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5:10 Equal Employment Opportunity and Minority Recruitment

The School District shall provide equal employment opportunities to all persons regardless of their race; color; creed; religion; national origin; sex; sexual orientation; age; ancestry; marital status; arrest record; military status; order of protection status; unfavorable military discharge; citizenship status provided the individual is authorized to work in the United States; work authorization status; use of lawful products while not at work; being a victim of domestic violence, sexual violence, gender violence, or any other crime of violence; genetic information; physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation; pregnancy, childbirth, or related medical conditions; credit history, unless a satisfactory credit history is an established bona fide occupational requirement of a particular position; conviction record, unless authorized by law; or other legally protected categories. No one will be penalized solely for his or her status as a registered qualifying patient or a registered designated caregiver for purposes of the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/.

Persons who believe they have not received equal employment opportunities should report their claims to the Nondiscrimination Coordinator and/or a Complaint Manager under Board policy 2:260, *Uniform Grievance Procedure*, or in the case of denial of equal employment opportunities on the basis of race, color, or national origin, Board policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*. These individuals are listed below. No employee or applicant will be discriminated or retaliated against because he or she: (1) requested, attempted to request, used, or attempted to use a reasonable accommodation as allowed by the Illinois Human Rights Act, or (2) 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.

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 under Board policy 2:260, *Uniform Grievance Procedure*. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.

The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers.

Nondiscrimination Coordinator:

Nik Butenhoff – Assistant Superintendent

Name

850 Hayes Ave. South Beloit, IL 61080

Address

nbutenhoff@sb320.org

Email

815-389-3478

Telephone

Complaint Managers:

Terri Gille	Imari Hanserd
Name	Name
850 Hayes Ave; South Beloit, IL 61080	245 Prairie Hill Rd; South Beloit, IL 61080
Address	Address
tgille@sb320.org	ihanserd@sb320.org
Email	Email
815-389-3478	815-389-9004
Telephone	Telephone

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.

Minority Recruitment

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.

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

20 U.S.C. §1681 et seq., Title IX of the Education Amendments of 1972; 34 C.F.R. Part 106.

29 U.S.C. §206(d), Equal Pay Act.

29 U.S.C. §218d, Fair Labor Standards Act.

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

29 U.S.C. §701 et seq., Rehabilitation Act of 1973.

38 U.S.C. §4301 et seq., Uniformed Services Employment and Reemployment Rights Act (1994).

42 U.S.C. §1981 et seq., Civil Rights Act of 1991.

42 U.S.C. §2000d et seq., Title VI of the Civil Rights Act of 1964; 34 C.F.R. Part 100.

42 U.S.C. §2000e et seq., Title VII of the Civil Rights Act of 1964; 29 C.F.R. Part 1601.42 U.S.C. §2000ff et seq., Genetic Information Nondiscrimination Act of 2008.

42 U.S.C. §2000gg et seq., Pregnant Workers Fairness Act.

42 U.S.C. §2000e(k), Pregnancy Discrimination Act.

42 U.S.C. §12111 et seq., Americans with Disabilities Act, Title I.

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.

410 ILCS 130/40, Compassionate Use of Medical Cannabis Program Act.

410 ILCS 513/25, Genetic Information Privacy Act.

740 ILCS 174/, Ill. Whistleblower Act.

775 ILCS 5/1-103, 5/2-101, 5/2-102, 5/2-103, 5/2-103.1, 5/2-104(D) and 5/6-101, Ill. Human Rights Act.

775 ILCS 35/, Religious Freedom Restoration Act.

820 ILCS 55/10, Right to Privacy in the Workplace Act.

820 ILCS 70/, Employee Credit Privacy Act.

820 ILCS 75/, Job Opportunities for Qualified Applicants Act.

820 ILCS 112/, Ill. Equal Pay Act of 2003.

820 ILCS 180/30, Victims' Economic Security and Safety Act.

820 ILCS 260/, Nursing Mothers in the Workplace Act.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Grievance Procedure), 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:40 (Communicable and Chronic Infectious Disease), 5:50 (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition), 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 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)

Adopted 10/8/24

5:10-AP Administrative Procedure - Workplace Accommodations for Nursing Mothers

The School District accommodates mothers who choose to continue breastfeeding after returning to work. An employee who is a nursing mother may take reasonable breaks to express breast milk or breastfeed her infant. The employee's supervisor shall help the employee arrange a break schedule accommodating the nursing mother while minimizing disruption. The break time may run concurrently with any break time already provided to the employee.

Each Building Principal or chief administrator in another District building shall identify a private room or space where, if a request is made, an employee may express milk or breastfeed her infant. The private space must: (1) be in close proximity to the work area and be other than a bathroom, and (2) be free from intrusion from coworkers and the public, and (3) include an electrical outlet for the use of an electric breast pump.

Supervisors should consider ways to accommodate an employee's needs with minimal disruption of the school environment. If possible, supervisors will ensure that employees are aware of these workplace accommodations prior to maternity leave.

Adopted 5/14/19

5:20 Workplace Harassment Prohibited

The School District expects the workplace environment to be productive, respectful, and free of unlawful discrimination, including harassment. District employees shall not engage in harassment or abusive conduct on the basis of an individual's actual or perceived race, color, religion, national origin, ancestry, sex, sexual orientation, age, citizenship status, work authorization status, disability, pregnancy, marital status, order of protection status, military status, or unfavorable discharge from military service, nor shall they engage in harassment or abusive conduct on the basis of an individual's other protected status identified in Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. Harassment of students, including, but not limited to, sexual harassment, is prohibited by Board policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Grievance Procedure*; 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*; 7:20, *Harassment of Students Prohibited*; 7:180, *Prevention of and Response to Bullying*, *Intimidation, and Harassment*; and 7:185, *Teen Dating Violence Prohibited*.

The District will take remedial and corrective action to address unlawful workplace harassment, including sexual harassment.

Sexual Harassment Prohibited

The District shall provide a workplace environment free of verbal, physical, or other conduct or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law. The District provides annual sexual harassment prevention training in accordance with State law.

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment prohibited by this policy includes, but is not limited to, verbal, physical, or other conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct that has the effect of humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated in light of all the circumstances.

Making a Report or Complaint

Employees and *nonemployees* (persons who are not otherwise employees and are directly performing services for the District pursuant to a contract with the District, including contractors, and consultants) are encouraged to promptly report information regarding violations of this policy. Individuals may choose to report to a person of the individual's same gender. Every effort should be made to file such reports or complaints as soon as possible, while facts are known and potential witnesses are available.

Aggrieved individuals, if they feel comfortable doing so, should directly inform the person engaging in the harassing conduct or communication that such conduct or communication is offensive and must stop.

Whom to Contact with a Report or Complaint

An employee should report claims of harassment, including making a confidential report, to any of the following: his/her immediate supervisor, the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager.

An employee may also report claims using Board policy 2:260, *Uniform Grievance Procedure*. If a claim is reported using Board policy 2:260, then the Complaint Manager shall process and review the claim according to that policy, in addition to any response required by this policy.

The Superintendent shall insert into this policy the names, office addresses, email addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.

Nondiscrimination Coordinator:

Nik Butenhoff – Assistant Superintendent
Name

850 Hayes Ave South Beloit, IL 61080
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Complaint Managers:

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Address	Address
tgille@sb320.org	ihanserd@sb320.org
Email	Email
815-389-3478	815-389-9004
Telephone	Telephone

Investigation Process

Any District employee who receives a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator or a Complaint Manager. Any employee who fails to promptly forward a report or complaint may be disciplined, up to and including discharge.

Reports and complaints of harassment will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain a workplace environment that is productive, respectful, and free of unlawful discrimination, including harassment.

Adopted 10/8/24

For any report or complaint alleging sexual harassment that, if true, would implicate Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.), the Nondiscrimination Coordinator or designee shall consider whether action under Board policy 2:265, *Title IX Grievance Procedure*, should be initiated.

For any report or complaint alleging harassment on the basis of race, color, or national origin, the Nondiscrimination Coordinator or a Complaint Manager or designee shall investigate under Board policy 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited.*

For any other alleged workplace harassment that does not require action under Board policies 2:265, *Title IX Grievance Procedure*, or 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*, the Nondiscrimination Coordinator or a Complaint Manager or designee shall consider whether an investigation under Board policy 2:260, *Uniform Grievance Procedure*, and/or 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, should be initiated, regardless of whether a written report or complaint is filed.

Reports That Involve Alleged Incidents of Sexual Abuse of a Child by School Personnel

An *alleged incident of sexual abuse* is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A(b), that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity.

Any complaint alleging an incident of sexual abuse shall be processed and reviewed according to Board policy 5:90, *Abused and Neglected Child Reporting*. In addition to reporting the suspected abuse, the complaint shall also be processed under Board policy 2:265, *Title IX Grievance Procedure*, or Board policy 2:260, *Uniform Grievance Procedure*.

Enforcement

A violation of this policy by an employee may result in discipline, up to and including discharge. A violation of this policy by a third party will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent/guardian, invitee, etc. Any person making a knowingly false accusation regarding harassment will likewise be subject to disciplinary action, which for an employee that may be up to and including discharge.

Retaliation Prohibited

An employee's employment, compensation, or work assignment shall not be adversely affected by complaining or providing information about harassment. Retaliation against employees for bringing complaints or providing information about harassment is prohibited (see Board policies 2:260, *Uniform Grievance Procedure*, 2:265, *Title IX Grievance Procedure*, and 2:270, *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*), and depending upon the law governing the complaint, whistleblower protection may be available under the State Officials and Employees Ethics Act (5 ILCS 430/), the Whistleblower Act (740 ILCS 174/), and/or the Ill. Human Rights Act (775 ILCS 5/).

An employee should report allegations of retaliation to his/her immediate supervisor, the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager.

Adopted 10/8/24

Employees who retaliate against others for reporting or complaining of violations of this policy or for participating in the reporting or complaint process will be subject to disciplinary action, up to and including discharge.

Recourse to State and Federal Fair Employment Practice Agencies

The District encourages all employees who have information regarding violations of this policy to report the information pursuant to this policy. The following government agencies are available to assist employees: the Ill. Dept. of Human Rights and the U.S. Equal Employment Opportunity Commission.

The Superintendent shall also use reasonable measures to inform staff members, applicants, and nonemployees of this policy, which shall include posting on the District website and/or making this policy available in the District's administrative office, and including this policy in the appropriate handbooks.

LEGAL REF.: 42 U.S.C. §2000e et seq., Title VII of the Civil Rights Act of 1964; 29 C.F.R. §1604.11.

20 U.S.C. §1681 et seq., Title IX of the Education Amendments of 1972; 34 C.F.R. Part 106.

5 ILCS 430/70-5(a), State Officials and Employees Ethics Act.

775 ILCS 5/2-101(E) and (E-1), 5/2-102(A), (A-10), (D-5), 5/2-102(E-5), 5/2-109, 5/5-102, and 5/5-102.2, Ill. Human Rights Act.

56 Ill. Admin.Code Parts 2500, 2510, 5210, and 5220.

Vance v. Ball State Univ., 570 U.S. 421 (2013).

Crawford v. Metro. Gov't of Nashville & Davidson Cnty., 555 U.S. 271 (2009).

Jackson v. Birmingham Bd. of Educ., 544 U.S. 167 (2005).

Oncale v. Sundowner Offshore Servs., 523 U.S. 75 (1998).

Burlington Indus. v. Ellerth, 524 U.S. 742 (1998).

Faragher v. City of Boca Raton, 524 U.S. 775 (1998).

Harris v. Forklift Systems, 510 U.S. 17 (1993).

Franklin v. Gwinnett Co. Public Schools, 503 U.S. 60 (1992).

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986).

Porter v. Erie Foods Int, Inc., 576 F.3d 629 (7th Cir. 2009).

Williams v. Waste Mgmt., 361 F.3d 1021 (7th Cir. 2004).

Berry v. Delta Airlines, 260 F.3d 803 (7th Cir. 2001).

Sangamon Cnty. Sheriff's Dept. v. Ill. Human Rights Com'n, 233 Ill.2d 125 (Ill. 2009).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Grievance Procedure), 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 4:60 (Purchases and Contracts), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 7:20 (Harassment of Students Prohibited), 8:30 (Visitors to and Conduct on School Property)

Adopted 10/8/24

5:20-AP Administrative Procedure - Sample Questions and Considerations for Conducting the Internal Harassment in the Workplace Investigation

State and federal law prohibit harassment on the basis of an individual's actual or perceived race, religion, national origin, sex (including pregnancy), sexual orientation, age, citizenship status, work authorization status, disability, or other protected status, as identified in Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. For the purpose of this procedure, *sexual harassmen*t includes harassment on the basis of sexual orientation, which means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity.

The person charged with conducting the internal harassment investigation must ascertain: (1) if the alleged conduct occurred; (2) if the conduct was unwelcome; (3) if the harassing conduct was based on any protected status of the complainant; and (4) whether the harassment created a *hostile environment* in that it had the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment. The questions that follow are designed to help the investigator uncover this evidence. ***The questions below serve as a general sample; they are not all-inclusive and the exact questions must be designed for the specific allegations in each case.***

Did the alleged conduct occur?

Investigators should consider a number of factors in evaluating whether the complained of conduct occurred, such as:

1. The level of detail provided by the complainant/witness. In certain cases, a witness's ability to recall information may be impacted by past trauma. Consider the use of a *trauma-informed* approach in these circumstances.
2. The consistency within and between a witness's statement(s).
3. The consistency between the witness's statements and those of other witnesses.
4. Corroborating witnesses and other evidence.
5. Body language/eye contact of the witness. In certain cases, the manner of a complainant's body language/eye contact during an interview may be attributable to the complainant's discomfort, rather than a lack of truthfulness.
6. The existence of a pattern of similar past behavior/harassment complaints involving the alleged harasser.
7. Does the witness have reason to be untruthful, such as a personal stake in the outcome?
8. Any corroborating documentation of the alleged conduct.

Is the conduct complained of unwelcome?

Unwelcome conduct is that verbal or physical conduct which the employee did not solicit or incite and that which the employee regarded as undesirable or offensive. The Equal Employment Opportunity Commission (EEOC) evaluates the issue of whether conduct was welcome on a case-by-case basis, considering the totality of the circumstances. The wise investigator will do the same.

Below are sample questions that can be used to formulate actual questions for this part of the investigation.

1. Who is the alleged harasser? What is the alleged harasser's name? Is the alleged harasser a co-worker or a supervisor?

2. Is the conduct complained of physical, verbal, and/or committed using an electronic device, such as, through email, text message, or a social networking website? Obtain relevant details for each incident (the *Five W's*: Who, What, Where, When, and Why).
3. If physical, describe with specificity the nature of the physical conduct. Inquire into all locations on the complainant's body that were touched and ask when, how often, how the complainant was approached, who witnessed the physical conduct, and where was the complainant when the conduct took place? Did the physical conduct involve an injury to or destruction of the complainant's possession(s) and, if so, what was the property, what was the nature of the injury, when did it happen, and where is the property now?
4. If the unwelcome conduct was verbal, what was stated, when, how often, where were the parties when the statements were made, and who witnessed the statements being made?
5. If the conduct was committed using an electronic device, e.g., through email, text message, or social networking website, what was stated, where, when, how often, who saw it? Does the complainant still have access to the emails, text messages, or social networking websites for the investigator's review?
6. Did the complainant or any of the witnesses retain any evidence of the offensive conduct such as a picture, email message, text message, or video or audio recording?
7. Was a complaint or protest made to anyone employed by the District or to anyone else? If so, to whom did the complainant complain, when was the complaint made, what was stated therein, and were there any witnesses to this or these complaints?
8. What was the complainant's response to the conduct? Did the complainant tell the alleged harasser to stop? Did the complainant complain to others about the alleged harasser's behavior? Did the complainant ask co-workers, supervisors or managers to make the harassment stop? If so, obtain all relevant details (the Five W's).
9. Did the complainant engage in any conduct with the alleged harasser that could have encouraged the alleged harasser's behavior? If so, what was the conduct, when and where did it occur, how often and who witnessed it?
10. Did the complainant make the alleged harasser aware at the point when the conduct became unwelcome? If so, when, how was this done, what was communicated to the alleged harasser, and were there any witnesses?
11. Did the complainant complain about the harassment to the alleged harasser, to the complainant's or alleged harasser's supervisors, other managers or others? If so, when were the complaints made, what was said, who was present, and what was the response to each complaint?
12. If no prior complaints about the alleged harassment were made, why not?
13. What other actions, if any, did the complainant take to indicate to the alleged harasser that the alleged harasser's conduct was unwelcome?
14. If they lack knowledge about the harassment, did co-workers, supervisors or managers notice any changes in complainant's behavior at work or in the alleged harasser's treatment of the complainant?
15. Has the alleged harasser been accused of harassment by other employees? If so, when, and were the allegations investigated? If so, what was the result of the investigation, and what was management's response, i.e., what remedy was imposed?

Did the work environment become hostile?

To ascertain whether unwelcome conduct creates an unlawful *hostile environment*, the major inquiry is whether the conduct had the purpose or effect of unreasonably interfering with an individual's performance or creates an intimidating, hostile, or offensive working environment. In

the sexual harassment context, trivial or annoying conduct such as sexual flirtation or innuendo or vulgar language would probably not establish a hostile environment, but in certain circumstances the conduct when viewed in the aggregate can establish a hostile environment. The challenged conduct must substantially affect the work environment of a reasonable person for a violation to be found.

Consider the following additional questions for this part of the inquiry:

1. What effect, if any, did the alleged harassment have upon the complainant's ability to perform the complainant's job?
2. What effect, if any, did the alleged harassment have upon the complainant's mental or physical health or well-being? Was medical treatment/therapy sought?
3. Even if the alleged harassment had little, or no effect on the complainant's work performance or well-being, is there evidence, e.g., verbal or written comments, that the alleged harasser intended the conduct to have that effect?
4. ***Additional question for sexual harassment complaints:*** What was the sexual character of the work environment before the complainant entered the environment? Were sexual comments and actions common? If so, what types, when did they occur? Who was involved? Supervisors? Co-workers?
5. Did the character of the workplace change after complainant joined the workplace? If so, how? What was complainant's behavior? How did the alleged harasser and other co-workers or supervisors respond to complainant's behavior?
6. Was the complaint of verbal or physical behavior directed at persons other than complainant? If so, who were they? What conduct was directed towards them, when, how frequently, who was present, where did it occur and who witnessed it? How did these persons react to the physical or verbal conduct?
7. Did the alleged harasser single out the complainant? If so, how, when, where, and why?
8. Did others join in perpetrating the harassment? If so, who? What was done; when, where, who witnessed the conduct, and were others harassed too?
9. If the complained of conduct was verbal, what were the remarks? Were they hostile and derogatory? What was the frequency and context of the comments? Were the parties inside or outside of the workplace when the comments were made?
10. Was the alleged harassment observed by supervisors, managers, or other co-workers? If so, by whom, when, where, and what was observed?
11. Was the alleged harassment observed by former employees or others outside the workplace? If so, by whom, when, where, and what was seen?

Was the harassment committed by a supervisor?

The employer will be held responsible for acts of harassment committed by the employee's supervisor, meaning someone who was authorized by the employer to have authority over the complainant's terms and conditions of employment. To investigate harassment committed by the complainant's supervisor, include questions such as the following:

1. What conduct is the supervisor accused of? When, where, how often did it occur, and who observed?
2. Was the supervisor authorized to grant or deny tangible job benefits to the complainant? If so, what was the scope of that authority and what documents evidence it? If not, were the supervisor's recommendations concerning the complainant's terms and conditions of employment typically or routinely followed?

Was the harassment *quid pro quo* (do this for that)?

An employer will be held responsible for acts of *quid pro quo* sexual harassment, meaning that tangible job benefits were either (1) conditioned on submitting to sexual favors, or (2) denied because of the complainant's rejection of a sexual advance or request for sexual favors. *Quid pro quo*-type harassment can also occur in other contexts, such as religious discrimination, for example, if a person is required to abandon or alter his or her religious practice as a condition of employment.

1. How was the complainant's employment affected by the alleged harassment? Was the complainant denied a salary increase, a promotion, a job transfer, etc.? If so, when?
2. Was the complainant treated differently from similarly situated employees in regard to the denied salary increase, promotion, job transfer, etc.? If so, who was treated differently by this same supervisor?
3. What other management employees were involved in decisions to grant or deny the tangible job benefit(s) to the complainant? Did they have knowledge of the sexual conduct?

Adopted 5/10/22

5:20-E Exhibit - Resolution to Prohibit Sexual Harassment

WHEREAS, Section 10-20 of the School Code (105 ILCS 5/10-20) grants school boards other powers that are not inconsistent with their duties;

WHEREAS, Section 1-5 of the State Officials and Employees Ethics Act (5 ILCS 430/1-5) includes school districts within the definition of a *governmental entity*;

WHEREAS, Section 5-65 of the State Officials and Employees Ethics Act (5 ILCS 430/5-65) provides that all persons have a right to work in an environment free from sexual harassment;

WHEREAS, Section 70-5 of the State Officials and Employees Ethics Act (5 ILCS 430/70-5) requires governmental entities to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment which, at a minimum, includes: (1) a prohibition on sexual harassment; (2) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Ill. Dept. of Human Rights; (3) a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under the Act, the Whistleblower Act (740 ILCS 174/), and the Ill. Human Rights Act (775 ILCS 5/); (4) the consequences: (a) of a violation of the prohibition on sexual harassment; and (b) for knowingly making a false report; and (5) a mechanism for reporting and independent review of allegations of sexual harassment made against a Board member by a fellow Board member or other elected official;

THEREFORE, BE IT RESOLVED, by the Board of Education of *[insert name]*, *[insert county]* County, Illinois, as follows:

Section 1: The Board adopts Board policies 2:105, *Ethics and Gift Ban*, and 5:20, *Workplace Harassment Prohibited*, attached as Exhibit A, which collectively contain the following: (1) a prohibition on sexual harassment; (2) detail regarding how an individual can report an allegation of sexual harassment, including options for making a confidential report to an immediate supervisor, the Building Principal, an administrator, the Nondiscrimination Coordinator, a Complaint Manager, or the Ill. Dept. of Human Rights; (3) a prohibition on retaliation for reporting sexual harassment allegations and a statement regarding the availability of whistleblower protections under the State Officials and Employees Ethics Act, the Whistleblower Act, and the Ill. Human Rights Act; and (4) the consequences: (a) of a violation of the prohibition on sexual harassment; and (b) for knowingly making a false report, and (5) a mechanism for reporting and independent review of allegations of sexual harassment made against a Board member by a fellow Board member or other elected official.

Section 2: Any prior versions of Board policies 2:105, *Ethics and Gift Ban*, and 5:20, *Workplace Harassment Prohibited*, adopted by the Board are superseded by this Resolution.

Adopted this ____ day of _____, 20___.

Attested by: _____, Board President

Attested by: _____, Board Secretary

Adopted 2/11/20

5:30 Hiring Process and Criteria

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

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

Job Descriptions

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

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

Investigations

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

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

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

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

1. The District uses an applicant's credit history or report from a consumer reporting agency only when a satisfactory credit history is an established bona fide occupational requirement of a particular position.
2. The District does not screen applicants based on their current or prior wages or salary histories, including benefits or other compensation, by requiring that the wage or salary history satisfy minimum or maximum criteria.
3. The District does not request or require a wage or salary history as a condition of being considered for employment, being interviewed, continuing to be considered for an offer of employment, an offer of employment, or an offer of compensation.
4. The District does not request or require an applicant to disclose wage or salary history as a condition of employment.
5. The District does not ask an applicant or applicant's current or previous employers about wage or salary history, including benefits or other compensation.
6. The District does not ask an applicant or applicant's previous employers about claim(s) made or benefit(s) received under the Workers' Compensation Act.
7. The District does not request of an applicant or employee access in any manner to his or her personal online account, such as social networking websites, including a request for passwords to such accounts.
8. The District provides equal employment opportunities to all persons. See policy 5:10, *Equal Employment Opportunity and Minority Recruitment*.

Sexual Misconduct Related Employment History Review (EHR)

Prior to hiring an applicant for a position involving *direct contact with children or students*, the Superintendent shall ensure that an EHR is performed as required by State law. When the applicant is a superintendent candidate, the Board President shall ensure that the EHR is initiated before a successful superintendent candidate is offered employment by the Board.

Physical Examinations

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

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

Orientation Program

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

LEGAL REF.: 42 U.S.C. §12112, Americans with Disabilities Act; 29 C.F.R. Part 1630.

15 U.S.C. §1681 et seq., Fair Credit Reporting Act.

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

105 ILCS 5/10-16.7, 5/10-20.7, 5/10-21.4, 5/10-21.9, 5/10-22.34, 5/10-22.34b, 5/21B-10, 5/21B-80, 5/21B-85, 5/22-6.5, 5/22-94, and 5/24-5.

20 ILCS 2630/3.3, Criminal Identification Act.

820 ILCS 55/, Right to Privacy in the Workplace Act.

820 ILCS 70/, Employee Credit Privacy Act.

820 ILCS 112/, Equal Pay Act of 2003.

Duldulao v. St. Mary of Nazareth Hospital, 136 Ill. App. 3d 763 (1st Dist. 1985), aff'd in part and remanded 115 Ill.2d 482 (Ill. 1987).

Kaiser v. Dixon, 127 Ill. App. 3d 251 (2nd Dist. 1984).

Molitor v. Chicago Title & Trust Co., 325 Ill. App. 124 (1st Dist. 1945).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 3:50 (Administrative Personnel Other Than the Superintendent), 4:60 (Purchases and Contracts), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:40 (Communicable and Chronic Infectious Disease), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:220 (Substitute Teachers), 5:280 (Duties and Qualifications)

Adopted 4/9/24

5:30-AP1 Administrative Procedure - Interview Questions

Anti-discrimination laws affect all steps of the employee hiring process. Knowledge of the characteristics on which these laws prohibit inquiry is especially critical when conducting interviews. Any employer that asks applicants to record video interviews and uses an artificial intelligence analysis of the applicant-submitted videos must comply with the Artificial Intelligence Video Interview Act, 820 ILCS 42/, added by P.A. 101-260. Sloppy interview practices can result in the appearance of illegal discrimination or actual discrimination.

Interviewers should avoid seeking information that will not be used to make an employment decision. Assume that a rejected applicant may believe that all information acquired was used. The District, if challenged, must explain why it asked for the information – a very difficult task when the information involves race, sex, religion, age, disability, etc. Information needed for insurance, tax, social security, or similar purposes should be obtained after employment. The following list of protected characteristics may not be complete because of the rapidly changing nature of discrimination laws.

Protected Status	Do not ask	Permissible to ask
Race and color	What race are your parents?	
Alienage, ancestry, national origin, nationality, and citizenship status (provided the individual is authorized to work in the U.S.), work authorization status	In what country were you born? In what country were your parents born? Are you a naturalized citizen? Do you have proof that you are authorized to work in the U.S.?	Are you legally authorized to work in the United States? What languages do you read, speak, or write fluently?
Marital status	Are you married? Single? Divorced? Engaged? Are you living with someone? Would your spouse move with you if you got this position? What is your maiden name?	
Gender, including parent and pregnancy status	What are your future family plans? Are you pregnant? Do you have children? What are their ages? Do you have child care?	Is there anything that would interfere with regular work attendance? Are you available to work overtime?

Protected Status	Do not ask	Permissible to ask
Sexual orientation, including actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity	Do you have a spouse or partner – which?	How do you feel about supervising a diverse workplace?
Religion or creed	What religious holidays do you celebrate?	We need you to work on [*insert days*]. Are you available to work those days?
Age	When do you plan to retire? When do you plan to collect your pension?	What are your long-term career goals?
Military status	Will you miss work because you are a member of a U.S. Reserve unit, such as, Army Reserve or Marine Corps Reserve, or a member of a National Guard unit?	How does your military training or experience prepare you for this job?
Unfavorable discharge from military service	Under what circumstances were you discharged from the service?	
Arrest record Conviction that is not on the School Code's list of disqualifying convictions	Have you ever been arrested? Spent time in jail?	Have you ever been convicted of attempting to commit, conspiring to commit, soliciting, or committing any crime in the following list? (1) any sex offense or drug offense, as defined in Sec. 21B-80(a) of the School Code, (2) first degree murder or a Class X felony, or (3) any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. 105 ILCS 5/21B-80, amended by P.A.s 101-531 and 102-552. Consult with the Board attorney if the District wants to ask candidates about disqualifying convictions before the job offer stage, due to Ill.
The Job Opportunities for Qualified Applicants Act, 820 ILCS 75/, prohibits an employer from asking about a criminal record until the employer determines that the applicant is qualified for the position; however, this does not apply when employers are required to exclude applicants with certain criminal convictions from employment. Thus, school employers should limit their requests for criminal convictions to job-disqualifying convictions.		

Protected Status	Do not ask	Permissible to ask
		Dept. of Human Rights guidance on 775 ILCS 5/2-103.1, added by P.A. 101-656, at: www2.illinois.gov/dhr/Pages/Conviction_Record_Protection_Frequently_Asked_Questions.aspx. See 5:30, *Hiring Process and Criteria*, at f/n 6 for additional explanation.
Use of lawful products during non-working hours	Do you smoke or use tobacco products during non-working hours? Do you consume alcoholic beverages during non-working hours?	Have you been disciplined by an employer for violating its rules forbidding the use of alcohol or tobacco products?
Genetic information	What were the results of any diagnostic, predictive, or pre-symptomatic genetic testing that you've had?	See section on *disability* below.
Whether applicant has ever filed a claim or received benefits under the Illinois Workers' Compensation Act or Workers' Occupational Diseases Act	Have you ever filed a claim or received benefits under the Illinois Worker's Compensation Act or Workers' Occupational Disease Act?	
Credit history/report, unless the Employee Credit Privacy Act permits 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. 820 ILCS 70/10(b).	Unless specifically permitted, do not ask: Do you have a good credit score? Have you been denied a credit card within last 5 years? Have you ever filed bankruptcy?	How long have you lived at your current address?
Wage or salary history, including benefits or other compensation, unless: the applicant's	What is your current wage/salary?	This position provides the following wage/salary, benefits, and compensation: [*insert details*]. Does that meet your expectations?

Protected Status	Do not ask	Permissible to ask
wage or salary history is a matter of public record, or is contained in a document completed by the applicant's current or former employer and then made available to the public by the employer, or then submitted or posted by the employer to comply with State or federal law; or the applicant is a current employee applying for a position with the same current employer. 820 ILCS 112/10, amended by P.A. 101-177. For further discussion see f/n 19 in policy 5:30, *Hiring Process and Criteria*.	What was your previous wage/salary? What benefits or other compensation do you currently receive? What benefits or other compensation did you previously receive? What was your highest paid position? This position pays $X; is that more or less than what you are making now?	What are you looking for in terms of wage/salary, benefits, and other compensation for this position?
Victim of domestic violence or being protected under an order of protection	Have you ever requested a restraining order or order of protection against your spouse or other person?	

Disability

Inquiries that are likely to elicit information about a disability, before a bona fide job offer is made, are prohibited. Inquiries about the ability to perform job functions that do not ask about disabilities are permissible.

Protected Status	Do not ask	Permissible to ask, provided all applicants are asked
Disability	Have you had any recent illnesses or operations? Do you have AIDS? Do you have asthma? Do you have a disability which would interfere with your ability to perform the job? How many days were you sick last year?	Can you perform the functions of this job (essential and/or marginal), with or without reasonable accommodation? Please describe/demonstrate how you would perform these functions (essential and/or marginal). Have you ever been disciplined (oral or written reprimand, suspension or termination) for attendance violations or problems?

Protected Status	Do not ask	Permissible to ask, provided all applicants are asked
	Have you ever filed for Workers' Compensation? Have you ever been injured on the job? How much alcohol do you drink each week? Have you ever been treated for alcohol problems? Have you ever been treated for mental health needs? What prescription drugs are you currently taking?	Are you a current user of illegal drugs? Do you have the required licenses to perform this job?

Adopted 5/10/22

5:30-AP2 Administrative Procedure - Investigations

Immigration Investigation

All newly hired employees must complete section one of the U.S. Citizenship and Immigration Services Form I-9 (Form I-9) no later than three business days following their first working day (Immigration Reform and Control Act, 8 U.S.C. §1324a, 8 C.F.R. §274a.2). See: www.uscis.gov/i-9. If an individual is unable to provide the required documents to complete it, the individual may present a receipt for the application of the required documents within three days of the hire. The individual must then present the required documents within 90 days of the hire. The Superintendent or designee completes section two of the Form I-9 and confirms the employee's information.

If the Employment Eligibility Verification System (E-Verify) is used to complete Form I-9, the Superintendent or designee will review the Ill. Dept. of Labor's website and its E-Verify factsheet, available at: https://labor.illinois.gov/content/dam/soi/en/web/idol/laws-rules/legal/documents/e-verification-facts-poster.pdf. See the Ill. Dept. of Labor Right to Privacy in the Workplace Act, 820 ILCS 55/12.

The completed Form I-9 shall be maintained in a file separate from other personnel records in order to prevent unauthorized review of personnel files. The Form I-9 shall be retained for a period of three years after the date of hire or one year after individual employment is terminated, whichever is later.

Fingerprint-based Criminal History Records Information Check (105 ILCS 5/10-21.9, amended by P.A. 102-702, eff. 7-1-23)

A fingerprint-based criminal history records information check must be initiated prior to employment, but the District may permit the individual to be hired and begin employment pending its outcome. See *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/Documents/guidance_chr.pdf.

A *complete criminal history records check* pursuant to 105 ILCS 5/10-21.9 consists of:

1. Fingerprint-based checks through (a) the Ill. State Police (ISP) for criminal history records information (CHRI) pursuant to the Ill. Uniform Conviction Information Act (20 ILCS 2635/), and (b) the Federal Bureau of Investigation (FBI) national crime information databases pursuant to the Adam Walsh Child Protection and Safety Act (Pub. L. 109-248),
2. *A check of the Ill. Sex Offender Registry (see the Sex Offender Community Notification Law, 730 ILCS 152/ et seq.), and
3. *A check of the Murderer and Violent Offender Against Youth Registry (see the Murderer and Violent Offender Against Youth Registration Act, 730 ILCS 154/75-154/105).

*These checks must be conducted by the District or the Regional Superintendent once every five years that an individual remains employed by the District. 105 ILCS 5/10-21.9(a-5), (a-6), amended by P.A. 102-552.

See also policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*, and administrative procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*. **Important:** 20 ILCS 2630/5.2 outlines how an individual may petition to have an arrest record expunged by the arresting authority and the records of the arrest sealed by the circuit court clerk. It also details offenses for which an individual cannot have his or her conviction sealed.

Note: The following criminal history records check guides are also available:

1. Guide to Understanding Criminal History Record Check Information is available at: https://dph.illinois.gov/content/dam/soi/en/web/idph/files/forms/background-check-guide-071817.pdf.
2. Ill. State Board of Education non-regulatory guidance document, Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel, at: www.isbe.net/Documents/guidance_chr.pdf.

The following individuals are responsible for the actions listed:

Applicant - Each applicant for employment in any position (except bus drivers employed by a private student transportation contractor) must provide a written authorization for a complete criminal history records check at the time he or she submits the application.

Individual Student Teaching or beginning a required internship - Each individual student teaching or beginning a required internship must provide written authorization for, and pay the costs of, his or her criminal history records check (including any applicable vendor's fees) prior to participating in any field experiences in the District. See 105 ILCS 5/10-21.9(g).

Applicant for Bus Driver - Each applicant for a bus driver position must complete the application required by the Secretary of State for a school bus driver permit (obtained from the District) and submit it to the District along with the necessary fingerprint submission as required by the ISP to conduct a fingerprint-based criminal history records check. The Superintendent or designee will conduct a pre-employment interview with prospective school bus driver candidates, distribute school bus driver applications and medical forms, and submit the applicant's fingerprint cards to the ISP. The Superintendent or designee will certify in writing to the Secretary of State that all pre-employment conditions have been successfully completed, including the successful completion of a criminal history records check as required by State law. The applicant must present the certification to the Secretary of State at the time of submitting the school bus driver permit application. See 625 ILCS 5/6-106.1, amended by P.A. 102-168; 92 Ill.Admin.Code §1035.25.

Superintendent or designee - **Note**: *Add any additional steps to efficiently receive a complete criminal history records check*.

1. Fingerprint-Based Criminal History Records Check:
    a. For all applicants, the Superintendent or designee completes the required forms to request the criminal history records checks from an appropriate ISP or LiveScan vendor. When the applicant is a successful superintendent candidate who has been offered employment by the Board, the School Board President shall ensure that these checks are completed. This may include submitting the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers to the ISP and FBI on the forms prescribed by each agency.
    b. The Superintendent or designee, or when the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President, will provide the applicant with a copy of the ISP and FBI reports. Required by 105 ILCS 5/10-21.9(b) and 20 ILCS 2635/7. The applicant has the obligation and responsibility to notify the District within seven (7) working days if information in the report furnished by the ISP is inaccurate or incomplete. Id.
    c. The Superintendent or designee, or the Regional Superintendent, notifies the State Superintendent of Education in writing within 15 business days when a CHRI returns a *conviction* of a crime set forth in 105 ILCS 5/21B-80. 105 ILCS 5/21.9(e), and:
        i. Makes a preliminary determination that the applicant will be disqualified based on a conviction record when: (1) the District is prohibited by 105 ILCS 5/10-21.9 from employing the individual because the conviction is an

offense listed in 105 ILCS 5/21B-80, amended by P.A. 102-552; (2) there is a *substantial relationship* between one or more of the previous criminal offenses and the employment sought or held; or (3) the employment would involve an *unreasonable risk* to property or to the safety or welfare of specific individuals or the general public.

Conviction record means information indicating that a person has been convicted of a felony, misdemeanor or other criminal offense, placed on probation, fined, imprisoned, or paroled pursuant to any law enforcement or military authority. 775 ILCS 5/1-103(G-5). It includes the results of a *complete criminal history records check* conducted pursuant to 105 ILCS 5/10-21.9.

Substantial relationship means a consideration of whether a job position offers the opportunity for the same or a similar offense to occur and whether the circumstances leading to the conduct for which the person was convicted will recur in the position. 775 ILCS 5/2-103.1(A).

To determine whether an applicant is disqualified based on a *substantial relationship* or *unreasonable risk*, considers the following factors: (1) length of time since the conviction; (2) number of convictions that appear on the conviction record; (3) nature and severity of the conviction and its relationship to the safety and security of others; (4) the facts or circumstances surrounding the conviction; (5) the age of the employee at the time of the conviction; and (6) evidence of rehabilitation efforts. 775 ILCS 5/2-103.1(B). See also Ill. Dept. of Human Rights (IDHR) *Conviction Record Protection – Frequently Asked Questions* (March 2021), at: https://dhr.illinois.gov/conviction-record-protection-frequently-asked-questions.html.

ii. When the applicant's conviction record disqualifies him/her/them, notifies the applicant of the preliminary decision in writing. The written notice shall contain: (1) the disqualifying convictions that are the basis for the preliminary decision and the District's reasoning for the disqualification; (2) a copy of the *complete criminal history records check* conducted pursuant to 105 ILCS 5/10-21.9; and (3) an explanation of the applicant's right to submit evidence challenging the accuracy of the conviction record that is the basis for the disqualification within seven (7) working days of the applicant's receipt of the copy of the conviction record if the applicant wishes to dispute the accuracy of the conviction record and/or submit evidence in mitigation, such as rehabilitation. 775 ILCS 5/2-103.1(C)(1) and (2). See 5:30-AP2, E1, *Notice of Preliminary Hiring Decision Based on Conviction Record*, for a sample letter template.

Note: Evidence of rehabilitation may include education, training, stable employment, family and community involvement, and recovery from substance abuse. For more information, see *EEOC Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decision under Title VII of the Civil Rights Act*, at: www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions.

iii. When the final decision disqualifies the applicant based on the conviction record, provides a second written notice to the applicant that contains: (1)

notice of the disqualifying conviction(s) that are the basis for the final decision and the District's reasoning for the disqualification; (2) any existing procedure the employer has for the applicant to challenge the decision or request reconsideration (this is not required); and (3) the right to file a charge with the IDHR. 775 ILCS 5/2-103.1(C)(3). See 5:30-AP2, E2, *Notice of Final Hiring Decision Based on Conviction Record*, for a sample letter template.

d. The Superintendent or designee, or the Regional Superintendent, or as applicable the entity that provides background checks for public schools, notifies the State Superintendent of education in writing within 10 business days after receiving information of a *pending* criminal charge for an offense set forth in 105 ILCS 5/21B-80. Required by 105 ILCS 5/10-21.9(e).

   Note: For substitute teachers, the Superintendent will need to ensure that the District performs these checks. Contact the board attorney and/or ISBE regarding the validity of a *certificate of authorization*, if a substitute teacher presents one. From 1-1-11 through 7-1-11, the Regional Superintendent or Suburban Cook County Intermediate Service Center Executive Director, whichever is appropriate, was allowed to issue *certificates of authorization* to substitute teachers. Issuance of a *certificate of authorization* was proof that the substitute teacher applicant had met all of the requirements to substitute teach in the educational service region; i.e., a fingerprint-based criminal history records check, a physical examination, and a negative tuberculin test. Because P.A. 97-607 deleted *certificates of authorization*, substitute teachers no longer receive them because they no longer exist. For those substitute teachers who did receive them, there is not an answer to the question of whether their *certificates of authorization* are still valid. Attorneys in the field suggest looking for an expiration date on the *certificate of authorization*. If the document has no expiration date, it is likely invalid because the document no longer exists. If there is an expiration date, then the document is likely valid until the date listed.

e. For individuals student teaching or beginning a required internship, the Superintendent or designee ensures that the individual completes the required forms, authorizations, and provides payment to the District for the costs of completing a complete criminal history records check prior to student teaching or beginning a required internship (105 ILCS 5/10-21.9(g) and policy 5:260, *Student Teachers*). For more information, see also ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, available at: www.isbe.net/Documents/guidance_chr.pdf.

2. Screen of the Statewide offender databases upon hire and every five years thereafter that an individual remains employed by the District. 105 ILCS 5/10-21.9(a-5), (a-6), amended by P.A.s 101-531 and 102-552. The Superintendent or designee, or when the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President, performs a screen for each applicant of:
   a. The Statewide Sex Offender Registry, https://isp.illinois.gov/Sor/Disclaimer, as authorized by the Sex Offender Community Notification Law (730 ILCS 152/ et seq.), and
   b. The Statewide Murderer and Violent Offender Against Youth Registry https://isp.illinois.gov/MVOAY/Disclaimer, as authorized by the Murderer and Violent Offender Against Youth Registration Act (730 ILCS 154/75-154/105).

The Superintendent or designee, or when the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President, notifies the individual if he or she is identified in the database as a sex offender. Required by 105 ILCS 5/10-21.9 (a-5), (a-6), and (b). The Superintendent or designee, or the Regional Superintendent, notifies the State Superintendent of Education in writing within 15 business days, when a database screen finds a *registration* for an individual licensed by ISBE. 105 ILCS 5/21.9(e).

ISP and FBI - The ISP and FBI furnish records of convictions (until expunged), pursuant to the District's request, to the Board President. **Note**: The ISP and FBI must "furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board…". See 105 ILCS 5/10-21.9(a) and (g). 20 ILCS 2630/3.3 establishes authority for the ISP to collect fees from the District if wishes to participate in a Federal *Rap Back Service*. Rap Back Service is a capability of the FBI's Next Generation Identification (NGI) system that provides authorized agencies notification of criminal activity and, in limited cases, of civil activity, that occurs after the initial processing and retention of criminal or civil transactions, e.g., an initial fingerprint-based criminal history records check. The Board may determine that it wants to participate. Participation includes ISP submitting fingerprints that the District orders to the FBI Rap Back Service to be retained for the purpose of being searched by future submissions to the FBI Rap Back Service. For a student teacher, the report shall be returned to the Superintendent or designee (see ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/Documents/guidance_chr.pdf).

Board President - The School Code requires the Board President to keep a conviction record confidential. The information may only be shared between the Board President, the Superintendent or designee, Regional Superintendent (if the check was requested by the District), State Superintendent of Education, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, the ISP and/or Statewide Sex Offender Registry for clarification purposes, or the Teachers' Retirement System of the State of Illinois (TRS) when the board learns that a teacher has been convicted of a felony. See 105 ILCS 5/10-21.9(b), 105 ILCS 5/21B-10, and 105 ILCS 5/21B-85, amended by P.A. 102-552. For further discussion about the practical implementation issues for the Board President to ensure that a fingerprint-based criminal history records information check and other database screens are initiated and completed prior to employment, see f/n 11 in 5:30, *Hiring Process and Criteria*.

Regional Superintendent/Suburban Cook County Intermediate Service Center Executive Director - The Superintendent or designee may require the applicant to authorize the Regional Superintendent or Suburban Cook County Intermediate Service Center Executive Director, whichever is appropriate, to conduct the check when an applicant is (1) seeking employment in more than one District simultaneously as (a) a substitute teacher, (b) a concurrent part-time employee, and/or (c) educational support personnel, or (2) the employee works for a contractor holding contracts with more than one district. The Regional Superintendent or Suburban Cook County Intermediate Service Center Executive Director, whichever is appropriate, also performs a check of the Statewide Sex Offender Registry, https://isp.illinois.gov/Sor/Disclaimer , as authorized by the Sex Offender Community Notification Law (730 ILCS 152/115), and the Violent Offender Against Youth Registry, https://isp.illinois.gov/MVOAY/Disclaimer, as authorized by the Murderer and Violent Offender Against Youth Registration Act (730 ILCS 154/75-154/105). See 105 ILCS 5/10-21.9 (a-5), (a-6), and (b), amended by P.A. 102-552.

Contractors - The above requirements for a *complete criminal history records check* apply to all employees and agents of contractors who have direct, daily contact with students. 105 ILCS 5/10-21.9(f). Every contractor with the District shall: (1) make every employee or agent who will have direct, daily contact with students submit to a complete criminal history records check, (2) confirm

that it will make those employees available to the District for the criminal history records check, and (3) submit payment for the costs of the check(s) to the District.

Note: The provisions in 105 ILCS 5/10-21.9(f) and (g) apply to employees of contractors who have "direct, daily contact" with students. To be comprehensive and to eliminate uncertainty, this procedure and policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*, may require a criminal history records check on *all* employees of contractors who may work in any school building or on school property. Whether the District uses the comprehensive language or the direct language from the School Code, the District, not the contractor, must perform the background checks. Contractors are not authorized under any State or federal law to: (1) conduct the required criminal history background checks; or (2) see the employee's criminal history furnished by the ISP and the FBI. All contracts should also require the contractor to purchase insurance to cover misconduct by their employees and/or an indemnification clause. Additionally, the Superintendent or designee should check insurance coverage to determine whether employees of contractors are covered. See also policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*, and administrative procedure 4:60-AP3, *Criminal History Records Check of Contractor Employees*, for the responsibilities of contractors. Last, if the District has received, within the last year, information that concerns the record of conviction and identification as a sex offender of any contractors' employees, the District must provide the information to another school or school district that requests it. 105 ILCS 5/10-21.9(f-5). For more information, see ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, available at: www.isbe.net/Documents/guidance_chr.pdf. Unless notified by the individual named in a criminal history records information (CHRI) request or by the ISP that the information furnished in a CHRI report is inaccurate or incomplete, the District cannot be liable for damages to any person to whom the CHRI pertains for actions it reasonably took in reliance on the accuracy and completeness of CHRI report. 20 ILCS 2635/7(A)(3).

District - The District complies with 105 ILCS 5/10-21.9, amended by P.A.s 102-552 and 102-702, eff. 7-1-23, and 5/21B-80, amended by P.A. 102-552. It will not knowingly employ a person, or allow a person to work or student teach/complete a required internship (105 ILCS 5/10-21.9(g)) on school grounds, who:

1. Has been convicted of any one or more of the following offenses, until seven years following the end of the sentence for the criminal offense:
    a. Those defined in the Cannabis Control Act, 720 ILCS 550/, except: 720 ILCS 550/4(a), 550/4(b), 550/4(c), 550/5(a), 550/5(b), and any offense for which the holder of a license is placed on probation under the provisions of 550/10 provided that if the terms and conditions of probation required by the court are not fulfilled, the offense is not eligible for this exception.
    b. Those defined in the Ill. Controlled Substances Act, 720 ILCS 570/100 et seq., except: any offense for which the holder of a license is placed on probation under the provisions of 570/410 provided that if the terms and conditions of probation required by the court are not fulfilled, the offense is not eligible for this exception.
    c. Those defined in the Methamphetamine Control and Community Protection Act, 720 ILCS 646/, except: any offense for which the holder of a license is placed on probation under the provisions of 646/70 provided that if the terms and conditions of probation required by the court are not fulfilled, the offense is not eligible for this exception.
    d. Any attempt to commit any of the offenses listed in (a)-(c) of this section.
    e. Any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in Illinois, would have been punishable as one or more of the offenses listed in (a)-(d) of this section.

2. Has been convicted of committing or attempting to commit any one or more of the following offenses:
    a. Attempting to commit, conspiring to commit, soliciting, or committing first-degree murder or any Class X felony.
    b. Attempting to commit, conspiring to commit, soliciting, or committing any offense defined in Article 9 (Homicide) of the Criminal Code of 1961 or the Criminal Code of 2012.
    c. Attempting to commit, conspiring to commit, soliciting, or committing any *sex offense*. Sex offense means any offense defined in:
        i. Sections 11-6 and 11-9 through 11-9.5, inclusive, and 11-30 (if punished as a Class 4 felony) of the Criminal Code of 1961 or the Criminal Code of 2012;
        ii. Sections 11-14.1 through 11-21, inclusive, of the Criminal Code of 1961 or the Criminal Code of 2012;
        iii. Sections 11-23 (if punished as a Class 3 felony), 11-24, 11-25, and 11-26 of the Criminal Code of 1961 or the Criminal Code of 2012; and
        iv. Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-32, 12-33, 12C-45, and 26-4 (if punished pursuant to 26-4(d)(4) or (5)) of the Criminal Code of 1961 or the Criminal Code of 2012.
    d. Any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in Illinois, would have been punishable as one or more of the foregoing offenses.
3. Has been found to be the perpetrator of sexual or physical abuse of any minor less than 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

<u>Reporting New Hires</u>

The Superintendent or designee shall timely file an IRS Form W-4 or IDES *New Hire Reporting Form* for each newly hired employee with the Ill. Dept. of Employment Security. See 820 ILCS 405/1801.1. When the applicant is a successful superintendent candidate who has been offered employment by the Board, the Board President shall ensure either the retiring Superintendent or designee performs this task.

Adopted 8/8/23

5:30-AP1, E1 Exhibit – Notice of Preliminary Hiring Decision Based on Conviction Record

Use this letter when the District must notify an applicant that it made a preliminary determination that the applicant is disqualified from employment based on a conviction record. 775 ILCS 5/103.1(C), added by P.A. 101-656.

On District Letterhead

Re: Your Employment Application – Preliminary Decision Notice

Dear [*insert name of applicant*]:

The District has reviewed the results of your complete criminal history records check conducted pursuant to 105 ILCS 5/10-21.9 in connection with your application for the position of [*insert job title*]. A copy of those results is enclosed with this letter.

After review, the District is not considering you further for employment in the District based at least in part on [*insert date and description of disqualifying offense relied upon*].

Use the following paragraph if the disqualification is based on conviction of a prohibited offense included in 105 ILCS 5/21B-80 (see 5:30-AP2, Investigations, at p. 7-8 for a listing of prohibited offenses):

105 ILCS 5/10-21.9 prohibits the District from employing anyone convicted of [*insert disqualifying offense*], and therefore, the District is prohibited by law from offering you employment.

Use the applicable paragraph(s) below if the disqualification is not based on a prohibited offense included in 105 ILCS 5/21B-80:

Given the [*include a description of all factors that apply: length of time since the conviction, the number of convictions that appear on the conviction record, the nature and severity of the conviction and its relationship to the safety and security of others, the facts and circumstances surrounding the conviction, the age of the employee at the time of the conviction, and the evidence of rehabilitation efforts*], the District finds that employing you would involve an unreasonable risk to the property or to the safety or welfare of others.

Given the [*include a description of all factors that apply: length of time since the conviction, the number of convictions that appear on the conviction record, the nature and severity of the conviction and its relationship to the safety and security of others, the facts and circumstances surrounding the conviction, the age of the employee at the time of the conviction, and the evidence of rehabilitation efforts*], the District finds a substantial relationship between your conviction record(s) and the employment position for which you have applied, and that your

hiring would provide an opportunity for you to engage in the same or a similar offense.

Pursuant to the Illinois Human Rights Act, you have the right to respond to this Decision, after which time the District will make a final determination. Your response may include, but need not be limited to, evidence challenging the accuracy of the conviction record that the District relied upon to disqualify you [and/or evidence in mitigation, such as rehabilitation efforts]. You have **five business days** to respond to this letter. Please send your response to: [*insert contact information*]

Sincerely,

[*insert title, such as Superintendent or Director of Human Resources*]

Enclosure: results of complete criminal history records check

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Adopted 11/9/21

5:30-AP2, E2 Exhibit – Notice of Final Hiring Decision Based on Conviction Record

Use this letter when the District must notify an applicant that it made a final determination that the applicant is disqualified based on a conviction record. 775 ILCS 5/103.1(C).

On District Letterhead

Re: Your Employment Application – Final Decision Notice

Dear [*insert name of applicant*]:

I am writing to inform you that the District has made the final decision not to consider you further for employment. This decision is based in whole or in part on the information in your conviction record that was enclosed with the preliminary decision letter that I sent to you on [*insert date*], as well as any information submitted by you in response to my letter.

Use the following paragraph if the disqualification is based on conviction of a prohibited offense included in 105 ILCS 5/21B-80 (see 5:30-AP2, Investigation at p. 7-8 for a listing of prohibited offenses):

105 ILCS 5/10-21.9 prohibits the District from employing anyone convicted of [*insert disqualifying offense*], and therefore, the District is prohibited by law from offering you employment.

Use the applicable paragraph(s) below if the disqualification is not based on a prohibited offense included in 105 ILCS 5/21B-80:

Given the [*include a description of all factors that apply: length of time since the conviction, the number of convictions that appear on the conviction record, the nature and severity of the conviction and its relationship to the safety and security of others, the facts and circumstances surrounding the conviction, the age of the employee at the time of the conviction, and the evidence of rehabilitation efforts*], the District has determined that employing you would involve an unreasonable risk to the property or to the safety or welfare of others.

Given the [*include a description of all factors that apply: length of time since the conviction, the number of convictions that appear on the conviction record, the nature and severity of the conviction and its relationship to the safety and security of others, the facts and circumstances surrounding the conviction, the age of the employee at the time of the conviction, and the evidence of rehabilitation efforts*], the District has determined that there is a substantial relationship between your conviction record and the employment position for which you have applied, and that your hiring would provide an opportunity for you to engage in the same or a similar offense.

[*Insert the existing procedure, if any, that the District will use for the applicant to challenge the decision or request reconsideration*]

Finally, please note that you have the right to file a charge with the Illinois Department of Human Rights.

Sincerely,

[*insert title, such as Superintendent or Director of Human Resources*]

Adopted 5/10/22

5:30-AP3 Administrative Procedure - Sexual Misconduct Related Employment History Review (EHR)

Prior to hiring an applicant for a position involving *direct contact with children or students*, a sexual misconduct related employment history review (EHR) must be initiated, but the District may permit the individual to be hired and begin employment pending its outcome. This applies to all permanent and temporary employment positions within a school, including substitute employees and employees of contractors. An EHR is not required for volunteers.

Glossary of Terms

Contractor - A firm holding a contract with any school including, but not limited to, food service workers, school bus drivers, and other transportation employees who have direct contact with children or students. 105 ILCS 5/22-94(b), added by P.A. 102-702, eff. 7-1-23.

Direct contact with children or students - The possibility of care, supervision, guidance, or control of children or students or routine interaction with children or students. 105 ILCS 5/22-94(b), added by P.A. 102-702, eff. 7-1-23.

Initiate an EHR - The District initiates an EHR when it submits an *Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response* form(s) to every current and previous employer identified by the applicant on said form(s).

School - A public or nonpublic elementary or secondary school. 105 ILCS 5/22-94(b), added by P.A. 102-702, eff. 7-1-23.

Sexual misconduct - Any act, including but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, by an employee with direct contact with a student, that is directed toward or with a student to establish a romantic or sexual relationship with the student. Examples include but are not limited to: 1) a sexual or romantic invitation, 2) dating or soliciting a date, 3) engaging in sexualized or romantic dialog, 4) making sexually suggestive comments that are directed toward or with a student, 5) self-disclosure or physical exposure of a sexual, romantic, or erotic nature, 6) a sexual, indecent, romantic, or erotic contact with the student. 105 ILCS 5/22-94(b), added by P.A. 102-702, eff. 7-1-23; 105 ILCS 5/22-85.5(c), added by P.A. 102-676.

Substitute Employees

For substitute employees, the EHR is required only prior to the initial hiring of a substitute employee or placement on a school's or district's approved substitute list. A substitute employee seeking to be added to another school's or district's substitute list must undergo another EHR. An EHR conducted upon initial hiring by a contractor or any other entity that furnishes substitute staffing services, e.g., a regional office of education, satisfies the EHR requirement for all schools using that contractor's/entity's services. 105 ILCS 5/22-94(i), added by P.A. 102-702, eff. 7-1-23.

Employees of Contractors

For employees of contractors, the EHR is performed either at the time of initial hiring or prior to the employee's assignment to perform work for a school involving direct contact with children or students. 105 ILCS 5/22-94(j)(1), added by P.A. 102-702, eff. 7-1-23. Contractors must maintain records documenting EHRs for all such employees and, upon the District's request, provide the

District with access to the records. 105 ILCS 5/22-94(j)(2), added by P.A. 102-702, eff. 7-1-23. See Board policy 4:60, *Purchases and Contracts*, administrative procedure 4:60-AP1, *Purchases*, and administrative procedure 4:60-AP4, *Sexual Misconduct Related Employment History Review (EHR) of Contractor Employees*, for employment history review requirements for employees of contractors who have direct contact with children or students.

Employment History Review for Direct Hires

Actor	Action
Board President	When the applicant is a superintendent candidate, ensures that either the resigning Superintendent, Human Resources Administrator, or designee initiates the EHR.
Superintendent, Human Resources Administrator, or designee	After a conditional hiring offer has been extended to an applicant for a temporary, permanent, or substitute position involving direct contact with children or students, initiates the EHR and provides the applicant with: 1. A *Sexual Misconduct Disclosure* form, using the Ill. State Board of Education (ISBE) *Sexual Misconduct Disclosure Template for Applicant* at www.isbe.net/Documents/Temp1-ISBE-Sexual-Misconduct-Disclosure-Form-Applicant.pdf. 2. Copies of the *Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response* form, using the ISBE *Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response Template* at www.isbe.net/Documents/Temp2-Auth-Release-Sexual-Misconduct-Related-Info.pdf, for the applicant to complete for each current/former employer, 3. Instructions to complete and return all forms within [*insert number*] calendar days after receipt, and 4. Notice that the District cannot hire an applicant who does not provide the information required by the forms (105 ILCS 5/22-94(f), added by P.A. 102-702, eff. 7-1-23).
Applicant	Completes the *Sexual Misconduct Disclosure* form and *Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response* form(s) and returns them to the Superintendent, Human Resources Administrator and/or designee. 105 ILCS 5/22-94(c)(3), added by P.A. 102-702, eff. 7-1-23.
Superintendent, Human Resources Administrator, or designee	Reviews the applicant's completed *Sexual Misconduct Disclosure* form and *Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response* form(s). Maintains copies of these forms in the personnel file. See policy 5:150, *Personnel Records*, and administrative procedure 5:150-AP, *Personnel Records*.

Actor	Action
	Provides, to all employers identified by the applicant in Section 3 of the *Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response* form: 1. A copy of the *Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response* form (105 ILCS 5/22-94(c)(4), added by P.A. 102-702, eff. 7-1-23); and 2. Instructions to complete the form and return it to the Superintendent, Human Resources Administrator, or designee within 20 calendar days (105 ILCS 5/22-94(e), added by P.A. 102-702, eff. 7-1-23) after receipt. For applicants licensed by ISBE, verifies the applicant's reported previous employers with previous employers in ISBE's Educator Licensure Information System (ELIS) to ensure accuracy. 105 ILCS 5/22-94(c)(5), added by P.A. 102-702, eff. 7-1-23. Reviews all responses received from the applicant's employers and uses information in the responses to evaluate the applicant's fitness to be hired or for continued employment. 105 ILCS 5/22-94(e), added by P.A. 102-702, eff. 7-1-23. May report information in the responses, as appropriate, to ISBE, a state licensing agency, a law enforcement agency, a child protective services agency, another school or contractor, or a prospective employer. Id. **Note:** An employer, school, school administrator, or contractor who provides information or records about a current or former employee or applicant is immune from criminal and civil liability for the disclosure of the information or records, unless the information or records provided were knowingly false. Id. Maintains the *Sexual Misconduct Disclosure* form and all responses received from the current/former employers in the personnel file. See policy 5:150, *Personnel Records*, and administrative procedure 5:150-AP, *Personnel Records*.

Adopted 8/8/23

5:30-AP3, E Exhibit - EHR Letter to Applicant's Current/Former Employer

Use this letter when the District contacts an applicant's current or former employer to complete a sexual misconduct related employment history review. 105 ILCS 5/22-94.

On District Letterhead

Re: Applicant's Sexual Misconduct Related Employment History Review

Attention [*insert name of applicant's current/former employer*]:

You are receiving this letter pursuant to the Illinois School Code (105 ILCS 5/22-94) because your organization has been listed by the applicant as a current employer, a former employer that was a school or school contractor, or a former employer at which the applicant had direct contract with children or students, meaning the possibility of care, supervision, guidance, or control of children or students or routine interaction with children or students.

To help protect children and students from the threat of sexual misconduct, Illinois law requires all Illinois public/non-public elementary and secondary schools to conduct sexual misconduct related employment history reviews on certain applicants for hire. Therefore, we are required to ask, and you are required to complete, the enclosed standardized form, which was developed using a template created by the Ill. State Board of Education (ISBE). Illinois law further requires you to disclose the information requested on the enclosed form within twenty (20) calendar days of your receipt of the form. If you have an office of human resources or central office, such information must be provided by that office. Additionally, if you answer yes to any question, you must provide further information about the matter disclosed as well as all related records. Information received shall not be deemed a public record.

We will use the information we receive from you to evaluate the applicant's fitness to be hired or for continued employment. We may also report the information, as appropriate, to ISBE, a State licensing agency, a law enforcement agency, a child protective services agency, another school or contractor, or a prospective employer.

Under Illinois law, an employer, school, school administrator, or contractor who provides information or records about a current or former employee or applicant pursuant to this request is immune from criminal and civil liability for the disclosure of the information or records, unless the information or records provided were knowingly false. This immunity is in addition to, and not a limitation on, any other immunity provided by law or any absolute or conditional privileges applicable to the disclosure by virtue of the circumstances of the applicant's consent to the disclosure. Additionally, this immunity extends to any circumstances when the employer, school, school administrator, or contractor in good faith shares findings of sexual misconduct with another employer.

Unless the laws of another state prevent the release of the information or records requested, or disclosure is restricted by the terms of a contract entered into before July 1, 2023, and notwithstanding any other provisions of law to the contrary, an employer, school, school administrator, contractor, or applicant must report and disclose all relevant information, records, and documentation that may otherwise be confidential.

Please return a copy of your response by email to: [*insert email address*], or by US mail to:

_____

_____

_____

Thank you for your cooperation,

[*Insert title, such as Superintendent or Human Resources Administrator*]

Enclosure: *Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response* form

Adopted 8/8/23

5:30-AP4 Administrative Procedure – Fingerprint-based Criminal History Record Information Security)

The District is required by State law to conduct fingerprint-based criminal history record checks on applicants for employment. See administrative procedure 5:30-AP2, *Investigations*, for the procedures to be followed in carrying out such checks. This procedure outlines the District's responsibility to safeguard applicants' criminal justice information (CJI), including Criminal History Records Information (CHRI), received from the Federal Bureau of Investigation (FBI), whether the information is received directly from the FBI or through the Ill. State Police (ISP) or a live scan vendor pursuant to an existing Outsourcing Management Control Agreement. This procedure is based on the *FBI Criminal Justice Information Services (CJIS) Security Policy* (CJIS Security Policy) available at: https://le.fbi.gov/cjis-division/cjis-security-policy-resource-center (see Appendix J, Noncriminal Justice Agency Supplemental Guidance) and ISP's generic template titled *Criminal History Record Information Proper Access, Use, and Dissemination Procedures*. The FBI's CJIS Security Policy provides a minimum set of security requirements for access to FBI CJIS Division systems and information and to protect and safeguard CJI.

Glossary of Terms

These definitions are based on those provided in the FBI CJIS Security Policy.

Criminal Justice Information (CJI) — All data provided through the FBI CJIS, including, but not limited to, biometric, identity history, person, organization, property (when accompanied by any personally identifiable information), and case/incident history data.

Criminal History Records Information (CHRI) — A subset of CJI that includes identifiable descriptions of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, and release. For purposes of this procedure, CHRI is interchangeable with CJI.

Authorized Personnel — District employee(s) who have been appropriately vetted through a national fingerprint-based record check and have been granted access to CJI. For purposes of this procedure, Authorized Personnel includes the Superintendent, Human Resources Administrator, Head of Information Technology, and their respective designees.

Electronic Media — Any form of electronic storage media such as a memory device in a laptop or computer (hard drive) or mobile device; and any removable, transportable electronic media, such as magnetic tape or disk, optical disk, flash drive, external hard drive, or digital memory card.

Physical Media — Media in printed form, including, but is not limited to, printed documents, printed imagery, and printed facsimile.

Remote Access — Any temporary access to the District's information system by a user (or an information system) communicating temporarily through an external, non-District controlled network (e.g., the Internet).

Actor	Action
Superintendent or Human Resources Administrator	If the District utilizes a live scan vendor, ensures the District has entered in an outsourcing agreement with the vendor that incorporates appropriate FBI security and management control outsourcing standards to protect CHRI. See https://www.fbi.gov/file-repository/compact-council-security-and-management-control-outsourcing-standard-for-non-channelers.pdf/view or www.fbi.gov/file-repository/compact-council-security-and-management-control-outsourcing-standard-for-channelers.pdf/view, depending on the status of the vendor (channelers are contractors selected by the FBI that have a direct connection to the FBI's identification system, see www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/compact-council/list-of-approved-channelers). For a list of live scan vendors in Illinois, see https://idfprapps.illinois.gov/licenselookup/fingerprintlist.asp. Point of Contact Designates employee(s) to serve as the District's Point of Contact (POC), who serves as the primary point of contact with the ISP regarding the District's handling of CJI. Ensures the District has applicable agreement(s) in place necessary to access CJI, e.g., an interagency user agreement with the ISP. Physical Security Designates a secure location within the District with physical and personnel security controls sufficient to protect CHRI and associated information system(s), including the following: 1. The location shall be prominently posted and physically separate from non-secure locations. 2. Only Authorized Personnel will have access to the physically secure location. 3. The District is able to control all access points and verify individual access authorizations before granting access. 4. The device(s) that displays CHRI is positioned in such a way as to prevent unauthorized individuals from accessing and/or viewing it. 5. CHRI on physical media is always stored in a locked cabinet/drawer/container at the District Office which is only accessible to Authorized Personnel. Physical media is not removed from the secure location area except for purposes of sanitization/disposal. Media Protection and Transport

Actor	Action
	Ensures controls are in place to protect electronic and physical media containing CHRI while at rest, stored, or actively being accessed, as well as during transport outside of secure areas to prevent inadvertent or inappropriate disclosure and use. Only Authorized Personnel may transport electronic media or physical media containing CHRI. If physical and personnel restrictions are not feasible, directs the Head of Information Technology to ensure CHRI is encrypted per the CJIS Security Policy (pg. 160, see SC-13). <u>Sanitization and Disposal of CHRI</u> Properly sanitizes or disposes of (or designates Authorized Personnel to sanitize or dispose of) physical or electronic media containing CHRI in accordance with the District's record retention schedule. Physical media will be destroyed by one of the following methods: 1. Shredding using District-issue shredders. 2. Placement in locked shredding bins for a private District contractor to come on-site and shred, witnessed by Authorized Personnel. 3. Incineration using District incinerators or witnessed by Authorized Personnel onsite at a District or contractor incineration site, if conducted by non-authorized personnel. Electronic media will be disposed of by one of the following methods: 1. Overwriting at least three times (using a program to write onto the location of the media where the file to be sanitized is located) 2. Degaussing (magnetic erasure of data from magnetic media) 3. Physical destruction. (crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled). <u>Misuse of CHRI</u> In the event of misuse of CHRI by a District employee, issues discipline to the employee (such as loss of access privileges) or recommends discipline to the Board up to and including termination and/or refers the matter to law enforcement. See Board policies 5:200, *Terms and Conditions of Employment and Dismissal*, 5:240, *Suspensions*, and 5:290, *Employment Termination and Suspensions*.
Head of Information Technology	Assists the Superintendent and Human Resources Administrator as requested to implement appropriate controls for access to CHRI within the District. <u>Account Management</u>

Actor	Action
	Manages information system accounts, including establishing, activating, modifying, reviewing, disabling, and removing accounts. Validates information system accounts at least annually and documents the validation process. Monitors electronic system log access to CHRI on a weekly basis for indications of inappropriate or usual activity. <u>Remote Access and Personally Owned Devices</u> Authorizes, monitors, and controls all methods of remote access to the information systems that can access, process, transmit, and/or store CJI. Employs automated mechanisms to facilitate the monitoring and control of remote access methods and control all remote accesses through managed access control points. Permits remote access for privileged functions only for compelling operational needs and documents the rationale for such access in the security plan for the information system. If the District permits Authorized Personnel to use personal devices to access, process, store, or transmit CHRI, establishes and documents the specific terms and conditions for personal device use consistent with the requirements in Section 5.13 of the CJIS Security Policy (pg. 173-179). <u>Sanitization and Disposal of CHRI</u> Ensures that Information Technology systems that have been used to process, store, or transmit CHRI may not be released from the District's control until the equipment and has been sanitized and all stored information has been cleared using one of the methods authorized in this procedure. <u>Security Incidents</u> Assists the POC with the reporting of any security incidents to ISP.

Actor	Action
	When feasible, employs automated mechanisms to assist in the reporting of security incidents.
District Point of Contact (POC)	Communicates as needed with the ISP regarding audits, District personnel changes, training, and security. Disseminates information security alerts and other communications from ISP to all Authorized Personnel. If applicable, identifies who is using live scan hardware, software, and firmware and ensures no unauthorized individuals or processes have access to the same. Identifies and documents how the equipment is connected to the ISP system. Ensures appropriate security measures to protect CHRI are in place and working as expected. Maintains a list of Authorized Personnel that is updated annually and when new users are registered or off boarded. Annually reviews all information system accounts to ensure that access and account privileges align with job functions, need-to-know, and employment status on systems that contain CHRI. Maintains a log for access to any physical files containing CHRI and monitors the log on a weekly basis for indications of inappropriate or unusual activity. Maintains Security Awareness Training Certificates for all Authorized Personnel. Informs all Authorized Personnel of the procedures for reporting security events and weaknesses that might have an impact on the security of CHRI. Ensures the ISP's Information Security Officer is promptly informed of any security incidents by contacting ISP.LEADSISO@illinois.gov. Upon an Authorized Person's separation form District employment, terminates that individual's access to systems or physical areas where CHRI is accessible.
Authorized Personnel	Completes Basic Security Awareness Training within six months of initial assignment and every two years thereafter as required under Section 5.2 of the CJIS Security Policy, as well as any other role-based training that may be required under the CJIS Security Policy (pgs. 11-16). Security Awareness Training is available at: https://www.cjisonline.com/. Submits Security Awareness Training Certificates to the POC. Complies with the District's established controls for access and handling of CHRI.

Actor	Action
	Positions documents or other physical media containing CHRI and any devices through which CHRI is viewed in such a manner to prevent authorized persons from accessing or viewing the CHRI. Only communicates CHRI in secure, private areas. Takes extreme care to prevent overhearing or interception of communication. Unless authorized by the District under specific terms and conditions, never uses a personal device (computer, smartphone, tablet, flash drive, etc.) to access, view, process, store or transmit CHRI. Never uses a publicly accessible computer to access, process, store, or transmit CHRI. Promptly reports to the POC any security incidents or weaknesses associated with the District's information systems of which he or she becomes aware.

Adopted 2/11/25

5:35 Compliance with the Fair Labor Standards Act

Job Classifications

The Superintendent will ensure that all job positions are identified as either "exempt" or "non-exempt" according to State law and the Fair Labor Standards Act (FLSA) and that employees are informed whether they are "exempt" or "non-exempt." "Exempt" and "non-exempt" employee categories may include certificated and non-certificated job positions. All non-exempt employees, whether paid on a salary or hourly basis, are covered by minimum wage and overtime provisions.

Workweek and Compensation

The workweek for District employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday. Non-exempt employees will be compensated for all hours worked in a workweek including overtime. For non-exempt employees paid a salary, the salary is paid for a 40-hour workweek even if an employee is scheduled for less than 40 hours. "Overtime" is time worked in excess of 40 hours in a single workweek.

Overtime

A non-exempt employee shall not work overtime without his or her supervisor's express approval. All supervisors of non-exempt employees shall: (1) monitor overtime use on a weekly basis and report such use to the business office, (2) seek the Superintendent or designee's written pre-approval for any long term or repeated use of overtime that can be reasonably anticipated, (3) ensure that overtime provisions of this policy and the FLSA are followed, and (4) ensure that employees are compensated for any overtime worked. Accurate and complete time sheets of actual hours worked during the workweek shall be signed by each employee and submitted to the business office. The business office will review work records of employees on a regular basis, make an assessment of overtime use, and provide the assessment to the Superintendent. In lieu of overtime compensation, non-exempt employees may receive compensatory time-off, according to Board policy 5:310, *Compensatory Time-Off.*

Suspension Without Pay

No exempt employee shall have his or her salary docked, such as by an unpaid suspension, if the deduction would cause a loss of the exempt status. Licensed employees may be suspended without pay in accordance with Board policy 5:240, *Suspension*. Non-licensed employees may be suspended without pay in accordance with Board policy 5:290, *Employment Termination and Suspensions*.

Implementation

The Superintendent or designee shall implement the policy in accordance with the FLSA, including its required notices to employees. In the event of a conflict between the policy and State or federal law, the latter shall control.

LEGAL REF.: 820 ILCS 105/4a.
Fair Labor Standards Act, 29 U.S.C. §201 et seq., 29 C.F.R. Parts 516, 541, 548, 553, 778, and 785.

CROSS REF.: 5:240 (Suspension), 5:290 (Employment Termination and Suspensions), 5:310 (Compensatory Time-Off)

Adopted 9/8/20

5:35-AP1 Administrative Procedure - Fair Labor Standards Act Exemptions

Important - School officials should contact the Board Attorney for application of the Fair Labor Standards Act to specific situations. The information contained in this procedure, and any information provided in the hyperlinks contained in it, should be confirmed with the Board Attorney before its application to a specific situation.

Overview

- An exempt employee in Illinois is "any employee employed in a bona fide executive, administrative or professional capacity, … as defined by or covered by the Federal Fair Labor Standards Act of 1938 and the rules adopted under that Act, as both exist on March 30, 2003, but compensated at the amount of salary specified [current federal rules]." 820 ILCS 105/4a.
- According to the U.S. Dept. of Labor's (DOL's) rules, "[t]o qualify as exempt executive, administrative or professional employee,… an employee must be compensated on a salary basis at a rate of not less than $684 per week." 29 C.F.R. §541.600.
- Guidance on the DOL's website includes:

  Exemptions from overtime pay provisions: www.dol.gov/elaws/esa/flsa/screen75.asp

  Exempt vs. non-exempt status of a particular job: www.dol.gov/elaws/esa/flsa/overtime/jobs.htm

FLSA Exemption Category	Staff Positions
Non-covered persons	Independent contractors: www.dol.gov/elaws/esa/flsa/docs/contractors.asp Volunteers: www.dol.gov/elaws/esa/flsa/docs/volunteers.asp Student teachers who: (1) receive academic credit for their work experience, (2) do not displace regular employees, (3) work under close supervision, and (4) are not entitled to a job at the end of their training (www.dol.gov/whd/opinion/FLSA/2006/2006_04_06_12_FLSA.htm)
Executive employees	Superintendent Associate/Assistant Superintendents Directors Supervisors Other department managers
Administrative employees	Building Principals Assistant Principals Data systems analysts or computer programmers involved in obtaining solutions to complex business problems: www.dol.gov/agencies/whd/fact-sheets/17e-overtime-computer Other certificated administrative staff
Professional employees	Teachers Counselors

FLSA Exemption Category	Staff Positions
	Registered nurses Media coordinators Other non-supervising certificated staff
Non-exempt employees	Secretaries (includes administrative assistants) Receptionists Bookkeepers Cafeteria workers Crossing guards Before/after school program workers Bus drivers/transportation workers Computer lab managers Custodians Maintenance workers Pre-school workers (whose primary duty is to care for physical needs of children rather than teaching; does *not* include licensed special education early childhood teachers) Teacher aides, paraprofessionals, and assistants

Adopted 9/8/20

5:35-AP2 Administrative Procedure - Employee Records Required by the Fair Labor Standards Act

Important - School officials should contact the Board Attorney for application of the Fair Labor Standards Act (FLSA) to specific situations. The information contained in this procedure, and any information provided in the hyperlinks contained in it, should be confirmed with the Board Attorney before its application to a specific situation.

This table contains the FLSA recordkeeping requirements as described in www.dol.gov/whd/regs/compliance/whdfs21.htm.

Actor	Action
Business office working with supervisors of **non-exempt employees**	Keep each of the following records concerning non-exempt employees for at least three years (29 C.F.R. §516.2): 1. Employee's full name and social security number 2. Address, including zip code 3. Birth date, if younger than 19 4. Sex and occupation 5. Time and day of week when employee's workweek begins 6. Hours worked each day 7. Total hours worked each workweek 8. Basis on which employee's wages are paid (e.g., $9 per hour or $440 a week) 9. Regular hourly pay rate 10. Total daily or weekly straight-time earnings 11. Total overtime earnings for the workweek 12. All additions to or deductions from the employee's wages 13. Total wages paid each pay period 14. Date of payment and the pay period covered by the payment
Business office working with supervisors of **exempt employees**	Concerning exempt employees, keep for at least three years, the records listed in numbers 1-5 and 13-14 above and a record showing the basis on which the exempt employee's wages are paid (e.g., salary basis of $x per pay period). 29 C.F.R. §516.3.
Business office	15. Payroll records must be kept for at least three years. 29 C.F.R. §516.5(a). 16. Records on which wage computations are based must be kept for at least two years, i.e., time cards and piece work tickets, wage rate tables, work and time schedules, and records of additions to or deductions from wages. 29 C.F.R. §516.6. 17. Collective bargaining agreements and individual employment contracts must be kept for at least three years (when an agreement is not in writing, prepare and retain a written memorandum summarizing it). 29 C.F.R. §516.5(b). 18. Certificates and notices must be kept for at least three years. 29 C.F.R. §516.5(b).
Building Principal	Display an official poster outlining the provisions of FLSA, available at no cost from local offices of the Wage and Hour

Actor	Action
	Division and toll-free, by calling 1-866-487-9243. This poster is also available electronically for downloading and printing at: www.dol.gov/whd/regs/compliance/whd_fs.pdf Keep records regarding the posting of notices for at least 3 years. 29 C.F.R. §516.5(b).

Adopted 2/11/25

5:35-AP3 Administrative Procedure - Compensable Work Time for Non-Exempt Employees Under the FLSA

Important - School officials should contact the Board Attorney for application of the Fair Labor Standards Act (FLSA) to specific situations. The information contained in this procedure, and any information provided in the hyperlinks contained in it, should be confirmed with the Board Attorney before its application to a specific situation.

Resources

Overview — https://www.dol.gov/agencies/whd/flsa.

For help determining whether time spent on work-related activities is compensable as "hours worked," see the U.S. Dept. of Labor's FLSA Hours Worked Advisor.

Volunteers — https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/FOH_Ch10.pdf.

Compensable Time Defined for Non-Exempt Employees

The amount of pay due an employee cannot be determined without knowing the total number of hours actually worked by that employee in each workweek. An employee must be paid for all of the time considered to be hours worked, and all time that is *hours worked* must be counted when determining overtime.

Non-Exempt Employee - The term *non-exempt employee* refers to employees who are not exempt from the overtime provisions in the wage and hour laws. See administrative procedure 5:35-AP1, *Fair Labor Standards Act Exemptions*.

Hours Worked - Non-exempt employees must be compensated for all hours worked in a workweek. In general, hours worked include:

- All the time an employee must be on duty;
- All the time an employee must be on the employer's premises;
- All the time an employee must be at any other prescribed place of work; and
- Any additional time the employee is allowed, i.e., "suffered or permitted" to work (commonly referred to as "working off the clock").

Suffered or Permitted to Work - If an employer knows or has reason to know that a non-exempt employee starts work early or continues to work late, it is considered work time. 29 C.F.R. §785.11.

This includes knowing or having reason to know that an employee works at home, e.g., as when a Building Principal's secretary calls for substitutes early in the morning. 29 C.F.R. §785.12.

If an employee works additional straight time, at the regular rate of pay, or overtime hours without authorization, that employee must still be compensated but may be disciplined for violating School Board policy.

Volunteering to Perform Regular Work - Non-exempt employees may not volunteer to perform their regular work duties off-the-clock and without compensation. 29 U.S.C. §203(e)(4)(A). An employee must be paid even if he or she offers to do the work on his or her *own time*. Employees may not waive wage and hour law requirements.

Volunteering to Perform Services that Are Not the Same as Regular Work - Non-exempt employees may volunteer to perform services under these conditions:

19. The volunteer services are not the same as or similar to the employee's regular work duties,
20. The employee offers the services freely and without coercion, direct or implied, and
21. The employee provides the services without promise of compensation although a volunteer may be paid "expenses, reasonable benefits, or a nominal fee to perform such services." 29 U.S.C. §203(e)(4)(A), 29 C.F.R. §553.101 and 103.

A fee is not nominal if it is a substitute for compensation or tied to productivity. 29 C.F.R. §553.106(e). While the specific circumstances in each case must be analyzed, the District will generally limit nominal pay to employees for volunteer services to no more than 20% of what the District would otherwise pay to hire an employee for the same services. See *Wage and Hour Division (WHD) Opinion Letters* FLSA 2005-51 (11-10-05); FLSA 2006-28 (8-7-06); and FLSA 2006-28 (10-7-06). See also *WHD Opinion Letters* FLSA 2004-6 (7-14-04) for an example of a non-exempt school employee serving as a volunteer athletic coach. U.S. Dept. of Labor WHD opinion letters are available at: http://www.dol.gov/agencies/whd/opinion-letters/request/existing-guidance.

Examples of Hours Worked for Non-Exempt Employees

Meal periods, unless the employee is completely relieved of all duties and free to leave the duty post for at least 30 minutes. Teacher aides who must supervise students during their lunch are not considered relieved of duties. Employees who eat at their desk and answer phones or otherwise perform work are not considered relieved of duties.

Attendance at in-services, meetings, or lectures, unless: (1) attendance is outside the employee's regular working hours, (2) attendance is voluntary, (3) the activity is not related to the employee's job, and (4) the employee performs no productive work for the District.

Coffee breaks or rest periods of 20 minutes or less.

Work done at home if the supervisor knows or should have known that such work was done.

Work done before or after regular hours or on weekends.

On-call time if the employee is required to remain on the employer's premises or so close that he/she is unable to use the time effectively for his/her own purposes while on-call.

Transporting material to a worksite before the start of the workday.

Time spent preparing for work, e.g., bus drivers doing safety checks before the route or securing the bus after the route.

Clean-up work at the end of a shift.

Travel time during the workday from one job site to another, e.g., non-exempt school nurses traveling from one school to another.

Travel time during the regular working hours, even if it is the weekend.

Attending a Board meeting at night either to take minutes or perform some other required or assigned duty.

Adopted 2/11/25

5:35-AP4 Administrative Procedure - Fair Labor Standards Act 12-Step Compliance Checklist

Important - School officials should contact the Board Attorney for application of the Fair Labor Standards Act (FLSA) to specific situations. The information contained in this procedure, and any information provided in the hyperlinks contained in it, should be confirmed with the Board Attorney before its application to a specific situation.

The U.S. Dept. of Labor, Wage and Hour Division, administers the FLSA. It posts an encyclopedic amount of information on the FLSA on its website at: www.dol.gov/whd/regs/compliance/hrg.htm#8.

Checklist for compliance with the FLSA:

1. Classify employees as exempt or non-exempt.
   Identify which employees are covered by the overtime requirements of the FLSA, i.e., *non-exempt*, and which employees are exempt from the overtime requirements. See administrative procedure 5:35-AP1, *Fair Labor Standards Act Exemptions*, for a list of school employees traditionally exempt and non-exempt. Include a record in each employee's file stating whether he or she is exempt or non-exempt.
   An exemption from the FLSA overtime pay/compensatory time requirements is the exception, rather than the rule. Any uncertainty should be resolved in favor of finding the employee to be non-exempt and the overtime compensable, as the burden is on the school system to prove that exemptions are applicable.
2. Make sure all employees have access to and understand the School Board policy and administrative procedures on the workweek, overtime, and compensatory time. See Board policy 5:35, *Compliance with the Fair Labor Standards Act*, and administrative procedure 5:35-AP3, *Compensable Work Time for Non-Exempt Employees Under the FLSA*.
   In addition, make sure that all employees:
   a. Are provided a copy of the Board policy or access to the Board policy published online;
   b. Acknowledge that they have received and understand the policy; and
   c. Agree to follow the policy and procedures or be subject to discipline.
3. Notify non-exempt employees of their expected work hours in a workweek.
   Be clear that the salary of non-exempt employees is paid for a 40-hour workweek. Supervisors may regularly schedule employees to work 37.5 hours per week and leave the remainder as possible flexible time. However, to avoid the possibility of *straight-time* claims for hours worked between 37.5 and 40, supervisors need to clearly communicate that the District pays employees a salary for up to 40 hours of work and that the District retains the right to request that the employee perform additional duties up to 40 hours without additional pay.
4. Keep precise records of the hours worked by every non-exempt employee by using a good timesheet, time clock, computerized check-in system, or other method. Make sure individual employees keep and sign their weekly record of hours worked. Print an acknowledgment similar to the following on every time sheet: "I acknowledge that I have reviewed this time sheet and that it accurately records all of the time that I worked for the District on the dates indicated and that I did not work for the District at any other times during the workweek that are not recorded on this timesheet."
5. Annually train District supervisory staff, as well as supervisors when first assigned supervisory duties, on FLSA compliance issues, including:

a. What counts as compensable work time (see administrative procedure 5:35-AP3, *Compensable Work Time for Non-Exempt Employees Under the FLSA*);
b. How timesheets must be completed for non-exempt employees; and
c. Their duty to monitor timesheets and verify time worked.

6. Train all non-exempt staff when hired and regularly thereafter on the following topics:
   a. Board policy requirements;
   b. What counts as compensable time; and
   c. How to complete timesheets correctly.
7. Require non-exempt employees who want to volunteer to execute a Volunteer Agreement. See exhibit 5:35-E, *Volunteer Agreement Executed by a Non-Exempt Employee*.
   Non-exempt employees may only volunteer to perform services on behalf of the school that do not involve the same types of duties they regularly perform in their jobs. Further, in order to be a bona fide volunteer (1) the volunteer services may not be the same as or similar to the employee's regular work duties, (2) the employee must freely and voluntarily, i.e., without any direct or implied coercion or requirement, agree to perform the volunteer services, and (3) the employee provides the services without promise of compensation; however, a volunteer may be paid expenses, reasonable benefits, or a nominal fee to perform the services. See administrative procedure 5:35-AP3, *Compensable Work Time for Non-Exempt Employees Under the FLSA*, for information about *nominal fees*.
8. Have all non-exempt employees sign the following documents:
   a. A statement that they were given a copy of the Board's policy on work time and have reviewed it, and that they understand violators may be subject to discipline; and
   b. If applicable, an agreement that any overtime worked over 40 hours per week will be compensated with time and a half compensatory time rather than overtime pay. See exhibit 5:310-E, *Agreement to Receive Compensatory Time-Off*.
9. Have supervisory, payroll, and business staffs monitor weekly time records.
   Make sure that supervisory staff continuously monitors weekly time records for accuracy and completeness, and that they report all overtime worked by non-exempt staff to the finance office for either overtime pay or compensatory time credit.
10. Keep FLSA-required records for non-exempt and exempt employees. See administrative procedure 5:35-AP2, *Employee Records Required by the Fair Labor Standards Act*.
11. Post all federal and State required employment posters.
    Make sure that all employment posters are widely posted, e.g., in the teachers' lounge, school office, cafeteria kitchen, bus garage, janitor's closet, and other places where employees gather.
12. Consult the Board Attorney about FLSA compliance.

5:35-E Exhibit - Volunteer Agreement Executed by a Non-Exempt Employee

I would like to serve as a volunteer for the School District. I understand that:

22. I may **not** volunteer to perform a job that is the same or similar job for which I am employed.
23. My time and service as a volunteer are given without promise, expectation, or receipt of any form of compensation.
24. My volunteer services are not being performed in the course and scope of my regular employment and are not in any way required by the School District.
25. Either the District or I may terminate my volunteer services at any time for any reason. My withdrawal will not affect my continued employment with the School District.

This agreement will continue in force until terminated by either the employee or School District.

Volunteer Signature _____ Date _____

Supervisor _____ Date _____

Adopted 2/11/25

5:40 Communicable and Chronic Infectious Disease

The Superintendent or designee shall develop and implement procedures for managing known or suspected cases of a communicable and chronic infectious disease involving District employees that are consistent with State and federal law, Illinois Department of Public Health rules, and School Board 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.

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 11/12/19

5:40-AP Administrative Procedure - Communicable and Chronic Infectious Disease

The following procedures will be implemented when a District employee has a communicable and/or chronic infectious disease. A copy of the procedures will be given to the employee.

The District shall not discriminate against an employee disabled by a communicable or chronic infectious disease. 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.

Evaluation of the Employee's Condition

1. The employee who has or is suspected of having a communicable and chronic infectious disease is encouraged to inform the Superintendent immediately.
2. Upon having knowledge of a known or suspected case of a communicable disease, the Superintendent or designee:
    a. Notifies the *local health authority* as required by 77 Ill.Admin.Code §690.200 and within the time frames required by 77 Ill.Admin.Code §690.100, and
    b. Follows directions for temporarily excluding an employee from school according to local health authority direction and 77 Ill.Admin.Code Part 690. See also Exhibit 7:280-E2, *Reporting and Exclusion Requirements for Common Communicable Diseases*, identifying the diseases for which there is mandatory reporting.
3. The Superintendent will inform the Communicable and Chronic Infectious Disease Review Team within three days.
4. The Communicable and Chronic Infectious Disease Review Team will meet within three days to:
    a. Meet with the employee or a member of the employee's family to review the status of the employee's health, and
    b. Evaluate the employee and submit a written report with recommendations to the Superintendent.
5. The School Board will receive a report, both written and verbal, of the Communicable and Chronic Infectious Disease Review Team's evaluation from the Superintendent.
6. The employee or a member of the employee's family will receive a report, both written and verbal, of the Communicable and Chronic Infectious Disease Review Team's evaluation from the Superintendent.
7. The employee may be required to submit to a physical examination, given by a physician chosen and paid for by the District.

Monitoring the Employee's Condition

The employee's health condition will be reviewed on a schedule determined by the Communicable and Chronic Infectious Disease Review Team. The Team's employee status report will be given to the Superintendent.

Each status report will indicate an employment recommendation for the employee, such as:

1. Continued employment at the same position, with possible accommodations,
2. Continued employment but transfer to another position, with possible accommodations,

3. Temporary exclusion from the work place, or
4. Dismissal.

Employee Dismissal

The dismissal of an employee on contractual continued service shall be in accordance with 105 ILCS 5/24-12.

The dismissal of an employee not on contractual continued service shall be in accordance with the law or policy applicable to his or her position.

Confidentiality

The employee's medical condition and records shall be held in strictest confidence and shared only with members of the Communicable and Chronic Infectious Disease Review Team, the employee's direct supervisor, and someone who would need to know in the event of an emergency. Medical records will not become part of the employee's personnel file.

Adopted 10/11/22

5:50 Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition[1]

All District workplaces are drug- and alcohol-free workplaces.

All employees are prohibited from engaging in any of the following activities while on District premises or while performing work or being *on call* for the District:

1. Unlawful manufacture, dispensing, distribution, possession, or use of an illegal or controlled substance.
2. Distribution, consumption, use, possession, or being impaired by or under the influence of an alcoholic beverage; being present on District premises or while performing work for the District when alcohol consumption is detectible, regardless of when and/or where the use occurred.
3. Distribution, consumption, possession, use, or being impaired by or under the influence of cannabis; being present on District premises or while performing work for the District when impaired by or under the influence of cannabis, regardless of when and/or where the use occurred, unless distribution, possession, and/or use is by a school nurse or school administrator pursuant to *Ashley's Law*, 105 ILCS 5/22-33. The District considers employees impaired by or under the influence of cannabis when there is a good faith belief that an employee manifests specific articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position.

Upon the Superintendent or designee's reasonable suspicion of an employee's violation of any of the prohibited activities stated above, the Superintendent or designee may direct the employee to undergo a drug and/or alcohol test to corroborate or refute the alleged violation. State law protects the District from liability when it takes actions pursuant to a reasonable workplace drug policy, including but not limited to subjecting an employee or applicant to reasonable drug and alcohol testing, reasonable and nondiscriminatory random drug testing, discipline, termination of employment, or withdrawal of a job offer due to a failure of a drug test.

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

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

For purposes of this policy, *District premises* means workplace as defined in the Cannabis Regulation and Tax Act (CRTA) in addition to District and school buildings, grounds, and parking areas; vehicles used for school purposes; and any location used for a School Board meeting, school athletic event, or other school-sponsored or school-sanctioned events or activities. School grounds means the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground, designated school bus stops where students are waiting for the school bus, and school-sponsored or school-sanctioned events or activities. "Vehicles used for school purposes" means school buses or other school vehicles.

As a condition of employment, each employee shall: Abide by the terms of this Board policy respecting a drug- and alcohol-free workplace; and

1. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than five calendar days after such a conviction.

Unless otherwise prohibited by this policy, prescription and over-the-counter medications are not prohibited when taken in standard dosages and/or according to prescriptions from the employee's licensed health care provider, provided that an employee's work performance is not impaired.

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

1. Provide each employee with a copy of this policy.
2. Post notice of this policy in a place where other information for employees is posted.
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations.
4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees.
5. Establish a drug-free awareness program to inform employees about:
    a. The dangers of drug abuse in the workplace,
    b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
    c. The penalties that the District may impose upon employees for violations of this policy.
6. Remind employees that policy 6:60, *Curriculum Content*, requires the District to educate students, depending upon their grade, about drug and substance abuse prevention and relationships between drugs, alcohol, and violence.

<u>E-Cigarette, Tobacco, and Cannabis Prohibition</u>

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

Tobacco has the meaning provided in 105 ILCS 5/10-20.5b.

Cannabis has the meaning provided in the CRTA, 410 ILCS 705/1-10.

E-Cigarette is short for electronic cigarette and includes, but is not limited to, any electronic nicotine delivery system (ENDS), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device.

<u>District Action Upon Violation of Policy</u>

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

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

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of $5,000 or more, the Superintendent shall notify the

appropriate State or federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction.

Disclaimer

The Board reserves the right to interpret, revise or discontinue any provision of this policy pursuant to the **Suspension of Policies** subhead in policy 2:240, *Board Policy Development*.

LEGAL REF.: 20 U.S.C. §7101 et seq., Safe and Drug-Free School and Communities Act of 1994.

21 U.S.C. §812, Controlled Substances Act; 21 C.F.R. §1308.11-1308.15.

41 U.S.C. §8101 et seq., Drug-Free Workplace Act of 1988.

42 U.S.C. §12114, Americans With Disabilities Act.

21 C.F.R. Parts 1100, 1140, and 1143.

30 ILCS 580/, Drug-Free Workplace Act.

105 ILCS 5/10-20.5b.

410 ILCS 82/, Smoke Free Illinois Act.

410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.

410 ILCS 705/1-1 et seq., Cannabis Regulation and Tax Act.

720 ILCS 675, Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act.

820 ILCS 55/, Right to Privacy in the Workplace Act.

23 Ill.Admin.Code §22.20.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 6:60 (Curriculum Content), 8:30 (Visitors to and Conduct on School Property)

Adopted 4/9/24

5:60 Expenses

The Board regulates the reimbursement of all travel, meal, and lodging expenses by resolution. Money shall not be advanced or reimbursed, or purchase orders issued for: (1) the expenses of any person except the employee, (2) anyone's personal expenses, or (3) entertainment expenses. Entertainment includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless the entertainment is ancillary to the purpose of the program or event. The District is not responsible for losses due to an employee's own negligence, losses due to normal wear, or losses due to theft, unless the theft was a result of the District's negligence. Employees must submit the appropriate itemized, signed, standardized form(s) to support any requests for expense advancements, reimbursements, or purchase orders that show the following:

a. The amount of the estimated or actual expense, with attached receipts for actual incurred expenses.
b. The name and title of the employee who is requesting the expense advancement or reimbursement. Receipts from group functions must include the names, offices, and job titles of all participants.
c. The date(s) of the official business on which the expense advancement, reimbursement, or purchase order will be or was expended.
d. The nature of the official business conducted when the expense advancement, reimbursement, or purchase order will be or was expended.

Advancements

The Superintendent may advance expenses to teachers and other licensed employees for the anticipated actual and necessary expenses to be incurred while attending meetings that are related to their duties and will contribute to their professional development, provided they fall below the maximum allowed in the Board's expense regulations.

Expense advancement requests must be submitted to the Superintendent or designee on the District's standardized estimated expense approval form for employees. After spending expense advancements, employees must use the District's standardized expense reimbursement form and submit to the Superintendent: (a) the itemized, signed advancement voucher that was issued, and (b) the amount of actual expenses by attaching receipts. Any portion of an expense advancement not used must be returned to the District. Expense advancements and vouchers shall be presented to the Board in its regular bill process.

Reimbursements and Purchase Orders

Expense reimbursements and purchase orders may be issued by the Superintendent or designee to employees, along with other expenses necessary for the performance of their duties, provided the expenses fall below the maximum allowed in the Board's expense regulations.

Expense reimbursements and purchase order approvals are not guaranteed and, when possible, employees should seek pre-approval of expenses by providing an estimation of expenses on the District's standardized estimated expense approval form for employees, except in situations when the expense is diminutive. When pre-approval is not sought, employees must seek reimbursement on the District's standardized expense reimbursement form for employees. Expense reimbursements and purchase orders shall be presented to the Board in its regular bill process.

Use of Credit and Procurement Cards

Credit and procurement card usage is governed by policy 4:55, *Use of Credit and Procurement Cards*.

Exceeding the Maximum Allowable Expense Amount(s)

All requests for expense advancements, reimbursements, and purchase orders exceeding the maximum allowed in the Board's expense regulations may only be approved when:

1. The Board's resolution to regulate expenses allows for such approval;
2. An emergency or other extraordinary circumstance exists; and
3. The request is approved by a roll call vote at an open Board meeting.

Registration

When possible, registration fees will be paid by the District in advance.

Travel

The least expensive method of travel will be used, provided that no hardship will be caused to the employee. Employees will be reimbursed for:

1. Air travel at the coach or economy class commercial airline rate. First class or business class air travel will be reimbursed only if emergency circumstances warrant. The emergency circumstances must be explained on the expense form and Board approval of the additional expense is required. Fees for the first checked bag will be reimbursed. Copies of airline tickets and baggage receipts must be attached to the expense form.
2. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach airfare. Copies of tickets must be attached to the expense form to substantiate amounts.
3. Use of personal automobiles at the standard mileage rate approved by the Internal Revenue Service for income tax purposes. The reimbursement may not exceed the cost of coach airfare. Mileage for use of personal automobiles in trips to and from transportation terminals will also be reimbursed. Toll charges and parking costs will be reimbursed.
4. Automobile rental costs when the vehicle's use is warranted. The circumstances for such use must be explained on the expense form.
5. Taxis, airport limousines, ride sharing services, or other local transportation costs.

Meals

Meals charged to the District should represent mid-fare selections for the hotel/meeting facility or general area. Tips are included with meal charges. Expense forms must explain the meal charges incurred. Alcoholic beverages will not be reimbursed.

Lodging

Employees should request conference rate or mid-fare room accommodations. A single room rate will be reimbursed. Employees should pay personal expenses at checkout. If that is impossible, deductions for the charges should be made on the expense form.

Miscellaneous Expenses

Employees may seek reimbursement for other expenses incurred while attending a meeting sponsored by organizations described herein by fully describing the expenses on the expense form, attaching receipts.

Additional Requirements for Travel Expenses Charged to Federal and State Grants

All grant-related travel expenses must be pre-approved by the Superintendent or designee.

Expenses for travel, including expenses for transportation, lodging, meals, and related items incurred by employees and charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act (30 ILCS 708/) must also meet the following requirements:

1. The participation of the employee is necessary to the award, and the costs are specifically related to the award.
2. Expenses must be permissible under the terms and conditions of the award.
3. Expenses must be reasonable and consistent with this policy.
4. The Board does not reimburse actual expenses or pay a per diem allowance unless the employee is on official *travel status* for more than 12 hours. However, employees remain eligible for mileage reimbursement (minus regular commuting mileage/costs) and other transportation expenses if on travel status less than 12 hours.
5. Expenses may be charged based on an actual cost basis or on a per diem basis in lieu of actual costs incurred; however, only one method may be applied per trip.
6. Commercial airfare costs in excess of the least expensive coach or economy class are prohibited except when such accommodations would: (1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that would offset transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Qualifying circumstances must be explained on the expense form, and Board approval of the additional expense is required.
7. Per diem rates and actual reimbursement amounts for mileage, meals, and lodging may not exceed the rates established by the Governor's Travel Control Board or federal travel regulations, whichever is less. These limits do not apply when: (1) an employee stays in the lowest-priced room available at or near a hotel where a conference or seminar is located or in accommodations arranged by the conference/seminar organization, or (2) lodging at or below the established rate is unavailable. In those cases, the employee will be reimbursed for actual lodging expenses with prior approval, but in no case will the reimbursement exceed 300% of the applicable maximum per diem rate. If a conference fee includes a meal, the meal or per diem allowance will be reduced by the actual value of the meal or the applicable meal allowance, whichever is less.
8. Employees must use the least expensive compact car available when using a rental car for travel, unless an exception is approved. The Board does not reimburse employees for collision damage waiver or theft insurance.
9. The Board will reimburse travel expenses not chargeable to an award from other District funds consistent with this policy.

LEGAL REF.: 2 C.F.R. §200.474.
30 ILCS 708/130, Grant Accountability and Transparency Act.
50 ILCS 150/, Local Government Travel Expense Control Act.
105 ILCS 5/10-22.32.
820 ILCS 115/9.5, Ill. Wage Payment and Collection Act.

CROSS REF.: 2:125 (Board Member Compensation; Expenses), 2:240 (Board Policy Development), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards)

Adopted 9/8/20

5:60-AP Administrative Procedure - Federal and State Grant Travel Expense Procedures

Employees must follow these procedures, **in addition to** the requirements of the Board policy 5:60, *Expenses* subhead entitled **Additional Requirements for Travel Expenses Charged to Federal and State Grants**, when their travel expenses are charged to federal grants and State grants governed by the Grant Accountability and Transparency Act (GATA).

Use of Expense Forms

Employees will submit their estimated travel expenses using 5:60-E2, *Employee Estimated Expense Approval Form*, in advance of travel and 5:60-E1, *Employee Expense Reimbursement Form*, following completion of travel. When travel expenses will be charged in part to grant funds and in part to non-grant District funds because certain expenses exceed those permitted to be charged to a grant by policy 5:60, *Expenses*, and/or these procedures, the Superintendent or designee notes that fact and the amount to be charged to each funding source in the "Comments" field on 5:60-E1, *Employee Expense Reimbursement Form*, and/or the "Comments" field on 5:60-E2, *Employee Estimated Expense Approval Form*, as applicable.

Lodging – General/

1. Employees are not eligible for actual reimbursement of lodging expenses unless they are on official *travel status* for more than 12 hours. Travel status begins whe/n the employee leaves his or her work location or, if reporting directly to a destination, from /his or her residence or other location. It ends when the employee returns to his or her work location or, if reporting directly from the original destination, to the employee's residence or other location at the completion of the authorized travel. See 80 Ill.Admin.Code §3000.140.
2. Employees must first contact any preferred hotel vendors of the District.
3. It is the employee's responsibility to request the lowest available lodging rate the time of making a reservation. However, if the employee requires special lodging consideration due to a disability the employee may be reimbursed the actual cost of the least costly lodging that is substantially accessible. Employees should always inquire if a hotel offers a discounted rate for local government employees, including public school district employees. If applicable, employees should be prepared to show their school identification to prove school district employment when checking-in.
4. Employees should make hotel reservations as far in advance as possible. Employees need to be aware of hotel cancellation policies. In busier times, cancellation policies will sometimes require the traveler to cancel 72 hours in advance or be charged for the room. If an employee must cancel a reservation, the employee needs to cancel before the deadline, if at all possible. Employees making reservations for several nights in a row need to be aware of hotel early check-out policies. Some hotels charge an early check-out fee if a guest checks out prior to their scheduled departure date.
5. Employees must carefully review the bill upon check-out to ensure that the room charge reflects the appropriate rate and that no unauthorized charges have been added. For example, some hotels will automatically add a security charge or phone usage charge to a bill. If these services are not used, the charges should be removed before checking-out. Energy surcharge and lodging resort fees will be reimbursed if not optional.
6. If direct billing, employees must ensure that all personal or incidental charges are paid when checking-out, i.e., pay movies, personal phone calls, etc.

7. Employees must obtain a copy of the hotel bill to attach to 5:60-E1, *Employee Expense Reimbursement Form*.
8. If traveling by car, an employee needs to inquire regarding self-parking options to minimize parking expenses.

Lodging – Excessive Lodging Requests

When lodging at or below the State or federal rate for a particular location is unavailable, employees must:

1. Document on 5:60-E2, *Employee Estimated Expense Approval Form*, that lodging at the scheduled rate for the location is unavailable.
2. Attach documentation to 5:60-E2, *Employee Estimated Expense Approval Form*, showing that a minimum of three budget to mid-fare hotels were contacted (where available). If there are less than three hotels available in a location to contact, the employee must document that fact on the form. The employee must inquire if the hotels will honor the government rate when obtaining quotes. If the District has any preferred hotels at the location, the employee must contact those hotels first.
3. Submit all excessive lodging requests to the Superintendent or designee for pre-approval. The Superintendent or designee will place a note in the "Comments" field on 5:60-E2, *Employee Estimated Expense Approval Form*, to reflect approval of an excessive lodging amount.

Note: An excessive lodging request is not required if an employee stays in accommodations arranged by a conference/seminar organization or in the lowest-priced room available at or near a hotel where a conference or seminar is located.

Meals

Per diem rates and actual reimbursement amounts for meals may not exceed the rates established by the Governor's Travel Control Board or federal travel regulations, whichever is less. To determine the lesser amount, compare the State rates with the federal per diem rates. Historically, the State meal allowances have been lower than the federal meal allowances. State rates are available at: www2.illinois.gov/cms/employees/travel/pages/travelreimbursement.aspx. Federal rates are available at: www.gsa.gov/travel/plan-book/per-diem-rates.

Airfare

When booking airfare, employees:

1. May not book airfare and lodging as a package through third party vendors. When booked as a package, third party vendors do not provide a detailed receipt which causes an issue verifying that the lodging rates are within the proper guidelines.
2. Should always know the restrictions and potential penalties applicable to the fare in case cancellation or change is necessary, regardless of how an airline ticket is booked.

Ride Sharing Services

When using a ride sharing service such as Uber and Lyft, employees must use the lowest cost service the ride sharing service offers such as "UberX" and "Lyft Standard." Employees will not be reimbursed for premium services offered by ride share companies such as "Uber XL," "UberSELECT," "UberBLACK," "UberSUV," "UberLUX," or "LyftPlus." Employees need to be aware that ride sharing services may charge users more during times of high demand. Ride sharing services typically let riders know in advance when prime time or surge pricing is in effect. Rides obtained during these higher cost periods are not reimbursable.

Adopted 9/8/20

5:60-E1 Exhibit - Employee Expense Reimbursement Form

Submit to the Superintendent. ***Use of this form is required by 2:125-E3, Resolution to Regulate Expense Reimbursements.*** *Please print and attach receipts for all expenditures.*

Name: _____ Title/Office: _____

Destination: _____ Purpose: _____

Departure Date: _____ Return Date: _____

☐ **Receipts attached** Request Date: _____

☐ **Estimated expenses attached** (*Completed 5:60-E2, Employee Estimated Expense Approval Form*)(*pre-approval is required for federal and state grants*).

☐ **Approved expense advancement (voucher) attached, if applicable*** (*Completed 5:60-E2, Employee Estimated Expense Approval Form.)*

Actual Expense Report

*Employees will be reimbursed for actual and necessary expenses that exceed the amount advanced, but must refund any expense advancement that exceeds the actual and necessary expenses incurred. 105 ILCS 5/10-22.32. For federal and State grants, employees will be reimbursed for actual and necessary expenses that exceed estimated expenses as permitted by Board policy 5:60, *Expenses*.

Auto Travel Allowance: _____ per mile

Date	Auto Mileage Miles	Auto Mileage Cost	Transp. Expenses	Lodging	Meals or Per Diem Bkfst	Meals or Per Diem Lunch	Meals or Per Diem Dinner	Other Item	Other Cost	Daily Total
Subtotal										
Advances									**–**	
TOTAL (*A negative amount indicates refund due from employee.*)									**$**	

Superintendent or Designee: ☐ **Approved** ☐ **Denied**

(*below maximum allowable amount*)

☐ **Approved in Part**

☐ **Grant Funding Source** (if applicable):_____

_____ _____

Superintendent or Designee Signature Date

Comments: _____

_____

_____

_____

School Board Action (*exceeds maximum allowable amount*)**:** ☐ **Approved** ☐ **Denied**

☐ **Approved in Part**

☐ **Grant Funding Source** (if applicable):_____

_____ _____

Employee Signature Date

Adopted 9/8/20

5:60-E2 Exhibit - Employee Estimated Expense Approval Form

Submit to the Superintendent. ***Use of this form is required (1) by 2:125-E3, Resolution to Regulate Expense Reimbursements and (2) for pre-approval of expenses to be charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act.*** *Please print.*

Name: _____ Title/Office: _____

Travel Destination: _____ Purpose: _____

☐ **Estimated Expenses Approval Requested** (50 ILCS 150/20 or grant expenditure)

☐ **Travel is grant-related*** (specify grant): _____

☐ **Purchase Order Requested** Purchase Order #: _____

☐ **Expense Advancement Voucher Requested** (105 ILCS 5/10-22.32)

Voucher Amount: _____

Estimated Expense Report

Departure date: _____ **Return date:** _____

Auto Travel Allowance: _____ per mile

Grant-related travel only: *Except for mileage and other transportation expenses, expense reimbursement/per diem is only allowed if on official travel status for 12 hours or more. If lodging at or below the applicable rate cannot be identified, please indicate below and attach at least three quotes for review.*

Date	Auto Mileage		Transp. Expenses	Lodging	Meals or Per Diem			Other		Daily Total
	Miles	Cost			Bkfst	Lunch	Dinner	Item	Cost	
Total										**$**

Superintendent or Designee ☐ **Approved** ☐ **Denied**

(*below maximum allowable amount*)**:** ☐ **Approved in Part**

☐ **Grant Funding Source** (if applicable):_____

_____ _____

Superintendent or Designee Signature Date

Comments: _____

_____

_____

_____

School Board Action (*exceeds maximum allowable amount*)**:** ☐ **Approved** ☐ **Denied**

☐ **Approved in Part**

☐ **Grant Funding Source** (if applicable):_____

_____ _____

Employee Signature Date

Adopted 9/8/20

5:70 Religious Holidays

The Superintendent shall grant an employee's request for time off to observe a religious holiday if the employee gives at least five days' prior notice and the absence does not cause an undue hardship.

Employees may use earned vacation time or personal leave to make up the absence, provided such time is consistent with the District's operational needs. A per diem deduction may also be requested by the employee.

LEGAL REF.: 775 ILCS 5/2-101 and 5/2-102, Ill. Human Rights Act.
775 ILCS 35/155, Religious Freedom Restoration Act.

Adopted 10/11/22

5:80 Court Duty

The District will deduct any fees that an employee receives for court duty, less mileage and meal expenses, from the employee's compensation, or make arrangements for the employee to endorse the fee check to the District.

An employee should give at least five days' prior notice of pending court duty to the District.

Witness Duty

The District will pay full salary during the time a licensed employee is absent due to a subpoena to serve as a witness in a trial or have a deposition taken in any school-related matter pending in court.

Jury Duty

The District will pay full salary during the time a licensed employee is absent due to jury duty.

LEGAL REF.: 105 ILCS 5/10-20.7.
705 ILCS 305/4.1, Jury Act.

Adopted 10/11/22

5:90 Abused and Neglected Child Reporting

Any District employee who suspects or receives knowledge that a student may be an abused or neglected child or, for a student aged 18 through 22, an abused or neglected individual with a disability, shall: (1) immediately report or cause a report to be made to the Ill. Dept. of Children and Family Services (DCFS) on its Child Abuse Hotline 1-800-25-ABUSE (1-800-252-2873)(within Illinois); 1-217-524-2606 (outside of Illinois); or 1-800-358-5117 (TTY), and (2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office. Any District employee who believes a student is in immediate danger of harm, shall first call 911. The employee shall also promptly notify the Superintendent or Building Principal that a report has been made. The Superintendent or Building Principal shall immediately coordinate any necessary notifications to the student's parent(s)/guardian(s) with DCFS, the applicable school resource officer (SRO), and/or local law enforcement. *Negligent failure to report* occurs when a District employee personally observes an instance of suspected child abuse or neglect and reasonably believes, in his or her professional or official capacity, that the instance constitutes an act of child abuse or neglect under the Abused and Neglected Child Reporting Act (ANCRA) and he or she, without willful intent, fails to immediately report or cause a report to be made of the suspected abuse or neglect to DCFS.

Any District employee who discovers child pornography on electronic and information technology equipment shall immediately report it to local law enforcement, the National Center for Missing and Exploited Children's CyberTipline 1-800-THE-LOST (1-800-843-5678) or online at https://report.cybertip.org or www.missingkids.org. The Superintendent or Building Principal shall also be promptly notified of the discovery and that a report has been made.

Any District employee who observes any act of hazing that does bodily harm to a student must report that act to the Building Principal, Superintendent, or designee who will investigate and take appropriate action. If the hazing results in death or great bodily harm, the employee must first make the report to law enforcement and then to the Superintendent or Building Principal. Hazing is defined as any intentional, knowing, or reckless act directed to or required of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team whose members are or include other students.

Abused and Neglected Child Reporting Act (ANCRA), School Code, and *Erin's Law* Training

The Superintendent or designee shall provide staff development opportunities for District employees in the detection, reporting, and prevention of child abuse and neglect.

All District employees shall:

1. Before beginning employment, sign the *Acknowledgement of Mandated Reporter Status* form provided by DCFS. The Superintendent or designee shall ensure that the signed forms are retained.
2. Complete mandated reporter training as required by law within three months of initial employment and at least every three years after that date.
3. Complete an annual evidence-informed training related to child sexual abuse, grooming behaviors (including *sexual misconduct* as defined in *Faith's Law*), and boundary violations as required by law and policy 5:100, *Staff Development Program*.

Alleged Incidents of Sexual Abuse; Investigations

An *alleged incident of sexual abuse* is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A, that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity.

If a District employee reports an alleged incident of sexual abuse to DCFS and DCFS accepts the report for investigation, DCFS will refer the matter to the local Children's Advocacy Center (CAC). The Superintendent or designee will implement procedures to coordinate with the CAC.

DCFS and/or the appropriate law enforcement agency will inform the District when its investigation is complete or has been suspended, as well as the outcome of its investigation. The existence of a DCFS and/or law enforcement investigation will not preclude the District from conducting its own parallel investigation into the alleged incident of sexual abuse in accordance with policy 7:20, *Harassment of Students Prohibited*.

Special Superintendent Responsibilities

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

When the Superintendent has reasonable cause to believe that a license holder (1) committed an intentional act of abuse or neglect with the result of making a child an abused child or a neglected child under ANCRA or an act of sexual misconduct under *Faith's Law*, and (2) that act resulted in the license holder's dismissal or resignation from the District, the Superintendent shall notify the State Superintendent and the Regional Superintendent in writing, providing the Ill. Educator Identification Number as well as a brief description of the misconduct alleged. The Superintendent must make the report within 30 days of the dismissal or resignation and mail a copy of the notification to the license holder.

The Superintendent shall develop procedures for notifying a student's parents/guardians when a District employee, contractor, or agent is alleged to have engaged in sexual misconduct with the student as defined in *Faith's Law*. The Superintendent shall also develop procedures for notifying the student's parents/guardians when the Board takes action relating to the employment of the employee, contractor, or agent following the investigation of sexual misconduct. Notification shall not occur when the employee, contractor, or agent alleged to have engaged in sexual misconduct is the student's parent/guardian, and/or when the student is at least 18 years of age or emancipated.

The Superintendent shall execute the recordkeeping requirements of *Faith's Law*.

Special School Board Member Responsibilities

Each individual Board member must, if an allegation is raised to the member during an open or closed Board meeting that a student is an abused child as defined in ANCRA, direct or cause the Board to direct the Superintendent or other equivalent school administrator to comply with ANCRA's requirements concerning the reporting of child abuse.

If the Board determines that any District employee, other than an employee licensed under 105 ILCS 5/21B, has willfully or negligently failed to report an instance of suspected child abuse or neglect as required by ANCRA, the Board may dismiss that employee immediately.

When the Board learns that a licensed teacher was convicted of any felony, it must promptly report it to the State agencies listed in policy 2:20, *Powers and Duties of the School Board; Indemnification*.

LEGAL REF.: 20 U.S.C. §7926, Elementary and Secondary Education Act.

105 ILCS 5/10-21.9, 5/10-23.13, 5/21B-85, 5/22-85.5, and 5/22-85.10.

20 ILCS 1305/1-1 et seq., Department of Human Services Act.

325 ILCS 5/, Abused and Neglected Child Reporting Act.

720 ILCS 5/12C-50.1, Criminal Code of 2012.

CROSS REF.: 2:20 (Powers and Duties of the School Board; Indemnification), 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 3:60 (Administrative Responsibility of the Building Principal), 4:60 (Purchases and Contracts), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:150 (Personnel Records), 5:200 (Terms and Conditions of Employment and Dismissal), 5:290 (Employment Termination and Suspensions), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:20 (Harassment of Students Prohibited), 7:150 (Agency and Police Interviews)

Adopted 8/8/23

5:90-AP1 Administrative Procedure - Coordination with Children's Advocacy Center

Children's Advocacy Centers (CACs) are child-focused, trauma-informed, facility-based programs that provide a multi-disciplinary, comprehensive response to child abuse. Illinois CACs are organized and operate under the Children's Advocacy Center Act. 55 ILCS 80/. CACs are accredited based on standards set by the National Children's Alliance. 55 ILCS 80/2.5. See www.nationalchildrensalliance.org/.

If the District is located within a county that is served by an accredited CAC, it must coordinate with the CAC to implement the **Alleged Incidents of Sexual Abuse; Investigations** subhead of Board policy 5:90, *Abused and Neglected Child Reporting*. 105 ILCS 5/22-85. For a map of accredited CACs, and to identify a CAC that may serve the District, see www.childrensadvocacycentersofillinois.org/about/map. Use this procedure to coordinate with the District's local CAC.

Glossary of Terms

Alleged incident of sexual abuse - An incident of sexual abuse of a child (as defined in the Ill. Criminal Code of 2012, 720 ILCS 5/11-9.1A) that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred either: on school grounds during a school activity, outside of school grounds, or not during a school activity. 105 ILCS 5/22-85(b).

Alleged victim - A student who is alleged to be the victim of an alleged incident of sexual abuse.

Appropriate law enforcement agency - A law enforcement agency whose employees have been involved, in some capacity, with an investigation of a particular alleged incident of sexual abuse. 105 ILCS 5/22-85(b).

Child advocate - May be a school social worker, a school or equally-qualified psychologist, or a person in a position the Ill. State Board of Education (ISBE) has identified as an appropriate advocate for a student during a school's investigation into an alleged incident of sexual abuse. 105 ILCS 5/22-85(i).

Forensic interview - An interview between a trained forensic interviewer, as defined by National Children's Alliance standards, and a child in which the interviewer obtains information from children in an unbiased and fact finding manner that is developmentally appropriate and culturally sensitive to support accurate and fair decision making by the multidisciplinary team in the criminal justice and child protection systems. 55 ILCS 80/2.5.

School personnel - School employees, vendors, and volunteers.

Sexual Abuse and Sexual Assault - See Ill. Criminal Code of 2012 definitions at:

720 ILCS 5/11-9.1A. Permitting sexual abuse of a child.

720 ILCS 5/11-1.20. Criminal sexual assault.

720 ILCS 5/11-1.30. Aggravated criminal sexual assault.

720 ILCS 5/11-1.40. Predatory criminal sexual assault of a child.

720 ILCS 5/11-1.50. Criminal sexual abuse.

720 ILCS 5/11-1.60. Aggravated criminal sexual abuse.

Coordination with CAC

Actor	Action
ISBE	Identifies persons in positions who may be appropriate child advocates for students during a school's investigation into an alleged incident of sexual abuse. As of March 2023, ISBE has not identified any persons.
Superintendent or designee	Establishes a CAC Communication Committee (Committee) to operate as a Superintendent committee. See 2:150-AP, *Superintendent Committees. Consider* including: • District Nondiscrimination Coordinator (see 2:260, *Uniform Grievance Procedure*; and 2:265, *Title IX Grievance Procedure*) • District Safety Coordinator (see 4:170-AP1, *Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities*) • District-level administrators • Building Principals (Building Principals are mandatory for successful implementation of the **Alleged Incidents of Sexual Abuse; Investigations** subhead of policy 5:90, *Abused and Neglected Child Reporting*) • School personnel • Employees from the accredited CAC that serves the District Chairs and convenes Committee meetings for the purpose of implementing the **Alleged Incidents of Sexual Abuse; Investigations** subhead of policy 5:90, *Abused and Neglected Child Reporting*. **Note:** To achieve the minimum requirement of State law that the District coordinate with its local CAC, this procedure establishes an administrative committee. Establishing a committee provides a best practice for aligning with governance principles and examining implementation issues specific to each individual school district and the CACs that serve each district. While smaller school districts, e.g., one-building districts, may be able to implement a program through one meeting, larger school districts will likely require the uniform coordination this Committee provides. Informs the School Board of the Committee's progress and needs by adding information items to the Board's agendas as needed. Ensures that at least every two years, school personnel are trained to understand, provide information and referrals to, and address issues pertaining to students who are parents, expectant parents, or victims of domestic or sexual violence. **Note:** 105 ILCS 5/10-22.39(b-25), added by P.A. 103-542, eff. 1-1-24 and operative 7-1-24, requires this training to be conducted by persons with expertise in domestic and sexual violence and the needs of expectant and

Actor	Action
	parenting students and must include training concerning each of the following: 26. Communicating with and listening to student victims of domestic or sexual violence and expectant and parenting students. 27. Connecting student victims of domestic or sexual violence and expectant and parenting students to appropriate in-school services and other agencies, programs, and services as needed. 28. Implementing the school district's policies, procedures, and protocols with regard to such students, including confidentiality. At a minimum, school personnel must be trained to understand, provide information and referrals, and address issues pertaining to such students. 29. Procedures for responding to incidents of teen dating violence that take place at school, on school grounds, at school-sponsored activities, or in vehicles used for school-provided transportation as outlined in 105 ILCS 110/3.10.
School Personnel	Upon suspecting or receiving knowledge of an alleged incident of sexual abuse, shall perform each of the following (105 ILCS 5/22-85(c)): 30. Immediately report to the Ill. Dept. of Children and Family Services (DCFS) on its Child Abuse Hotline 1-800-25-ABUSE (1-800-252-2873 (within Illinois); 1-217-524-2606 (outside Illinois); or 1-800-358-5117 (TTY). 31. Follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office. 25 ILCS 5/7. The written report shall include, if known, each of the following: The name and address of the child, his or her parents/guardians, or other persons having custody; The child's age; The child's condition, including any evidence of previous injuries or disabilities; and Any other information that the reporter believes may be helpful to DCFS for its investigation. 32. Promptly notify the Superintendent or Building Principal that a report has been made.
Superintendent or Building Principal	Immediately coordinates any necessary notifications to the student's parents/guardians with DCFS, the applicable school resource officer (SRO), and/or local law enforcement which includes the local State's Attorney's Office. Notifies the District's Nondiscrimination Coordinator of the reported alleged incident of sexual abuse.
DCFS and/or Appropriate Law	Determines whether to accept a reported alleged incident of sexual abuse for investigation. If a reported alleged incident is accepted,

Actor	Action
Enforcement Agency	refers the matter to the CAC serving the District. 105 ILCS 5/22-85(d). **Note:** If neither DCFS nor law enforcement investigate the alleged incident of sexual abuse, the District can move forward with its own investigation without CAC involvement.
CAC	Coordinates the investigation of the alleged incident of sexual abuse in accordance with its existing multidisciplinary team protocol and National Children's Alliance accreditation standards. 105 ILCS 5/22-85(e)(1). Facilitates communication between the DCFS/law enforcement multidisciplinary team investigating the alleged incident of sexual abuse and the District's Nondiscrimination Coordinator. At a minimum: 33. Ensures that all applicable parties have each other's contact information; and 34. Shares the CAC's protocol regarding the process of approving the viewing of a forensic interview by school personnel, and a contact person for questions regarding the protocol. 105 ILCS 5/22-85(e)(2).
Nondiscrimination Coordinator	Upon being notified of the reported alleged incident of sexual abuse by the Superintendent or Building Principal, shall: Open and conduct the District's investigation into the alleged incident of sexual abuse in accordance with policy 7:20, *Harassment of Students Prohibited*. Schedule regular follow-up calls to the CAC to inquire whether DCFS/law enforcement has opened an investigation into the alleged incident of sexual abuse. **If DCFS/law enforcement investigation is not opened, stops using this procedure and continues the District's investigation in accordance with policy 7:20, *Harassment of Students Prohibited*.** **If DCFS/law enforcement investigation is opened, continues with the following steps.** Notes the date DCFS/law enforcement opened its investigation and sets a reminder for 15 calendar days after it. **Note:** This time period is important because the CAC has 15 calendar days to conduct a forensic interview of the alleged victim. During this time, the District is cannot interview the alleged victim regarding the alleged incident. While the child abuse and/or criminal investigations related to the alleged incident of sexual abuse are being conducted by DCFS/law enforcement, the Nondiscrimination Coordinator:

Actor	Action
	Continues the District's investigation, which may include interviewing the alleged witnesses and/or the alleged perpetrator. May request information from the alleged victim or his or her parent/guardian to ensure his or her safety and well-being at school during the investigations. 105 ILCS 5/22-85(f). Refrains from interviewing the alleged victim until after the CAC completes its forensic interview. 105 ILCS 5/22-85(f). Upon request, must inform DCFS/law enforcement investigators of any evidence it has gathered, as permitted by federal or State law. 105 ILCS 5/22-85(f). **Note:** Evidence gathered by the Nondiscrimination Coordinator during the District's investigation may be confidential under the Illinois School Student Records Act (105 ILCS 10/) and the Family Rights and Educational Privacy Act (20 U.S.C. §1232g). **Consult the Board Attorney regarding what disclosures, if any, are allowed in response to a request from DCFS and/or law enforcement and conditions that must be met prior to disclosure**. Schedule regular follow-up calls with the CAC to inquire about the status of the forensic interview of the alleged victim.
CAC	Informs the Nondiscrimination Coordinator that: 35. The forensic interview of the alleged victim is complete, and the electronic recording of the forensic interview may be viewed; or 36. The CAC determined a forensic interview will not be conducted. 105 ILCS 5/22-85(g), (h).
Nondiscrimination Coordinator	If the electronic recording of the forensic interview of the alleged victim is available for viewing: 37. Verifies the CAC has obtained informed consent from an alleged victim over the age of 13 or the alleged victim's parent/guardian for school personnel to view the forensic interview (105 ILCS 5/22-85(h); and **Note:** Each CAC may have its own consent form. Contact your local CAC to confirm that it will obtain written consent from the alleged victim over the age of 13 or the alleged victim's parent/guardian (if under the age of 13). 38. Views the electronic recording of the forensic interview. If the CAC has not performed a forensic interview of the alleged victim within 15 calendar days after DCFS/law enforcement opens an investigation, notifies the CAC that the District intends to interview the alleged victim.
CAC	After receiving notification that the District intends to interview the alleged victim, has 10 additional calendar days to conduct a forensic interview. 105 ILCS 5/22-85(g).

Actor	Action
Nondiscrimination Coordinator	If the CAC does not conduct a forensic interview of the alleged victim within the 10 additional calendar days, proceeds with the District's interview of the alleged victim. Id. If the alleged victim is under 18 years old, makes a child advocate available to the alleged victim and allows the child advocate to be present during the interview. A child advocate may be a school social worker, a school or equally qualified psychologist, or a person in a position that ISBE has identified as an appropriate advocate for a student during a school's investigation into an alleged incident of sexual abuse. 105 ILCS 5/22-85(i). Schedules regular follow-up calls to DCFS/law enforcement to inquire if the investigation of an incident has been suspended and/or is complete, including the outcome of the investigation. 105 ILCS 5/22-85(j), (k).

Adopted 10/8/24

5:90-AP2 Administrative Procedure - Parent/Guardian Notification of Sexual Misconduct

When a District employee, contractor, or agent is alleged to have engaged in *sexual misconduct* as defined in 105 ILCS 5/22-85.5(c) with a student, the District must first provide notice to the student and then provide written notice to the student's parents/guardians.

Following the District's investigation of the alleged sexual misconduct, additional notice must be provided when the Board takes any action relating to the employment of the alleged perpetrator, including whether employment was terminated or whether the Board accepted the employee's resignation. Notice of formal Board action must first be provided to the student and then written notice must be provided to the student's parents/guardians.

The only time student notification is not required before parental notification is when a District employee or agent deems it necessary to address an imminent risk of serious physical injury or death of a student or another person, including the victim. If notification is not given to the student first, then it must be given as soon as practicable and without delay following parental notification.

These parent/guardian notification procedures do not apply if the student's parent/guardian is the alleged perpetrator of sexual misconduct, and/or if the student is at least 18 years of age or emancipated.

Sexual misconduct - Any act, including but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, by an employee with direct contact with a student, that is directed toward or with a student to establish a romantic or sexual relationship with the student. Examples include but are not limited to: 1) a sexual or romantic invitation, 2) dating or soliciting a date, 3) engaging in sexualized or romantic dialog, 4) making sexually suggestive comments that are directed toward or with a student, 5) self-disclosure or physical exposure of a sexual, romantic, or erotic nature, 6) a sexual, indecent, romantic, or erotic contact with the student. 105 ILCS 5/22-85.5(c), added by P.A. 102-676.

Notification of Alleged Sexual Misconduct

Actor	Action
Superintendent or Building Principal	Upon learning that a District employee, contractor, or agent is alleged to have engaged in sexual misconduct with a student: Verifies that the allegation has been reported to the Ill. Dept. of Children and Family Services (DCFS) in accordance with Board policy 5:90, *Abused and Neglected Child Reporting*. Immediately coordinates any necessary notifications to the student's parents/guardians with DCFS, the applicable school resource officer, and/or local law enforcement which includes the local State's Attorney's Office. Notifies the District's Nondiscrimination Coordinator of the reported alleged sexual misconduct.
Nondiscrimination Coordinator	Upon being notified of the reported alleged sexual misconduct by the Superintendent or Building Principal, shall: Determine whether the alleged sexual misconduct is also being investigated by the Ill. Dept. of Children and Family Services (DCFS) and/or law enforcement.

Actor	Action
	Open and conduct an investigation into the alleged incident of sexual misconduct in accordance with policy 7:20, *Harassment of Students Prohibited*. Considering any DCFS and/or law enforcement investigation(s), identify the appropriate time frame for notifying the student and the student's parents/guardians of the alleged sexual misconduct. 105 ILCS 5/22-85.10(a)(1), added by P.A. 102-702, eff. 7-1-23. **Note:** Notification must be provided as soon as feasible after the District becomes aware of the alleged sexual misconduct, subject to the requirements of 105 ILCS 5/22-85(f) restricting interviews of a student who is a victim of an alleged incident of sexual abuse. Id. at (a)(4). See 5:90-AP1, *Coordination with Children's Advocacy Center*.
Nondiscrimination Coordinator, School Counselor, and/or a staff member trained in child development	Notifies the student, in a developmentally appropriate manner, with a staff member present who is trained in child development or is one the student trusts, that a District employee, contractor, or agent is alleged to have engaged in sexual misconduct with the student. Notice will include: 1. That notice will be given to the student's parent(s)/guardian(s) (105 ILCS 5/22-85.10(a)(2)(A), added by P.A. 102-702, eff. 7-1-23); 2. What information will be included in the notice to parent(s)/guardian(s) (Id. at (a)(2)(B)); 3. Any District and community-based counseling options for students affected by grooming behaviors identified by the Student Support Committee (see the ***Erin's Law* Counseling Options, Assistance, and Intervention** subhead of policy 7:250, *Student Support Services*); 4. If the student is 12 years of age or older, any available counseling services under 105 ILCS 5/3-550 (105 ILCS 5/22-85.10(a)(2)(C), added by P.A. 102-702, eff. 7-1-23); and 5. Beginning 7-1-25, any available resources for the student within the school and community in accordance with 105 ILCS 5/26A, including the name and contact information of the District's domestic and sexual violence and parenting resource coordinator under 105 ILCS 5/26A-35 (Id. at (a)(2)(C), (D)).
Nondiscrimination Coordinator	After the student notification, notifies parent(s)/guardian(s) in writing of: 1. The alleged sexual misconduct (Id. at (a)(3)(A)); 2. Any District and community-based counseling options for students affected by grooming behaviors identified by the Student Support Committee (see the ***Erin's Law***

Actor	Action
	Counseling Options, Assistance, and Intervention subhead of policy 7:250, *Student Support Services*); and 3. Beginning 7-1-25, any available resources for the student within the school and community in accordance with 105 ILCS 5/26A, including the name and contact information of the District's domestic and sexual violence and parenting resource coordinator under 105 ILCS 5/26A-35 ((105 ILCS 5/22-85.10(a)(3)(B), added by P.A. 102-702).

Notification of Board Action

Actor	Action
Superintendent and Nondiscrimination Coordinator	As soon as feasible after the Board takes any action relating to the employment of the alleged perpetrator, notifies the student, in a developmentally appropriate manner, of: 1. The fact that notice will be given to the student's parent(s)/guardian(s) (Id. at (b)(2)(A)); 2. Information that will be included in the notice to parents/guardians (Id. at (b)(2)(B)); 3. Any District and community-based counseling options for students affected by grooming behaviors identified by the Student Support Committee (see the ***Erin's Law* Counseling Options, Assistance, and Intervention** subhead of policy 7:250, *Student Support Services*); 4. If the student is 12 years of age or older, any available counseling services under 405 ILCS 5/3-550 (105 ILCS 5/22-85.10(b)(2)(C), added by P.A. 102-702, eff. 7-1-23); and 5. Beginning 7-1-25, any available resources for the student within the school and community in accordance with 105 ILCS 5/26A, including the name and contact information of the District's domestic and sexual violence and parenting resource coordinator under 105 ILCS 5/26A-35 (105 ILCS 5/22-85.10(b)(2)(C), (D), added by P.A. 102-702). If the student is no longer enrolled when the Board takes action, written notice may be sent to the last known address in the student's file. Id. at (b)(5).
Superintendent	After the student notification, notifies parent(s)/guardian(s), in writing of: 1. The Board's action (Id. at (b)(3)(A)); 2. Whether a report concerning the alleged sexual misconduct was or will be submitted to the State Superintendent of Education and the Regional Superintendent pursuant to 105 ILCS 5/10-21.9 (Id. at (b)(3)(B)); 3. Any District and community-based counseling options for students affected by grooming behaviors identified by the

Actor	Action
	Student Support Committee (see the ***Erin's Law* Counseling Options, Assistance, and Intervention** subhead of policy 7:250, *Student Support Services*); and 4. Beginning 7-1-25, any available resources for the student within the school and community in accordance with 105 ILCS 5/26A, including the name and contact information of the District's domestic and sexual violence and parenting resource coordinator under 105 ILCS 5/26A-35 (105 ILCS 5/22-85.10(b)(3)(C), added by P.A. 102-702). If the student is no longer enrolled when the Board takes action, written notice may be sent to the last known address in the student's file. Id. at (b)(5).

Adopted 8/8/23

5:100 Staff Development Program

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

Abused and Neglected Child Reporting Act (ANCRA) and *Erin's Law* Training

The staff development program shall include the Abused and Neglected Child Reporting Act (ANCRA) mandated reporter training and training on the awareness and prevention of child sexual abuse and grooming behaviors (***Erin's Law***) as follows (see Board policies 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*, and 5:90, *Abused and Neglected Child Reporting*):

1. Within three months of employment, each staff member must complete mandated reporter training from a provider or agency with expertise in recognizing and reporting child abuse. Mandated reporter training must be completed again at least every three years.
2. By January 31 of every year, all school personnel must complete evidence-informed training on preventing, reporting, and responding to child sexual abuse, grooming behaviors (including *sexual misconduct* as defined in *Faith's Law*), and boundary violations.

In-Service Training Requirements

The staff development program shall provide, at a minimum, within six months of employment and renewed at least once every five years thereafter (unless required more frequently by other State or federal law), the in-service training of all District staff who work with pupils on:

1. Health conditions of students, including but not limited to training on:
    a. Chronic health conditions of students;
    b. Anaphylactic reactions and management, conducted by a person with expertise on anaphylactic reactions and management;
    c. Management of asthma, prevention of asthma symptoms, and emergency response in the school setting;
    d. The basics of seizure recognition and first aid and emergency protocols, consistent with best practice guidelines issued by the Centers for Disease Control and Prevention;
    e. The basics of diabetes care, how to identify when a diabetic student needs immediate or emergency medical attention, and whom to contact in case of emergency;
    f. Current best practices regarding identification and treatment of attention deficit hyperactivity disorder; and
    g. How to respond to an incident involving life-threatening bleeding, including use of a school's trauma bleeding control kit, if applicable.
2. Social-emotional learning. Training may include providing education to all school personnel about the content of the Illinois Social and Emotional Learning Standards, how they apply to everyday school interactions, and examples of how social emotional learning can be integrated into instructional practices across all grades and subjects.

3. Developing cultural competency, including but not limited to understanding and reducing implicit bias, including *implicit racial bias* as defined in 105 ILCS 5/10-20.61 (implicit bias training).
4. Identifying warning signs of mental illness, trauma, and suicidal behavior in youth, along with appropriate intervention and referral techniques, including resources and guidelines as outlined in 105 ILCS 5/2-3.166 (*Ann Marie's Law*).
5. Domestic and sexual violence and the needs of expectant and parenting youth, conducted by persons with expertise in domestic and sexual violence and the needs of expectant and parenting youth. Training shall include, but is not limited to:
    a. Communicating with and listening to youth victims of domestic or sexual violence and expectant and parenting youth;
    b. Connecting youth victims of domestic or sexual violence and expectant and parenting youth to appropriate in-school services and other agencies, programs, and services as needed;
    c. Implementing the District's policies and procedures regarding such youth, including confidentiality; and
    d. Procedures for responding to incidents of teen dating violence that take place at school, on school grounds, at school-sponsored activities, or in vehicles used for school-provided transportation as outlined in 105 ILCS 110/3.10 (see Board policy 7:185, *Teen Dating Violence Prohibited*).
6. Protections and accommodations for students, including but not limited to training on:
    a. The federal Americans with Disabilities Act as it pertains to the school environment; and
    b. Homelessness.
7. Educator ethics and responding to child sexual abuse and grooming behavior (see Board policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*); including but not limited to training on:
    a. Teacher-student conduct;
    b. School employee-student conduct; and
    c. Evidence-informed training on preventing, recognizing, reporting, and responding to child sexual abuse and grooming as outlined in 105 ILCS 5/10-23.13 (*Erin's Law*).
8. Effective instruction in violence prevention and conflict resolution, conducted in accordance with the requirements of 105 ILCS 5/27-23.4 (violence prevention and conflict resolution education).

<u>Additional Training Requirements</u>

In addition, the staff development program shall include each of the following:

1. Ongoing professional development for teachers, administrators, school resource officers, and staff regarding the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.
2. Annual continuing education and/or training opportunities (professional standards) for school nutrition program directors, managers, and staff. Each school food authority's director shall document compliance with this requirement by the end of each school year and maintain documentation for a three-year period.
3. All high school coaching personnel, including the head and assistant coaches, and athletic directors must obtain online concussion certification by completing online concussion

awareness training in accordance with 105 ILCS 25/1.15. Coaching personnel and athletic directors hired on or after 8-19-14 must be certified before their position's start date.

4. The following individuals must complete concussion training as specified in the Youth Sports Concussion Safety Act: coaches and assistant coaches (whether volunteer or employee) of an interscholastic athletic activity; nurses, licensed and/or non-licensed healthcare professionals serving on the Concussion Oversight Team; athletic trainers; game officials of an interscholastic athletic activity; and physicians serving on the Concussion Oversight Team.
5. For school personnel who work with hazardous or toxic materials on a regular basis, training on the safe handling and use of such materials.
6. For delegated care aides performing services in connection with a student's seizure action plan, training in accordance with 105 ILCS 150/, the Seizure Smart School Act.
7. For delegated care aides performing services in connection with a student's diabetes care plan, training in accordance with 105 ILCS 145/, the Care of Students with Diabetes Act.
8. For all District staff, annual sexual harassment prevention training.
9. Title IX requirements for training as follows (see Board policy 2:265, *Title IX Grievance Procedure*):
    a. For all District staff, training on the definition of sexual harassment, the scope of the District's education program or activity, all relevant District policies and procedures, and the necessity to promptly forward all reports of sexual harassment to the Title IX Coordinator.
    b. For school personnel designated as Title IX coordinators, investigators, decision-makers, or informal resolution facilitators, training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially.
    c. For school personnel designated as Title IX investigators, training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
    d. For school personnel designated as Title IX decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant.
10. Training for all District employees on the prevention of discrimination and harassment based on race, color, and national origin in school as part of new employee training and at least once every two years.
11. Training for at least one designated employee at each school about the Prioritization of Urgency of Need for Services (PUNS) database and steps required to register students for it.

The Superintendent shall develop protocols for administering youth suicide awareness and prevention education to staff consistent with Board policy 7:290, *Suicide and Depression Awareness and Prevention*.

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments of 1972; 34 C.F.R. Part 106.

42 U.S.C. §1758b, Pub. L. 111-296, Healthy, Hunger-Free Kids Act of 2010; 7 C.F.R. Parts 210 and 235.

105 ILCS 5/2-3.62, 5/2-3.166, 5/3-11, 5/10-20.17a, 5/10-20.61, 5/10-22.6(c-5), 5/10-22.39, 5/10-23.12, 5/10-23.13, 5/22-80(h), 5/22-95, and 5/24-5.

105 ILCS 25/1.15, Interscholastic Athletic Organization Act.

105 ILCS 145/25, Care of Students with Diabetes Act

105 ILCS 150/25, Seizure Smart School Act.

105 ILCS 110/3, Critical Health Problems and Comprehensive Health Education Act.

325 ILCS 5/4, Abused and Neglected Child Reporting Act.

745 ILCS 49/, Good Samaritan Act.

775 ILCS 5/2-109 and 5/5A-103, Ill. Human Rights Act.

23 Ill.Admin.Code §§ 22.20, 226.800, and Part 525.

77 Ill.Admin.Code §527.800.

CROSS REF.: 2:265 (Title IX Grievance Procedure), 2:270 (Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited), 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 4:160 (Environmental Quality of Buildings and Grounds), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:250 (Leaves of Absence), 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 6:50 (School Wellness), 6:160 (English Learners), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:270 (Administering Medicines to Students), 7:285 (Anaphylaxis Prevention, Response, and Management Program), 7:290 (Suicide and Depression Awareness and Prevention), 7:305 (Student Athlete Concussions and Head Injuries)

ADMIN. PROC.: 2:265-AP1 (Title IX Response), 2:265-AP2 (Formal Title IX Complaint Grievance Process), 2:270-AP (Prevention and Response Program for Complaints of Discrimination and Harassment Based on Race, Color, and National Origin), 4:160-AP (Environmental Quality of Buildings and Grounds), 4:170-AP6 (Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED), 5:100-AP (Staff Development Program), 5:120-AP2 (Employee Conduct Standards), 5:150-AP (Personnel Records), 6:120-AP4 (Care of Students with Diabetes), 7:250-AP1 (Measures to Control the Spread of Head Lice at School), 7:250-AP2 (Protocol for Responding to Students with Social, Emotional, or Mental Health Needs), 7:285-AP (Anaphylaxis Prevention, Response, and Management Program), 7:290-AP (Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program)

Adopted 10/8/24

5:110 Recognition for Service

The School Board will periodically recognize those District employees who contribute significantly to the educational programs and welfare of the students.

Adopted 10/11/22

5:120 Employee Ethics; Conduct; and Conflict of Interest

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

The Superintendent or designee shall provide this policy to all District employees and students and/or parents/guardians in their respective handbooks, and ensure its posting on the District's website, if any.

Professional and Appropriate Conduct

Professional and appropriate employee conduct are important Board goals that impact the quality of a safe learning environment and the school community, increasing students' ability to learn and the District's ability to educate. To protect students from sexual misconduct by employees, and employees from the appearance of impropriety, State law also recognizes the importance for District employees to constantly maintain professional and appropriate relationships with students by following established expectations and guidelines for employee-student boundaries. Many breaches of employee-student boundaries do not rise to the level of criminal behavior but do pose a potential risk to student safety and impact the quality of a safe learning environment. Repeated violations of employee-student boundaries may indicate the grooming of a student for sexual abuse. As bystanders, employees may know of concerning behaviors that no one else is aware of, so their training on: (1) preventing, recognizing, reporting, and responding to child sexual abuse and grooming behavior; (2) this policy; and (3) federal and state reporting requirements is essential to maintaining the Board's goal of professional and appropriate conduct.

The Superintendent or designee shall identify employee conduct standards that define appropriate employee-student boundaries, provide training about them, and monitor the District's employees for violations of employee-student boundaries. The employee conduct standards will require that, at a minimum:

1. Employees who are governed by the *Code of Ethics for Illinois Educators*, adopted by the Ill. State Board of Education (ISBE), will comply with its incorporation by reference into this policy.
2. Employees are trained on educator ethics, child abuse, grooming behaviors, and employee-student boundary violations as required by law and policies 2:265, *Title IX Grievance Procedure*; 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*; 5:90, *Abused and Neglected Child Reporting*; and 5:100, *Staff Development Program*.
3. Employees maintain professional relationships with students, including maintaining employee-student boundaries based upon students' ages, grade levels, and developmental levels and following District-established guidelines for specific situations, including but not limited to:
    a. Transporting a student;
    b. Taking or possessing a photo or video of a student; and
    c. Meeting with a student or contacting a student outside the employee's professional role.

4. Employees report prohibited behaviors and/or boundary violations pursuant to Board policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Grievance Procedure*; and 5:90, *Abused and Neglected Child Reporting*.
5. Discipline up to and including dismissal will occur for any employee who violates an employee conduct standard or engages in any of the following:
    a. Violates expectations and guidelines for employee-student boundaries.
    b. Sexually harasses a student.
    c. Willfully or negligently fails to follow reporting requirements of the Abused and Neglected Child Reporting Act (325 ILCS 5/), Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.), or the Elementary and Secondary Education Act (20 U.S.C. § 7926).
    d. Engages in grooming as defined in 720 ILCS 5/11-25.
    e. Engages in grooming behaviors. Prohibited grooming behaviors include, at a minimum, *sexual misconduct*. *Sexual misconduct* is any act, including but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, by an employee with direct contact with a student, that is directed toward or with a student to establish a romantic or sexual relationship with the student. Examples include, but are not limited to:
        i. A sexual or romantic invitation.
        ii. Dating or soliciting a date.
        iii. Engaging in sexualized or romantic dialog.
        iv. Making sexually suggestive comments that are directed toward or with a student.
        v. Self-disclosure or physical exposure of a sexual, romantic, or erotic nature.
        vi. A sexual, indecent, romantic, or erotic contact with the student.

Statement of Economic Interests

The following employees must file a *Statement of Economic Interests* as required by the Ill. 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(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.

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; Conflict of Interest; and Limitation of Authority

In accordance with 105 ILCS 5/22-5, "no school officer or teacher shall be interested in the sale, proceeds, or profits of any book, apparatus, or furniture used or to 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 ISBE and adopted for use by the 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. This includes participation in the selection, award, or administration of a contract supported by a federal award or State award governed by the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/) when the employee has a real or apparent conflict of interest. A conflict of interest arises when an employee or any of the following individuals has a financial or other interest in or a tangible benefit from the entity selected for the contract:

1. A member of the employee's immediate family;

An employee's partner; or

2. An entity that employs or is about to employ the employee or one of the individuals listed in one or two above.

Employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or subcontracts. Situations in which the interest is not substantial or the gift is an unsolicited item of nominal value must comply with State law and Board policy 2:105, *Ethics and Gift Ban*.

<u>Guidance Counselor Gift Ban</u>

Guidance counselors are prohibited from intentionally soliciting or accepting any gift from a *prohibited source* or any gift that would be in violation of any federal or State statute or rule. For guidance counselors, a *prohibited source* is any person who is (1) employed by an institution of higher education, or (2) an agent or spouse of or an immediate family member living with a person employed by an institution of higher education. This prohibition does not apply to:

1. Opportunities, benefits, and services available on the same conditions as for the general public.
2. Anything for which the guidance counselor pays market value.
3. A gift from a relative.
4. Anything provided by an individual on the basis of a personal friendship, unless the guidance counselor believes that it was provided due to the official position or employment of the guidance counselor and not due to the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the guidance counselor must consider the circumstances in which the gift was offered, including any of the following:
    a. The history of the relationship between the individual giving the gift and the guidance counselor, including any previous exchange of gifts between those individuals.
    b. Whether, to the actual knowledge of the guidance counselor, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.
    c. Whether, to the actual knowledge of the guidance counselor, the individual who gave the gift also, at the same time, gave the same or a similar gift to other school district employees.
5. Bequests, inheritances, or other transfers at death.
6. Any item(s) during any calendar year having a cumulative total value of less than $100.
7. Promotional materials, including, but not limited to, pens, pencils, banners, posters, and pennants.

A guidance counselor does not violate this prohibition if he or she promptly returns the gift to the prohibited source or donates the gift or an amount equal to its value to a 501(c)(3) tax-exempt charity.

Outside Employment

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.

Incorporated

by reference: 5:120-E (Code of Ethics for Ill. Educators)

LEGAL REF.: U.S. Constitution, First Amendment.

2 C.F.R. §200.318(c)(1).

5 ILCS 420/4A-101, Ill. Governmental Ethics Act.

5 ILCS 430/, State Officials and Employee Ethics Act.

30 ILCS 708/, Grant Accountability and Transparency Act.

50 ILCS 135/, Local Governmental Employees Political Rights Act.

105 ILCS 5/10-22.39, 5/10-23.13, 5/22-5, 5/22-85.5, and 5/22-93.

325 ILCS 5/, Abused and Neglected Child Reporting Act.

720 ILCS 5/11-25, Criminal Code of 2012.

775 ILCS 5/5A-102, Ill. Human Rights Act.

23 Ill.Admin.Code Part 22, Code of Ethics for Ill. 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), 2:265 (Title IX Grievance Procedure), 4:60 (Purchases and Contracts), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:200 (Terms and Conditions of Employment and Dismissal), 5:290 (Employment Termination and Suspensions), 7:20 (Harassment of Students Prohibited)

Adopted 10/8/24

5:120-AP1 Administrative Procedure - Statement of Economic Interests for Employees

Date	Action
Upon initial employment	All employees who are required to file a statement of economic interests (see Board policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*) must file such a statement upon initial employment if employed by May 1. 5 ILCS 420/4A-105(c).
On or before February 1, annually	Superintendent or designee shall certify to the appropriate county clerks a list of names and addresses of employees who are required to file a statement of economic interests (see policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*). The list shall set out the names in alphabetical order by county of residence. The Superintendent or designee shall send the list to county clerks of the counties in which those employees reside, or if any employee resides outside of Illinois, to the county clerk of the county in which the District's principal office is located. 5 ILCS 420/4A-106.5, added by P.A. 101-221 and amended by P.A. 101-617.
On or before April 1, annually	County clerk of each county shall notify employees whose names have been certified to him or her of the requirements for filing statement of economic interests. 5 ILCS 420/4A-106.5, added by P.A. 101-221.
On or before May 1, annually	All employees who are required to file a statement of economic interests (see policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*) must file a statement of economic interests with the county clerk of the county in which the principal District office is located (5 ILCS 420/4A-106.5), unless the employee has already filed a statement in relation to the District within the calendar year. 5 ILCS 420/4A-105.
After January 1, 2011	Any county clerk who uses a system of Internet-based filing of economic interest statements must: (1) post the contents of statements, without filers' addresses or signatures, that were filed using the Internet on a publicly accessible website, and (2) otherwise comply with 5 ILCS 420/4A-108, amended by P.A. 102-664. The times for the filing of statements of economic interests set forth in Section 4A-105 must be followed in any system of Internet-based filing.

Adopted 4/11/23

5:120-AP2 Administrative Procedure - Employee Conduct Standards

Professional and appropriate conduct is expected of all District employees. The standards listed below serve as a notice of expected conduct. The standards are intended to protect the health, safety, and general welfare of students and employees, ensure the community a degree of accountability within the School District, and define misconduct justifying disciplinary action, up to and including dismissal. The listed standards are not a complete list of expectations, and depending on the factual context, an employee may be disciplined for conduct that is not specifically listed. The conduct standards apply to all District employees to the extent they do not conflict with an applicable collective bargaining agreement; in the event of a conflict, the provision is severable and the applicable bargaining agreement will control. In addition, all employees who are governed by the *Code of Ethics for Illinois Educators* must comply with 5:120-E, *Code of Ethics for Illinois Educators*, adopted by the Ill. State Board of Education (ISBE) (23 Ill.Admin.Code Part 22).

All school employees shall:

1. Exhibit positive examples of preparedness, punctuality, attendance, self-control, language, and appearance.
2. Exemplify honesty and integrity. Violations of this standard include, but are not limited to, falsifying, misrepresenting, omitting, or erroneously reporting the professional qualifications of oneself or another individual or information submitted in connection with job duties or during the course of an official inquiry/investigation.
3. Maintain professional and appropriate relationships with students by following established expectations and guidelines for employee-student boundaries, both in and outside the school. Attend all in-service trainings on educator ethics and responding to child sexual abuse and grooming behavior including, but not limited to, teacher-student conduct, school employee-student conduct, and evidence-informed training on preventing, recognizing, reporting, and responding to child sexual abuse and grooming as outlined in 105 ILCS 5/10-23.13 (*Erin's Law*) for all personnel (105 ILCS 5/10-22.39(b-35), added by P.A. 103-542, eff. 1-1-23 and operative 7-1-24), as well as all required trainings on child abuse, grooming behaviors, and employee-student boundary violations (325 ILCS 5/4(j) and 5/10-23.13 (*Erin's Law*)). Violations of this standard include, but are not limited to: (a) committing any act of child abuse or cruelty to children; (b) willfully or negligently failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act (325 ILCS 5/); (c) engaging in harassing behavior, including but not limited to sexually harassing a student (775 ILCS 5/5A-102, amended by P.A. 103-472, eff. 8-1-24); (d) willfully or negligently failing to report an instance of suspected sexual harassment as required by Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.), (e) providing a recommendation of employment for an employee, contractor, or agent that the employee knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law, as prohibited by the Elementary and Secondary Education Act (20 U.S.C. § 7926), (f) engaging in *grooming* as defined in 720 ILCS 5/11-25; (g) engaging in prohibited grooming behaviors, including *sexual misconduct* as defined in 105 ILCS 5/22-85.5(c) (*Faith's Law*) and Board policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; (h) furnishing tobacco, alcohol, cannabis, or any other illegal/unauthorized substance, including e-cigarettes, to any student or allowing a student under his or her supervision to

use tobacco, alcohol, cannabis (including medical cannabis unless the student is authorized to be administered a medical cannabis infused product by the school employee pursuant to *Ashley's Law*); and (i) violating expectations and guidelines for employee-student boundaries set forth in 5:120-AP2, E, *Expectations and Guidelines for Employee-Student Boundaries*.

4. Maintain a safe and healthy environment, free from being impaired by and/or under the influence of prohibited substances to ensure high quality performance for the District and its students. The use of illegal drugs and/or abuse and misuse of alcohol, drugs, and other lawful products while on District premises or while performing work for the District diminishes the District's credibility and ability to educate students about drug and substance abuse prevention pursuant to Board policy 6:60, *Curriculum Content*. Violations of this standard include, but are not limited to, engaging in any of the prohibited activities listed in the District's drug- and alcohol-free workplace policy. Examples include using or being impaired by or under the influence of illegal drugs; abusing, misusing, and/or being impaired by or under the influence of alcohol, drugs, and/or other lawful products when performing work for the District when impairment is detectable regardless of when and/or where the use occurred; and/or using or being impaired or under the influence of or possessing medical cannabis in a school bus or on school grounds.
5. Maintain a safe and healthy environment, free from harassment, intimidation, bullying, hazing, and violence, and free from bias and discrimination. Violations of this standard include, but are not limited to: (a) unless specifically permitted by the Firearm Concealed Carry Act, carrying a firearm on or into any District controlled building, real property, or parking area, or any transportation vehicle paid for in whole or in part with public funds; (b) willfully or negligently failing to immediately report suspected cases of child abuse or neglect or of gender harassment; (c) knowingly failing to report hazing to supervising educational authorities or, in the event of death or great bodily harm, to law enforcement; and (d) failing to appropriately respond to a witnessed or reported incident of student-on-student bullying, harassment, hazing, or teen dating violence.
6. Comply with the Code of Ethics For Test Administration, prepared and published by ISBE for educators who administer any standardized test (at www.isbe.net/Documents/AssessmentCodeofEthics-2021-22.pdf), and with any assessment-specific administration guidance (see www.isbe.net/Pages/Assessment.aspx).
7. Honor the public trust when entrusted with public funds and property by acting with a high level of honesty, accuracy, and responsibility. Violations of this standard include, but are not limited to: (a) misusing public or school-related funds; (b) failing to account for funds collected from students or parents/guardians; (c) submitting fraudulent requests for reimbursement of expenses or for pay; (d) co-mingling District or school funds with personal funds or checking accounts; and (e) using school property without the approval of the supervising school official.
8. Maintain integrity with students, colleagues, parents/guardians, community members, and businesses concerning business dealings and when accepting gifts and favors. Violations of this standard include, but are not limited to, soliciting students or parents/guardians to purchase supplies or services from the employee or to participate in activities that financially benefit the employee without fully disclosing the interest.
9. Respect the confidentiality of student and personnel records, standardized test material, and other information covered by confidentiality agreements. Violations of this standard include, but are not limited to: (a) disclosing confidential information concerning student academic and disciplinary records, health and medical information, family status and/or income, and assessment/testing results, unless disclosure is required or permitted by law; and (b) disclosing confidential information restricted by State or federal law.

10. Demonstrate conduct that follows generally recognized professional standards and attend all in-service trainings on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel (105 ILCS 5/10-22.39, amended by P.A. 103-542, eff. 1-1-24 and operative 7-1-24). Unethical conduct is any conduct that impairs the employee's ability to function professionally in his or her employment position or a pattern of behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students.
11. Comply with all State and federal laws and rules regulating public schools and Board policies, including but not limited to: 2:105 (*Ethics and Gift Ban*), 4:165 (*Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*), 5:10 (*Equal Employment Opportunity and Minority Recruitment*), 5:20 (*Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria*), 5:50 (*Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*), 5:60 (*Expenses*), 5:90 (*Abused and Neglected Child Reporting*), 5:100 (*Staff Development Program*), 5:120 (*Employee Ethics; Code of Professional Conduct; and Conflict of Interest*), 5:130 (*Responsibilities Concerning Internal Information*), 5:140 (*Solicitations By or From Staff*), 5:170 (*Copyright*), 5:180 (*Temporary Illness or Temporary Incapacity*), 5:200 (*Terms and Conditions of Employment and Dismissal*), 5:230 (*Maintaining Student Discipline*), 5:280 (*Duties and Qualifications*), 5:290 (*Employment Termination and Suspensions*), 6:235 (*Access to Electronic Networks*), 7:20 (*Harassment of Students Prohibited*), 7:180 (*Prevention of and Response to Bullying, Intimidation, and Harassment*), 7:190 (*Student Behavior*), 7:340 (*Student Records*), and 8:30 (*Visitors to and Conduct on School Property*).

Conviction of any employment disqualifying criminal offense listed in 105 ILCS 5/10-21.9 or 5/21B-80 will result in dismissal.

Before disciplinary action is taken, the supervisor will conduct a fair and objective investigation to determine whether the employee violated a standard or other work rule and the extent that any violation impacts educational or operational activities, effectiveness, or efficiency. Discipline must be appropriate and reasonably related to the seriousness of the misconduct and the employee's record. Any applicable provision in a contract, bargaining agreement, or State law will control the disciplinary process.

Adopted 4/9/24

5:120-AP2, E Exhibit – Expectations and Guidelines for Employee-Student Boundaries

105 ILCS 5/10-23.13, Erin's Law, requires this exhibit's discussion. Use this exhibit to structure local conversations around what the District will include for its examples of expectations and guidelines about professional boundaries in employee-student relationships. Finalization of this exhibit requires a conversation among district administrators and employees to customize it based upon the ages, grade levels, and developmental levels of the students served, as well as local conditions.

All District employees must maintain professional employee-student boundaries and relationships with students. This includes meeting expectations and following guidelines established by the District for employee-student boundaries. These expectations and guidelines apply to all professional, educational support, and contracted District employees. If they conflict with an applicable collective bargaining agreement, the provision is severable and the applicable bargaining agreement will control.

The District understands that employees may have pre-existing relationships with families of students outside of school. These expectations and guidelines do not apply to employee-student relationships based in pre-existing relationships, including nuclear or extended families. These expectations and guidelines are not intended to prohibit such interactions, provided that an awareness of employee-student boundaries is maintained at all times. This document is not exhaustive, and an employee may be disciplined for boundary violations that are not specifically listed.

Employee-Student Boundaries

The relationship between students and school employees is an inherently unequal imbalance of power because school employees are in a unique position of trust, care, authority, and influence in relation to students. District employees breach employee-student boundaries when they misuse their position of power over a student in a way that compromises the student's health, safety, or general welfare. Employee-student boundaries are categorized into four areas that are not mutually exclusive:

- **Emotional Boundaries** – both the employee's own emotional state and self-regulation as well as students' emotional states and developmental abilities to self-regulate.
- **Relationship/Power Boundaries** – recognizing, as noted above, that the employee-student relationship is unequal and employees must safeguard against misusing positions of power.
- **Communication Boundaries** – how and what employees communicate to students, including communication that is verbal, nonverbal, in person, or via electronic means.
- **Physical Boundaries** – physical contact between employees and students.

While some employee-student boundaries are clear and easy to recognize, there are some unclear, *grey* areas that employees must plan for and respond to with sound judgment. This means recognizing the potential negative consequences for students and/or employees engaging in certain behaviors with students or allowing inappropriate conduct to continue. Employees may use *time, place, and circumstances* as a guiding principle by asking themselves:

- Is this the appropriate *time* for my planned action?
- Have I chosen the appropriate *place* for the planned action?
- Are these appropriate *circumstances* for me to take my planned action?

To avoid behavior or conduct which may lead to a breach in employee-student boundaries, employees should also recognize their own unique vulnerabilities. Examples of vulnerabilities that employees may experience include, but are not limited to:

- Employees regarding students as peers
- Employees who too closely identify with students and their issues
- Employees experiencing adult relationship issues
- Immature employees, or employees with an under-developed moral compass
- Employees feeling a need for attention
- Employees who abuse alcohol or other substances
- Employees who lack personal crisis management skills

Employees experiencing difficulties in their personal lives may be particularly susceptible to engaging in at-risk behavior or conduct with students. Employees must be alert to such risks and ensure they maintain professional boundaries at all times. The Markkula Center for Applied Ethics' Framework for Ethical Decision-Making may help employees evaluate and address conduct that concerns them. See www.scu.edu/ethics/ethics-resources/ethical-decision-making/.

Guidelines for Specific Boundary Areas

Customize based upon the ages, grade levels, and developmental levels of the students served.

Boundary Area	Inappropriate	Appropriate
Emotional	Favoring certain students by inviting them to your classroom at non-instructional times to "hang out." Favoring certain students by giving them special privileges. Engaging in peer-like behavior with students. Discussing personal issues with students.	Inviting students who need additional instructional support to your classroom for such additional support. Conducting one-on-one student conferences in a classroom with the door open.
Relationship/Power	Meeting with a student off-campus without parent/guardian knowledge and/or permission. Dating, requesting, or participating in a private meeting with a student (in person or virtually) outside your professional role. Transporting a student in a school or private vehicle without administrative authorization.	Meeting with a student off-campus with parent/guardian knowledge and/or permission, e.g., when providing pre-arranged tutoring or coaching services. Transporting a student in a school or private vehicle with administrative authorization. Taking and using photos/videos of students for educational purposes, with student and parent/guardian consent, while abiding by

Boundary Area	Inappropriate	Appropriate
	Giving gifts, money, or treats to individual students. Sending students on personal errands. Intervening in serious student problems instead of referring the student to an appropriately trained professional. A sexual or romantic invitation toward or from a student. Taking and using photos/videos of students for non-educational purposes.	student records laws, policies, and procedures.
Communication	Initiating or extending contact with a student beyond the school day in a one-on-one or non-group setting. Inviting students to your home. Adding students on personal social networking sites as contacts when unrelated to a legitimate educational purpose. Privately messaging students by any means. Maintaining intense eye contact. Making comments about a student's physical attributes, including excessively flattering comments. Engaging in sexualized or romantic dialog. Making sexually suggestive comments directed toward or with a student. Disclosing confidential information. Self-disclosure of a sexual, romantic, or erotic nature.	Limiting communication to what is necessary for educational and/or extracurricular activities. Using District-approved methods for communicating with students.

Boundary Area	Inappropriate	Appropriate
Physical	Full frontal hugs. Invading personal space. Massages, shoulder rubs, neck rubs, etc. Lingering touches or squeezes. Tickling. Having a student on your lap. Physical exposure of a sexual, romantic, or erotic nature. Sexual, indecent, romantic, or erotic contact with a student. Assisting a young student or a student with special needs with a toileting issue without obtaining parent/guardian permission.	Occasionally patting a student on the back, shoulder, or arm. Momentary physical contact with limited force designed to prevent a student from completing an act that would result in potential physical harm to the student or another person or damage to property; or to remove a disruptive student who is unwilling to leave the area voluntarily. Assisting a young student or a student with special needs with a toileting issue when parent/guardian permission has been granted.

Adopted 4/11/23

5:120-E Exhibit - Code of Ethics for Illinois Educators

Code of Ethics for Illinois Educators, Illinois State Board of Education (ISBE) (23 Ill.Admin.Code §22.20)

a) Responsibility to Students

The Illinois educator is committed to creating, promoting, and implementing a learning environment that is accessible to each student, enables students to achieve the highest academic potential, and maximizes their ability to succeed in academic and employment settings as a responsible member of society. Illinois educators:

1. Embody the Standards for the School Support Personnel Endorsements (23 Ill.Admin.Code Part 23), the Illinois Professional Teaching Standards (23 Ill.Admin.Code Parts 24 and 130), and Standards for Administrative Endorsements (23 Ill.Admin.Code Part 29), as applicable to the educator, in the learning environment;
2. Respect the inherent dignity and worth of each student by assuring that the learning environment is characterized by respect and equal opportunity for each student, regardless of race, color, national origin, sex, sexual orientation, disability, religion, language or socio-economic status;
3. Maintain a professional relationship with students at all times;
4. Provide a curriculum based on high expectations for each student that addresses individual differences through the design, implementation, and adaptation of effective instruction; and
5. Foster in each student the development of attributes that will enhance skills and knowledge necessary to be a contributing member of society.

b) Responsibility to Self

Illinois educators are committed to establishing high professional standards for their practice and striving to meet these standards through their performance. Illinois educators:

6. Assume responsibility and accountability for their performance and continually strive to demonstrate proficiency and understanding of current trends in both content knowledge and professional practice;
7. Develop and implement personal and professional goals with attention to professional standards through a process of self-assessment and professional development;
8. Represent their professional credentials and qualifications accurately; and
9. Demonstrate a high level of professional judgment.

c) Responsibility to Colleagues and the Profession

The Illinois educator is committed to collaborating with school and district colleagues and other professionals in the interest of student learning. Illinois educators:

1. Collaborate with colleagues in their respective schools and districts to meet local and State educational standards;
2. Work together to create a respectful, professional, and supportive school climate that allows all educators to maintain their individual professional integrity;
3. Seek out and engage in activities that contribute to the ongoing development of the profession;
4. Promote participation in educational decision-making processes;
5. Encourage promising candidates to enter the education profession; and
6. Support the preparation, induction, mentoring, and professional development of educators.

d) Responsibility to Parents, Families and Communities

The Illinois educator will collaborate, build trust, and respect confidentiality with parents, families, and communities to create effective instruction and learning environments for each student. Illinois educators:

1. Aspire to understand and respect the values and traditions of the diversity represented in the community and in their learning environments;
2. Encourage and advocate for fair and equal educational opportunities for each student;
3. Develop and maintain professional relationships with parents, families, and communities;
4. Promote collaboration and support student learning through regular and meaningful communication with parents, families, and communities; and
5. Cooperate with community agencies that provide resources and services to enhance the learning environment.

e) Responsibility to ISBE

Illinois educators are committed to compliance with the School Code (105 ILCS 5/) and its implementing regulations, and to State and federal laws and regulations relevant to their profession. Illinois educators:

1. Provide accurate communication to ISBE concerning all educator licensure matters;
2. Maintain appropriate educator licensure for employment; and
3. Comply with State and federal laws and regulations.

Adopted 2/11/25

5:125 Personal Technology and Social Media; Usage and Conduct

Definitions

Includes - Means "includes without limitation" or "includes, but is not limited to."

Social media - Media for social interaction, using highly accessible web-based and/or mobile technologies that allow users to share content and/or engage in interactive communication through online communities. This includes, but is not limited to, services such as *Facebook, LinkedIn, Twitter, Instagram, TikTok, Snapchat, and YouTube*.

Personal technology - Any device that is not owned or leased by the District or otherwise authorized for District use and: (1) transmits sounds, images, text, messages, videos, or electronic information, (2) electronically records, plays, or stores information, or (3) accesses the Internet, or private communication or information networks. This includes computers, tablets, smartphones, and other devices.

Usage and Conduct

All District employees who use personal technology and/or social media shall:

1. Adhere to the high standards for **Professional and Appropriate Conduct** required by policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, at all times, regardless of the ever-changing social media and personal technology platforms available. This includes District employees posting images or private information about themselves or others in a manner readily accessible to students and other employees that is inappropriate as defined by policies 5:20, *Workplace Harassment Prohibited*; 5:100, *Staff Development Program*; 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; 6:235, *Access to Electronic Networks*; and 7:20*, Harassment of Students Prohibited*; and the Ill. Code of Educator Ethics, 23 Ill.Admin.Code §22.20.
2. Choose a District-provided or supported method whenever possible to communicate with students and their parents/guardians.
3. Not interfere with or disrupt the educational or working environment, or the delivery of education or educational support services.
4. Inform their immediate supervisor if a student initiates inappropriate contact with them via any form of personal technology or social media.
5. Report instances of suspected abuse or neglect discovered through the use of social media or personal technology pursuant to a school employee's obligations under policy 5:90, *Abused and Neglected Child Reporting*.
6. Not disclose confidential information, including but not limited to school student records (e.g., student work, photographs of students, names of students, or any other personally identifiable information about students) or personnel records, in compliance with policy 5:130, *Responsibilities Concerning Internal Information*. For District employees, proper approval may include implied consent under the circumstances.
7. Refrain from using the District's logos without permission and follow Board policy 5:170, *Copyright*, and all District copyright compliance procedures.
8. Use personal technology and social media for personal purposes only during non-work times or hours. Any duty-free use must occur during times and places that the use will not interfere with job duties or otherwise be disruptive to the school environment or its operation.

9. Assume all risks associated with the use of personal technology and social media at school or school-sponsored activities, including students' viewing of inappropriate Internet materials through the District employee's personal technology or social media. The Board expressly disclaims any responsibility for imposing content filters, blocking lists, or monitoring of its employees' personal technology and social media.
10. Be subject to remedial and any other appropriate disciplinary action for violations of this policy ranging from prohibiting the employee from possessing or using any personal technology or social media at school to dismissal and/or indemnification of the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District relating to, or arising out of, any violation of this policy.

Superintendent Responsibilities

The Superintendent shall:

1. Inform District employees about this policy during the in-service on educator ethics, teacher-student conduct, and school employee-student conduct required by policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*.
2. Direct Building Principals to annually:
    a. Provide their building staff with a copy of this policy.
    b. Inform their building staff about the importance of maintaining high standards in their school relationships.
    c. Remind their building staff that those who violate this policy will be subject to remedial and any other appropriate disciplinary action up to and including dismissal.
3. Build awareness of this policy with students, parents, and the community.
4. Ensure that neither the District, nor anyone on its behalf, commits an act prohibited by the Right to Privacy in the Workplace Act, 820 ILCS 55/10; i.e., the *Facebook Password Law*.
5. Periodically review this policy and any implementing procedures with District employee representatives and electronic network system administrator(s) and present proposed changes to the Board.

LEGAL REF.: 105 ILCS 5/21B-75 and 5/21B-80.

775 ILCS 5/5A-102, Ill. Human Rights Act.

820 ILCS 55/10, Right to Privacy in the Workplace Act.

23 Ill.Admin.Code §22.20, Code of Ethics for Ill. Educators.

Garcetti v. Ceballos, 547 U.S. 410 (2006).

Pickering v. High School Dist. 205, 391 U.S. 563 (1968).

Mayer v. Monroe County Community School Corp., 474 F.3d 477 (7th Cir. 2007).

CROSS REF.: 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:130 (Responsibilities Concerning Internal Information), 5:150 (Personnel Records), 5:170 (Copyright), 5:200 (Terms and Conditions of Employment and Dismissal), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:340 (Student Records)

Adopted 8/8/23

5:125-E Exhibit - Employee Receipt of Board Policy on Personal Technology and Social Media

I, the individual whose signature appears below, acknowledge receipt of Board policy 5:125, *Personal Technology and Social Media; Usage and Conduct*. I affirm that I have read the policy and agree to comply with its requirements.

_____
Name (*please print*)

_____ _____
Signature Date

Adopted 11/9/21

5:130 Responsibilities Concerning Internal Information

District employees are responsible for maintaining: (1) the integrity and security of all internal information, and (2) the privacy of confidential records, including but not limited to: student school records, personnel records, and the minutes of, and material disclosed in, a closed School Board meeting. Internal information is any information, oral or recorded in electronic or paper format, maintained by the District or used by the District or its employees. The Superintendent or designee shall manage procedures for safeguarding the integrity, security, and, as appropriate, confidentiality of internal information.

LEGAL REF.: 20 U.S.C. §1232g, Family Educational and Privacy Rights Act.

45 C.F.R. §164.502, Uses and Disclosures of Protected Health Information; General Rules.

5 ILCS 140/, Ill. Freedom of Information Act.

50 ILCS 205/, Local Records Act.

105 ILCS 10/, Ill. School Student Records Act.

105 ILCS 85, Student Online Personal Protection Act.

820 ILCS 40/, Personnel Record Review Act.

CROSS REF.: 2:140 (Communications To and From the Board), 2:250 (Access to District Public Records), 5:150 (Personnel Records), 7:340 (Student Records), 7:345 (Use of Educational Technologies; Student Data Privacy and Security)

Adopted 2/11/25

5:130-AP Administrative Procedure - Email Retention

Emails, including attachments, sent or received by the District or District employees may be, depending on their content, subject to disclosure under the Freedom of Information Act and/or discovery in litigation as evidence in support of a claim. Employees must use the same standards of judgment, propriety, and ethics with email as they do with other forms of school business related communications.

Accordingly, employees have the same responsibilities for email messages as they do for any other communication and must distinguish between record and non-record messages. This allows for the proper storage or disposal of email. However, no District record, no matter its form, may be destroyed if it is subject to a litigation hold. See administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*. For guidance on School Board member use and retention of email, see 2:140-E, *Guidance for Board Member Communications, Including Email Use*. For help with these responsibilities, please contact the District's FOIA Officer.

Non-Record Messages

Email messages are *non-record messages* if they do not evidence the District's organization, function, policies, procedures, or activities; or do not contain informational data appropriate for preservation. These are generally informal or preliminary drafts, notes, recommendations, or memoranda that do not contain official action. Examples include:

1. Personal correspondence not received or created in the course of District or school business, such as, "What's for dinner?" or "I'll be glad to drive to the meeting."
2. Duplicates of notices concerning meetings or workshops, dates, discussion topics, or material to prepare for or to be discussed during a meeting.
3. Publications or promotional materials from vendors and similar materials that are sent as part of mass marketing campaigns.
4. Correspondence containing recommendations or opinions that are preliminary to a decision, unless appropriate for preservation, e.g., legal opinions.
5. Informal correspondence to parents/guardians concerning school activities or an individual student's progress or assignments provided the messages do not contain notice of final or official action.
6. Draft material, except when appropriate for preservation, e.g., draft collective bargaining agreement language.

If the email is a *non-record message*, the employee should delete it as soon as its purpose is fulfilled unless the email is subject to a litigation hold. The goal is to control excessive accumulation of material.

Official Record Messages

Email messages are *official record messages* if they are evidence of the District's organization, function, policies, procedures, or activities or contain informational data appropriate for preservation. Some examples include:

1. Policy documents or contract-related documents.
2. Correspondence, e.g., letters, memos, or emails from individuals, companies, or organizations requesting information about the District or school policies or practices and the responses to these requests.

3. Project reports.
4. Correspondence dealing with significant aspects of District administration or a school executive office, including messages containing information concerning policies, programs, fiscal and personnel matters, and contracts.
5. Correspondence between Board members regarding District business.
6. Updates provided to a student's parent/guardian about the student's progress or a disciplinary matter.
7. Correspondence between administrators regarding an employee investigation.

Official record messages should routinely be transferred to the records maintenance location identified by the Records Custodian or Head of Information Technology (IT). Before transferring the message, the employee should identify it as belonging in one of the categories of records established by the Records Custodian or Head of IT. Once transferred, it becomes the official copy and the original electronic version may be deleted according to the District's approved record preservation and retention schedule. See administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*.

Adopted 10/11/22

5:140 Solicitations By or From Staff

District employees shall not solicit donations or sales, nor shall they be solicited for donations or sales, on school grounds without prior approval from the Superintendent.

CROSS REF.: 8:90 (Parent Organizations and Booster Clubs)

Adopted 10/11/22

5:150 Personnel Records

Maintenance and Access to Records

The Superintendent or designee shall manage the maintenance of personnel records in accordance with State and federal law and School Board policy. Records, as determined by the Superintendent, are retained for all employment applicants, employees, and former employees given the need for the District to document employment-related decisions, evaluate program and staff effectiveness, and comply with government recordkeeping and reporting requirements. Personnel records shall be maintained in the District's administrative office, under the Superintendent's direct supervision.

Access to personnel records is available as follows:

1. An employee will be given access to his or her personnel records according to State law and guidelines developed by the Superintendent.
2. An employee's supervisor or other management employee who has an employment or business-related reason to inspect the record is authorized to have access.
3. Anyone having the respective employee's written consent may have access.
4. Access will be granted to anyone authorized by State or federal law to have access.
5. All other requests for access to personnel information are governed by Board policy 2:250, *Access to District Public Records*.

Prospective Employer Inquiries Concerning a Current or Former Employee's Job Performance

The Superintendent or designee shall manage a process for responding to inquiries by a prospective employer concerning a current or former employee's job performance. The Superintendent shall:

1. Execute the requirements in the Abused and Neglected Child Reporting Act whenever another school district asks for a reference concerning an applicant who is or was a District employee and was the subject of a report made by a District employee to Ill. Dept. of Children and Family Services (DCFS); and
2. Comply with the federal law prohibiting the District from providing a recommendation of employment for an employee, contractor, or agent that District knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law, but the Superintendent or designee may follow routine procedures regarding the transmission of administrative or personnel files for that employee.
3. Manage the District's responses to employer requests for sexual misconduct related employment history review (EHR) information in accordance with *Faith's Law*.

When requested for information about an employee by an entity other than a prospective employer, the District will only confirm position and employment dates unless the employee has submitted a written request to the Superintendent or designee.

LEGAL REF.: 20 U.S.C. §7926.
105 ILCS 5/22-94.
325 ILCS 5/4, Abused and Neglected Child Reporting Act.
745 ILCS 46/10, Employment Record Disclosure Act.
820 ILCS 40/, Personnel Record Review Act.
23 Ill.Admin.Code §1.660.

CROSS REF.: 2:250 (Access to District Public Records), 5:90 (Abused and Neglected Child Reporting), 7:340 (Student Records)

Adopted 4/9/24

5:150-AP Administrative Procedure - Personnel Records

Applicant Records

Records for a successful employment applicant are maintained with the individual's employment records. Records for an unsuccessful employment applicant are maintained for no less than five years from the application date. Applicant records include the following if received by the District:

Employment application forms
Transcripts
Previous work experience
References
Such other relevant information as the District desires of applicants for screening purposes

Personnel Records

Personnel records for all employees include:

Job posting, pay scale, and benefits for the employee's position (beginning 1-1-25)
Pre-employment records, including verification of past employment
Dates of employment
Valid certificate and/or evidence of required credentials for services being performed
Criminal background investigation history and report
Sexual Misconduct Related Employment History Review (EHR) records
Form I-9 required under the Immigration Reform and Control Act
Records maintained pursuant to Internal Revenue Service regulations
Payroll information and deductions, including all records required to be kept by 5:35-AP2, *Employee Records Required by the Fair Labor Standards Act* (29 C.F.R. §§516.2 and 516.3) and the Equal Pay Act of 2003, 820 ILCS 112/20
Records maintained for the Ill. Teachers' Retirement System or the Ill. Municipal Retirement System
Credit release information
Sick leave, leaves of absence, personal leave, and vacation data (where appropriate)
Salary schedule data
Relevant health and medical records, including the verification of freedom from tuberculosis required by the School Code (105 ILCS 5/24-5)
Supervisory evaluations
Promotions
Awards received
Personnel documents that have been or are intended to be used in determining an employee's qualification for promotion, transfer, discharge, or disciplinary action
Disciplinary actions and accompanying records
Notice of discharge and accompanying records
Letter of resignation or retirement
Notification that an employee is the subject of an Ill. Dept. of Children and Family Services (DCFS) investigation pursuant to the Abused and Neglected Child Reporting Act (ANCRA) and any report to DCFS made or caused to be made by a District employee concerning another employee; this record will be deleted if DCFS informs the District that the allegations were unfounded

Any additional information the District deems to be relevant
In addition to the above, personnel records for all professional personnel include:
Valid certificate for services being performed
Copies of official transcripts required by the School Code (105 ILCS 5/24-23)
Transcripts of graduate work completed
Verification of past teaching experience, if any
Record of in-service work completed
Acknowledgement of mandated reporter status
Employment records will be maintained permanently for all District employees and former employees unless the Local Records Commission's approval is obtained to dispose of them.

Restrictions on Information that May Be Kept

The District will not gather or keep a record of an employee's associations, political activities, publications, communications, or non-employment activities, unless the employee submits the information in writing or authorizes the District in writing to keep or gather such records. However, the District may gather or keep records in an employee's personnel file concerning: (1) activities or associations with individuals or groups involved in the physical, sexual, or other exploitation of a minor, or (2) activities occurring on the District's premises or during the employee's working hours that interfere with the performance of the employee's duties or activities, or those of other employees, regardless of when and where occurring, that constitute criminal conduct or may reasonably be expected to harm the District's property, operations or educational process, or programs, or that could, by the employee's actions, cause the District financial liability. 820 ILCS 40/9.

Access to Employee Records and Correction Requests

An employee is granted access to his or her personnel records according to provisions in the Ill. Personnel Record Review Act (PRRA), 820 ILCS 40/, and any relevant provisions in an applicable collective bargaining agreement. Except for the documents described in 820 ILCS 40/10, an employee is granted access to his or her personnel records at least two times in a calendar year at reasonable intervals. Unless otherwise indicated in an applicable bargaining agreement, access to the employee's personnel records will be according to the following guidelines:

1. The employee must submit a written inspection request to the Superintendent or the Superintendent's designee.
2. The Superintendent or designee will provide the employee the opportunity for inspection within seven working days after the request. If such deadline cannot reasonably be met, the District will have an additional seven days to comply.
3. The employee will inspect the personnel record at the District's administrative office during normal working hours or at another time mutually convenient to the employee and the Superintendent or designee.
4. Inspection of personnel records will be conducted under the supervision of an administrative staff member.
5. Neither an employee nor his or her designated representative will have access to records that are treated as exceptions in the PRRA discussed below.
6. The employee may copy material maintained in his or her personnel record. Payment for record copying will be based on the District's actual costs of duplication.
7. The employee may not remove any part of his or her personnel records from his or her file or may not remove any part of his or her personnel records from the District's administrative office.

8. Upon the employee's request, the District will email or mail a copy of the specific record(s) to the email address or mailing address identified by the employee for the purpose of receiving the record(s). The District will charge a fee for providing a copy of the records not to exceed the actual cost of the copying.
9. Should the employee be involved in a current grievance against the District or involved in any other contemplated proceedings against the District, the employee may designate in writing a representative who has the authority to inspect the personnel records under the same rights as the employee.
10. If the employee disagrees with any information contained in the personnel record, a removal or correction of that information may be mutually agreed upon by the District and employee. If agreement cannot be reached, the employee may submit a written statement explaining his or her position. The District will attach the employee's statement to the disputed portion of the personnel record and the statement will be included whenever that disputed record is released to a third party as long as the disputed record is part of the employee's personnel file. Inclusion of any written statement attached to the disputed record in an employee's personnel file without any further comment or action by the District will not imply or create any presumption that the District agrees with the statement's contents.

Requests by Third Parties

The Board Attorney shall be consulted whenever a subpoena or court order requests personnel record information. Any other request for personnel information by a third party will be treated as a FOIA request and immediately forwarded to the School District's Freedom of Information Officer (see 2:250-AP1, *Access to and Copying of District Public Records*). Concerning a request for a disciplinary report, letter of reprimand, or other disciplinary action:

1. If the responsive record is more than four years old and is not related to an incident or an attempted incident of sexual abuse, severe physical abuse, or sexual misconduct as defined in 105 ILCS 5/22-85.5(c), access will be denied unless the release is ordered in a legal action or arbitration. 5 ILCS 140/7.5(q); 820 ILCS 40/8, amended by P.A. 102-702.
2. If the responsive record is more than four years old and is related to an incident or an attempted incident of sexual abuse, severe physical abuse, or sexual misconduct as defined in 105 ILCS 5/22-85.5(c), the request cannot be denied. 820 ILCS 40/8, amended by P.A. 102-702.
3. If the responsive record is four years old or less, access will be granted (regardless of its nature). The District will provide the employee with written notice or through electronic mail, if available, on or before the day any such record is released, unless notice is not required under the Personnel Record Review Act. 5 ILCS 140/7.5(q); 820 ILCS 40/7 and 40/8, amended by P.A. 102-702.
4. The employee will not be informed if the employee has specifically waived written notice as part of a written, signed employment application with another employer; the disclosure is ordered to a party in a legal action or arbitration; or information is requested by a government agency as a result of a claim or complaint by an employee, or as a result of a criminal investigation by such agency.

A FOIA request for a performance evaluation will be denied. 820 ILCS 40/11, 5 ILCS 140/7.5(q).

Before replying to a request from a third party, the District will review the requested records and delete or redact material that is protected from disclosure. 820 ILCS 40/8, amended by P.A. 102-702.

Restriction on Employee Access

The PRRA, 820 ILCS 40/10, provides that the right of the employee or the employee's designated representative to inspect his or her personnel records does not extend to:

1. Letters of reference for that employee.
2. Any portion of a test document, except that the employee may see a cumulative total test score for either a section of or the entire test document.
3. Materials relating to the employer's staff planning, such as matters relating to the District's development, expansion, closing or operational goals, where the materials relate to or affect more than one employee, provided, however, that this exception does not apply if such materials are, have been or are intended to be used by the employer in determining an individual employee's qualifications for employment, promotion, transfer, or additional compensation, or in determining an individual employee's discharge or discipline.
4. Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
5. Records relevant to any other pending claim between the District and employee that may be discovered in a judicial proceeding.
6. Investigatory or security records maintained by the District to investigate criminal conduct by an employee or other activity by the employee that could reasonably be expected to harm the District's property, operations, or education process or programs, or could by the employee's activity cause the District financial liability, unless and until the District takes adverse personnel action based on information in such records.

Complying with Requirements in the Abused and Neglected Child Reporting Act

The Superintendent will execute the requirements in ANCRA whenever a District employee makes a report to DCFS involving another District employee's conduct. This includes performing the following tasks (325 ILCS 5/4 and 820 ILCS 40/13):

1. Disclose to any school district requesting information concerning a current or former employee's job performance or qualifications the fact that he or she was the subject of another employee's report to DCFS. Only the fact that a District employee made a report may be disclosed.
2. Inform the District employee who is or has been the subject of such report that the Superintendent will make the disclosure as described above.
3. Delete the record of such a report if DCFS informs the District that the allegation was unfounded.

Complying with Requirements of *Faith's Law*

The Superintendent or designee shall execute the recordkeeping requirements of *Faith's Law*. This includes performing the following tasks (105 ILCS 5/22-94(e)):

1. At the time of an employee's separation from employment, or upon request of any employee, ensures the completion of the *Authorization for Release of Sexual Misconduct Related Information and Current/Former Employer Response* form, using the Ill. State Board of Education *Authorization for Release of Sexual Misconduct Related Information and Current/Former Employer Response Template* at: www.isbe.net/Documents/Temp2-Auth-Release-Sexual-Misconduct-Related-Info.pdf.
2. If the District is still investigating an employee for *sexual misconduct* after the employee's separation from employment, updates the information in the *Authorization for Release of Sexual Misconduct Related Information and Current/Former Employer Response* form accordingly.

3. Maintains the completed *Authorization for Release of Sexual Misconduct Related Information and Current/Former Employer Response* form in the employee's personnel file.
4. Responds to employer requests for sexual misconduct related employment history information under *Faith's Law* by: (a) completing the *Authorization for Release of Sexual Misconduct-Related Information and Current/Former Employer Response* form provided by the employer within 20 calendar days of receipt, and (b) providing to the employer any relevant information, including copies of personnel records, regarding instances of sexual misconduct in accordance with the instructions on the form.

LEGAL REF.: 29 C.F.R. Part 516.

5 ILCS 140/, Freedom of Information Act.
105 ILCS 5/22-94.
325 ILCS 5/4 and 5/7.4, Abused and Neglected Child Reporting Act.
820 ILCS 40/, Personnel Record Review Act.
820 ILCS 112/20, Equal Pay Act of 2003.
23 Ill.Admin.Code §1.660.

Adopted 8/8/23

5:170 Copyright

Works Made for Hire

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

Copyright Compliance

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

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

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

District DMCA Agent:

Terry Gille, Business Office Manager

Name

850 Hayes Ave; South Beloit, IL 61080

Address

tgille@sb320.org

Email

815-389-3478

Telephone

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

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

Adopted 8/8/23

5:170-E1 Exhibit - Request to Reprint or Adapt Material

On District letterhead

Date

To: _____

_____

On behalf of the School District, I am requesting permission to **reprint** [*to use without change*] or **adapt** [*to use and modify*] the following material:

_____

No reprinted or adapted material will be used in a sales promotion or advertising campaign. If permission to reprint or adapt this material is granted, the material will be used for the following purpose(s): _____

_____

The following credit line will appear on each reprint or adaption:

> Reprinted/Adapted, with permission from (publication) _____
> Copyright year of publication _____ Copyright owner _____
> All rights reserved.

If you agree to grant permission for the School District to reprint or adapt the above listed material, please sign the **Permission to Reprint or Adapt Material** and return it to the requestor.

Please contact me at _____ if you have any questions. Thank you for your consideration.

_____ _____

School District Requestor (*please print)* Email/Fax

_____ _____

Signature Date

Permission to Reprint or Adapt Material

I hereby grant permission to the School District requestor to reprint or adapt material as requested on the terms and conditions stated herein.

_____

Copyright Owner's Name (*please print)*

_____ _____

Copyright Owner's Signature Date

Adopted 11/9/21

5:170-AP1 Administrative Procedure - Copyright Compliance

These guidelines help staff members determine if they may use non-original work freely or whether permission is needed to use or copy it. Whenever a staff member is uncertain, has questions, or needs permission from a copyright owner to use or copy a work, he or she should contact the Superintendent or designated copyright compliance officer. Appendix 1 is a *Fair Use Assessment Factors Checklist*. Appendix 2 contains use resources available online.

1. Is the work copyright protected? *A "no" means you may use the work freely; a "yes" or uncertain answer means you should proceed with the second query*.
   a. No, if it is in the public domain.
   b. No, if it is a U.S. Government publication.
   c. No, if it is an idea or method described in copyrighted work.
   d. The presence of a copyright notice is not determinative.
   e. Yes, almost all other works.
2. Do you want to exercise one of the copyright owner's exclusive rights? *A "yes" or uncertain answer means you should proceed with the third query.*
   a. Yes, if you plan to copy the work.
   b. Yes, if you plan to use the work as the basis for a new work.
   c. Yes, if you plan to electronically distribute or publish copies.
   d. Yes, if you plan to perform music or drama, recite prose or poetry, or if you plan to play a video and/or audio digital or tape recording or a CD-ROM or DVD.
   e. Yes, if you plan to publicly display the work.
3. Does your planned use of the work require the copyright owner's permission? *A "no" means you may use the work, provided that any copies contain the copyright notice as it appears in the original work; a "yes" or uncertain answer means you should contact the Superintendent or designated copyright compliance officer*.
   a. No, if your planned use of printed work is within the *fair use* exception as defined in 17 U.S.C. §107. See Appendix 1.
   b. No, if your planned use of the work is within the *library's special rules* exception as defined in 17 U.S.C. §108.
      - A library may make a single copy containing the copyright notice for the purpose of archiving lost, stolen, damaged, or deteriorating works.
      - A library may make a single copy containing the copyright notice for a student or staff member at no more than the actual cost of photocopying, provided that the library finds that the copyrighted work cannot be obtained elsewhere at a fair price.
   c. No, if your planned use of the work is within the *educational performances and displays* exception as defined in 17 U.S.C. §110.

      Performances by teachers or students are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.

d. No, if you plan to use it in an overhead or opaque projector for instructional purposes.
e. No, if you plan to copy and use music for academic purposes, other than performance.
f. Yes, notwithstanding the above, if you plan to create anthologies, compilations, or collective works.
g. Yes, notwithstanding the above, if copies will be *consumed* during the course. *Consumable* works include: workbooks, exercises, standardized tests, test booklets, and answer sheets.
h. Yes, notwithstanding the above, if you plan to substitute copies for the purchase of the work; likewise, if you yearly copy the same item.
i. You must receive permission from the Superintendent or designated copyright compliance officer before showing the off-air recording of television programs, video rentals, or videos purchased for home use. You must follow any applicable license agreements.
j. You must receive permission from the Superintendent or designated copyright compliance officer before using any non-District owned software, CD-ROM or DVD products, and/or downloadable files in District-owned equipment. No one may install or download any program on District-owned equipment without the Superintendent or designee's permission.
k. You must follow licensing agreements applicable to District-owned software and CD-ROM or DVD products.
    - Licensing agreements with the manufacturer and vendor shall be followed.
    - Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment, to avoid the installation of privately purchased software on school equipment, and to avoid the use of single copy software or CD-ROM products across a network with multiple users unless the applicable license agreement permits.
    - A back-up copy shall be purchased for use as a replacement when a program is lost or damaged. If the vendor is not able to supply such, the District shall make a back-up program in accordance with the terms of the applicable licensing agreement or 17 U.S.C. §117.

Appendix 1: Copyright Fair Use Assessment Factors Checklist

Purpose and Character of Use of Copyrighted Work

Use this checklist to analyze whether material falls under the *fair use doctrine*. Factors favoring fair use will generally indicate that material may be used without seeking permission from the copyright owner. Factors opposing fair use require permission to reprint or adapt the material from the copyright owner. If a copyright owner is known, always request permission before using any material.

Favoring Fair Use	Opposing Fair Use
☐ Teaching	☐ Commercial activity - gain of financial rewards from *(sic)* use; e.g., sale of goods, services; advertising; fundraising, etc.
☐ Research/Scholarship/Academics	☐ Profiting from use
☐ Nonprofit educational institution	☐ Bad-faith behavior; e.g., misrepresentation of intended use
☐ Criticism	☐ Denying credit to original author or artist

Favoring Fair Use	Opposing Fair Use
☐ Comment	☐ Entertainment
☐ News reporting that is fact intensive	☐ News reporting with a new perspective or creative flair
☐ Used to create something different and new	☐ Making a stylized version that retains the core elements of the original work
☐ Restricted access given	
☐ Parody	

Nature of Copyrighted Work Used

Favoring Fair Use	Opposing Fair Use
☐ Published work	☐ Unpublished work
☐ Factual or nonfiction based	☐ Highly creative work (art, music, novel)
☐ Out of print work	☐ Fiction

Amount and Substantiality of Copyrighted Work Used

Favoring Fair Use	Opposing Fair Use
☐ Small amount used	☐ Large portion or whole work used
☐ Portion used not central or significant to entire work	☐ Portion used is the heart of the work

Impact on Market of Copyrighted Work (often viewed as the most important factor)

Favoring Fair Use	Opposing Fair Use
☐ User owns lawfully acquired/purchased copy	☐ Use could supplant original author's sale for copyrighted work
☐ One or few copies made	☐ Significantly impairs the market/potential market of copyrighted work or derivative work
☐ No significant effect on market/potential market for copyrighted work	☐ Reasonable available licensing mechanisms
☐ No similar product marketed by copyright holder	☐ Affordable permission to use copyrighted work available
☐ No ready licensing or permission mechanism	☐ Numerous copies made
	☐ Made accessible on the internet or elsewhere
	☐ Repeated or long-term use

In addition to the defense of fair use, a user of a work may also raise the argument that the expression at issue is not protectable because it is composed of *scènes à faire*, which are elements of work that are so rudimentary, commonplace, standard or unavoidable that they do not distinguish one work in a class from another, and therefore receive no copyright protection. Examples of *scènes à faire* might include:

- Story elements, e.g., an adventure story involving a wizened old mentor to a young upstart
- A horror story featuring an unstoppable killer
- Cliché phrases such a *ruby red lips*

A related concept is the *merger doctrine*, which provides that if an idea can be expressed in only a few limited ways, the expression *merges* with the idea and cannot be protected by copyright. Examples of merger may be:

- An order form for a certain type of product
- The architectural layout of a one-bedroom apartment
- Sweepstakes rules

Like questions of fair use, these issues are likely to be factually intensive and their application can be highly subjective. Consult the board attorney for guidance.

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Appendix 2: Copyright Resource List

U.S. Copyright Office
www.copyright.gov

U.S. Copyright Office Fair Use Index
www.copyright.gov/fair-use/

Copyright Act, as amended, Title 17 of the United States Code
www.copyright.gov/title17/92chap1.html

Copyright Term and the Public Domain in the United States; updated every Jan. 1.
copyright.cornell.edu/resources/publicdomain.cfm
Cornell University Copyright Information Center

Circular 21: Reproductions of Copyrighted Works by Educators and Librarians
www.copyright.gov/circs/circ21.pdf
U.S. Copyright Office

Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with Respect to Books and Periodicals (see Circular 21: Reproductions of Copyrighted Works by Educators and Librarians, page 6) www.copyright.gov/circs/circ21.pdf

TEACH Act (Technology, Education and Copyright Harmonization Act of 2002)
http://www.copyright.gov/title17/92appviii.htmlwww.copyright.gov/legislation/pl107-273.pdf

The TEACH Act: New roles, rules and responsibilities for academic institutions
www.copyright.com/wp-content/uploads/2015/04/CR-Teach-Act.pdf

Copyright: Distance Education and the TEACH Act
http://www.ala.org/advocacy/copyright/teachact/distanceeducation

Copyright Crash Course: TEACH ACT
https://guides.lib.utexas.edu/copyright/teachact
The University of Texas Libraries

WIPO (World Intellectual Property Organization)
www.wipo.org
MPAA (Motion Picture Association of America)
www.mpaa.org
Permissions Group (Negotiation of rights and fees for the use of copyrighted material in and for all media)
www.permissionsgroup.com
SIIA (Software & Information Industry Association)
www.siia.net/
CCC Copyright Clearance Center (Copyright permission for publications worldwide)
www.copyright.com
ASCAP (American Society of Composers, Authors and Publishers)
www.ascap.com
BMI (Broadcast Music Inc.)
www.bmi.com
SESAC, Inc. (A performing rights organization)
www.sesac.com
The Harry Fox Agency, Inc. (Licensing agency for U.S. music publishers)
www.harryfox.com
The Authors Registry (Maintains an extensive directory of authors)
www.authorsregistry.org
Copyright & Fair Use (Stanford University Libraries)
fairuse.stanford.edu/
Copyright Society of the USA
https://www.csusa.org (copy and paste link into browser if clicking doesn't work)
The Copyright (Copyright Registration and Information Resource)
www.benedict.com
Crash Course in Copyright
University of Texas Libraries
copyright.lib.utexas.edu/
Kohn on Music Licensing
www.kohnmusic.com
National Writers Union
www.nwu.org
Poets & Writers, Inc.
www.pw.org
Project Gutenberg (Internet's oldest producer of FREE electronic books (eBooks or eTexts))
www.gutenberg.org
WATCH: Writers and Their Copyright Holders
The University of Texas at Austin
norman.hrc.utexas.edu/watch/

Adopted 11/9/21

5:170-AP2 Administrative Procedure - Seeking Permission to Copy or Use Copyrighted Works

The following resources are a partial list of where to begin searching for permission to copy or use copyrighted work. Whenever it is unclear who the owner is, or if the owner is a legal entity of some kind (a business or organization), be sure that the person granting permission is authorized to do so. Once it is known whom to ask, initiate contact by writing a letter, calling, or emailing. Seek written permission that clearly describes its scope. Document the receipt of an oral permission and send the owner a confirming letter or email. A copyright protects materials regardless of whether the owner cares about protection or not. Thus, if required permission cannot be obtained, the work may not be used.

1. For information regarding how to find copyright owners, contact the Writers Artists and Their Copyright Holders (WATCH) program through the University of Texas, Austin's Harry Ransom Humanities Research Center at norman.hrc.utexas.edu/watch/. Phone: 512/471-8944, Email: www.hrc.utexas.edu/contact/.
2. For a part of a book or a journal article, contact: Copyright Clearance Center, "CCC" Copyright Clearance Center, Inc., 222 Rosewood Drive, Danvers, MA 01923, Phone: 978/750-8400, Email: www.copyright.com/about/contact/, www.copyright.com.
3. For images, contact: The Film Foundation, 7920 Sunset Boulevard, 6th Floor, Los Angeles, CA 90046, Phone: 303/436-5060, Email: www.film-foundation.org; American Society of Media Photographers, Four Embarcadero Center, Suite 1400, San Francisco, CA 94111, Phone: 877/771-2767, Email: www.asmp.org/.
4. If the author owns the copyright in a contribution to a periodical, magazine, or newspaper, permission may be obtained through The National Writers Union, 61 Broadway Ste. 1630, New York, NY 10006, Phone: 315/545-5034, Email: nwu.org/contact-us/, www.nwu.org; and the Society of Children's Book Writers and Illustrators, 8271 Beverly Blvd., Los Angeles, CA 90048, Phone: 323/782-1010, Email:mailto: averysilverberg@scbwi.org, www.scbwi.org.
5. For a musical work, contact: American Society of Composers, Authors and Publishers (ASCAP), 250 West 57th Street, New York, NY 10107, Phone: 212/621-6000, Email: www.ascap.com; Broadcast Music Incorporated (BMI), 7 World Trade Center, 250 Greenwich Street, New York, NY 10007, Phone: 212/220-3000, Email: www.bmi.com/licensing; or SESAC, 55 Music Square East, Nashville, TN 37203, Phone: 615/320-0055, Email: see www.sesac.com.
6. To record and distribute a musical composition recorded by someone else, or synchronize music with visual images, contact: The Harry Fox Agency, Inc. at www.harryfox.com; National Music Publishers Association, 1900 N St NW, Suite 500, Washington, DC 20036, Phone: 202/393/6672, Email: see www.nmpa.org.
7. Play Rights

Concord Theatricals

250 W. 57th St., 6th Floor

New York, NY 10107

Phone: 866/979-0447

Anchorage Press (Plays for young people)

c/o Dramatic Publishing

311 Washington St.

Woodstock, IL 60098-3308

Phone: 800/448-7469

info@concordthreatricals.com **Error! Hyperlink reference not valid.**
concordtheatricals.com customerservice@dpcplays.com
www.dramaticpublishing.com

Dramatists Play Service, Inc.

440 Park Avenue South

New York, NY 10016

Phone: 212/683-8960

postmaster@www.dramatists.com

Error! Hyperlink reference not valid.https://dramatists.com/

8. For news archives, check the Web. Many of the largest news organizations have placed archives of their back issues online.
9. Movies

   The Motion Picture Licensing Corporation at www.mplc.com, Phone: 800/462-8855, Email: mplc.org/index/contactform, info@mplc.com, www.mplc.org, grants public performance rights. If the author and the publisher are known, contact them directly. If the publisher is unknown contact: The Literary Marketplace, www.literarymarketplace.com (for books) or Ulrich's International Periodicals, www.ulrichsweb.com (for journals), both published by the R. R. Bowker Company, www.bowker.com.
10. Changed Owner

    The apparent copyright owner may not be the real copyright owner. The U.S. Copyright Office, www.copyright.gov, provides online searching of its registration records and performs professional searches for a fee.
11. Software

    Contact the software's manufacturer at the address given on the licensing agreement.

Adopted 11/9/21

5:170-AP3 Administrative Procedure - Instructional Materials and Computer Programs Developed Within the Scope of Employment

Definitions

The definitions used in this procedure are in accordance with State and federal law. In the event of a change, these procedures shall be deemed to be modified to the extent required by the change.

Works made for hire - Instructional materials and computer programs (including written, electronic, digital, audio, visual materials and tapes, films, and works of art) when an employee creates them:

1. Within the employee's scope of employment,
2. In whole or in part during hours of District employment (not including lunch periods or other similar free periods),
3. Under the District's supervision or control,
4. As a direct result of the employee's duties with the District, and/or
5. Using District resources or facilities.

Proceeds - Profits derived from the marketing or sale of instructional materials after deducting the expenses of developing and marketing these materials.

Computer program - A series of coded instructions or statements in a form acceptable to a computer, which causes the computer to process data in order to achieve a certain result.

Computer - An internally programmed, general purpose digital device capable of automatically accepting and processing data and supplying the results of the operation.

Instructional Material Prepared Within the Scope of Employment

All instructional materials developed by an employee within the scope of District employment are works made for hire and belong to the District. The District is entitled to all proceeds from the marketing or sale of works made for hire other than computer programs.

An employee must provide the Superintendent or designee with prior written notification of his or her intention to publish any computer programs developed within the scope of employment. The District has the exclusive right to register the copyrights for them. Unless the employee specifically states in writing to the contrary, the employee warrants that any programs developed and submitted to the District for publication are original.

Computer Programs Prepared Within the Scope of Employment

All computer programs developed by an employee within the scope of District employment are works made for hire and belong to the District.

An employee who develops a computer program is entitled to a share of the proceeds from its sale as agreed to by the District. Neither the employee nor the District may receive more than 90% of the proceeds. An employee's representative may conduct the negotiation; the School Board must approve all agreements.

The employee must provide the Superintendent or designee with prior written notification of his or her intention to publish any computer programs developed within the scope of District employment. The District has the exclusive right to register the copyrights for them. Unless the employee specifically states in writing to the contrary, the employee warrants that any programs developed and submitted to the District for publication are original.

The District shall compute proceeds. The proceeds of a computer program developed by more than one employee shall be equitably distributed among such employees, in proportion to their participation in the program's development.

LEGAL REF.: 17 U.S.C. §101.
105 ILCS 5/10-23.10.

Adopted 11/9/21

5:170-AP4 Administrative Procedure - Designation of District Digital Millennium Copyright Act (DMCA) Agent; Registration Process

Before using this exhibit, consult the Board Attorney to first identify whether the District is an online service provider (OSP) under the DMCA. The DMCA is an amendment to 17 U.S.C. §101 et seq. It provides certain limitations on the liability of OSPs for copyright infringement under the DMCA's *Safe Harbor Provision* (SHP). OSPs are operators of websites that allow users to generate content of their own and upload that content to the OSP's website.

If the District is an OSP, the SHP shields the District from being sued when or if infringing copyrighted content is uploaded to its website(s), and it provides limitations on liability for storage, at the direction of a user, of copyrighted material residing on a system or network controlled or operated by or for an OSP. The SHP is only available if an OSP designates an agent to receive notifications of claimed infringement, provides the agent's contact information to the U.S. Copyright Office, and posts that information on the its website in a location accessible to the public (www.copyright.gov/onlinesp/).

If the District is an OSP, the Superintendent or designee will follow these steps to identify and register a DMCA agent to receive notifications of claimed infringement:

1. Identify an agent to receive notification of claims of infringement. This may be the Superintendent, an Assistant Superintendent, or another administrator.
2. Review the video tutorial or video tutorial transcript entitled "Creating a DMCA Designated Agent Registration Account" at www.copyright.gov/dmca-directory/help.html, which provides step-by-step instructions for creating a Registration Account with the U.S. Copyright Office.
3. Go to dmca.copyright.gov/login.html and follow the tutorial instructions to create a Registration Account.
4. Review the video tutorial or video tutorial transcript entitled "Designating an Agent for Service Provider" at www.copyright.gov/dmca-directory/help.html, which provides step-by-step instructions for designating an agent with the U.S. Copyright Office.
5. Log in to your DMCA Designated Agent Registration Account at dmca.copyright.gov/osp/login.html and follow the tutorial instructions to designate a DMCA agent.
6. Continue following the tutorial instructions to the "Certify and Pay" step, and pay the requisite fee on Pay.gov using one of the payment methods provided. **Note**: Consult the Board Attorney about filing alternative names when registering and whether additional fees may apply. The fee for filing allows for the listing of only one name for OSP. It is the OSP's legal name. If the District uses other names or additional URLs, it should include them in the same filing to avoid additional fees to register.
7. Post the District's DMCA agent's contact information in a publicly accessible location on the website. See policy 5:170, *Copyright*. **Note**: Consult the Board Attorney about further steps necessary for registering and posting DMCA agent information. For example, some websites make users verify that they are not infringing copyright when they upload content, along with a Terms of Service and Copyright Policy. Other steps may include training from the Board Attorney about procedures to terminate repeat infringers, responding to takedown notices, etc.

LEGAL REF.: 17 U.S.C. §101 et seq., Federal Copyright Law of 1976

Adopted 4/13/21

5:180 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 School Board's intent is that in no case will the employee, who is temporarily disabled, receive more than 100 percent of his or her 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 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 the District's expense, by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, a licensed advanced practice registered nurse, or a licensed physician assistant if the examination is job-related and consistent with business necessity.

LEGAL REF.: 42 U.S.C. §12101 et seq., Americans with Disabilities Act.

105 ILCS 5/10-22.4, 5/24-12, and 5/24-13.

Elder v. School Dist. No.127 1/2, 60 Ill.App.2d 56 (1st Dist. 1965).

School District No. 151 v. ISBE, 154 Ill.App.3d 375 (1st Dist. 1987).

CROSS REF.: 5:30 (Hiring Process and Criteria), 5:40 (Communicable and Chronic Infectious Disease), 5:185 (Family and Medical Leave), 5:250 (Leaves of Absence), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

Adopted 2/11/25

5:185 Family and Medical Leave

Leave Description

An eligible employee may use unpaid family and medical leave (FMLA leave), guaranteed by the federal Family and Medical Leave Act. The U.S. Department of Labor's rules (federal rules) implementing FMLA, as they may be amended from time to time, control FMLA leave.

An eligible employee may take FMLA leave for up to a combined total of 12 weeks each 12-month period, beginning September 1 and ending August 31 of the next year.

During a single 12-month period, an eligible employee's FMLA leave entitlement may be extended to a total of 26 weeks of unpaid leave to care for a covered servicemember (defined in the federal rules) with a serious injury or illness. The "single 12-month period" is measured forward from the date the employee's first FMLA leave to care for the covered servicemember begins.

While FMLA leave is normally unpaid, the District will substitute an employee's accrued compensatory time-off and/or paid leave for unpaid FMLA leave, provided such leave is available for use in accordance with Board policies and rules. In addition, all policies and rules regarding the use of paid leave apply when paid leave is substituted for unpaid FMLA leave. Any substitution of paid leave for unpaid FMLA leave will count against the employee's FMLA leave entitlement. Use of FMLA leave shall not preclude the use of other applicable unpaid leave that will extend the employee's leave beyond 12 weeks, provided that the use of FMLA leave shall not serve to extend such other unpaid leave. Any full workweek period during which the employee would not have been required to work, including summer break, winter break and spring break, is not counted against the employee's FMLA leave entitlement.

FMLA leave is available in one or more of the following instances:

1. The birth and first-year care of a son or daughter.
2. The adoption or foster placement of a son or daughter, including absences from work that are necessary for the adoption or foster care to proceed and expiring at the end of the 12-month period beginning on the placement date.
3. The serious health condition of an employee's spouse, child, or parent.
4. The employee's own serious health condition that makes the employee unable to perform the functions of his or her job.
5. The existence of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty or has been notified of an impending call or order to active duty, as provided by federal rules.
6. To care for the employee's spouse, child, parent, or next of kin who is a covered servicemember with a serious injury or illness, as provided by federal rules.

If spouses are employed by the District, they may together take only 12-weeks for FMLA leaves when the reason for the leave is 1 or 2, above, or to care for a parent with a serious health condition, or a combined total of 26 weeks for item 6 above.

An employee may be permitted to work on an intermittent or reduced-leave schedule in accordance with federal rules.

Eligibility

To be eligible for FMLA leave, an employee must be employed at a worksite where at least 50 employees are employed within 75 miles. In addition, one of the following provisions must describe the employee:

1. The employee has been employed by the District for at least 12 months and has been employed for at least 1,000 hours of service during the 12-month period immediately

before the beginning of the leave. The 12 months an employee must have been employed by the District need not be consecutive. However, the District will not consider any period of previous employment that occurred more than seven years before the date of the most recent hiring, except when the service break is due to fulfillment of a covered service obligation under the employee's Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, et seq., or when a written agreement exists concerning the District's intention to rehire the employee.

2. The employee is a full-time classroom teacher.

Requesting Leave

If the need for the FMLA leave is foreseeable, an employee must provide the Superintendent or designee with at least 30 days' advance notice before the leave is to begin. If 30 days' advance notice is not practicable, the notice must be given as soon as practicable. The employee shall make a reasonable effort to schedule a planned medical treatment so as not to disrupt the District's operations, subject to the approval of the health care provider administering the treatment. The employee shall provide at least verbal notice sufficient to make the Superintendent or designee aware that he or she needs FMLA leave, and the anticipated timing and duration of the leave. Failure to give the required notice for a foreseeable leave may result in a delay in granting the requested leave until at least 30 days after the date the employee provides notice.

Certification

Within 15 calendar days after the Superintendent or designee makes a request for certification for a FMLA leave, an employee must provide one of the following:

1. When the leave is to care for the employee's covered family member with a serious health condition, the employee must provide a complete and sufficient certificate signed by the family member's health care provider.
2. When the leave is due to the employee's own serious health condition, the employee must provide a complete and sufficient certificate signed by the employee's health care provider.
3. When the leave is to care for a covered servicemember with a serious illness or injury, the employee must provide a complete and sufficient certificate signed by an authorized health care provider for the covered servicemember.
4. When the leave is because of a qualified exigency, the employee must provide: (a) a copy of the covered military member's active duty orders or other documentation issued by the military indicating that the military member is on active duty or call to active duty status, and the dates of the covered military member's active duty service, and (b) a statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency for which FMLA leave is requested.

The District may require an employee to obtain a second and third opinion at its expense when it has reason to doubt the validity of a medical certification.

The District may require recertification at reasonable intervals, but not more often than once every 30 days. Regardless of the length of time since the last request, the District may request recertification when the, (1) employee requests a leave extension, (2) circumstances described by the original certification change significantly, or (3) District receives information that casts doubt upon the continuing validity of the original certification. Recertification is at the employee's expense and must be provided to the District within 15 calendar days after the request. The District may request recertification every six months in connection with any absence by an employee needing an intermittent or reduced schedule leave for conditions with a duration in excess of six months.

Failure to furnish a complete and sufficient certification on forms provided by the District may result in a denial of the leave request.

Continuation of Health Benefits

During FMLA leave, employees are entitled to continuation of health benefits that would have been provided if they were working. Any share of health plan premiums being paid by the employee before taking the leave, must continue to be paid by the employee during the FMLA leave. A District's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late and the District notifies the employee at least 15 days before coverage will cease.

Changed Circumstances and Intent to Return

An employee must provide the Superintendent or designee reasonable notice of changed circumstances (i.e., within two business days if the changed circumstances are foreseeable) that will alter the duration of the FMLA leave. The Superintendent or designee, taking into consideration all of the relevant facts and circumstances related to an individual's leave situation, may ask an employee who has been on FMLA leave for eight consecutive weeks whether he or she intends to return to work.

Return to Work

If returning from FMLA leave occasioned by the employee's own serious health condition, the employee is required to obtain and present certification from the employee's health care provider that he or she is able to resume work.

An employee returning from FMLA leave will be given an equivalent position to his or her position before the leave, subject to: (1) permissible limitations the District may impose as provided in the FMLA or implementing regulations, and (2) the District's reassignment policies and practices.

Classroom teachers may be required to wait to return to work until the next semester in certain situations as provided by the FMLA regulations.

Implementation

The Superintendent or designee shall ensure that: (1) all required notices and responses to leave requests are provided to employees in accordance with the FMLA; and (2) this policy is implemented in accordance with the FMLA. In the event of a conflict between the policy and the FMLA or its regulations, the latter shall control. The terms used in this policy shall be defined as in the FMLA regulations.

LEGAL REF.: 29 U.S.C. §2601 et seq., Family and Medical Leave Act; 29 C.F.R. Part 825. 105 ILCS 5/24-6.4.

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:250 (Leaves of Absence), 5:310 (Compensatory Time-Off), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

Adopted 5/14/22

5:185 Administrative Procedure - Resource Guide for Family and Medical Leave

School Code

105 ILCS 5/24-6.4, added by P.A. 102-335 (mandates a lower 1,000 hour threshold for FMLA eligibility rather than 1,250 hours).

Web Resources

Compilation of resources from the U.S. Dept. of Labor (DOL), Wage & Hour Division
www.dol.gov/whd/fmla

Revised FMLA Poster
www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf

Certification of Health Care Provider for Employee's Serious Health Condition
www.dol.gov/whd/forms/WH-380-E.pdf

Note: Consult the Board Attorney to ensure that: (1) the District is using the most recent version of the DOL's FMLA notification and certification forms, (2) Genetic Information Nondiscrimination Act (GINA) safe harbor protections are adequately customized into these forms (the DOL did not include in its forms the specific instructions included in GINA's sample safe harbor provision), and (3) both federal and State law requirements are met.

Certification of Health Care Provider for Family Member's Serious Health Condition
www.dol.gov/whd/forms/WH-380-F.pdf

See **Note**, above.

Notice of Eligibility and Rights & Responsibilities
www.dol.gov/whd/forms/WH-381.pdf

Designation Notice
www.dol.gov/whd/forms/WH-382.pdf

Certification of Qualifying Exigency For Military Family Leave (PDF)
www.dol.gov/whd/forms/WH-384.pdf

Certification for Serious Injury or Illness of Covered Servicemember -- for Military Family Leave
www.dol.gov/whd/forms/WH-385.pdf

Fact Sheet #28 (Non-Military) (PDF)
www.dol.gov/whd/regs/compliance/whdfs28.htm

Fact Sheet #28A (Military) (PDF)
www.dol.gov/whd/regs/compliance/whdfs28a.htm

Department of Labor Rules

29 C.F.R. Part 825,
http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title29/29cfr825_main_02.tpl

Subpart A - Coverage Under the Family and Medical Leave Act §825.100

§825.100	The Family and Medical Leave Act
§825.101	Purpose of the Act
§825.102	Definitions
§825.103	[Reserved]
§825.104	Covered employer

§825.105 Counting employees for determining coverage
§825.106 Joint employer coverage
§825.107 Successor in interest coverage
§825.108 Public agency coverage
§825.109 Federal agency coverage
§825.110 Eligible employees
§825.111 Determining whether 50 employees are employed within 75 miles
§825.112 Qualifying reasons for leave, general rule
§825.113 Serious health condition
§825.114 Inpatient care
§825.115 Continuing treatment
§§825.116-118 [Reserved]
§825.119 Leave for treatment of substance abuse
§825.120 Leave for pregnancy or birth
§825.121 Leave for adoption or foster care
§825.122 Definitions of covered servicemember, spouse, parent, son or daughter, next of kin of a covered servicemember, adoption, foster care, son or daughter on active duty or call to covered active duty status, son or daughter of a covered servicemember, and parent of a covered servicemember
§825.123 Unable to perform the functions of the position
§825.124 Needed to care for a family member or covered servicemember
§825.125 Definition of health care provider
§825.126 Leave because of a qualifying exigency
§825.127 Leave to care for a covered servicemember with a serious injury or illness (military caregiver leave)

Subpart B - Employee Leave Entitlements Under the Family and Medical Leave Act

§825.200 Amount of leave
§825.201 Leave to care for a parent
§825.202 Intermittent leave or reduced leave schedule
§825.203 Scheduling of intermittent or reduced schedule leave
§825.204 Transfer of an employee to an alternative position during intermittent leave or reduced schedule leave
§825.205 Increments of FMLA leave for intermittent or reduced schedule leave
§825.206 Interaction with the FLSA
§825.207 Substitution of paid leave
§825.208 [Reserved]
§825.209 Maintenance of employee benefits
§825.210 Employee payment of group health benefit premiums
§825.211 Maintenance of benefits under multi-employer health plans
§825.212 Employee failure to pay health plan premium payments
§825.213 Employer recovery of benefit costs
§825.214 Employee right to reinstatement
§825.215 Equivalent position
§825.216 Limitations on an employee’s right to reinstatement
§825.217 Key employee, general rule
§825.218 Substantial and grievous economic injury
§825.219 Rights of a key employee

§825.220 Protection for employees who request leave or otherwise assert FMLA rights

Subpart C - Employee and Employer Rights and Obligations Under the Act

§825.300 Employer notice requirements
§825.301 Designation of FMLA leave
§825.302 Employee notice requirements for foreseeable FMLA leave
§825.303 Employee notice requirements for unforeseeable FMLA leave
§825.304 Employee failure to provide notice
§825.305 Certification, general rule
§825.306 Content of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member
§825.307 Authentication and clarification of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member; second and third opinions
§825.308 Recertifications for leave taken because of an employee's own serious health condition or the serious health condition of a family member
§825.309 Certification for leave taken because of a qualifying exigency
§825.310 Certification for leave taken to care for a covered servicemember (military caregiver leave)
§825.311 Intent to return to work
§825.312 Fitness-for-duty certification
§825.313 Failure to provide certification

Subpart D - Enforcement Mechanisms

§825.400 Enforcement, general rules
§825.401 Filing a complaint with the Federal Government
§825.402 Violations of the posting requirement
§825.403 Appealing the assessment of a penalty for willful violation of the posting requirement
§825.404 Consequences for an employer when not paying the penalty assessment after a final order is issued

Subpart E - Recordkeeping Requirements

§825.500 Recordkeeping requirements

Subpart F - Special Rules Applicable to Employees of Schools

§825.600 Special rules for school employees, definitions
§825.601 Special rules for school employees, limitations on intermittent leave
§825.602 Special rules for school employees, limitations on leave near the end of an academic term
§825.603 Special rules for school employees, duration of FMLA leave
§825.604 Special rules for school employees, restoration to an equivalent position

Subpart G - Effect of Other Laws, Employer Practices, and Collective Bargaining Agreements on Employee Rights Under FMLA

§825.700 Interaction with employer's policies
§825.701 Interaction with State laws
§825.702 Interaction with Federal and State anti-discrimination laws

Adopted 5/10/22

5:190 Teacher Qualifications

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

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

The Superintendent or designee shall:

2. Monitor compliance with State and federal law requirements that teachers be appropriately licensed;
3. 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
4. Ensure parents/guardians of students in schools receiving Title I funds are notified of their right to request their students' classroom teachers' professional qualifications.

LEGAL REF.: 20 U.S.C. §6312(e)(1)(A).

105 ILCS 5/10-20.15, 5/21B-15, 5/21B-20, 5/21B-25, and 5/24-23.

23 Ill.Admin.Code §1.610 et seq., §1.705 et seq., and Part 25.

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

Adopted 4/9/24

5:190-E1 Exhibit - Notice to Parents of Their Right to Request Their Child's Classroom Teachers' Qualifications

On District letterhead

Date

Re: You May Request Your Child's Classroom Teachers' Qualifications

Dear Parents/Guardians:

As a parent/guardian of a student at a school receiving funds under Title I of the Elementary and Secondary Education Act, you have the right to request the professional qualifications of the teachers who instruct your child and the paraprofessionals, if any, who assist them. You may request the following information about each of your child's classroom teachers and their paraprofessional assistants, if any:

- Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
- Whether the teacher is teaching under an emergency or other provisional status through which State qualification or licensing criteria have been waived;
- Whether the teacher is teaching in the field of discipline of the teacher's licensure; and
- Whether any instructional aides or paraprofessionals provide services to your child and, if so, their qualifications.

This notice is required by federal law (20 U.S.C. §6312(e)(1)(A)). If you would like to receive any of this information, please contact the District office.

Sincerely,

Superintendent

Adopted 11/9/21

5:190-E2 Exhibit - Notice to Parents When Their Child Is Assigned To or Has Been Taught for at Least Four Straight Weeks By a Teacher Who Does Not Meet Applicable State Certification/Licensure Requirements

On District letterhead

Date

Re: Your Child Is Assigned To or Has Been Taught for at Least Four Straight Weeks By a Teacher Who Does Not Meet Applicable State Certification or Licensure Requirements

Dear Parents/Guardians:

All teachers working in a program supported with federal funds under Title I, Part A must meet applicable State certification and licensure requirements.

The teacher listed below has taught your child's class for the last four consecutive weeks. While the District is unable to verify that the teacher meets applicable State certification or licensure requirements for the grade level and subject area to which he/she is assigned, our observations of his/her classroom indicate that he/she is providing a satisfactory educational program and experience.

This notice is required by federal law (20 U.S.C. §6312(e)(1)(B)(ii)). If you have any questions concerning this notice, please contact the District office.

Teacher:_____ Subject:_____

Sincerely,

Superintendent

Adopted 11/9/21

5:190-E3 Exhibit - Letter to Teacher Who Does Not Meet Applicable State Certification/Licensure Requirements for the Grade Level and Subject Area of Assignment

On District letterhead

Date

Re: Your Educator Certification/License

Dear *[insert teacher's name]*:

Teachers working in a program supported with federal funds under Title I, Part A are required to meet applicable State certification and licensure requirements.

Our records indicate you are teaching without meeting applicable State educator certification and licensure requirements for the grade level and subject to which you are assigned. As required by federal law, the District has notified the parents/guardians of students in your classes that you are teaching without the above-referenced certification or licensure (20 U.S.C. §6312(e)(1)(B)(ii)).

Please contact your Building Principal as soon as possible to discuss your educator certification and licensure requirements. If you believe this letter was sent to you by mistake, please contact your Building Principal as soon as possible so that we may correct our records if appropriate.

Sincerely,

Superintendent

Adopted 11/9/21

5:200 Terms and Conditions of Employment and Dismissal

The School Board delegates authority and responsibility to the Superintendent to manage the terms and conditions for the employment of professional personnel. The Superintendent shall act reasonably and comply with State and federal law as well as any applicable individual employment contract or collective bargaining agreement in effect. 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.

School Year

Teachers shall work according to the school calendar adopted by the Board, which shall have a minimum of 176 student attendance days and a minimum of 180 teacher work days, including teacher institute days. Teachers are not required to work on legal school holidays unless the District has followed applicable State law that allows it to hold school or schedule teachers' institutes, parent-teacher conferences, or staff development on the third Monday in January (the Birthday of Dr. Martin Luther King, Jr.); February 12 (the Birthday of President Abraham Lincoln); the first Monday in March (known as Casimir Pulaski's birthday); the second Monday in October (Columbus Day); and November 11 (Veterans Day).

School Day

Teachers are required to work the school day adopted by the Board. Teachers employed for at least four hours per day shall receive a duty-free lunch equivalent to the student lunch period, or 30 minutes, whichever is longer.

The District accommodates employees who are nursing mothers according to provisions in State and federal law.

Salary

Teachers shall be paid according to the salaries fixed by the Board, but in no case less than the minimum salary provided by the School Code. Teachers shall be paid at least monthly on a 10- or 12-month basis.

Assignments and Transfers

The Superintendent is authorized to make teaching, study hall, extra class duty, and extracurricular assignments. In order of priority, except as otherwise provided by law, assignments shall be made based on the District's needs and best interests, employee qualifications, and employee desires.

School Social Worker Services Outside of District Employment

School social workers may not provide services outside of their District employment to any student(s) attending school in the District. *School social worker* has the meaning stated in 105 ILCS 5/14-1.09a.

Dismissal

The District will follow State law when dismissing a teacher.

Evaluation

The District's teacher evaluation system will be conducted under the plan developed pursuant to State law.

On an annual basis, the Superintendent will provide the Board with a written report which outlines the results of the District's teacher evaluation system.

LEGAL REF.: 29 U.S.C. §218(d), Pub. L. 117-328, Pump for Nursing Mothers Act.

42 U.S.C. §2000gg et seq., Pub. L. 117-328, Pregnant Workers Fairness Act.

105 ILCS 5/10-19, 5/10-19.05, 5/10-20.65, 5/14-1.09a, 5/22-96, 5/22.4, 5/24-16.5, 5/24-2, 5/24-8, 5/24-9, 5/24-11, 5/24-12, 5/24-21, 5/24A-1 through 24A-20.

820 ILCS 260/, Nursing Mothers in the Workplace Act.

23 Ill.Admin.Code Parts 50 (Evaluation of Educator Licensed Employees) and 51 (Dismissal of Tenured Teachers).

Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985).

CROSS REF.: 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:290 (Employment Termination and Suspensions), 6:20 (School Year Calendar and Day)

Adopted 2/11/25

5:210 Resignations

Teachers may resign at any time with consent of the School Board. No teacher may resign during the school term in order to accept another teaching position without the consent of the Board. A teacher may resign outside of a school term if the teacher provides written notice to the secretary of the Board, at least 30 calendar days prior to the first student attendance day of the following school year. Teachers who resign with less than 30 days' notice prior to the first student attendance day of the following school term will be deemed to have resigned during the school term.

LEGAL REF.: 105 ILCS 5/24-14.

Park Forest Heights School Dist. v. State Teacher Certification Bd., 363 Ill.App.3d 433 (1st Dist. 2006).

Adopted 4/9/24

5:220 Substitute Teachers

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

A substitute teacher must hold either a valid teaching or substitute license and may teach in the place of a licensed teacher who is under contract with the Board. There is no limit on the number of days that a substitute teacher may teach in the District during the school year, except as follows:

1. A substitute teacher holding a substitute license may teach for any one licensed teacher under contract with the District only for a period not to exceed 90 paid school days in any one school term.
2. A teacher holding a Professional Educator License or Educator License with Stipulations may teach for any one licensed teacher under contract with the District only for a period not to exceed 120 paid school days.

The Ill. Teachers' Retirement System (TRS) limits a substitute teacher who is a TRS annuitant to substitute teaching for a period not to exceed 120 paid days or 600 paid hours in each school year through June 30, 2026, but not more than 100 paid days in the same classroom. Beginning July 1, 2026, a substitute teacher who is a TRS annuitant may substitute teach for a period not to exceed 100 paid days or 500 paid hours in any school year, 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.

Short-Term Substitute Teachers

A short-term substitute teacher must hold a valid short-term substitute teaching license and have completed the District's short-term substitute teacher training program. Unless otherwise permitted by law, short-term substitutes may teach no more than five consecutive school days for each licensed teacher who is under contract with the Board.

Emergency Situations

A substitute teacher may teach when no licensed teacher is under contract with the Board if the District has an emergency situation as defined in State law. During an emergency situation, a substitute teacher is limited to 30 calendar days of employment per each vacant position. The Superintendent shall notify the appropriate Regional Office of Education (ROE) within five business days after the employment of a substitute teacher in an emergency situation. The Board may continue to employ the same substitute teacher in a vacant position for 90 calendar days or until the end of the semester, whichever is greater, if, prior to the end of the then current 30 calendar-day-period, the District makes a written request to the ROE for a 30 calendar-day-extension and the extension is granted by the ROE.

LEGAL REF.: 105 ILCS 5/10-20.68, 5/21B-20(2), 5/21B-20(3), and 5/21B-20(4).

40 ILCS 5/16-118, Ill. Pension Code.

23 Ill.Admin.Code §1.790 (Substitute Teacher) and §25.520 (Substitute Teaching License).

CROSS REF.: 5:30 (Hiring Process and Criteria)

Adopted 4/9/24

5:220-AP Administrative Procedure - Substitute Teachers

Minimum Qualifications of the Substitute Teacher

Substitute teachers are generally required to have one of the following that is valid in Illinois:

1. Professional educator license or professional educator license with stipulations that required a bachelor's degree for issuance
2. Substitute teaching license

Exceptions in 105 ILCS 5/21B-20(2)(E) and (F) allow individuals who do not hold a bachelor's degree to substitute teach in career and technical education classrooms if they hold an educator license with stipulations and such license holds: a career and technical educator endorsement or a provisional career and technical educator endorsement.

Additionally, any individual who serves as a substitute teacher for driver's education must be endorsed for driver's education pursuant to 23 Ill.Admin.Code §25.100(h).

Minimum Qualifications of the Short-Term Substitute Teacher

Short-term substitute teachers must:

1. Hold a valid Short-Term Substitute Teaching License; and
2. Have completed the District's short-term substitute teacher training program.

The District's short-term substitute teacher training program provides short-term substitutes with information on curriculum, classroom management techniques, school safety, and District and building operations. This training program is also available to individuals who hold a Substitute Teaching License and/or substitute teachers holding a Professional Educator License.

Personnel File Requirements

All substitute teachers shall have each of the following documents on file with the District Administrative Office.

1. Completed application for employment and transcript of college credits
2. Evidence of license registration
3. Evidence of physical fitness to perform assigned duties and freedom from communicable disease
4. State and federal tax forms
5. If applicable, Immigration and Naturalization Service, Form I-9
6. Signed *Acknowledgement of Mandated Reporter Status* form provided by DCFS and, if applicable, evidence that the individual completed mandated reporter training within three months of initial employment and at least every three years after that date (required by the Abused and Neglected Child Reporting Act, 325 ILCS 5/4)

Contact ISBE, the ROE, or Intermediate Service Center with questions. More information is on the ISBE website, *Substitute Teacher License* at: www.isbe.net/Pages/Educator-Licensure-Requirements.aspx.

District Responsibilities

1. The Superintendent or designee maintains a list of all substitute teachers in the District Administrative Office.
2. The Superintendent or designee verifies:

a. Criminal background check results
b. Appropriate license and registration
c. References and employment verification

Additional Requirements and Procedures

1. Board policy 4:175, *Convicted Child Sex Offender; Screening; Notifications*
2. Administrative procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*
3. Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*
4. Board policy 5:30, *Hiring Process and Criteria*
5. Administrative procedure 5:30-AP2, *Investigations*
6. Board policy 5:150, *Personnel Records*

Standard Duties of All Substitute Teachers

1. Keep and leave a status report of lesson plans completed and leave a report of the group's accomplishments.
2. Manage all recording of assignments and grading during the time worked as outlined in the applicable collective bargaining agreement or duties for substitute teachers.
3. Prepare plans for the following day's work.
4. Follow the regular teacher's lesson plans.
5. Leave the classroom and its equipment in order.
6. Leave a note reporting any unusual experience with a student during the day.
7. Hold as confidential any information concerning staff, parents, or students.
8. Be consistent in dealing with others; emphasize the positive, yet be firm and sympathetic.
9. When notified in time, arrive at least 20 minutes before the school period starts, and remain on duty at least 20 minutes after dismissal time.
10. Check with the office when reporting for substitute duty, and check with the office before leaving to see if you will be needed the next day.
11. If temporarily or permanently withdrawing from substitute work, so inform the District office.
12. Report any issues you encounter to the Building Principal.

Compensation

1. The rate of pay for substitute teachers is established from time-to-time by the School Board.
2. Substitute teachers are employed and paid for only days actually worked. Substitutes are not paid for holidays, vacation days, or days of illness.

Assignment Procedures

Substitute teachers will be called as needed from the office of the Building Principal. Only individuals who are on the substitute teacher list, as compiled by the Superintendent or designee, may be called for substitute work. Substitute teachers are given as much notice as possible; however, they may be called the morning they are needed.

Building-Level Responsibilities

The person arranging for a substitute teacher's service shall provide each substitute with the information relevant to the service, for example:

1. District map with locations of District schools indicated
2. District and school building emergency procedures, location of emergency equipment, etc.
3. School directory

4. School calendar and handbook
5. District student behavior policy and procedures

LEGAL REF.: 105 ILCS 5/10-20.67, 5/21B-20(2), 5/21B-20(3), 5/21B-20(4), and 5/24-5(b-5).

23 Ill.Admin.Code §1.790 (Substitute Teacher) and §25.520 (Substitute Teacher License).

Adopted 4/9/24

5:220-E Exhibit - Unsatisfactory Performance Report for Substitute Teachers

To be submitted to the Building Principal. Please print.

Substitute's name _____ ID # _____

School _____ Assignment _____

Classroom teacher's name _____ Date of substitution _____

Explanation of area(s) of concern:

_____

_____

_____

_____

_____

_____

_____

_____

Reported by: ☐ Student ☐ Staff ☐ Both

In the future, please do not assign this substitute to:

☐ Classroom/Teacher's name _____

☐ Grade level _____

☐ Building _____

☐ Any Position

_____

Reporter's name (*printed*)

_____ _____

Reporter's signature Date

Adopted 10/11/22

5:230 Maintaining Student Discipline

Maintaining an orderly learning environment is an essential part of each teacher's instructional responsibilities. A teacher's ability to foster appropriate student behavior is an important factor in the teacher's educational effectiveness. The Superintendent shall ensure that all teachers, other certificated [licensed] educational employees (except for individuals employed as paraprofessional educators), and persons providing a student's related service(s): (1) maintain discipline in the schools as required in the School Code, and (2) follow the School Board policies and administrative procedures on student conduct, behavior, and discipline.

When a student's behavior is unacceptable, the teacher should first discuss the matter with the student, if appropriate. If the unacceptable behavior continues, the teacher should consult with the Building Principal and/or discuss the problem with the parent(s)/guardian(s). A teacher may remove any student from the learning setting whose behavior interferes with the lessons or participation of fellow students. A student's removal must be in accordance with Board policy and administrative procedures.

Teachers shall not use disciplinary methods that may be damaging to students, such as ridicule, sarcasm, or excessive temper displays. Corporal punishment (including slapping, paddling, or prolonged maintenance of a student in physically painful positions, and intentional infliction of bodily harm) may not be used. Teachers may use reasonable force as needed to keep students, school personnel, and others safe, or for self-defense or defense of property.

LEGAL REF.: 105 ILCS 5/24-24.

23 Ill.Admin.Code §1.280.

CROSS REF.: 2:150 (Committees), 7:190 (Student Behavior), 7:230 (Misconduct by Students with Disabilities)

Adopted 12-12-23

5:240 Suspension

Suspension Without Pay

The School Board may suspend without pay: (1) a professional employee pending a dismissal hearing, or (2) a teacher as a disciplinary measure for up to 30 employment days for misconduct that is detrimental to the School District. Administrative staff members may not be suspended without pay as a disciplinary measure.

Misconduct that is detrimental to the School District includes:

- Insubordination, including any failure to follow an oral or written directive from a supervisor;
- Violation of Board policy or Administrative Procedure;
- Conduct that disrupts or may disrupt the educational program or process;
- Conduct that violates any State or federal law that relates to the employee's duties; and
- Other sufficient causes.

The Superintendent or designee is authorized to issue a pre-suspension notification to a professional employee. This notification shall include the length and reason for the suspension as well as the deadline for the employee to exercise his or her right to appeal the suspension to the Board or Board-appointed hearing examiner before it is imposed. At the request of the professional employee made within five calendar days of receipt of a pre-suspension notification, the Board or Board-appointed hearing examiner will conduct a pre-suspension hearing. The Board or its designee shall notify the professional employee of the date and time of the hearing. At the pre-suspension hearing, the professional employee or his/her representative may present evidence. If the employee does not appeal the pre-suspension notification, the Superintendent or designee shall report the action to the Board at its next regularly scheduled meeting.

Suspension With Pay

The Board or Superintendent or designee may suspend a professional employee with pay: (1) during an investigation into allegations of disobedience or misconduct whenever the employee's continued presence in his or her position would not be in the School District's best interests, (2) as a disciplinary measure for misconduct that is detrimental to the School District as defined above, or (3) pending a Board hearing to suspend a teacher without pay.

The Superintendent shall meet with the employee to present the allegations and give the employee an opportunity to refute the charges. The employee will be told the dates and times the suspension will begin and end.

Employees Under Investigation by Illinois Dept. of Children and Family Services (DCFS)

Upon receipt of a DCFS recommendation that the District remove an employee from his or her position when he or she is the subject of a pending DCFS investigation that relates to his or her employment with the District, the Board or Superintendent or designee, in consultation with the Board Attorney, will determine whether to:

1. Let the employee remain in his or her position pending the outcome of the investigation; or
2. Remove the employee as recommended by DCFS, proceeding with:
    a. A suspension with pay; or
    b. A suspension without pay.

Repayment of Compensation and Benefits

If a professional employee is suspended with pay, either voluntarily or involuntarily, pending the outcome of a criminal investigation or prosecution, and the employee is later dismissed as a result of his or her criminal conviction, the employee must repay to the District all compensation and the value of all benefits received by him or her during the suspension. The Superintendent will notify the employee of this requirement when the employee is suspended.

LEGAL REF.: 105 ILCS 5/24-12.
5 ILCS 430/5-60(b), State Officials and Employee Ethics Act.
325 ILCS 5/7.4(c-10), Abused and Neglected Child Reporting Act.
Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985).
Barszcz v. Cmty College Dist. No. 504, 400 F.Supp. 675 (N.D. Ill. 1975).
Massie v. East St. Louis Sch. Dist. No.189, 203 Ill.App.3d 965 (5th Dist. 1990).

CROSS REF.: 5:290 (Employment Termination and Suspensions)

Adopted 10/11/22

5:240-AP Administrative Procedure - Suspensions

Suspension Without Pay

Actor	Action
School Board or designee	Provide the professional employee with a written pre-suspension notification that includes: 1. The reason(s) for the proposed suspension; 2. The date(s) and duration of the proposed suspension; 3. How the employee may request a hearing; and 4. The employee's rights to be represented, present witnesses on his/her behalf, and cross-examine any witness who testifies against him/her. 1. Contact the Board Attorney for advice and assistance.
Professional Employee	If a hearing is desired, request a hearing within five (5) calendar days of receipt of the pre-suspension notification.
School Board or designee	If a hearing is requested: 1. Promptly schedule a hearing and give the employee written notification of its date, time, and place at least five (5) calendar days before the hearing. This notification shall set forth the procedure to be followed at the hearing as stated below. a. The hearing shall be in closed session. b. The professional employee may be represented by a person of the employee's choice. c. The school officials and the employee may make short opening statements. d. The school officials shall present their evidence in oral or written form. e. After the school officials conclude their evidentiary presentation, the employee may present evidence to refute the charges orally or in writing. f. Each party shall be afforded an opportunity to cross-examine all witnesses who testify and to examine all written evidence presented. g. The Board may receive all relevant oral and written evidence without regard to the legal rules of evidence, but shall consider the weight of the evidence in making a determination. h. The school officials and the employee may make closing statements at the conclusion of the hearing.

Actor	Action
	i. The hearing may be recorded stenographically, electronically, or by tape at the direction of either party at its own expense. If either party makes a recording, the other party shall be offered an opportunity to purchase a copy of the transcript or to reproduce the electronic/tape recording. 2. Appoint a hearing officer, if desired.
School Board or Hearing Officer	Conduct the hearing. The hearing officer, if one was used, shall prepare a written summary of the evidence for the Board and, if requested, a written recommendation.
School Board	Decide whether to suspend the professional employee as authorized by 105 ILCS 5/24-12(d)(1). If the Board used a hearing officer and requested a written recommendation, the Board may uphold, modify, or reverse the hearing officer's recommendation. If the teacher is not suspended, his or her personnel record shall be expunged of any notices or material relating to the suspension. If the Board's suspension is not sustained following review by a trial court: (1) ensure that the professional employee does not suffer the loss of any salary or benefits by reason of the suspension, and (2) assign the professional employee to a position substantially similar to the one that the employee held prior to the suspension. 105 ILCS 5/24-12(d)(10).

Suspension With Pay

Actor	Action
Superintendent or designee	1. Inform the professional employee of a proposed suspension with pay by written or oral notice, which shall specify the reasons for the suspension. If the notice is oral, give written notice as soon as reasonable. 2. Meet with the employee before the proposed suspension to discuss the reasons for the suspension. If the Superintendent or designee cannot, for reasonable cause, meet with the employee before the suspension, the Superintendent or designee shall attempt such a meeting after the suspension begins. 3. Give the professional employee written confirmation of the suspension as soon as reasonably possible. Contact the Board Attorney for advice and assistance.

Adopted 11/9/21

5:250 Leaves of Absence

Each of the provisions in this policy applies to all professional personnel to the extent that it does not conflict with an applicable collective bargaining agreement or individual employment contract or benefit plan; in the event of a conflict, such provision is severable and the applicable bargaining agreement or individual agreement will control.

Sick and Bereavement Leave

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

As a condition for paying sick leave after three days absence for personal illness or as the Board or Superintendent deem necessary in other cases, the Board or Superintendent may require that the staff member provide a certificate from: (1) a physician licensed in Illinois to practice medicine and surgery in all its branches, (2) a mental health professional licensed in Illinois providing ongoing care or treatment to the staff member, (3) a chiropractic physician licensed under the Medical Practice Act, (4) a licensed advanced practice registered nurse, (5) a licensed physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or (6) if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the employee's faith. If the Board or Superintendent requires a certificate during a leave of less than three days for personal illness, the District shall pay the expenses incurred by the employee.

Staff members are entitled to use up to 30 days of paid sick leave because of the birth of a child that is not dependent on the need to recover from childbirth. Such days may be used at any time within the 12-month period following the birth of the child. Intervening periods of nonworking days or school not being in session, such as breaks and holidays, do not count towards the 30 working school days. As a condition of paying sick leave beyond the 30 working school days, the Board or Superintendent may require medical certification.

For purposes of adoption, placement for adoption, or acceptance of a child in need of foster care, paid sick leave may be used for reasons related to the formal adoption or the formal foster care process prior to taking custody of the child or accepting the child in need of foster care, and for taking custody of the child or accepting the child in need of foster care. Such leave is limited to 30 days, unless a longer leave is provided in an applicable collective bargaining agreement, and need not be used consecutively once the formal adoption or foster care process is underway. The Board or Superintendent may require that the employee provide evidence that the formal adoption or foster care process is underway.

Family Bereavement Leave

State law allows a maximum of 10 unpaid work days for eligible employees (Family and Medical Leave Act of 1993, 20 U.S.C. §2601 et seq.) to take family bereavement leave. The purpose, requirements, scheduling, and all other terms of the leave are governed by the Family Bereavement Leave Act. Eligible employees may use family bereavement leave, without any adverse employment action, for: (1) attendance by the bereaved staff member at the funeral or

alternative to a funeral of a covered family member, which includes an employee's child, stepchild, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent (2) making arrangements necessitated by the death of the covered family member, (3) grieving the death of the covered family member, or (4) absence from work due to a Significant Event, which includes: (i) miscarriage, (ii) an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure, (iii) a failed adoption match or an adoption that is not finalized because it is contested by another party, (iv) a failed surrogacy agreement, (v) a diagnosis that negatively impacts pregnancy or fertility, or (vi) a still birth. An employee qualifying for leave due to a Significant Event will not be required to identify which specific reason applies to the employee's request.

The leave must be completed within 60 days after the date on which the employee received notice of the death of the covered family member or the date on which an event under item (4) above occurs. However, in the event of the death of more than one covered family member in a 12-month period, an employee is entitled to up to a total of six weeks of bereavement leave during the 12-month period, subject to certain restrictions under State and federal law. Other existing forms of leave may be substituted for the leave provided in the Family Bereavement Leave Act. This policy does not create any right for an employee to take family bereavement leave that is inconsistent with the Family Bereavement Leave Act.

Child Extended Bereavement Leave

Unpaid leave from work is available to employees who experience the loss of a child by suicide or homicide. The Child Extended Bereavement Leave Act governs the duration, scheduling, continuity of benefits, and all other terms of the leave. Accordingly, if the District employs 250 or more employees on a full-time basis, an employee is entitled to a total of 12 weeks of unpaid leave within one year after the employee notifies the District of the loss. An employee may elect to substitute other forms of leave to which the employee is entitled for the leave provided under the Child Extended Bereavement Leave Act.

Sabbatical Leave

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

Personal Leave

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

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

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

7. Personal leave may not be used by more than 10% of the teaching staff in each building at the same time.

Leave of Absence Without Pay

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

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

Leave to Serve as an Election Judge

Any staff member who was appointed to serve as an election judge under State law may, after giving at least 20-days' written notice to the District, be absent without pay for the purpose of serving as an election judge. The staff member is not required to use any form of paid leave to serve as an election judge. No more than 10% of the District's employees may be absent to serve as election judges on the same Election Day.

Child-Rearing Leave

The Board shall grant a professional staff member's request for a non-paid, child-rearing leave, not to exceed the balance of the school year plus one additional school year (but in no event shall such leave exceed three semesters), provided the request complies with this policy. Nothing in this section shall prohibit a professional staff member from using paid sick days as provided in this policy.

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

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

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

Leaves for Service in the Military

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

General Assembly Leave

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

Leave for Employment in Department of Defense

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

School Visitation Leave

An eligible professional staff member is entitled to eight hours during any school year, no more than four hours of which may be taken on any given day, to attend school conferences, behavioral meetings, or academic meetings related to the teacher's child, if the conference or meeting cannot be scheduled during non-work hours. Professional staff members must first use all accrued vacation leave, personal leave, compensatory leave, and any other leave that may be granted to the professional staff member, except sick, and disability leave.

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

Leaves for Victims of Domestic Violence, Sexual Violence, Gender Violence, or Other Crime of Violence

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

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

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

Upon request, the Board will grant: (1) an unpaid leave of absence to an elected officer of a State or national teacher organization that represents teachers in collective bargaining negotiations, (2) up to twenty days of paid leave of absence per year to a trustee of the Teachers' Retirement System in accordance with 105 ILCS 5/24-6.3, (3) a paid leave of absence for the local association president of a State teacher association that is an exclusive bargaining agent in the District, or his or her designee, to attend meetings, workshops, or seminars as described in 105 ILCS 5/24-6.2, and (4) up to 10 days of paid leave per school term for teachers elected to represent a statewide teacher association in federal advocacy work in accordance with 105 ILCS 5/24-3.5.

COVID-19 Paid Administrative Leave

When applicable, paid administrative leave related to COVID-19 will be granted to eligible employees in accordance with State law.

LEGAL REF.: 105 ILCS 5/10-20.83, 5/24-6, 5/24-6.1, 5/24-6.2, 5/24-6.3, 5/24-13, and 5/24-13.1.

10 ILCS 5/13-2.5, Election Code.

330 ILCS 61/, Service Member Employment and Reemployment Rights Act.

820 ILCS 147/, School Visitation Rights Act.

820 ILCS 154/, Family Bereavement Leave Act.

820 ILCS 156/, Child Extended Bereavement Leave Act.

820 ILCS 180/, Victims' Economic Security and Safety Act.

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

Adopted 4/9/24

5:250-AP Administrative Procedure - School Visitation Leave

Eligible employees

These administrative procedures apply to both professional staff and educational service personnel. An employee is eligible for school visitation leave if he or she has worked for the District at least six consecutive months immediately before the request and works at least one-half of the full-time equivalent position. 820 ILCS 147/10. Periods when school is not in session will not count as a break in consecutive service.

School Visitation Leave

An employee is entitled to eight hours during any school year, no more than four hours of which may be taken on any given day, to attend school conferences, behavioral meetings, or academic meetings related to the employee's child, if the conference or meeting cannot be scheduled during non-work hours. Employees must first use all accrued vacation leave, personal leave, compensatory leave, and any other leave that may be granted to the employee, except sick and disability leave. 820 ILCS 147/15.

Request

An employee must request a school conference and activity leave in writing at least seven days in advance; in an emergency situation, 24 hours' notice is required. The employee must consult with the employer to schedule the leave so as to minimize disruption. 820 ILCS 147/15. A leave request may be denied if granting the leave would result in more than 5% of the work force, or work force shift, taking leave at the same time. 820 ILCS 147/49.

Compensation

School visitation leave is unpaid. The District will attempt, however, to give the employee the opportunity to make-up the time taken for such a leave, subject to the requirements relating to reduction of pay of exempt employees in the federal Fair Labor Standards Act. 820 ILCS 147/20. The employee taking a visitation leave will not lose any benefits, nor will the District terminate any employee for an absence due solely to the employee's attendance at a school conference, behavioral meeting, or academic meeting. 820 ILCS 147/35.

Verification

An employee returning from school visitation leave must provide the Building Principal with verification of the visitation from the school administrator of the school visited. Failure to provide this verification within two working days of the visitation will subject the employee to the standard disciplinary procedures for unexcused absences from work. 820 ILCS 147/30.

LEGAL REF.: 820 ILCS 147/, School Visitation Rights Act.

Adopted 2/11/25

5:260 Student Teachers

The Superintendent is authorized to accept students from university-approved teacher-training programs to do student teaching in the District. No individual who has been convicted of a criminal offense that would subject him or her to license suspension or revocation pursuant to Section 5/21B-80 of the School Code or who has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987 is permitted to student teach.

Before permitting an individual to student teach or begin a required internship in the District, the Superintendent or designee shall ensure that:

1. The District performed a *105 ILCS 5/10-21.9(g) Check* as described below; and
2. The individual furnished evidence of physical fitness to perform assigned duties and freedom from communicable disease pursuant to 105 ILCS 5/24-5.

A *105 ILCS 5/10-21.9(g) Check* shall include:

1. Fingerprint-based checks through (a) the Illinois State Police (ISP) for criminal history records information (CHRI) pursuant to the Uniform Conviction Information Act (20 ILCS 2635/1), and (b) the FBI national crime information databases pursuant to the Adam Walsh Child Protection and Safety Act (P.L. 109-248);
2. A check of the Illinois Sex Offender Registry (see the Sex Offender Community Notification Law (730 ILCS 152/101 et seq.); and
3. A check of the Illinois Murderer and Violent Offender Against Youth Registry (Murderer and Violent Offender Against Youth Registration Act (730 ILCS 154/75-105).

The School Code requires each individual student teaching or beginning a required internship to provide the District with written authorization for, and pay the costs of, his or her 105 ILCS 5/10-21.9(g) check (including any applicable vendor's fees). Upon receipt of this authorization and payment, the Superintendent or designee will submit the student teacher's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Ill. State Police (ISP), to the ISP. The Superintendent or designee will provide each student teacher with a copy of his or her report.

Assignment

The Superintendent or designee shall be responsible for coordinating placements of all student teachers within the District. Student teachers should be assigned to supervising teachers whose qualifications are acceptable to the District and the students' respective colleges or universities.

LEGAL REF.: 34 U.S.C. §20901 et seq., Adam Walsh Child Protection and Safety Act, P.L. 109-248.

20 ILCS 2635/1, Uniform Conviction Information Act.

105 ILCS 5/10-21.9, 5/10-22.34, and 5/24-5.

CROSS REF.: 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:190 (Teacher Qualifications)

Adopted 8/8/23

5:270 Employment At-Will, Compensation, and Assignment

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

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

Compensation

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

Assignment

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

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

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

Adopted 4/11/23

5:270-E Exhibit - Notice of Employment

On District letterhead

To _____ Date _____

Please accept this letter as an acknowledgment that you have been or are being offered employment with the School District under the terms and conditions as stated in this letter, School Board policy, and any applicable employee handbook and/or collective bargaining agreement. If you wish to accept this offer, sign below and return this letter to the central administrative office.

Job position or title _____

Date and time on which you are to report to work _____

Job location _____

Hours per day _____ Days per week _____

Your hourly rate is $ _____

The remaining terms and conditions of your employment, as well as any employment benefits, are contained in Board policy and any applicable employee handbook and/or collective bargaining agreement. These items will be discussed during your orientation.

_____ _____

Board President or Secretary Date

_____ _____

Superintendent Date

For successful candidate/employee (*Sign and return to the central administrative office.*)

I understand that I am an employee-at-will and that my employment may be terminated at anytime with or without cause, subject to the terms and conditions of any applicable policy, employee handbook and/or collective bargaining agreement. I agree to comply with the Board's policies, administration's procedures, and supervisors' instructions.

_____ _____

Employee Date

Adopted 10/11/22

5:280 Duties and Qualifications

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

Paraprofessionals

Paraprofessionals provide supervised instructional support. Service as a paraprofessional requires an educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Ill. State Board of Education (ISBE).

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

Nonlicensed Personnel Working with Students and Performing Non-Instructional Duties

Nonlicensed personnel performing non-instructional duties may be used:

1. For supervising study halls, long-distance teaching reception areas used incident to instructional programs transmitted by electronic media (e.g., computers, video, and audio), detention and discipline areas, and school-sponsored extracurricular activities;
2. As supervisors, chaperones, or sponsors for non-academic school activities or for school activities connected to the academic program during any time in which the Governor has declared a disaster due to a public health emergency, in accordance with ISBE rule; or
3. For non-teaching duties not requiring instructional judgment or student evaluation.

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

Coaches and Athletic Trainers

Athletic coaches and trainers shall have the qualifications required by any association in which the School District maintains a membership. Regardless of whether the athletic activity is governed by an association, the Superintendent or designee shall ensure that each athletic coach: (1) is knowledgeable regarding coaching principles, (2) has first aid training, and (3) is a trained Automated External Defibrillator user according to rules adopted by the Illinois Department of Public Health. Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law.

Bus Drivers

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

LEGAL REF.: 34 C.F.R. §200.58.
105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.
625 ILCS 5/6-104 and 5/6-106.1, Ill. Vehicle Code.
23 Ill.Admin.Code §§1.280, 1.630, and 25.510.

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

Adopted 4/11/23

5:285 Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

The District shall adhere to State and federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers. The Superintendent or designee manages a program to implement State and federal law defining the circumstances and procedures for the testing.

LEGAL REF.: 49 U.S.C. §31306, Alcohol and Controlled Substances Testing (Omnibus Transportation Employee Testing Act of 1991, P.L. 102-143).

49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs), 382 (Controlled Substance and Alcohol Use and Testing), and 395 (Hours of Service of Drivers).

625 ILCS 5/6-106.1 and 5/6-106.1c.

CROSS REF.: 4:110 (Transportation), 5:30 (Hiring Process and Criteria), 5:280 (Duties and Qualifications)

Adopted 2/11/25

5:285-AP Administrative Procedure - Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

The District's drug and alcohol testing program shall apply to all individuals in positions that require a commercial driver's license and those that require an Illinois school bus driver permit. This includes casual, intermittent, or occasional drivers, leased drivers and independent owner-operator contractors, as well as full-time, regularly employed drivers. The Superintendent or designee will identify which positions are covered by the various provisions of this procedure.

Pre-Employment Tests

A pre-employment drug test shall be required of an applicant only after he/she has been offered the position.

Drug tests shall be conducted before the first time a driver performs any safety-sensitive function for the District. Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work until he/she is relieved from work and all responsibility for performing work. Exceptions may be made for drivers who have participated in the drug testing program required by law within the previous 30 days, provided that the District has been able to make all verifications required by law.

Pre-employment testing shall also be required of employees returning to work after a layoff period if the employee was removed from the random testing pool. If the employee remains in the random testing pool, additional testing shall not be necessary.

Controlled Substance Use

Drivers shall inform their supervisors if at any time they are using a drug that their physician has prescribed for therapeutic purposes. Drivers using a Schedule I controlled substance cannot perform safety-sensitive functions. Drivers using a non-Schedule I controlled substance may continue to perform safety-sensitive functions only if a licensed medical practitioner who is familiar with the driver's medical history has advised the driver that the substance will not adversely affect his/her ability to safely operate a commercial motor vehicle. If the District has actual knowledge that a driver has used a controlled substance, it shall not permit the driver to perform or continue to perform a safety-sensitive function.

Pre-Duty Use of Alcohol

No driver shall perform safety-sensitive functions within four hours after using alcohol. If the District has actual knowledge that a driver has used alcohol within four hours, it shall not permit the driver to perform or continue to perform safety-sensitive functions.

On-Duty Use of Alcohol

No driver shall use alcohol while performing safety-sensitive functions. If the District has actual knowledge that a driver is using alcohol while performing safety-sensitive functions, it shall not permit the driver to perform or continue to perform safety-sensitive functions.

Post-Accident Tests

Alcohol tests shall be conducted as soon after an accident as practicable on any surviving driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
2. Who receives a citation within eight hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
    a. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
    b. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Controlled substance tests shall be conducted as soon after an accident as practicable on any surviving driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life;
2. Who receives a citation within 32 hours of occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
    a. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
    b. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention.

No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two hours following the accident or if a drug test is not administered within 32 hours following the accident, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within eight hours after the accident for alcohol or within 32 hours for drugs.

Tests conducted by authorized federal, State, or local officials shall fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the District. Breath and blood tests meet the requirements of alcohol testing. A urine test meets the requirements of a controlled substances test.

Random Tests

Alcohol and drug tests shall be conducted on a random basis at unannounced times throughout the year. The number of random alcohol and drug tests shall be at least equal to those required by federal regulations. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions.

Employees off work due to leaves, vacation, and layoffs shall be informed that they remain subject to random testing. Employees drawn for such testing shall be notified and tested as soon as practicable after they return to duty.

Probable Cause Tests (Applicable to School Bus Driver Permit Holders)

A driver who has received a Uniform Traffic Ticket while in control of a school bus or any other vehicle owned or operated by or for the District, when the vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as students in grade 12 or below, in

connection with any activity of the District, may be tested for alcohol. To justify an alcohol test, a police officer must have probable cause to believe that the driver has consumed any amount of an alcoholic beverage based upon evidence of the driver's physical condition or other first hand knowledge of the police officer.

Upon receipt of a law enforcement officer's sworn report that the test result was positive or that the driver refused to be tested, the Secretary of State will notify both the permit holder and the District of the sanction (sanction is effective on the 46th day following the date notice was given).

Reasonable Suspicion Tests (Applicable to School Bus Driver Permit Holders)

An alcohol or drug test shall be conducted if a supervisor or District official trained in accordance with law has reasonable suspicion that a driver has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the supervisor or District official who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours following a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours following a determination of reasonable suspicion, the District shall cease attempts to administer the alcohol test and shall state in the record the reasons for not administering the test. Notwithstanding the absence of a reasonable suspicion alcohol test, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while he or she is under the influence of or impaired by alcohol.

A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

The Superintendent or designee shall ensure that an employee under reasonable suspicion is transported to the designated collection or testing site.

The Superintendent or designee shall notify the Secretary of State, in a manner and form prescribed by the Secretary, of the result of a reasonable suspicion test when: (i) the test indicates an alcohol concentration greater than 0.00; (ii) the test indicates a positive result on a National Institute on Drug Abuse five-drug panel utilizing the federal standards set forth in 49 C.F.R. 40.87; or (iii) when a driver refuses testing. The notification to the Secretary must be submitted within 48 hours of the refusal of testing or the employer's receipt of the test results.

Commercial Driver's License Drug and Alcohol Clearinghouse Checks for all CDL Drivers

Prior to employment, the District will conduct a full query of the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse to obtain information about the driver's eligibility under federal rules to perform a safety-sensitive function. For current employees, the District will, at least annually, conduct a limited query of the Clearinghouse for each driver. If information exists in the Clearinghouse about the individual driver, the District will conduct a full query within 24 hours to determine the driver's eligibility under federal rules to perform any safety-sensitive function. If the District fails to conduct a full query within 24 hours, it will not allow the driver to

continue to perform any safety-sensitive function until it conducts the full query and confirms that the driver may perform such functions.

Enforcement for Non-School Bus Driver Permit Holders

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If the District has actual knowledge that a driver has an alcohol concentration of 0.04 or greater, it shall not permit the driver to perform or continue to perform safety-sensitive functions.

Federal laws require that any driver who refuses to submit to a post-accident, random, reasonable suspicion test, or follow-up test as described below, shall not perform or continue to perform safety-sensitive functions. The District shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

A driver who is tested and found to have an alcohol concentration of .02 or greater, but less than 0.04, may not perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours after the test was administered.

A driver who tests positive for drugs or an alcohol concentration of 0.04 or greater shall be subject to District disciplinary action up to and including dismissal.

A driver who violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional (SAP) who shall determine what help the driver needs in resolving such a problem. Any SAP who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a SAP to determine that he/she has properly followed the prescribed rehabilitation program. If an employee is permitted to return to the performance of safety-sensitive functions, the District will not allow, require, permit or authorize a driver to operate a commercial motor vehicle during any period in which the District determines that a driver is not in compliance with the return-to-duty requirements, after the occurrence of any of the following events:

1. The driver receives a positive, adulterated, or substituted drug test result.
2. The driver receives an alcohol confirmation test result of 0.04 or higher alcohol concentration.
3. The driver refused to submit to a test for drugs or alcohol required by federal regulations.
4. The driver used alcohol prior to a post-accident alcohol test.
5. An employer has *actual knowledge* that a driver has:
    a. Used alcohol while performing safety-sensitive functions;
    b. Used alcohol within four hours of performing safety-sensitive functions; or
    c. Used a controlled substance.

Return-to-Duty Tests for Non-School Bus Driver Permit Holders

If a driver who has violated the District's drug or alcohol prohibition is returned to performing safety-sensitive duties, a drug or alcohol test shall be conducted.

The District shall not allow employees whose conduct involved drugs to return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result. The District

shall not allow employees whose conduct involved alcohol to return to duty in a safety-sensitive function until the return-to-duty alcohol test indicates an alcohol concentration of 0.02 or less.

Follow-Up Tests for Non-School Bus Driver Permit Holders

A driver who violates the District's drug or alcohol prohibition and is subsequently identified by a SAP as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the SAP in accordance with the law. The District must carry out the substance abuse professional's follow-up testing requirements.

Follow-up testing shall consist of at least six tests in the first 12 months following the driver's return to duty. Testing shall not occur beyond 60 months from the date of the driver's return to duty. The substance abuse professional may terminate the follow-up testing if he/she determines that the employee has successfully demonstrated compliance.

Maintenance of Records for Non-School Bus Driver Permit Holders

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with the law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

Enforcement for School Bus Driver Permit Holders

In Illinois, a person whose privilege to possess a school bus driver permit has been canceled under 625 ILCS 5/6-106.1a is not eligible for restoration of the privilege until the expiration of three years from the effective date of the cancellation if the person has refused or failed to complete a test or tests to determine blood alcohol concentration, or has submitted to testing with a blood alcohol concentration of more than 0.00.

The Ill. Secretary of State must suspend a school bus driver permit for a period of three years upon receiving notice that the holder refused to submit to an alcohol or drug test as required by Section 5/6-106.1c or has submitted to a test required by that Section that disclosed an alcohol concentration of more than 0.00 or disclosed a positive result on a National Institute on Drug Abuse five-drug panel, utilizing federal standards set forth in 49 C.F.R. 40.87.

A driver who tests positive for drugs or is found to have an alcohol concentration of greater than 0.00 shall have their employment terminated.

Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify all of the following:

1. The person designated by the District to answer drivers' questions about the materials;
2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning driver conduct that is prohibited by Part 382;
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382, including post-accident testing under §382.303(d);

6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver, including post-accident information, procedures and instructions required by §382.303(d);
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
10. The consequences for drivers who do not hold a school bus driver permit found to have an alcohol concentration of 0.02 or greater but less than 0.04;
11. The consequences for drivers who hold a school bus driver permit found to have an alcohol concentration over 0.00;
12. The effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management;
13. The requirement that personal information collected and maintained by the District will be reported to the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse, including:
    a. A verified positive, adulterated, or substituted drug test result;
    b. An alcohol confirmation test with a concentration of 0.04 or higher;
    c. A refusal to submit to any test required by law;
    d. The District's report of actual knowledge of on-duty alcohol use, pre-duty alcohol use, alcohol use following an accident, and controlled substance use; and
14. Other legal requirements, District policies, and disciplinary consequences related to the use of alcohol and drugs.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials.

Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Before drug and alcohol tests are performed, pursuant to 49 C.F.R. Part 382, the District shall inform drivers that the tests are required by these regulations.

The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application.

The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive.

Adopted 4/9/24

5:290 Employment Termination and Suspensions

Resignation and Retirement

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

Non-RIF Dismissal

The District may terminate an at-will employee at any time for any or no reason, but not for a reason prohibited by State or 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 School Board consistent with the Board's goal of having a highly qualified, high performing staff. This includes recommending a non-licensed employee for immediate dismissal for willful or negligent failure to report an instance of suspected child abuse or neglect as required by 325 ILCS 5/.

Reduction in Force and Recall

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

Final Paycheck

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

Suspension

Except as provided below, the Superintendent is authorized to suspend an employee without pay as a disciplinary measure, during an investigation into allegations of misconduct or pending a dismissal hearing whenever, in the Superintendent's judgment, the employee's presence is detrimental to the District. A disciplinary suspension shall be with pay: (1) when the employee is exempt from the overtime provisions, or (2) until an employee with an employment contract for a definite term is provided a notice and hearing according to the suspension policy for professional employees. Upon receipt of a recommendation from the Ill. Dept. Children and Family Services (DCFS) that the District remove an employee from his or her position when he or she is the subject of a pending DCFS investigation that relates to his or her employment with the District, the Board or Superintendent or designee, in consultation with the Board Attorney, will determine whether to:

1. Let the employee remain in his or her position pending the outcome of the investigation; or

2. Remove the employee as recommended, proceeding with:
    a. A suspension with pay; or
    b. A suspension without pay.

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.

LEGAL REF.: 105 ILCS 5/10-22.34c and 5/10-23.5.
5 ILCS 430 et seq., State Officials and Employees Ethics Act.
325 ILCS 5/7.4(c-10), Abused and Neglected Child Reporting Act.
820 ILCS 105/4a, Minimum Wage Law.

CROSS REF.: 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:240 (Suspension), 5:270 (Employment At-Will, Compensation, and Assignment)

Adopted 4/11/23

5:300 Schedules and Employment Year

The Superintendent shall supervise a process for setting work schedules and an employment year for educational support employees in accordance with State and federal law, School Board policy, and applicable agreements and shall:

1. Assign each employee one supervisor who will establish a work schedule, including breaks, as required by building or District needs, workload, and the efficient management of human resources;
2. Allow for the ability to respond to changing circumstances by altering work schedules as needed; and
3. Consider the well-being of the employee. The Superintendent's approval is required to establish a flexible work schedule or job-sharing.

Breaks

An employee who works at least 7.5 continuous hours shall receive a 30-minute duty-free meal break that begins within the first five hours of the employee's workday. The District accommodates employees who are nursing mothers according to State and federal law.

LEGAL REF.: 29 U.S.C. §§207 and 218d, Fair Labor Standards Act.

105 ILCS 5/10-20.14a, 5/10-22.34, and 5/10-23.5.

740 ILCS 137/, Right to Breastfeed Act.

820 ILCS 105/, Minimum Wage Law.

820 ILCS 260/, Nursing Mothers in the Workplace Act.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:35 (Compliance with the Fair Labor Standards Act)

Adopted 10/8/24

5:310 Compensatory Time-Off

This policy governs the use of compensatory time-off by employees who: (1) are covered by the overtime provisions of the Fair Labor Standards Act, 29 U.S.C. §201 et seq., and (2) are not represented by an exclusive bargaining representative.

Employees may be given 1-1/2 hours of compensatory time-off in lieu of cash payment for each hour of overtime worked. Other than as provided below, at no time may an employee's accumulated compensatory time-off exceed 240 hours, which represents compensation for 160 hours of overtime. An employee whose work regularly includes public safety, emergency response, or seasonal activities may accumulate a maximum of 480 hours of compensatory time, which represents compensation for 320 hours of overtime. If an employee accrues the maximum number of compensatory time-off hours, the employee: (1) is paid for any additional overtime hours worked, at the rate of one and one half times the employee's regular hourly rate of pay, and (2) does not accumulate compensatory time-off until the employee uses an equal amount of accrued time-off.

An employee who has accrued compensatory time-off shall be permitted to use such time in at least half-day components provided such requests do not unduly disrupt the District's operations. The employee's supervisor must approve a request to use compensatory time-off.

Upon termination of employment, an employee will be paid for unused compensatory time at the higher of:

1. The average regular rate received by such employee during the last three years of employment; or
2. The final regular rate received by such employee.

Compensatory time-off is time during which the employee is not working and is, therefore, not counted as "hours worked" for purposes of overtime compensation.

Implementation

The Superintendent or designee shall implement this policy in accordance with the FLSA. In the event of a conflict between the policy and the FLSA, the latter shall control.

LEGAL REF.: 29 U.S.C. §201 et seq., Fair Labor Standards Act; 29 C.F.R. Part 553.

CROSS REF.: 5:35 (Compliance with the Fair Labor Standards Act), 5:185 (Family and Medical Leave), 5:270 (Employment At-Will, Compensation, and Assignment)

Adopted 2/11/25

5:310-E Exhibit - Agreement to Receive Compensatory Time-Off

The School Board has a policy of granting compensatory time-off to non-exempt employees in lieu of overtime pay for time worked in excess of 40 hours in any workweek. I have either received a copy of the policy or been told where it may be found or downloaded. I understand that:

3. I must obtain my supervisor's express authorization to work overtime before working in excess of 40 hours in any workweek.
4. I will earn compensatory time-off at a rate of not less than one and one-half (1.5) hours for each one hour of overtime worked.
5. I will be allowed to use accrued compensatory time-off within a reasonable period after making a request to use it, provided that my absence would not unduly disrupt operations considering factors like emergency requirements for staff and the availability of qualified substitute staff.
6. My supervisor may require that I use my accrued compensatory time-off within a certain time period, may prohibit my use of accrued compensatory time-off on certain days, may require that I cash out my compensatory time-off after a particular time period, and may otherwise limit my use of compensatory time-off.

I agree to receive compensatory time-off in lieu of overtime pay for time worked in excess of 40 hours in any workweek, and I accept this as a condition of my employment.

Employee Signature	Date
Supervisor Signature (or designee)	Date

Adopted 2/11/25

5:320 Evaluation

The Superintendent is responsible for designing and implementing a program for evaluating the job performance of each educational support staff member according to standards contained in School Board policies as well as in compliance with State law and any applicable employee handbook and/or collective bargaining agreement. The standards for the evaluation program shall include, but not be limited to:

1. Each employee shall be evaluated annually, preferably before the annual salary review.
2. The direct supervisor shall provide input.
3. The employee's work quality, promptness, attendance, reliability, conduct, judgment, and cooperation shall be considered.
4. The employee shall receive a copy of the annual evaluation.
5. All evaluations shall comply with State and federal law and any applicable employee handbook and/or collective bargaining agreement.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:150 (Personnel Records)

Adopted 4/11/23

5:330 Sick Days, Vacation, Holidays, and Leaves

Each of the provisions in this policy applies to all educational support personnel to the extent that it does not conflict with an applicable collective bargaining agreement or individual employment contract or benefit plan; in the event of a conflict, such provision is severable and the applicable bargaining agreement or individual agreement will control.

Sick and Bereavement Leave

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

Full-time 11 month employees will receive 11 sick days per school year and shall accumulate to a maximum of 220 days, including the leave of the current year.

Full-time 12 month employees will receive 12 sick days per school year and shall accumulate to a maximum of 240 days, including the leave of the current year.

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

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

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

Vacation

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

Length of Employment	Monthly Accumulation	Maximum Vacation Leave Earned Per Year
Beginning of year 2	0.42 Days	5 Days per year
Beginning of year 3	0.50 Days	6 Days per year
Beginning of year 4	0.58 Days	7 Days per year
Beginning of year 5	0.67 Days	8 Days per year
Beginning of year 6	0.75 Days	9 Days per year
Beginning of year 7	0.83 Days	10 Days per year
Beginning of year 8	0.92 Days	11 Days per year
Beginning of year 9	1.00 Days	12 Days per year
Beginning of year 10	1.08 Days	13 Days per year
Beginning of year 11	1.17 Days	14 Days per year
Beginning of year 12	1.25 Days	15 Days per year
Beginning of year 13	1.33 Days	16 Days per year
Beginning of year 14	1.42 Days	17 Days per year
Beginning of year 15	1.50 Days	18 Days per year
Beginning of year 16	1.58 Days	19 Days per year
Beginning of year 17	1.67 Days	20 Days per year

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

Length of Employment	Monthly Accumulation	Maximum Vacation Leave Earned Per Year
Beginning of year 2 - until retirement	0.42 Days	5 Days per year

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

Holidays

Unless the District has a waiver or modification of the School Code pursuant to Section 2-3.25g or 24-2(b) allowing it to schedule school on a holiday listed below, District employees will not be required to work on:

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

A holiday will not cause a deduction from a full-time employee's time or compensation. The District may require educational support personnel to work on a school holiday during an emergency or for the continued operation and maintenance of facilities or property.

Personal Leave

Full or part-time educational support personnel who work at least 600 hours per year receive one paid personal day after the completion of their first year of employment.

Full-time eleven month employees and full-time twelve month employees will receive two paid personal days after completion of their sixth year of employment.

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

1. Except in cases of emergency or unavoidable situations, a personal leave request should be submitted to the Building Principal three days before the requested date.
2. No personal leave day may be used immediately before or immediately after a holiday, or during the first and/or last five days of the school year, unless the Superintendent grants prior approval.
3. Personal leave may not be used in increments of less than one-half day.
4. Personal leave is subject to any necessary replacement's availability.
5. Personal leave may not be used on an in-service training day and/or institute training days.
6. Personal leave may not be used when the employee's absence would create an undue hardship.

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

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

Other Leaves

Educational support personnel receive the following leaves on the same terms and conditions granted professional personnel in Board policy 5:250, *Leaves of Absence*:

1. Leaves for Service in the Military and General Assembly.
2. School Visitation Leave.
3. Leaves for Victims of Domestic or Sexual Violence.
4. Child Bereavement Leave.
5. Leave to serve as an election judge.

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/.
820 ILCS 154/.
School Dist. 151 v. ISBE, 154 Ill.App.3d 375 (1st Dist. 1987); Elder v. Sch. Dist. No.127 1/2, 60 Ill.App.2d 56 (1st Dist. 1965).

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

Adopted: 11/12/2019

"SOBOS"

South Beloit C.U.S.D. No. 320

"A POSITIVE ATTITUDE MEANS EVERYTHING TO THOSE AROUND YOU"

Scott Fisher, Superintendent
850 Hayes Avenue
South Beloit, IL 61080 USA

Telephone 815-389-3478/District Fax 815-389-3477

TO: Scott Fisher, Superintendent

FROM: Terri Gille, Business Manager

SUBJECT: Sick/Vacation/Personal Leave

DATE: January 23, 2018
February 13, 2018 — corrected

I would like for the Board to consider a few changes in our Board Policy about Sick, Vacation and Personal Leave for certain categories of full-time employees.

The reason for this change is that 12 month employees work 85 more days than other non-certified employees, aides, tutors, and food service employees but earn the same amount of sick days and one personal day and are able to bank the same amount of days — 180.

Currently, all employees eligible for IMRF, (to be IMRF eligible - any non-certified employee that works 3.75 hours or more per day and is intended to work 600 hours or more per year.)

9-12 month employees earn I sick days for every 20 days worked and are able to bank 180 sick days, which will earn 9 months of credit with IMRF, but the 9 months cannot be used to reach retirement eligibility.

Teachers work 180 days and are able to accumulate 340 days of sick, which equates to two years of service credit, which does help to reach retirement eligibility. School Administrators work

240 days and can accumulate 340 days and the Superintendent works 260 days and can accumulate 340 days.

Possible Proposals...

BUILDING EXCELLENCE

"An Equal Opportunity Employer"

Proposal — 12 month employees — 12 sick days per year

Proposal — be able to bank 240 days of sick = 12 months of credit with IMRF

Proposal — 11 month full-time employees — 1 1 sick days per year
Proposal — be able to bank 220 days of sick = Il months of credit with IMRF

Currently, all employees eligible for IMRF 9-12 month employees earn I personal day a year after one full year of service. If this day is not used — it rolls into sick.

Proposal — Il month full-time employees — after 6 years of service — earn 2 personal days per year, if leave is not used, it rolls into sick.

Proposal - 12 month full-time employee s — after 6 years of service — earn 2 personal days per year, if leave is not used, it rolls into sick.

Currently, after one year of employment — 12 month full-time employees earn 5 days of vacation, each consecutive year an additional day is given until year 12 — the employee then earns 15 days a year. The final year of employment — vacation days will be owed/reimbursed as we are always one year in a rear.

Proposal — continue the schedule so that by year 17 — 12 month employees will earn 20 days of vacation.

With the increase of additional days — unless pre-approved by the Superintendent — no days are allowed to roll forward.

Thank you for your consideration.

Adopted 4/10/18