted with edits (enclosed)	Policy/Option not adopted	Policy Held for Future Response
2:250	Access to District Public Records - Rewritten	✓			
	Option 1: Choose one of the following: (Attach edits if necessary.)				
	A. Insert another job title: _____				
	B. The Board will appoint a FOIA Officer				
	C. The Superintendent shall appoint a FOIA Officer	✓			
	Option 2: The district will accept oral requests				
	Option 3: Indicate when a reduction is available				
	Option 4: Indicate other times and/or places where records will be made available _____ _____				
	Option 5: For districts without a website				
3:40	Superintendent	✓			
3:50	Administrative Personnel Other Than the Superintendent	✓			
3:60	Administrative Responsibility of the Building Principal	✓			
4:45	Insufficient Fund Checks and Debt Recovery		✓		
5:40	Communicable and Chronic Infectious Disease	✓			
5:120	Ethics and Conduct		✓		
5:180	Temporary Illness or Temporary Incapacity				
	Option: Apply language to educational support personnel <i>also</i>	✓			
5:270	Employment At-Will, Compensation, and Assignment	✓			
5:290	Employment Termination and Suspensions	✓			
5:330	Sick Days, Vacation, Holidays, and Leaves	✓			
6:15	School Accountability		✓		
6:40	Curriculum Development		✓		

Other District Materials Enclosed	Yes	No
Changes to other district policies (show edits) <i>2:240 ; 4:10</i>	✓	
Newly adopted district policies* (Microsoft Word copy sent via e-mail is required)		
New Collective Bargaining Agreement(s) (Electronic copy preferred)	✓	

***Please note:** While we are happy to add to your policy manual any unique district policies provided by your district from whatever source, we are not able to provide suggested updates to those policies. Your district will be responsible for forwarding any necessary updates along with your response to PRESS Plus Issues. Because certain policy numbers are used for IASB sample policies, districts should use numbers ending in 2, 4, 6, or 8 for locally developed policies on topics not covered by IASB sample policies.

After the Board has taken action on the suggested policy changes, administrators should consult the Update Memo, included in the packet, for suggested changes to administrative procedures and forms accessible via PRESS Online.

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PHONE NUMBER: 618/632-3666 EMAIL: jwilkey@of90.net

Board of Education

Access to District Public Records

Full access to the District's *public records* is available to any person as provided in the Illinois Freedom of Information Act (FOIA), this policy, and implementing procedures. The Superintendent or designee shall: (1) provide the Board with sufficient information and data to permit the Board to monitor the District's compliance with FOIA and this policy, and (2) report any FOIA requests during the Board's regular meetings along with the status of the District's response.

Commented [AP1]: This sentence allows a board to monitor the district's compliance with FOIA, which FOIA calls a *fundamental obligation* of the board.

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Freedom of Information Officer

The Superintendent shall serve as the District's Freedom of Information Officer and assumes all the duties and powers of that office as provided in FOIA and this policy. The Superintendent may delegate these duties and powers to one or more designees, but the delegation shall not relieve the Superintendent of the responsibility for the action that was delegated.

Commented [AP2]: OPTION 1: A board may alter this paragraph in one of three ways:

- A. Insert another job title in place of Superintendent. If so, please indicate on your Response Form or include district edits.
- B. Replace paragraph with: "The Board will appoint an employee to serve as the District's Freedom of Information Officer. That appointee assumes all the duties and powers of that office as provided in FOIA and this policy."
- C. Replace paragraph with: "The Superintendent shall appoint an employee, who may be himself or herself, to serve as the District's Freedom of Information Officer. That appointee assumes all the duties and powers of that office as provided in FOIA and this policy."

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Definition

The District's *public records* are defined as records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary material pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of the School District.

Requesting Records

A request for inspection and/or copies of public records must be made in writing and may be submitted by personal delivery, mail, telefax, or email directed to the District's Freedom of Information Officer. Individuals making a request are not required to state a reason for the request other than to identify when the request is for a commercial purpose or when requesting a fee waiver. The Superintendent or designee shall instruct District employees to immediately forward any request for inspection and copying of a public record to the District's Freedom of Information Officer or designee.

Commented [AP3]: OPTION 2: Districts may, but are not required to, accept oral requests. The response to an oral request should be documented.

Add this option after the first sentence if the district wants to accept oral requests: "Oral requests may be accepted provided personnel are available to handle them."

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Responding to Requests

The Freedom of Information Officer shall approve all requests for public records unless:

1. The requested material does not exist;
2. The requested material is exempt from inspection and copying by the Freedom of Information Act; or
3. Complying with the request would be unduly burdensome.

Commented [AP4]: This sentence is changed to help prevent inadvertent FOIA violations caused by staff members who informally respond to record requests.

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Within 5 business days after receipt of a request for access to a public record, the Freedom of Information Officer shall comply with or deny the request, unless the time for response is extended as specified in Section 3 of FOIA. The Freedom of Information Officer may extend the time for a response for up to 5 business days from the original due date. If an extension is needed, the Freedom of Information Officer shall: (1) notify the person making the request of the reason for the extension, and (2) either inform the person of the date on which a response will be made, or agree with the person in writing on a compliance period.

The time periods are extended for responding to requests for records made for a *commercial purpose*, requests by a *recurrent requester*, or *voluminous requests*, as those terms are defined in Section 2 of FOIA. The time periods for responding to those requests are governed by Sections 3.1, 3.2, and 3.6 of FOIA.

Commented [AP5]: Time periods are now extended for *voluminous requests*.
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When responding to a request for a record containing both exempt and non-exempt material, the Freedom of Information Officer shall redact exempt material from the record before complying with the request.

Fees

Persons making a request for copies of public records must pay any and all applicable fees. The Freedom of Information Officer shall establish a fee schedule that complies with FOIA and this policy and is subject to the Board's review. The fee schedule shall include copying fees and all other fees to the maximum extent they are permitted by FOIA, including without limitation, search and review fees for responding to a request for a *commercial purpose* and fees, costs, and personnel hours in connection with responding to a *voluminous request*.

Commented [AP6]: This section is amended to increase efficiency and avoid paraphrasing a complex law. The first paragraph authorizes the FOIA Officer to establish a fee schedule without needing the board's prior approval. Section 6(a) states: "If a request is not a request for a commercial purpose or a voluminous request, a public body may not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records." This implies that a search and review fee may be charged when responding to a request for a *commercial purpose* or a *voluminous request*. However, Sec. 6(b) states that the search and review fee described in Sec. 6(f) may be charged *only to someone making a commercial request*. Sec. 6(f) contains the maximum amounts that may be charged for search and review but does not explain when they may be charged. The FOIA Officer will need to consult the board attorney concerning fees.
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Copying fees, except when fixed by statute, shall be reasonably calculated to reimburse the District's actual cost for reproducing and certifying public records and for the use, by any person, of its equipment to copy records. In no case shall the copying fees exceed the maximum fees permitted by FOIA. If the District's actual copying costs are equal to or greater than the maximum fees permitted by FOIA, the Freedom of Information Officer is authorized to use FOIA's maximum fees as the District's fees. No copying fees shall be charged for: (1) the first 50 pages of black and white, letter or legal sized copies, or (2) electronic copies other than the actual cost of the recording medium, except if the response is to a *voluminous request*, as defined in FOIA.

Commented [AP7]: This sentence is added to increase efficiency. To see the FOIA fee schedule, refer to 2:250-AP1, *Access to and Copying of District Public Records*.
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A fee reduction is available if the request qualifies under Section 6 of FOIA. The Freedom of Information Officer shall set the amount of the reduction taking into consideration the amount of material requested and the cost of copying it.

Commented [AP8]: 5 ILCS 140/6(c) makes it mandatory to furnish records "without charge or at a reduced charge" if the request is in the *public interest* as defined by FOIA. OPTION 3: If a board wants to indicate when a reduction is available by paraphrasing the statute, it may substitute the following alternative for the default paragraph: "A fee reduction is available if the person requesting the record states a specific purpose for the request and indicates that a fee reduction is in the public interest by having as its principal purpose the preservation of the general public's health, safety, welfare, or legal rights and is not for the principal purpose of personal or commercial benefit. The Freedom of Information Officer shall set the amount of the reduction, taking into consideration the amount of material requested and the cost of copying it."
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Provision of Copies and Access to Records

A public record that is the subject of an approved access request will be available for inspection or copying at the District's administrative office during regular business hours, unless other arrangements are made by the Freedom of Information Officer.

Many public records are immediately available from the District's website including, but not limited to, the process for requesting a public record. The Freedom of Information Officer shall direct a requester to the District's website if a requested record is available there. If the requester is unable to reasonably access the record online, he or she may resubmit the request for the record, stating his or her inability to reasonably access the record online, and the District shall make the requested record available for inspection and copying as otherwise provided in this policy.

Preserving Public Records

Public records, including email messages, shall be preserved and cataloged if: (1) they are evidence of the District's organization, function, policies, procedures, or activities, (2) they contain informational data appropriate for preservation, (3) their retention is required by State or federal law, or (4) they are subject to a retention request by the Board Attorney (e.g., a litigation hold), District auditor, or other individual authorized by the Board of Education or State or federal law to make such a request. Unless its retention is required as described in items numbered 3 or 4 above, a public record, as defined by the Illinois Local Records Act, may be destroyed when authorized by the Local Records Commission.

LEGAL REF.: 5 ILCS 140/, Illinois Freedom of Information Act
105 ILCS 5/10-16 and 5/24A-7.1.
820 ILCS 40/11.
820 ILCS 130/5.

CROSS REF.: 2:140 (Communications To and From the Board), 5:150 (Personnel Records),
7:340 (Student Records)

ADOPTED:

Compare to current policy 2:250, or consider adding to your manual if not currently included

Commented [AP9]: OPTION 4: Public bodies may adopt rules for the times and places where records will be made available (5 ILCS 140/3(h)). A board may amend this sentence to reflect other times and/or places where records will be made available. If so, please indicate on your Response Form or include district edits.

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Commented [AP10]: OPTION 5: A district may reduce FOIA requests by posting records on its website. Many records are required to be web-posted, see 2:250-E3, *Immediately Available District Public Records and Web-Posted Reports and Records*. If the district does not have a website, change this sentence as follows: "Some public records are available for immediate access including a description of the process for requesting a public record, and a list of all types or categories of records under its control."

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Commented [AP11]: The last two sentences in this paragraph are added in response to 5 ILCS 140/8.5, added by P.A. 98-1129.

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DRAFT UPDATE

General School Administration

Superintendent

Duties and Authority

The Superintendent is the District's executive officer and is responsible for the administration and management of the District schools in accordance with Board of Education policies and directives, and State and federal law. District management duties include, without limitation, preparing, submitting, publishing, and posting reports and notifications as required by State and federal law. The Superintendent is authorized to develop administrative procedures to implement Board of Education policy.

The Superintendent may delegate to other District staff members the exercise of any powers and the discharge of any duties imposed upon the Superintendent by Board of Education policies or by Board vote. The delegation of power or duty, however, shall not relieve the Superintendent of responsibility for the action that was delegated.

Qualifications

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

Evaluation

The Board of Education will evaluate the Superintendent's performance and effectiveness according to the terms contained in the Superintendent's employment agreement.

A specific time should be designated for a formal evaluation session with all Board of Education members present. The evaluation should include a discussion of professional strengths as well as performance areas needing improvement.

Compensation and Benefits

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

LEGAL REF.: 105 ILCS 5/10-16.7, 5/10-20.47, 5/10-21.4, 5/10-23.8, ~~21-7.1~~, 5/21B-20, 5/21B-25, 5/24-11, and 5/24A-3.
23 Ill.Admin.Code §§1.310, 1.705, and 29.130.

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

ADOPTED: ~~July 17, 2012~~

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

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DRAFT UPDATE

General School Administration

Administrative Personnel Other Than the Superintendent

Duties and Authority

The School Board establishes District administrative and supervisory positions in accordance with the District's needs and State law. ~~This policy applies to all administrators other than the Superintendent, including without limitation Building Principals.~~ The general duties and authority of each administrative or supervisory position are approved by the Board, upon the Superintendent's recommendation, and contained in the respective position's job description. In the event of a conflict, State law and/or the administrator's employment agreement shall control.

Commented [AP1]: Sentence added for clarity

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Qualifications

All administrative personnel shall be appropriately ~~certified/licensed~~ and shall meet all applicable requirements contained in State law and Illinois State Board of Education ~~rules~~.

Evaluation

The performance of all administrative personnel will be evaluated by the Superintendent or designee; the Superintendent shall make employment and salary recommendations to the Board of Education.

Administrators shall annually present evidence to the Superintendent of professional growth through attendance at educational conferences, additional schooling, in-service training and Illinois Administrators' Academy courses, or through other means as approved by the Superintendent.

Administrative Work Year

The administrators' work year shall be the same as the District's fiscal year, July 1 through June 30, unless otherwise stated in the employment agreement. In addition to legal holidays, the administrators shall have vacation periods as approved by the Superintendent. All administrators shall be available for work when their services are necessary.

Compensation and Benefits

~~The Board and each administrator shall enter into an employment agreement that complies with Board policy and State law. The terms of an individual employment contract, when in conflict with this policy, will control.~~

The Board of Education will consider the Superintendent's recommendations when setting compensation for individual administrators. These recommendations should be presented to the Board of Education no later than the March Board of Education meeting or at such earlier time that will allow the Board to consider contract renewal and nonrenewal issues.

Unless stated otherwise in individual employment contracts, all benefits and leaves of absence available to teaching personnel are available to administrative personnel.

Commented [AP2]: This paragraph is relocated from policy 3:60, Administrative Responsibility of the Building Principal. For more information regarding administrator contracts, see footnote 7 in the Policy Reference Manual Sample of policy 3:50.

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LEGAL REF: 105 ILCS 5/10-21.4a, 24-7-15/10-23.8a, 24A-45/10-23.8b, 24A-3-5, 24A-15/21B, and 5/24A. -20

23 Ill.Admin.Code §§1.310, 1.705, and 4-705.50, 300, and Parts 25 and 29.

CROSS REF: 3:60 (Administrative Responsibility of the Building Principal), 5:30 (Hiring Process and Criteria), 5:250 (Leaves of Absence)

ADOPTED: July-19, 2011

DRAFT UPDATE

O'Fallon Community Consolidated School District No. 90

3:60

General School Administration

Administrative Responsibility of the Building Principal

Duties and Authority

The School Board, upon the recommendation of the Superintendent, employs Building Principals as the chief administrators and instructional leaders of their assigned schools, and may employ Assistant Principals. The primary responsibility of a Building Principal is the improvement of instruction. Each Building Principal shall perform all duties as described in State law as well as such other duties as specified in his or her employment agreement or as the Superintendent may assign, that are consistent with the Building Principal's education and training.

~~The Board and each Building Principal and Assistant Principal shall enter into an employment agreement that conforms to Board policy and State law. The terms of an individual employment contract, when in conflict with this policy, will control.~~

Each Building Principal and Assistant Principal shall complete State law requirements to be a prequalified evaluator before conducting an evaluation of a teacher or assistant principal.

Evaluation Plan

The Superintendent or designee shall implement an evaluation plan for Principals and Assistant Principals that complies with Section 24A-15 of the School Code and relevant Illinois State Board of Education rules. Using that plan, the Superintendent or designee shall evaluate each Building Principal and Assistant Principal. The Superintendent or designee may conduct additional evaluations.

Qualifications and Other Terms and Conditions of Employment

~~Qualifications and other terms and conditions of employment are found in Board policy 3:50, *Administrative Personnel Other Than the Superintendent*.~~

LEGAL REF.: 10 ILCS 5/4-6.2.
105 ILCS 5/2-3.53a, 5/10-20.14, 5/10-21.4a, 5/10-23.8a, 5/10-23.8b, and 5/24A-15.
105 ILCS 127/.
23 Ill.Admin.Code Parts 35 and 50, Subpart D.

CROSS REF.: 3:50 (Administrative Personnel Other Than the Superintendent), 5:250 (Leave of Absence)

ADOPTED: ~~March 18, 2014~~

Commented [AP1]: Subheads were added to enhance readability and to refer to policy 3:50, *Administrative Personnel Other Than the Superintendent*.

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Commented [AP2]: This paragraph was relocated to policy 3:50, *Administrative Personnel Other Than the Superintendent*.

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DRAFT UPDATE

O'Fallon Community Consolidated School District No. 90

4:45

Operational Services

Insufficient Fund Checks and Debt Recovery

The Superintendent or designee is responsible for collecting up to the maximum fee authorized by State law for returned checks written to the District which are not honored upon presentation to the respective bank or other depository institution for any reason. The Superintendent or designee is authorized to contact a collection agency and/or the ~~District Board~~ Attorney whenever necessary to collect the returned check amount, fee, collection costs and expenses, and interest.

Commented [AP1]: Edited for clarity.

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Delinquent Debt Recovery

The Superintendent is authorized to seek collection of delinquent debt owed the District to the fullest extent of the law.

~~To participate in the Local Debt Recovery Program may be available through the Illinois Office of the Comptroller (IOC) in the future. To participate in it, an intergovernmental agreement (IGA) between the District and the IOC must be in existence. The IGA establishes the terms under which the District may refer a delinquent debt owed it over to the IOC for an offset (deduction). The IOC may execute an offset of, in the amount of the delinquent debt owed to the District, from a future payment that the State makes to an individual or entity responsible for paying the delinquent debt.~~

Commented [AP2]: This paragraph is edited to further clarify that an intergovernmental agreement with the Illinois Office of the Comptroller (IOC) is currently unavailable.

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The Superintendent or designee shall execute the requirements of the IGA. While executing the requirements of the IGA, the Superintendent or designee is responsible, without limitation, for each of the following:

1. Providing a District-wide, uniform, method of notice and due process to the individual or entity against whom a claim for delinquent debt payment (*claim*) is made. Written notice and an opportunity to be heard must be given to the individual or entity responsible for paying a delinquent debt before the claim is certified to the IOC for offset. The notice must state the claim's amount, the reason for the amount due, the claim's date or time period, and a description of the process to challenge the claim. An individual or entity challenging a claim shall be provided an informal proceeding to refute the claim's existence, amount, or current collectability; the decision following this proceeding shall be reviewable. If a waiver of student fees is requested as a challenge to paying the claim, and the waiver of student fees is denied, an appeal of the denial of a fee waiver request shall be handled according to 4:140, *Waiver of Student Fees*. If no waiver of student fees is requested, reviews regarding payment of the claim shall be handled according to this policy before certification to the IOC for offset.
2. Certifying to the IOC that the debt is past due and legally enforceable, and notifying the IOC of any change in the status of an offset claim for delinquent debt.
3. Responding to requests for information from the IOC to facilitate the prompt resolution of any administrative review requests received by the IOC.

LEGAL REF.: 15 ILCS 405/10.05 and 10.05d.
810 ILCS 5/3-806.

ADOPTED: February 17, 2015

DRAFT UPDATE

General Personnel

Communicable and Chronic Infectious Disease

The Superintendent or designee shall develop and implement procedures for dealing with known or suspected cases of a communicable and chronic infectious disease involving a District employee consistent with State and federal law, rules of the Illinois Department of Public Health, and Board of Education policies.

An employee with a communicable or chronic infectious disease is encouraged to inform the Superintendent immediately and grant consent to being monitored by the District's Communicable and Chronic Infectious Disease Review Team. The Review Team, if used, provides information and recommendations to the Superintendent concerning the employee's conditions of employment and necessary accommodations. The Review Team shall hold the employee's medical condition and records in strictest confidence, except to the extent allowed by law.

An employee with a communicable or chronic infectious disease will be permitted to retain his or her position whenever, after reasonable accommodations and without undue hardship, there is no substantial risk of transmission of the disease to others, provided an employee is able to continue to perform the position's essential functions. An employee with a communicable and chronic infectious disease remains subject to the Board's employment policies including sick and/or other leave, physical examinations, temporary and permanent disability, and termination.

Commented [AP1]: The policy and Legal References are updated.

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Commented [AP2]: New language in the footnote for this paragraph states: Whether the Communicable and Chronic Infectious Disease Review Team (CIDRT) is an administrative committee organized by the superintendent and/or administrators or a board committee subject to the Open Meetings Act must be discussed with the board attorney (see also 2:150-AP, Superintendent Committees). The CIDRT is guided by the Board's policies, Ill. Dept. of Public Health rules and regulations, and all other applicable State and federal laws. The CIDRT also consults the employee's personal physician and local health department officials before making any recommendations.

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. §12101 et seq.; 29 C.F.R. §1630.1 et seq., amended by the Americans with Disabilities Act Amendments Act (ADAAA), Pub. L. 110-325.
Rehabilitation Act of 1973, 29 U.S.C. §791; 34 C.F.R. §104.1 et seq.
Department of Public Health Act, 20 ILCS 2305/6.
105 ILCS 5/24-5.
Personnel Record Review Act, 820 ILCS 40/.
Control of Communicable Diseases, 77 Ill. Admin. Code Part 690.

CROSS REF.: 2:150 (Committees), 5:30 (Hiring Process and Criteria), 5:180 (Temporary Illness or Temporary Incapacity)

ADOPTED: July 19, 2011

DRAFT UPDATE

O'Fallon Community Consolidated School District No. 90

5:120

General Personnel

Ethics and Conduct

All District employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional and appropriate relationships with students, parents, staff members, and others. In addition, the *Code of Ethics for Illinois Educators*, adopted by the Illinois State Board of Education, is incorporated by reference into this policy. Any employee who sexually harasses a student or otherwise violates an employee conduct standard will be subject to discipline up to and including dismissal.

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

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

Commented [AP1]: Edited to enhance clarity

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Ethics and Gift Ban

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

Prohibited Interests, Limitation of Authority, and Outside Employment and Conflict of Interest

~~No District employee~~ In accordance with Section 22-5 of the School Code, "no school officer or teacher shall be directly or indirectly interested in any contract, work, or business of the District, or in the sale, proceeds, or profits of any ~~article by~~ book, apparatus, or furniture used or to the District be used in any school with which such officer or teacher may be connected," except when the employee is the author or developer of instructional materials listed with the Illinois State Board of Education and adopted for use by the School Board. An employee having an interest in instructional materials must file an annual statement with the Board Secretary.

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

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

Commented [AP2]: This section is changed to quote the statute because the statute does not define important terms, making it difficult to paraphrase. No appellate decision defines *school officer* or *apparatus*, or what is meant by *connected*. The statute was enacted in 1961, but earlier versions were in the School Code much longer. A violation of this prohibition is a Class A misdemeanor

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DRAFT UPDATE

Incorporated
by reference: 5:120-E (Exhibit - Code of Ethics for Illinois Educators)

LEGAL REF.: U.S. Constitution, First Amendment.
5 ILCS 420/4A-101 and 430/
50 ILCS 135/
105 ILCS 5/10-22.39, and 5/22-5, and 5/24-22.
775 ILCS 5/5A-102.
23 Ill.Admin.Code Part 22, Code of Ethics for Illinois Educators.
Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).
Garcetti v. Ceballos, 547 U.S. 410 (2006).

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

ADOPTED: March-18, 2014

DRAFT UPDATE

O'Fallon Community Consolidated School District No. 90

5:180

General Personnel

Temporary Illness or Temporary Incapacity

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

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

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

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

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

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

ADOPTED: ~~May 20, 2014~~

Commented [AP1]: Despite the statute's limitation to licensed employees, many boards apply this language to educational support personnel. Consult the board attorney about whether to apply this language to educational support personnel. This change may trigger a bargaining requirement with a bargaining unit for educational support personnel.

OPTION: To apply this language to both licensed and educational support personnel, strike ~~teacher or other licensed~~, replacing the first two sentences with: "If illness, incapacity, or any other condition causes an employee to be absent in one school year, after exhaustion of all available leave, for more than 90 consecutive work days, such absence may be considered a permanent disability and the Board may begin dismissal proceedings subject to State and federal law, including the Americans with Disabilities Act. The Superintendent may recommend this paragraph's use when circumstances strongly suggest that the employee returned to work intermittently in order to avoid this paragraph's application."

Issue 88, May 2015

Commented [AP2]: See option, above.

Issue 88, May 2015

DRAFT UPDATE

O'Fallon Community Consolidated School District No. 90

5:270

Educational Support Personnel

Compensation, Assignment, And Transfers

Please refer to the “Professional Negotiation Agreement Between the Board of Education of School District No. 90 and the O’Fallon Supportive Personnel Association.”

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).
Duldulao v. St. Mary of Nazareth Hospital, 483 N.E. 2d 956 (Ill.App.1, 1985), aff'd in part and remanded, 505 N.E.2d 314 (Ill. 1987).
Kaiser v. Dixon, 468 N.E. 2d 822 (Ill.App.2, 1984).

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: ~~May 17, 2005~~

DRAFT UPDATE

Educational Support Personnel

Employment Termination and Suspensions

Resignation

Please refer to the “Professional Negotiation Agreement Between the Board of Education of School District No. 90 and the O’Fallon Supportive Personnel Association.”

Disciplinary Action

Please refer to the “Professional Negotiation Agreement Between the Board of Education of School District No. 90 and the O’Fallon Supportive Personnel Association.”

Retirement

An employee planning to retire should notify his or her supervisor at least 2 months before the retirement date.

Non-RIF Dismissal

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 consistent with the Board’s goal of having a highly qualified, high performing staff.

Reduction in Force and Recall

Please refer to the “Professional Negotiation Agreement Between the Board of Education of School District No. 90 and the O’Fallon Supportive Personnel Association.”

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 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.

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

DRAFT UPDATE

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. 4 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: ~~November 16, 2010~~

DRAFT UPDATE

O'Fallon Community Consolidated School District No. 90

5:330

Educational Support Personnel

Sick Days, Vacation, Holidays, and Leaves

Sick Days, Vacation, Holidays, Personal Leave, Military Leaves, Bereavement Leave, Union Leave, Funeral Leave, Parental Leave, Leaves of Absence Without Pay, IMRF Service Credit Plan

Please refer to the "Professional Negotiation Agreement: Between the Board of Education of School District No. 90 and the O'Fallon Supportive Personnel Association."

School Visitation Leave

Educational support personnel receive school visitation leave on the same terms and conditions granted professional staff.

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

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

Leaves for Victims of Domestic or Sexual Violence

Educational support personnel receive a leave for victims of domestic or sexual violence on the same terms and conditions granted professional staff.

Leave to Serve as an Election Judge

Educational support personnel receive a leave to serve as an election judge on the same terms and conditions granted professional staff.

Commented [AP1]: A new type of leave is added pursuant to 105 ILCS 5/13-2.5, amended by P.A. 98-691

Issue 88, May 2015

LEGAL REF.: 20 ILCS 1805/30.1 et seq.
105 ILCS 5/10-20.7b, 5/24-2, and 5/24-6.
820 ILCS 147 and 180/4 et seq.
School Dist 151 v. ISBE, 507 N.E.2d 134 (Ill.App.1, 1987); Elder v. School Dist. No.127 1/2, 208 N.E.2d 423 (Ill.App.1, 1965).

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

ADOPTED: November-18, 2014

DRAFT UPDATE

O'Fallon Community Consolidated School District No. 90

6:15

Instruction

School Accountability

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

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

Quality Assurance

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

1. Preparing each school's annual recognition application and quality assurance appraisal, whether internal or external, to monitor each school's process for continuous school improvement.
2. Submitting School Improvement Plans for Board approval that comply with State law and contain:
 - District student learning objectives,
 - Assessment systems for measuring students' progress in the fundamental learning areas; and
 - Reporting systems for informing the community and the State of assessment results.
3. If applicable, preparing and implementing a No Child Left Behind Act plan, according to federal law, and seeking the Board of Education's approval where necessary or advisable.
4. Continuously monitoring whether the District and its schools are making adequate yearly progress as defined by State law. If the District and/or any of its schools fail to make adequate yearly progress, the Superintendent shall take the actions provided in State law as well as other responses designed to increase the likelihood that the District and/or schools will make adequate yearly progress the following year. The Superintendent shall seek the Board of Education's approval where necessary or advisable.
5. Publishing a school report card in accordance with State law.
6. In accordance with Sec. 2-3.153 of the School Code, administer at least biennially a survey of learning conditions on the instructional environment within the school to, at minimum, students in grades 6 through 8 and teachers.

The Superintendent shall make regular assessment reports to the Board, including projections whether the District and each school is or will be making adequate yearly progress as defined in State law. The Superintendent shall seek Board approval for each District and/or school improvement plan and otherwise when necessary or advisable.

School Choice for Students Enrolled in a School Identified for Improvement, Corrective Action, or Restructuring

This section of the policy is effective only if the choice requirements in federal law are applicable to Illinois. When effective, this section applies to only those students enrolled in a school identified by the Board of Education for school improvement, corrective action, or restructuring according to federal law. Those students may transfer to another public school within the District, if any, that has

Commented [AP1]: A new directive to the superintendent is required by 105 ILCS 5/2-3.153. The State Superintendent must publicly report on selected indicators of learning conditions resulting from the administration of the instrument at the individual school, district, and State levels.

Issue 88, May 2015

Commented [AP2]: ISBE received a waiver for school year 2015; the future status of choice depends on federal action on any applicable request(s) by ISBE for a Title I waiver. ISBE's website contains information at www.isbe.net/grants/html/choice.htm.

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6:15

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#6 grades 6 through 8

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not been so identified. If there are no District schools available into which a student may transfer, the Superintendent or designee shall, to the extent practicable, establish a cooperative agreement with other districts in the area. A student who transfers to another school under this policy may remain at that school until the student completes the highest grade at that school. The District shall provide transportation only until the end of the school year in which the transferring school ceases to be identified for school improvement or subject to corrective action or restructuring. All transfers and notices provided to parents/guardians and transfer requests are governed by State and federal law.

If any District school or the District itself is identified for improvement, the Superintendent or designee shall identify, develop, or revise a school and/or District plan for improvement in accordance with federal law. This school and/or District plan shall be presented to the Board for approval.

When this section of the policy is effective, students from low-income families shall be provided supplemental educational services as provided in federal law if they attend any District school that: (1) failed to make adequate yearly progress for 3 consecutive years, or (2) is subject to corrective action or restructuring.

Commented [AP3]: ISBE received a waiver for school year 2015; the future status of supplemental educational services depends on federal action on any applicable request(s) by ISBE for a Title I waiver. ISBE's website contains information at www.isbe.net/es/.
Issue 88, May 2015

- LEGAL REF.: No Child Left Behind Act, §1116, 20 U.S.C. §6316.
34 C.F.R. §§200.32, 200.33, 200.42, and 200.43.
105 ILCS 5/2-3.25d, 5/2-3.63, 5/2-3.64, 5/2-3.64a-5, 5/10-21.3a, and 5/27-1.
23 Ill.Admin.Code Part 1, Subpart A: Recognition Requirements.
- CROSS REF.: 6:170 (Title I Programs), 6:340 (Student Testing and Assessment Program), 7:10 (Equal Educational Opportunities)
- ADOPTED: May 17, 2005

DRAFT UPDATE

O'Fallon Community Consolidated School District No. 90

6:40

Instruction

Curriculum Development

Adoption

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

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

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

Development

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

The curriculum review program shall:

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

Experimental Educational Programs and Pilot Projects

The Superintendent may recommend experimental educational programs and/or pilot projects for Board consideration. Proposals must include goals, material needs, anticipated expenses, and an evaluation process. The Superintendent shall submit to the Board periodic progress reports for programs that exceed one year in duration and a final evaluation with recommendation upon the program's completion.

Curriculum Guides and Course Outlines

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

Commented [AP1]: This policy is unchanged. A cross-reference is added.

Issue 88, May 2015

DRAFT UPDATE

LEGAL REF.: 105 ILCS 5/10-20.8 and 5/10-19.

CROSS REF.: 6:60 (Curriculum Content), 6:70 (Teaching About Religions), 6:80 (Teaching About Controversial Issues), 6:100 (Experiments Upon or Dissection of Animals), 6:120 (Education of Children with Disabilities), 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy Rights)

ADOPTED: May 17, 2005

Board of Education

Board Policy Development

The Board of Education governs using written policies. Written policies ensure legal compliance, establish Board processes, articulate District ends, delegate authority, and define operating limits. Board policies also provide the basis for monitoring progress toward District ends.

Policy Development

Anyone may propose new policies, changes to existing policies, or elimination of existing policies. Staff suggestions should be processed through the Superintendent. Suggestions from all others may be made to the Board President or the Superintendent.

The Superintendent is responsible for: (1) providing relevant policy information and data to the Board, (2) notifying those who will be affected by a proposed policy and obtaining their advice and suggestions, and (3) having policy recommendations drafted into written form for Board deliberation. The Superintendent shall seek the counsel of the school attorney when appropriate.

Policy Adoption and Dissemination

Policies or policy revisions will not be adopted at the Board meeting at which they are first introduced except when necessary or prudent in order to meet emergency or special conditions or to be legally compliant. *Further Board consideration will be given at a subsequent meeting(s) and after opportunity for community input. The adoption of a policy will serve to supersede all previously adopted policies on the same topic.

The Board of Education policies are available for public inspection in the administrative office during regular office hours. Copy requests should be made under the District's Access to Public Records Policy.

Board Policy Review and Evaluation

The Board of Education will monitor its policies and consider whether any modifications are required.

Superintendent Implementation

The Board will support any reasonable interpretation of Board of Education policy made by the Superintendent. If reasonable minds differ, the Board will review policy and consider the need for further clarification.

In the absence of Board of Education policy, the Superintendent is authorized to take appropriate action.

Suspension of Policies

The Board, by a majority vote of members present at any meeting, may temporarily suspend a Board policy not established by law or contract. The failure to suspend with a specific motion does not invalidate the Board action.

LEGAL REF.: 105 ILCS 5/10-20.5.

CROSS REF.: 2:150 (Committees), 3:40 (Superintendent)

ADOPTED: November 18, 2014

Operational Services

Fiscal and Business Management

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

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

Budget Planning

The District's fiscal year is from July 1 until June 30. The Superintendent shall present to the Board of Education, no later than the first regular meeting in August, a tentative budget with appropriate explanation. This budget shall represent the culmination of an ongoing process of planning for the fiscal support needed for the District's educational program. The District's budget shall be entered upon the Illinois State Board of Education's "School District Budget Form." To the extent possible, the tentative budget shall be balanced as defined by the State Board of Education guidelines. The Superintendent shall complete a tentative deficit reduction plan if one is required by the State Board of Education guidelines.

Preliminary Adoption Procedures

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

1. A public hearing on the proposed budget, and
2. The proposed budget to be available to the public for inspection.

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

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

Final Adoption Procedures

The Board of Education adopts a budget before the end of the first quarter of each fiscal year (September 30), or by such alternative procedure as State law may define. To the extent possible, the budget shall be balanced as defined by the State Board of Education; if not balanced, the Board will adopt a deficit reduction plan to balance the District's budget within 3 years according to State Board of Education requirements.

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

The Superintendent or designee shall perform each of the following:

1. Post the District's final annual budget, itemized by receipts and expenditures, on the District's Internet website.
2. Notify parents/guardians that the budget is posted and provide the website's address.

3. File a certified copy of the budget resolution and an estimate of revenues by source anticipated to be received in the following fiscal year, certified by the District's Chief Fiscal Officer, with the County Clerk within 30 days of the budget's adoption.
4. Make all preparations necessary in order for the Board to timely file its Certificate of Tax Levy, including preparations to comply with the Truth in Taxation Act, and file a Certificate of Tax Levy with the County Clerk on or before the last Tuesday in December. The Certificate lists the amount of property tax money to be provided for the various funds in the budget.
5. Submit the annual budget, a deficit reduction plan if one is required by State Board of Education guidelines, and other financial information to the State Board of Education according to its requirements.

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

Budget Amendments

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

Implementation

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

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

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

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

ADOPTED: March 15, 2011

Please add the following to **Policy 4:45**

Students will not be allowed to participate in extra-curricular activities or field trips until fees are paid in full or financial arrangements have been made.

Please add the following to **Policy 5:120**

8. Must adhere to expectations in Employee handbook.

Please change the following on **Policy 6:15**

Item 6 – “grades 6 through 8 and teachers.....”

Please change **Policy 6:40** as follows:

Under Development, item3 – remove “students” from the first line. Also add a number 5. Item that says:

The Board of Education will review the recommendations of the Curriculum Council meeting, by way of a briefing from the Council. The Board will then approve curriculum changes as appropriate.

Please add the following sentences to **Policy 2:240** where the * is located under Policy Adoption and Dissemination:

Items must be submitted to the Board of Education with sufficient time for consideration and/or action before implementation to allow for a subsequent Board of Education meeting if necessary. This also applies to items submitted as informational.

Please add the following sentence to **Policy 4:10** where the * is located under Budget Planning:
A draft budget will be presented to the Finance Committee in July.

School Board Members

John Wagon
President

Todd Roach
Vice President

Mary Baskett
Secretary

Steven Springer
Member

Chris Pulcher
Member

Becky Drury
Member

Rebecca Huller
Member