

**IASB POLICY REFERENCE MANUAL  
TABLE OF CONTENTS  
SECTION 2 - SCHOOL BOARD**

Governance

---

- 2:10 [School District Governance](#)
- 2:20 [Powers and Duties of the School Board](#)
  - 2:20-E [Exhibit - Waiver and Modification Request Process](#)

Board Member

- 2:30 [School District Elections](#)
- 2:40 [Board Member Qualifications](#)
- 2:50 [Board Member Term of Office](#)
- 2:60 [Board Member Removal from Office](#)
- 2:70 [Vacancies on the School Board - Filling Vacancies](#)
  - 2:70-E [Exhibit-Board Member Code of Conduct](#)
- 2:80 [Board Member Oath and Conduct](#)
  - 2:80-E [Exhibit - Board Member Code of Conduct](#)
- 2:90 **OPEN**
- 2:100 [Board Member Conflict of Interest](#)
- 2:105 [Ethics and Gift Ban](#)
- 2:110 [Qualifications, Term, and Duties of Board Officers](#)
- 2:120 [Board Member Development](#)
  - 2:120-E [Exhibit - Guidelines for Serving as a Mentor to a New School Board Member](#)
- 2:125 [Board Member Expenses](#)
  - 2:125-E1 [Exhibit - Board Member Travel Expense Voucher](#)

Board Relationships

- 2:130 [Board-Superintendent Relationship](#)
- 2:140 [Communications To and From the Board](#)
  - 2:140-E [Exhibit - Guidance for Board Member Communications, Including Email Use](#)
- 2:150 [Committees](#)
  - 2:150-AP [Administrative Procedure - Superintendent Committees](#)
  - 2:150-AP1 [Reuterskoild Memorial Committee](#)
  - 2:150-AP2 [Community/Staff Advisory/Behavior Interventions Committee](#)
- 2:160 [Board Attorney](#)
- 2:170 [Procurement of Architectural, Engineering, and Land Surveying Services](#)
  - 2:170-AP [Administrative Procedure - Qualification Based Selection](#)
- 2:180 **OPEN**

## Board Meetings

- 2:190 [Mailing Lists for Receiving Board Material](#)
- 2:200 [Types of School Board Meetings](#)
  - 2:200-AP [Administrative Procedure – Types of School Board Meetings](#)
- 2:210 [Organizational School Board Meeting](#)
- 2:220 [School Board Meeting Procedure](#)
  - 2:220-E1 [Exhibit-Board Treatment of Closed Meeting Verbatim Records and Minutes](#)
  - 2:220-E2 [Exhibit-Motion to Adjourn to Closed Meeting](#)
  - 2:220-E3 [Exhibit-Closed Meeting Minutes](#)
- 2:230 [Public Participation at School Board Meetings and Petitions to the Board](#)

## Board Policy

- 2:240 [Board Policy Development](#)

## Board Records

- 2:250 [Access to District Public Records](#)
  - 2:250-AP1 [Administrative Procedure - Access To and Copying of District Public Records](#)
  - 2:250-AP2 [Administrative Procedure - Protocols for Record Preservation and Development of Retention Schedules](#)
  - 2:250-E1 [Exhibit - Written Request for District Records](#)
  - 2:250-E2 [Exhibit - Response to Request for District Record Inspection](#)
- 2:260 [Uniform Grievance Procedure](#)
  - 2:260-AP [Administrative Procedure - Guidelines for Investigating Complaints and Allegations of Misconduct](#)
  - 2:260-AP1 [Procedure to Resolve Complaints](#)
- 2:270 [Membership in Association](#)

## **School Board**

### **School District Governance**

The District is governed by a Board of Education consisting of 7 members. The Board's powers and duties include the broad authority to adopt and enforce all necessary policies for the management and government of the public schools.

Official action by School Board members must occur at duly called and legally conducted meeting. "Meeting" is defined as any gathering of the majority of a quorum of School Board members for the purpose of discussing School District business.

Their participation in meetings, therefore, is the basic manner in which they fulfill their high office. The method of participation is discussion, deliberation, debate, and voting. Administrative action for members is legally not appropriate. All members are expected to participate fully in deliberation and voting.

School Board members, as individuals, have no authority over school affairs, except as provided by law or as authorized by the Board.

LEGAL REF.: 105 ILCS 5/10-1, 5/10-10, and 5/10-20.5.  
5 ILCS 120/1.01.

CROSS REF.: 1:10  
2:10

## **School Board**

### **Powers and Duties of the School Board; Indemnification**

The major powers and duties of the School Board include, but are not limited to:

1. Organizing the Board after each consolidated election by electing officers and establishing its regular meeting schedule and, thereafter, taking action during lawfully called meetings to faithfully fulfill the Board's responsibilities in accordance with State and federal law.
2. Formulating, adopting, and modifying Board policies, at its sole discretion, subject only to mandatory collective bargaining agreements and State and federal law.
3. Employing a Superintendent and other personnel, making employment decisions, dismissing personnel, and establishing an equal employment opportunity policy that prohibits unlawful discrimination.
4. Directing, through policy, the Superintendent, in his or her charge of the District's administration.
5. Approving the annual budget, tax levies, major expenditures, payment of obligations, annual audit, and other aspects of the District's financial operation; and making available a statement of financial affairs as provided in State law.
6. Entering contracts using the public bidding procedure when required.
7. Providing, constructing, controlling, and maintaining adequate physical facilities; making school buildings available for use as civil defense shelters; and establishing a resource conservation policy.
8. Establishing an equal educational opportunities policy that prohibits unlawful discrimination.
9. Approving the curriculum, textbooks, and educational services.
10. Evaluating the educational program and approving School Improvement and District Improvement Plans.
11. Presenting the District report card and School report card(s) to parents/guardians and the community; these documents report District, School, and student performance.
12. Establishing and supporting student discipline policies designed to maintain an environment conducive to learning, including deciding individual student suspension or expulsion cases brought before it.
13. Establishing attendance units within the District and assigning students to the schools.
14. Establishing the school year.
15. Requiring a moment of silence to recognize veterans during any type of school event held at a District school on November 11.
16. Providing student transportation services pursuant to State law.
17. Entering into joint agreements with other boards to establish cooperative educational programs or provide educational facilities.
18. Complying with requirements in the Abused and Neglected Child Reporting Act. Specifically, 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 the Act, direct or cause the Board to direct the Superintendent or other equivalent school administrator to comply with the Act's requirements concerning the reporting of child abuse.
19. Communicating the schools' activities and operations to the community and representing the needs and desires of the community in educational matters.

Indemnification

To the extent allowed by law, the Board shall defend, indemnify, and hold harmless School Board members, employees, volunteer personnel (pursuant to 105 ILCS 5/10-22.34, 10-22.34a and 10-22.34b), mentors of certified staff (pursuant to 105 ILCS 5/2-3.53a, 2-3.53b, and 105 ILCS 5/21A-5 *et. seq.*), and student teachers who, in the course of discharging their official duties imposed or authorized by law, are sued as parties in a legal proceeding. Nothing herein, however, shall be construed as obligating the Board to defend, indemnify, or hold harmless any person who engages in criminal activity, official misconduct, fraud, intentional or willful and wanton misconduct, or acts beyond the authority properly vested in the individual.

LEGAL REF.: 105 ILCS 5/2-3.25d, 5/10, 5/17-1, and 5/27-1.  
115 ILCS 5/.  
325 ILCS 5/4.

CROSS REF.: 1:10 (School District Legal Status), 1:20 (District Organization, Operations, and Cooperative Agreements), 2:10 (School District Governance), 2:80 (Board Member Oath and Conduct), 2:140 (Communications To and From the Board), 2:210 (Organizational School Board Meeting), 2:240 (Board Policy Development), 4:60 (Purchases and Contracts), 4:70 (Resource Conservation), 4:100 (Insurance Management), 4:110 (Transportation), 4:150 (Facility Management and Building Programs), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:90 (Abused and Neglected Child Reporting), 6:10 (Educational Philosophy and Objectives), 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 7:10 (Equal Educational Opportunities), 7:30 (Student Assignment and Intra-District Transfer), 7:190 (Student Discipline), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 8:10 (Connection with the Community), 8:30 (Visitors to and Conduct on School Property)

REVISED: OCTOBER 2006

NOVEMBER 2009

APRIL 2013

AUGUST 2014

## School Board

### Exhibit - Waiver and Modification Request Resource Guide

Waiver or Modification	Explanation, Special Considerations, and Resources
<p>Waiver for Exemption from Unfunded Mandates, 105 ILCS 5/22-60.</p>	<p><b>Explanation</b></p> <p>Applies to unfunded or under-funded: (1) mandates in the School Code enacted after 8-20-2010, or (2) regulatory mandates promulgated by ISBE and adopted by rule after 8-20-2010, other than those promulgated with respect to 105 ILCS 5/22-60 or statutes already enacted on or before 8-20-2010.</p> <p>Allows the District to petition its Regional Superintendent or a Suburban Cook County Intermediate Service Center, whichever is appropriate, to request exemption from implementing the mandate in school(s) in the next school year.</p> <p><b>Special Considerations</b></p> <ol style="list-style-type: none"> <li>1. Whether the significance of the unfunded or under-funded mandate justifies the effort needed to seek an exemption, and</li> <li>2. The advisability of simultaneously seeking a waiver or modification using Section 2-3.25g (see directly below).</li> </ol> <p><b>Resources</b></p> <p><a href="http://www.isbe.net/isbewaivers/">www.isbe.net/isbewaivers/</a>                      ISBE Rules and Waivers division at (217) 782-5270, or email <a href="mailto:waivers@isbe.net">waivers@isbe.net</a>.</p>
<p>Waiver of School Code Mandates                      Waivers/Modification of ISBE Rules and Modifications of School Code Mandates, 105 ILCS 5/2-3.25g, amended by P.A. 97-1025.</p>	<p><b>Explanation</b></p> <p>Districts may petition the General Assembly through ISBE for a waiver of the School Code or petition ISBE for a modification of the mandates in the School Code or a waiver or modification of ISBE administrative rules.</p> <p>For a waiver or modification of administrative rules or modification of Code mandates, the District must demonstrate that: (1) it can address the intent of the rule or mandate in a more effective, efficient, or economical manner, or (2) a waiver or modification of the rule or mandate is necessary to stimulate innovation or improve student performance.</p> <p>For a waiver of mandates in the School Code, the District must demonstrate that the waiver is necessary to stimulate innovation or improve student performance. Section 2-</p>

Waiver or Modification	Explanation, Special Considerations, and Resources
	<p>3.25g, amended by P.A. 98-513, lists mandates from which school districts may not seek a waiver and/or modification. Any previously authorized waiver or modification concerning requirements for student performance data to be a significant factor in evaluations or for using the 4 prescribed evaluation categories will terminate on 9-1-2014 (<u>Id.</u>)</p> <p>The District must also provide certain notices as follows:</p> <ol style="list-style-type: none"> <li>1. Publish a notice in a newspaper of general circulation within the District of the date, time, place, and general subject matter of a public hearing on the proposed waiver or modification request. This notice must be published at least 7 days before the hearing.</li> <li>2. If there is no newspaper published in the county, give notice in a secular newspaper published in an adjoining county having general circulation within the District. 715 ILCS 5/2.</li> <li>3. Post the time, date, place, and general subject matter of the public hearing on the District’s website at least 14 days before the hearing. 105 ILCS 5/2-3.25g, amended by P.A. 97-1025.</li> </ol> <p><b>Special Considerations</b></p> <p>The District must develop a plan supporting a waiver or modification request that meets the criteria in 105 ILCS 5/2-3.25g. See <a href="http://www.isbe.net/isbewaivers/html/overview.htm">www.isbe.net/isbewaivers/html/overview.htm</a>. This process is essentially identical for school districts, joint agreements made up of school districts, and regional superintendents on behalf of schools, programs operated by the Regional Office of Education, and the governing board of an Intermediate Service Center (105 ILCS 5/2-3.25g; 23 Ill.Admin.Code §1.100).</p> <p><b>Resources</b></p> <p>ISBE rules:</p> <ul style="list-style-type: none"> <li>23 Ill.Admin.Code §1.100 (<i>Waiver and Modification of State Board Rules and School Code Mandates</i>)</li> <li>23 Ill.Admin.Code §1.110 (<i>Appeal Process Under Section 22-60 of the School Code</i>)</li> </ul> <p>ISBE waivers page:  <a href="http://www.isbe.net/isbewaivers/default.htm">www.isbe.net/isbewaivers/default.htm</a></p> <p><b><u>Waiver overview:</u></b>  <a href="http://www.isbe.net/isbewaivers/html/overview.htm">www.isbe.net/isbewaivers/html/overview.h tm</a></p>

Waiver or Modification	Explanation, Special Considerations, and Resources
	<p>Instructions:  <a href="http://www.isbe.net/isbewaivers/html/application.htm">www.isbe.net/isbewaivers/html/application.htm</a></p> <p>Application form:  <a href="http://www.isbe.net/isbewaivers/pdf/33-77_waiver_application.pdf">www.isbe.net/isbewaivers/pdf/33-77_waiver_application.pdf</a></p>
<p>Physical Education, 105 ILCS 5/27-6.                      Drivers Education, 105 ILCS 5/24.2 and 105 ILCS 5/2-3.25g, amended by P.A. 97-1025.</p> <p>Contracting out with a commercial driver training school (CDTS) to provide the course of study authorized under 105 ILCS 5/27-24.2, 105 ILCS 5/2-3.25g, amended by P.A. 97-1025.</p>	<p><b>Explanation</b></p> <p>See the <i>Explanation</i> section of the immediately preceding row above labeled <b>Waiver of School Code Mandates; Waivers/Modification of ISBE Rules and Regulations and Modifications of School Code Mandates</b>.</p> <p><b>Special Considerations</b></p> <p>In addition to the <i>Explanation</i> section above, waivers for:</p> <ol style="list-style-type: none"> <li>1. Physical education require the District to hold a public hearing on a day other than when a regular School Board meeting is held, i.e., special meeting.</li> <li>2. Driver education fee increases require the District to include the proposed amount of the fee increase (a) in the public notice, and (b) on the District’s website. 105 ILCS 5/2-3.25g (c-5), amended by P.A. 97-1025. <b>Note:</b> For a sample school district resolution to increase driver education fees, see 4:140-E3, <i>Resolution to Increase Driver Education Fees</i>.</li> <li>3. Contracting out with a CDTS to provide the course of study authorized under 105 ILCS 5/27-24.2 requires specific documentation within the District’s application, along with posting of the final contract between the District and the CDTS on the District’s website (2:250-E2, <i>Immediately Available District Public Records and Web-Posted Reports and Records</i>). 105 ILCS 5/2-3.25g(d), amended by P.A. 97-1025.</li> </ol> <p><b>Resources</b></p> <p>See the <i>Resources</i> section of the immediately preceding row above labeled <b>Waiver of School Code Mandates; Waivers/Modification of ISBE Rules and Regulations and Modifications of School Code Mandates</b>.</p>
<p>Holiday Modifications, 105 ILCS 5/24-2(b).</p>	<p><b>Explanation</b></p> <p>Allows the District to hold school or schedule teachers’ institutes, parent-teacher conferences, or staff development on certain holidays without submitting a modification request to and obtaining approval from ISBE.</p>



Waiver or Modification	Explanation, Special Considerations, and Resources
	<p>After a public hearing, the District may hold school or schedule teachers' institutes, parent-teacher conferences, or staff development on:</p> <ol style="list-style-type: none"> <li>1. The third Monday in January (the Birthday of Dr. Martin Luther King, Jr.);</li> <li>2. February 12 (the Birthday of President Abraham Lincoln);</li> <li>3. The first Monday in March (known as Casimir Pulaski's Birthday);</li> <li>4. The second Monday in October (Columbus Day); and/or</li> <li>5. November 11 (Veterans' Day).</li> </ol> <p><b>Special Considerations</b></p> <p>The Board must provide notice before the public hearing to both educators and parents with: (1) the time, date, and place of the hearing, (2) a description of the proposal, and (3) information that testimony from educators and parents will be taken about the proposal during the hearing.</p> <p>The District must prepare a proposal for recognizing the person(s) honored by the holiday through instructional activities conducted on that day or, if the day is not used for student attendance, on the first school day preceding or following that day. The District may also consider aligning the proposal with Board policies 5:200, <i>Terms and Conditions of Employment and Dismissal</i>; 5:330, <i>Sick Days, Vacation, Holidays, and Leaves</i>; and 6:20, <i>School Year Calendar and Day</i>.</p> <p><b>Resources</b></p> <p>See <i>Holiday Modifications</i> on ISBE's website at: <a href="http://www.isbe.net/isbewaivers/">www.isbe.net/isbewaivers/</a>.</p>
<p>Parent-Teacher Conference Waivers, 105 ILCS 5/18-8.05(F)(2)(d)(1.5).</p>	<p><b>Explanation</b></p> <p>Allows flexible scheduling options for parent-teacher conferences without the need to submit a formal waiver request through ISBE to the General Assembly. The District may count as a full-day, parent-teacher conference, any of the following configurations:</p> <ol style="list-style-type: none"> <li>1. A minimum of 5 clock-hours of parent-teacher conferences;</li> <li>2. Both a minimum of 2 clock-hours of parent-teacher conferences held in the evening following a full day of student attendance, and a minimum of 3 clock-hours of parent-teacher conferences held on the day immediately following evening parent-teacher conferences; or</li> </ol>

<b>Waiver or Modification</b>	<b>Explanation, Special Considerations, and Resources</b>
	<p>3. Multiple parent-teacher conferences held in the evenings following full days of student attendance, in which the time used for the parent-teacher conferences is equivalent to a minimum of 5 clock-hours.</p> <p><b>Special Considerations</b> Any other options not covered by the language above will require a waiver request to the General Assembly for its consideration.</p> <p><b>Resources</b> See <i>Parent-Teacher Conference Waivers</i> on ISBE's website at: <a href="http://www.isbe.net/isbewaivers/">www.isbe.net/isbewaivers/</a>.</p>

Revised: April 2013

## **School Board**

### **School District Elections**

School District elections are non-partisan, governed by the general election laws of the State, and include the election of School Board members, various public policy propositions, and advisory questions. Board members are elected at the consolidated election held on the first Tuesday in April in odd-numbered years. If, however, that date conflicts with the celebration of Passover, the consolidated election is postponed to the first Tuesday following the last day of Passover. The canvass of votes is conducted by the election authority within 21 days after the election.

The Board, by proper resolution, may cause to be placed on the ballot: (a) public policy referendum according to Article 28 of the Election Code, or (b) advisory questions of public policy according to Section 9-1.5 of the School Code.

The Board Secretary serves as the local election official. He or she receives petitions for the submission of a public question to referenda and forwards them to the proper election officer.

LEGAL REF.: 10 ILCS 5/1-3, 5/2A, 5/10-9, 5/22-17, 5/22-18, and 5/28.  
105 ILCS 5/9 and 5/9-1.5.

CROSS REF.: 2:40 (Board Member Qualifications), 2:50 (Board Member Term of Office), 2:210  
(Organizational School Board Meeting)

REVISED: JANUARY 1999

REVISED: MAY 2005

REVISED: APRIL 2006

REVISED: APRIL 2013

REVISED: APRIL 2014

REVISED: APRIL 2017

## **School Board**

### **Board Member Qualifications**

A School Board member must be, on the date of election, a United States citizen at least 18 years of age, a resident of Illinois and the District for at least one year immediately preceding election, a registered voter, be neither a school trustee nor a school treasurer, and not a child sex offender as defined in State Law. A School Board member must also have filed an economic interest statement as required by the Illinois Governmental Ethics Act.

Some persons may be ineligible for School Board membership by reason of other public offices held or certain types of State or federal employment.

LEGAL REF.: Ill. Constitution, Art. 2, ¶ 1; Art 4, ¶ 2(e); Art 6, ¶ 13(b).  
105 ILCS 5/10-3 and 5/10-10.

CROSS REF.: 2:30

REVISED: DECEMBER, 2003

NOVEMBER 2009

2:40

## **School Board**

### **Board Member Term of Office**

The term of office for a School Board member begins immediately after both of the following occur:

1. The election authority canvasses the votes and declares the winner(s); this occurs within 21 days after the consolidated election held on the first Tuesday in April in odd-numbered years.
2. The successful candidate takes the oath of office as provided in Board policy 2:80, *Board Member Oath and Conduct*.

The term ends 4 years later when the successor assumes office.

LEGAL REF.: 10 ILCS 5/2A-1.1, 5/22-17, and 5/22-18.  
105 ILCS 5/10-10, 5/10-16, and 5/10-16.5.

CROSS REF.: 2:30 (School District Elections), 2:80 (Board Member Oath and Conduct), 2:210  
(Organizational School Board Meeting)

REVISED: OCTOBER 2006

## **School Board**

### **Board Member Removal From Office**

If a majority of the Board determines that a Board member has willfully failed to perform his or her official duties, it may request the Regional Superintendent to remove such member from office.

LEGAL REF.: 105 ILCS 5/3-15.5.

CROSS REF.: 2:70  
2:60

## **School Board**

### **Vacancies on School Board - Filling Vacancies**

#### Vacancy

Elective office of a School Board member becomes vacant before the term's expiration when any of the following occurs:

1. Death of the incumbent;
2. Resignation in writing filed with the Secretary of the School Board;
3. Legal disability of the incumbent;
4. Conviction of a felony, bribery, perjury, or other infamous crime, or of any offense involving a violation of official oath;
5. Removal from office;
6. The decision of a competent tribunal declaring his or her election void;
7. Ceasing to be an inhabitant of a particular area from which he or she was elected, if the residential requirements contained in The School Code are violated;
8. An illegal conflict of interest; or
9. Acceptance of a second public office that is incompatible with School Board membership.

#### Filling Vacancies

Whenever a vacancy occurs, the remaining members shall notify the Regional Superintendent of Schools of that vacancy within 5 days after its occurrence and shall fill the vacancy until the next regular school board election, at which election a successor shall be elected to serve the remainder of the unexpired term. However, if the vacancy occurs with less than 868 days remaining in the term, the person so appointed shall serve the remainder of the unexpired term, and no election to fill the vacancy shall be held. Members appointed by the remaining members of the Board to fill vacancies shall have the same residential qualifications as their predecessors. The Board shall fill the vacancy within 45 days after it occurred by a public vote at a meeting of the Board.

Immediately following a vacancy on the School Board, the Board will publicize it and accept resumes from District residents who are interested in filling the vacancy. After reviewing the applications, the Board may invite the prospective candidates for personal interviews to be conducted during duly scheduled closed meetings.

LEGAL REF.: 105 ILCS 5/10-10 and 5/10-11.

CROSS REF.: 2:40 (qualifications), 2:60 (removal)

REVISED: MARCH 1998

## School Board

### Exhibit - Checklist for Filling Board Vacancies by Appointment

The School Board fills a vacancy by either appointment or election. The Board uses this checklist for guidance when it must fill a vacancy by appointment. Some items contain guidelines along with explanations. For more information, see *Answers to FAQs Vacancies on the Board of Education*, published by a committee of the Illinois Council of School Attorneys, and available at: [www.iasb.com/law/ICSFAQsonBoardVacancies.pdf](http://www.iasb.com/law/ICSFAQsonBoardVacancies.pdf).

**Confirm that the Board must fill the vacancy by appointment.**

Guidelines	Explanation
Review Board policy 2:70, <i>Vacancies on the School Board - Filling Vacancies</i> , to determine if a vacancy on the Board occurred and, if so, whether the successor will be selected by election or Board appointment.	Filling a vacancy by Board appointment or election depends upon when the vacancy occurred. If a vacancy occurs with less than: (1) 868 days remaining in the term of office, or (2) 88 days before the next regularly scheduled election for the vacant office, no election to fill the vacancy is held and the appointee serves the remainder of the term. At all other times, an appointee serves until the next regular school election, at which election a successor is elected to serve the remainder of the unexpired term. See 105 ILCS 5/10-10.

**Notify the Regional Superintendent of the vacancy within 5 days of its occurrence (105 ILCS 5/10-10).**

**Develop list of qualifications for appointment of a person to fill vacancy.**

Guidelines	Explanation
At a minimum, the Board uses election qualifications, that is, a candidate must meet the following: <ul style="list-style-type: none"> <li>• Be a United States citizen.</li> <li>• Be at least 18 years of age.</li> <li>• Be a resident of Illinois and the District for at least one year immediately preceding the appointment.</li> <li>• Be a registered voter.</li> <li>• Not be a child sex offender.</li> <li>• Not hold another incompatible public office.</li> <li>• Not have a prohibited interest in any contract with the District.</li> <li>• Not be a school trustee.</li> <li>• Not hold certain types of prohibited State or federal employment.</li> </ul>	While <u>The School Code</u> does not expressly set forth eligibility requirements for appointment to a Board vacancy, the Board may want to use the qualifications for elected Board members listed in 105 ILCS 5/10-3 and 5/10-10.  For guidance discussing other qualifications that the Board may want to consider, see IASB's <i>Recruiting School Board Candidates</i> , available at: <a href="http://www.iasb.com/elections/recruiting.pdf">www.iasb.com/elections/recruiting.pdf</a> .  For guidance regarding conflict of interest and incompatible offices, see <i>Answers to FAQs, Conflict of Interest and Incompatible Offices</i> , published by the Ill. Council of School Attorneys, available at: <a href="http://www.iasb.com/law/conflict.cfm">www.iasb.com/law/conflict.cfm</a> .
When additional qualifications apply, the	Board members of some community unit school districts



Guidelines	Explanation
<p>following items may be included in the Board's list of qualifications:</p> <ul style="list-style-type: none"> <li>• Meet all qualifications based upon the distribution of population among congressional townships in the district.</li> <li>• Meet all qualifications based upon the distribution of population among incorporated and unincorporated areas.</li> </ul>	<p>may be subject to historical residential qualifications based on the distribution of population among congressional townships in the district or between the district's incorporated and unincorporated areas (105 ILCS 5/11A-8).</p>

**Decide who will receive completed vacancy applications.**

Guidelines	Explanation
<p>The Board President will accept applications.</p> <p>The Board will discuss, at an open meeting, its process to review the applications and who will contact applicants for an interview.</p>	<p>Who accepts vacancy applications is at the Board's sole discretion. According to 2:110, <i>Qualifications, Term, and Duties of Board Officers</i>, the Board President is a logical officer to accept the applications, but this task may be delegated to the Secretary or Superintendent's secretary if the Board determines that it is more convenient. Who accepts the applications must be decided prior to posting the vacancy announcement.</p>

**Create Board member vacancy announcement.**

Announcement	Explanation
<p><b>School District _____ Board Member Vacancy</b></p> <p>The School District is accepting applications to fill the vacancy resulting from [reason for vacancy] of [former Board member's name].</p> <p>The individual selected will serve on the School Board from the date of appointment to [date].</p> <p>The School District [School District's philosophy or mission statement].</p>	<p>The contents of a vacancy announcement, how it is announced, and where it is posted are at the Board's sole discretion.</p> <p>The Board may want to announce the vacancy and its intent to fill it by appointment during an open meeting. The announcement may be posted on the District's website and in the local newspaper(s).</p> <p>The length of the appointment depends upon when during the term of office the vacancy occurred. See 105 ILCS 5/10-10 and Board policy 2:70, <i>Vacancies on the School Board - Filling Vacancies</i>, to determine the length of the appointment.</p> <p>See Board policy 1:30, <i>School District Philosophy</i>, for the District's mission statement that is specific to the community's goals.</p>
<p>Applicants for the Board vacancy must be: [Board's list of qualifications].</p>	<p>See checklist item titled <i>Develop List of Qualifications for Appointment of a Person to Fill Vacancy</i> above.</p>
<p>Applicants should show familiarity with the Board's policies regarding general duties and responsibilities of a Board and a Board member, including fiduciary</p>	<p>Listing this along with the Board's list of qualifications assists candidates in understanding a Board member's duties and responsibilities and may facilitate a better conversation during the interview process. See Board</p>

Announcement	Explanation
<p>responsibilities, conflict of interest, ethics and gift ban. The Board’s policies are available at [locations].</p> <p>Applications may be obtained at [location and address and/or website] beginning on [date and time].</p> <p>Completed applications may be turned in by [time and date] to [name and title of person receiving applications].</p>	<p>policies: 2:20, <i>Powers and Duties of the School Board</i>; 2:80, <i>Board Member Oath and Conduct</i>; 2:100, <i>Board Member Conflict of Interest</i>; 2:105 <i>Ethics and Gift Ban</i>; and 2:120, <i>Board Member Development</i>.</p> <p>See action item titled <i>Decide who will receive completed vacancy applications</i> above.</p>

- Publicize vacancy announcement by placing it on the District’s website, announcing it at a meeting, or advertising it in the local newspaper(s).**
- Accept and review applications from prospective candidates (see *Decide who will receive completed vacancy applications* above).**
- Contact appropriate applicants for interviews (see *Decide who will receive completed vacancy applications* above).**
- Develop interview questions.**

Interview Questions	Explanation
<p>Why do you want to be a Board member?</p> <p>What specific skills would you bring to the Board?</p> <p>Please give specific examples of your ability in interpersonal relationships and teamwork.</p> <p>What do you see as the role of a Board member?</p> <p>What have you done to prepare yourself for the challenges of being a Board member?</p> <p>Please describe your previous community or non-profit experiences.</p> <p>What areas in the district would you like to see the Board strengthen?</p> <p>What is your availability to meet the time, training commitments, and other responsibilities required for Board membership?</p> <p>Describe what legacy you would like to leave behind.</p>	<p>Interview questions are at the Board’s sole discretion. This list is not exhaustive, but it may help the Board tailor its questions toward finding a candidate who will approach Board membership with a clear understanding of its demands and expectations along with a constructive attitude toward the challenge. The Board may also want to consider allowing an equal amount of time for each interview.</p> <p>See IASB’s <i>Recruiting School Board Candidates</i>, available at: <a href="http://www.iasb.com/elections/recruiting.pdf">www.iasb.com/elections/recruiting.pdf</a>.</p> <p>A prospective candidate to fill a vacancy may raise other specific issues that the Board will want to cover during an interview.</p>

**Conduct interviews with candidates (interviews may occur in closed session pursuant to 5 ILCS 120/2(c)(3)).**

Interview Plan	Explanation
<p>The Board President will discuss the following items with each candidate during the interview:</p> <p>Introduce Board members to the candidate at the beginning of the interview.</p> <p>Describe the Board’s interview process, selection process, and ask the candidate if he or she has questions about the Board’s process for filling a vacancy by appointment.</p> <p>Describe the District’s philosophy or mission statement.</p> <p>Describe the vacancy for the candidate by reviewing the: (1) qualifications, and (2) general duties and responsibilities of the Board and the Board members, including fiduciary responsibilities, conflict of interest, ethics and gift ban, and general Board member development.</p> <p>Begin asking the interview questions that the Board developed.</p> <p>Ask the candidate whether he or she has any questions for the Board.</p> <p>Thank the candidate and inform the candidate when the Board expects to make a decision and how the candidate will be contacted regarding the Board’s decision.</p>	<p>The Board President will lead the Board as it interviews prospective candidates. See Board policy 2:110, <i>Qualifications, Term, and Duties of Board Officers</i>. The president presides at all meetings (105 ILCS 5/10-13).</p> <p>The Board may also want to consider allowing an equal amount of time for each interview.</p>

**Fill vacancy by a vote during an open meeting of the Board before the 45<sup>th</sup> day (105 ILCS 5/10-10).**

**Assist the appointed Board member in filing his or her statement of economic interest (5 ILCS 420/4A-105(c)).**

**Announce the appointment to District staff and community.**

Announcement	Explanation
<p>The Board appointed [appointee’s name] to fill the vacancy on the Board.</p> <p>The appointment will be from [date] to [date].</p> <p>The Board previously established</p>	<p>The contents of the appointment announcement and length of time it is displayed are at the Board’s sole discretion.</p> <p>The Board may want to consider announcing the appointment during its meeting and also by posting it in the same places that it posted the vacancy announcement.</p>

<b>Announcement</b>	<b>Explanation</b>
qualifications for the appointee in a careful and thoughtful manner. <i>[Appointee's name]</i> meets these qualifications and has demonstrated the willingness to accept the duties and responsibilities of a Board member. <i>[Appointee's name]</i> brings a clear understanding of the demands and expectations of being a Board member along with a constructive attitude toward the challenge.	See Board policy 8:10, <i>Connection with the Community</i> .

**Administer the Oath of Office and begin orientation.**

<b>Guidelines</b>	<b>Explanation</b>
See Board policy 2:80, <i>Board Member Oath and Conduct</i> .	Each individual, before taking his or her seat on the Board, must take an oath in substantially the form given in 105 ILCS 5/10-16.5.
See Board policy 2:120, <i>Board Member Development</i> , and 2:120-E, <i>Guidelines for Serving as a Mentor to a New School Board Member</i> .	Orientation assists new Board members to learn, understand, and practice effective governance principles. See the IASB Foundational Principles of Effective Governance, available at: <a href="http://www.iasb.com/principles_popup.cfm">www.iasb.com/principles_popup.cfm</a> .

**Inform IASB of the newly appointed Board member's name and directory information.**

REVISED: NOVEMBER 2010

## School Board

### Board Member Oath and Conduct

Each School Board member, before taking his or her seat on the Board, shall take the following oath of office:

**I, (name), do solemnly swear** (or affirm) that I will faithfully discharge the duties of the office of member of the Board of Education (or Board of School Directors, as the case may be) of *(name of School District)*, in accordance with the Constitution of the United States, the Constitution of the State of Illinois, and the laws of the State of Illinois, to the best of my ability.

**I further swear** (or affirm) that:

**I shall respect** taxpayer interests by serving as a faithful protector of the School District’s assets;

**I shall encourage** and respect the free expression of opinion by my fellow Board members and others who seek a hearing before the Board, while respecting the privacy of students and employees;

**I shall recognize** that a Board member has no legal authority as an individual and that decisions can be made only by a majority vote at a public Board meeting; and

**I shall abide** by majority decisions of the Board, while retaining the right to seek changes in such decisions through ethical and constructive channels.

The Board President will administer the oath in an open Board meeting; in the absence, of the President, the Vice President will administer the oath. If neither is available, the Board member with the longest service on the Board will administer the oath.

The Board adopts the Illinois Association of School Boards’ “Code of Conduct for Members of School Boards.” A copy of the Code shall be displayed in the regular Board meeting room.

LEG. REF: 105 ILCS 5/10-16.5.

CROSS REF.: 1:30 (School District Philosophy), 2:20 (Powers and Duties of the School Board), 2:50 (Board Member Term of Office), 2:210 (Organizational School Board Meeting)

REVISED: OCTOBER 2006

## **School Board**

### **Exhibit - Board Member Code of Conduct**

As a member of my local School Board, I will do my utmost to represent the public interest in education by adhering to the following standards and principles:

1. I will represent all School District constituents honestly and equally and refuse to surrender my responsibilities to special interest or partisan political groups.
2. I will avoid any conflict of interest or the appearance of impropriety which could result from my position, and will not use my Board membership for personal gain or publicity.
3. I will recognize that a Board member has no legal authority as an individual and that decisions can be made only by a majority vote at a Board meeting.
4. I will take no private action that might compromise the Board or administration and will respect the confidentiality of privileged information.
5. I will abide by majority decisions of the Board, while retaining the right to seek changes in such decisions through ethical and constructive channels.
6. I will encourage and respect the free expression of opinion by my fellow Board members and will participate in Board discussions in an open, honest and respectful manner, honoring differences of opinion or perspective.
7. I will prepare for, attend and actively participate in School Board meetings.
8. I will be sufficiently informed about and prepared to act on the specific issues before the Board, and remain reasonably knowledgeable about local, State, national, and global education issues.
9. I will respectfully listen to those who communicate with the Board, seeking to understand their views, while recognizing my responsibility to represent the interests of the entire community.
10. I will strive for a positive working relationship with the Superintendent, respecting the Superintendent's authority to advise the Board, implement Board policy, and administer the District.
11. I will model continuous learning and work to ensure good governance by taking advantage of Board member development opportunities, such as those sponsored by my State and national school board associations, and encourage my fellow Board members to do the same.
12. I will strive to keep my Board focused on its primary work of clarifying the District purpose, direction and goals, and monitoring District performance.

REVISED: JANUARY 2009

2:80-E

## **School Board**

### **Board Member Conflict of Interest**

No School Board member shall have a beneficial interest directly or indirectly in any contract, work, or business of the District unless permitted by State law.

Board members must annually file a *Statement of Economic Interests* as required by the Illinois Governmental Ethics Act. Each Board member is responsible for filing the statement with the county clerk of the county in which the District's main office is located by May 1.

LEGAL REF.:           5 ILCS 420/4A-101, 420/4A-105, 420/4A-106, and 420/4A-107.  
                          50 ILCS 105/3.  
                          105 ILCS 5/10-9.

CROSS REF.:           2:105 (Ethics and Gift Ban), 5:120 (Ethics and Conduct)

REVISED:           AUGUST 1999  
REVISED:           MAY 2004  
REVISED:           APRIL 2014  
2:100

## **School Board**

### **Ethics and Gift Ban**

#### **Prohibited Political Activity**

The following precepts govern political activities being conducted by District employees and School Board members:

1. No employee shall intentionally perform any “political activity” during any “compensated time,” as those terms are defined herein.
2. No Board member or employee shall intentionally use any District property or resources in connection with any political activity.
3. At no time shall any Board member or employee intentionally require any other Board member or employee to perform any political activity: (a) as part of that Board member’s or employee’s duties, (b) as a condition of employment, or (c) during any compensated time off, such as, holidays, vacation, or personal time off.
4. No Board member or employee shall be required at any time to participate in any political activity in consideration for that Board member or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise; nor shall any Board member or employee be awarded additional compensation or any benefit in consideration for his or her participation in any political activity.

A Board member or employee may engage in activities that: (1) are otherwise appropriate as part of his or her official duties, or (2) are undertaken by the individual on a voluntary basis that are not prohibited by this policy.

#### **Limitations on Receiving Gifts**

Except as permitted by this policy, no Board member or employee, and no spouse of or immediate family member living with any Board member or employee shall intentionally solicit or accept any “gift” from any “prohibited source,” as those terms are defined herein, or that is otherwise prohibited by law or policy. No prohibited source shall intentionally offer or make a gift that violates this policy.

The following are exceptions to the ban on accepting gifts from a prohibited source:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which the Board member or employee, or his or her spouse or immediate family member, pays the fair market value.
3. Any: (a) contribution that is lawfully made under the Election Code, or (b) activities associated with a fund-raising event in support of a political organization or candidate.
4. Educational materials and missions.
5. Travel expenses for a meeting to discuss business.
6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual’s spouse and the individual’s fiancé or fiancée.
7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the



personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other Board members or employees, or their spouses or immediate family members.

8. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are: (a) consumed on the premises from which they were purchased or prepared; or (b) catered. "Catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of a Board member or employee), if the benefits have not been offered or enhanced because of the official position or employment of the Board member or employee, and are customarily provided to others in similar circumstances.
10. Intra-governmental and inter-governmental gifts. "Intra-governmental gift" means any gift given to a Board member or employee from another Board member or employee, and "inter-governmental gift" means any gift given to a Board member or employee by an officer or employee of another governmental entity.
11. Bequests, inheritances, and other transfers at death.
12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the listed exceptions is mutually exclusive and independent of every other.

A Board member or employee, his or her spouse or an immediate family member living with the Board member or employee, does not violate this policy if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code.

#### Enforcement

The Board President and Superintendent shall seek guidance from the Board attorney concerning compliance with and enforcement of this policy and State ethics laws. The Board may, as necessary or prudent, appoint an Ethics Advisor for this task.

Written complaints alleging a violation of this policy shall be filed with the Superintendent or Board President. If attempts to correct any misunderstanding or problem do not resolve the matter, the Superintendent or Board President shall, after consulting with the Board attorney, either place the alleged violation on a Board meeting agenda for the Board's disposition or refer the complainant to Board policy 2:260, *Uniform Grievance Procedure*. A Board member who is related, either by blood or by marriage, up to the degree of first cousin, to the person who is the subject of the complaint, shall not participate in any decision-making capacity for the Board. If the Board finds it more likely than not that the allegations in a complaint are true, it shall notify the State's Attorney and/or consider disciplinary action for the employee.

#### Definitions

Unless otherwise stated, all terms used in this policy have the definitions given in the State Officials and Employees Ethics Act, 5 ILCS 430/1-5.

"Political activity" means:

1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
2. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
6. Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
7. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires.
11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office or for or against any referendum question.
13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate, or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

With respect to an employee whose hours are not fixed, "compensated time" includes any period of time when the employee is on premises under the control of the District and any other time when the employee is executing his or her official duties, regardless of location.

"Prohibited source" means any person or entity who:

1. Is seeking official action by: (a) a Board member, or (b) an employee, or by the Board member or another employee directing that employee;
2. Does business or seeks to do business with: (a) a Board member, or (b) an employee, or with the Board member or another employee directing that employee;
3. Conducts activities regulated by: (a) a Board member, or (b) an employee or by the Board member or another employee directing that employee; or
4. Has an interest that may be substantially affected by the performance or non-performance of the official duties of the Board member or employee.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including but not limited to, cash, food and drink, and honoraria for speaking

engagements related to or attributable to government employment or the official position of a Board member or employee.

LEGAL REF.:       5 ILCS 430/1-1 et seq.  
                      10 ILCS 5/9-25.1.

CROSS REF.:       5:120 (Ethics)

REVISED: DECEMBER 2008

## **School Board**

### **Qualifications, Term, and Duties of Board Officers**

The School Board officers are: President, Vice President, Secretary, and Treasurer. These officers are elected or appointed by the Board at its organizational meeting.

#### **President**

The Board elects a President from its members for a 2-year term. The duties of the President are to:

1. Focus the Board meeting agendas on appropriate content and preside at all meetings;
2. Make all Board committee appointments, unless specifically stated otherwise;
3. Attend and observe any Board committee meeting at his or her discretion;
4. Represent the Board on other boards or agencies;
5. Sign official District documents requiring the President's signature, including Board minutes and Certificate of Tax Levy;
6. Call special meetings of the Board;
7. Serve as the *head of the public body* for purposes of the Open Meetings Act and Freedom of Information Act;
8. Ensure that a quorum of the Board is physically present at all Board meetings;
9. Administer the oath of office to new Board members; and
10. Serve as the Board's official spokesperson to the media.

The President is permitted to participate in all Board meetings in a manner equal to all other Board members, including the ability to make and second motions.

The Vice President fills a vacancy in the Presidency.

#### **Vice President**

The Board elects a Vice President from its members for a 2-year term. The Vice President performs the duties of the President if:

1. The office of President is vacant;
2. The President is absent; or
3. The President is unable to perform the office's duties.

A vacancy in the Vice Presidency is filled by a special Board election.

#### **Secretary**

The Board elects a Secretary for a 2-year term. The secretary may be, but is not required to be, a Board member. The Secretary may receive reasonable compensation as determined by the Board before appointment. However, if the secretary is a Board member, the compensation shall not exceed \$500 per year, as fixed by the Board at least 180 days before the beginning of the term. The duties of the Secretary are to:

1. Keep minutes for all Board meetings and keep the verbatim record for all closed Board meetings;
2. Mail meeting notification and agenda to news media who have officially requested copies;
3. Keep records of the Board's official acts, and sign them, along with the President, before submitting them to the Treasurer at such times as the Treasurer may require;
4. Report to the Treasurer on or before July 7, annually, such information as the Treasurer is required to include in the Treasurer's report to the Regional Superintendent;
5. Act as the local election authority for the District;
6. Arrange public inspection of the budget before adoption;
7. Publish required notices;
8. Sign official District documents requiring the Secretary's signature; and

9. Maintain Board policy and such other official documents as directed by the Board.

The Secretary may delegate some or all of these duties, except when State law prohibits the delegation. The Board appoints a secretary pro tempore, who may or may not be a Board member, if the Secretary is absent from any meeting or refuses to perform the duties of the office. A permanent vacancy in the office of Secretary is filled by special Board election.

#### Recording Secretary

The Board may appoint a Recording Secretary who is a staff member. The Recording Secretary shall:

1. Assist the Secretary by taking the minutes for all open Board meetings;
2. Assemble Board meeting material and provide it, along with prior meeting minutes, to Board members before the next meeting; and
3. Perform the Secretary's duties, as assigned, except when State law prohibits the delegation.

In addition, the Recording Secretary or Superintendent receives notification from Board members who desire to attend a Board meeting by video or audio means.

#### Treasurer

The Treasurer of the Board shall be either a member of the Board who serves a 1-year term or a non-Board member who serves at the Board's pleasure. A Treasurer who is a Board member may not be compensated. A Treasurer who is not a Board member may be compensated provided it is established before the appointment. The Treasurer must:

1. Be at least 21 years old;
2. Not be a member of the County Board of School Trustees; and
3. Have a financial background or related experience, or 12 credit hours of college-level accounting.

The Treasurer shall:

1. Furnish a bond, which shall be approved by a majority of the full Board;
2. Maintain custody of school funds;
3. Maintain records of school funds and balances;
4. Prepare a monthly reconciliation report for the Superintendent and Board; and
5. Receive, hold, and expend District funds only upon the order of the Board.

A vacancy in the Treasurer's office is filled by Board appointment.

LEGAL REF.: 5 ILCS 120/7 and 420/4A-106.  
105 ILCS 5/8-1, 5/8-2, 5/8-3, 5/8-6, 5/8-16, 5/8-17, 5/10-1, 5/10-5, 5/10-7, 5/10-8, 5/10-13, 5/10-13.1, 5/10-14, 5/10-16.5, and 5/17-1.

CROSS REF.: 2:80 (Board Member Oath and Conduct), 2:210 (Organizational School Board Meeting)

REVISED: NOVEMBER 2009

REVISED: APRIL 2013

REVISED: APRIL 2014

## **School Board**

### **Board Member Development**

The School Board desires that its individual members learn, understand, and practice effective governance principles. The Board is responsible for Board member orientation and development. Board members have an equal opportunity to attend State and national meetings designed to familiarize members with public school issues, governance, and legislation.

The Board President and/or Superintendent shall provide all Board members with information regarding pertinent education materials, publications, and notices of training or development.

### **Mandatory Board Member Training**

Each Board member is responsible for his or her own compliance with the mandatory training laws:

1. Each Board member elected or appointed to fill a vacancy of at least one year's duration must complete at least four hours of professional development leadership training in education and labor law, financial oversight and accountability, and fiduciary responsibilities within the first year of his or her first term.
2. Each Board member must complete training on the Open Meetings Act no later than 90 days after taking the oath of office for the first time. After completing the training, each Board member must file a copy of the certificate of completion with the Board. Training on the Open Meetings Act is only required once.
3. Each Board member must complete a training program on evaluations under the Performance Evaluation Reform Act (PERA) before participating in a vote on a tenured teacher's dismissal using the optional alternative evaluation dismissal process. This dismissal process is available after the District's PERA implementation date.

The Superintendent or designee shall maintain on the District website a log identifying the complete training and development activities of each Board member, including both mandatory and non-mandatory training.

### **Professional Development; Adverse Consequences of School Exclusion; Student Behavior**

The Board President or Superintendent, or their designees, will make reasonable efforts to provide ongoing professional development to Board members about the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, and developmentally appropriate disciplinary methods that promote positive and healthy school climates, i.e., *Senate Bill 100 training topics*.

### **Board Self-Evaluation**

The Board will conduct periodic self-evaluations with the goal of continuous improvement.

### **New Board Member Orientation**

The orientation process for newly elected or appointed Board members includes:

1. The Board President or Superintendent, or their designees, shall give each new Board member a copy of or online access to the Board Policy Manual, the Board's regular meeting minutes for the past year, and other helpful information including material describing the District and explaining the Board's roles and responsibilities.

2. The Board President or designee shall schedule one or more special Board meetings, or schedule time during regular meetings, for Board members to become acquainted and to review Board processes and procedures.
3. The Board President may request a veteran Board member to mentor a new member.
4. All new members are encouraged to attend workshops for new members conducted by the Illinois Association of School Boards.

Candidates

The Superintendent or designee shall invite all current candidates for the office of Board member to attend: (1) Board meetings, except that this invitation shall not extend to any closed meetings, and (2) pre-election workshops for candidates.

LEGAL REF.:           5 ILCS 120/1.05 and 120/2.  
                          105 ILCS 5/10-16a and 5/24-16.5.

CROSS REF.:           2:80 (Board Member Oath and Conduct), 2:125 (Board Member Compensation;  
                          Expenses), 2:200 (Types of School Board Meetings)

REVISED: DECEMBER 2008

REVISED: APRIL 2017

## **School Board**

### **Exhibit - Guidelines for Serving as a Mentor to a New School Board Member**

*On District letterhead*

Date

Dear Board Member:

Congratulations on being asked to serve as a mentor to a new School Board member. The goal of the mentoring program is to orient a new Board member to the Board and District and to help him or her be comfortable, develop self-confidence, and become an effective leader. Follow these guidelines to maximize your mentoring effectiveness.

1. Be a good mentor by sharing your knowledge and experiences with others. Take a personal interest in helping others succeed.
2. Try to develop an informal, collegial relationship with the new Board member – explain that you are there to help. Listen respectfully to all concerns and answer questions honestly.
3. During your first contact with the new Board member, introduce yourself and explain that you will serve as his or her mentor and are looking forward to sharing information about the Board and District. If possible, meet with the individual to become acquainted. Be available as needed to provide assistance, advice, and support. The Superintendent's office will have already sent the new Board member a copy of the Board's policies as well as other helpful material.
4. Be prepared to introduce the new Board member at upcoming Board events until he or she becomes a familiar face.
5. Be available and maintain a helpful attitude. You will assist the new Board member become an effective member of the Board and ensure skilled and knowledgeable future leadership for the District.

Being a mentor can bring rewards to you, the new Board member, and the District. Thank you for your assistance and commitment.

Sincerely,

School Board President

REVISED: JULY 2006



## **School Board**

### **Board Member Compensation; Expenses**

#### Board Member Compensation Prohibited

School Board members provide volunteer service to the community and may not receive compensation for services, except that a Board member serving as the Board Secretary may be paid an amount up to the statutory limit if the Board so provides.

#### Roll Call Vote

All Board member expense requests for travel, meals, and/or lodging must be approved by roll call vote at an open meeting of the Board.

#### Regulation of School District Expenses

The Board regulates the reimbursement of all travel, meal, and lodging expenses in the District by resolution. No later than approval of the annual budget and when necessary, the Superintendent will recommend a maximum allowable reimbursement amount for expenses to be included in the resolution. The recommended amount should be based upon the District's budget and other financial considerations.

Money shall not be advanced or reimbursed, or purchase orders issued for: (1) the expenses of any person except the Board member, (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.

#### Exceeding the Maximum Allowable Reimbursement Amount(s)

All requests for expense advancements, reimbursements, and/or purchase orders that exceed the maximum allowable reimbursement amount set by the Board may only be approved by it 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.

#### Advancements

The Board may advance to its members actual and necessary expenses to be incurred while attending:

1. Meetings sponsored by the Illinois State Board of Education or by the Regional Superintendent of Schools;
2. County or regional meetings and the annual meeting sponsored by any school board association complying with Article 23 of the School Code; and
3. Meetings sponsored by a national organization in the field of public school education.

Expense advancement requests must be submitted to the Superintendent or designee on the Board's standardized estimated expense approval form. After spending expense advancements, Board members must use the Board'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. A Board member must return to the District any portion of an expense advancement not used. If an expense advancement is not requested, expense reimbursements may be issued by the Board to its members for the

activities listed in numbers one through three, above, along with registration fees or tuition for a course(s) that allowed compliance with the mandatory trainings described in policy 2:120, *Board Member Development* and other professional development opportunities that are encouraged by the School Code (see the **Reimbursements and Purchase Orders** subhead, below). Expense advancements and vouchers shall be presented to the Board in its regular bill process.

#### Reimbursements and Purchase Orders

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

#### Credit and Procurement Cards

Credit and procurement cards shall not be issued to Board members.

#### Standardized Expense Form(s) Required

All requests for expense advancement, reimbursement, and/or purchase orders in the District must be submitted on the appropriate itemized, signed standardized form(s). The form(s) must show the following information:

1. The amount of the estimated or actual expense, with attached receipts for actual incurred expenses.
2. The name and office of the Board member who is requesting the expense advancement or reimbursement. Receipts from group functions must include the names, offices, and job titles of all participants.
3. The date(s) of the official business on which the expense advancement or reimbursement will be or was expended.
4. The nature of the official business conducted when the expense advancement or reimbursement will be or was expended.

#### Types of Official Business for Expense Advancements, Reimbursements, and Purchase Orders

1. Registration. When possible, registration fees will be paid by the District in advance.
2. Travel. The least expensive method of travel will be used, providing that no hardship will be caused to the Board member. Board members will be reimbursed for:
  - a. 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. Copies of airline tickets must be attached to the expense form.
  - b. 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.
  - c. 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.
  - d. Automobile rental costs when the vehicle's use is warranted. The circumstances for such use must be explained on the expense form.

- e. Taxis, airport limousines, or other local transportation costs.
- 3. Meals. Meals charged to the School District should represent mid-fare selections for the hotel/meeting facility or general area, consistent with the maximum allowable reimbursement amount set by the Board. Tips are included with meal charges. Expense forms must explain the meal charges incurred. Alcoholic beverages will not be reimbursed.
- 4. Lodging. Board members should request conference rate or mid-fare room accommodations. A single room rate will be reimbursed. Board members should pay personal expenses at checkout. If that is impossible, deductions for the charges should be made on the expense form.
- 5. Miscellaneous Expenses. Board members 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.

LEGAL REF.: 105 ILCS 5/10-20 and 5/10-22.32.  
Local Government Travel Expense Control Act, 50 ILCS 150/.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 2:120 (Board Member Development), 2:240 (Board Policy Development), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards), 5:60 (Expenses)

REVISED: AUGUST 2007

REVISED: APRIL 2013

REVISED: APRIL 2017

School Board

**Exhibit - Board Member Travel Expense Voucher**

*To be submitted to the Superintendent*

Name:			
Position:			
Reason for Travel:			
Destination:			
Date of Departure:		Date of Return:	

Date	Travel*		Lodging	Breakfast	Lunch	Dinner	Other	Total
	Miles	Cost						

*Auto mileage =          cents per mile.	TOTAL REQUEST: \$
--	-------------------

APPROVAL:

\_\_\_\_\_  
Board President Date

\_\_\_\_\_  
Superintendent Date

## **School Board**

### **Board-Superintendent Relationship**

The Board and Superintendent constitute the management team for the District. The Board-Superintendent relationship is based on mutual respect for their complimentary roles. The relationship requires clear communication of expectations regarding the duties and responsibilities of both the Board and Superintendent.

The Board hires, evaluates, and seeks the recommendations of the Superintendent as the District chief executive officer. The Board adopts policies necessary to provide general direction for the District and to encourage achievement of District goals. The Superintendent develops plans, programs, and procedures needed to implement the policies and directs the District's day-to-day operations.

LEGAL REF.: 105 ILCS 5/10-21.4.

CROSS REF.: 3:40  
2:130

## **School Board**

### **Communications To and From the Board**

The School Board welcomes communications from staff members, parents, students, and community members. Individuals may submit questions or communications for the School Board's consideration to the Superintendent or may use the electronic link to the Board's email address(es) that is posted on the District's website. In accordance with the Open Meetings Act and the Oath of Office taken by Board members, individual Board members will not (a) reply to an email on behalf of the entire Board, or (b) engage in the discussion of District business with a majority of a Board-quorum.

The Superintendent or designee shall:

1. Ensure that the home page for the District's website contains an active electronic link to the email address(es) for the School Board, and
2. Provide the Board, such as in the Board meeting packet, with all emails that are received and any feedback regarding them.

If contacted individually, Board members will refer the person to the appropriate level of authority, except in unusual situations. Board members' questions or communications to staff or about programs will be channeled through the Superintendent's office. Board members will not take individual action that might compromise the Board or District. There is no expectation of privacy for any communication sent to the Board or its members, whether sent by letter, email, or other means.

### **Board Member Use of Electronic Communications**

For purposes of this section, *electronic communications* includes, without limitation, electronic mail, electronic chat, instant messaging, texting, and any form of social networking. Electronic communications among a majority or more of a Board-quorum shall not be used for the purpose of discussing District business. Electronic communications among Board members shall be limited to: (1) disseminating information, and (2) messages not involving deliberation, debate, or decision-making. The following list contains examples of permissible electronic communications:

- Agenda item suggestions
- Reminders regarding meeting times, dates, and places
- Board meeting agendas or information concerning agenda items
- Individual emails to community members, subject to the other limitations in this policy

LEGAL REF.: 5 ILCS 120/  
50 ILCS 205/20.

CROSS REF.: 2:220 (School Board Meeting Procedure), 3:30 (Chain of Command), 8:110 (Public Suggestions and Concerns)

REVISED: MAY 2012

REVISED: OCTOBER 2014

## School Board

### Exhibit - Guidance for Board Member Communications, Including Email Use

The School Board is authorized to discuss District business only at a properly noticed Board meeting (Open Meetings Act, 5 ILCS 120/). Other than during a Board meeting, a majority or more of a Board-quorum may not engage in contemporaneous interactive communication, whether in person or electronically, to discuss District business. This *Guidance* assumes a Board has seven members and covers issues arising from Board policy 2:140, *Communications To and From the Board*.

#### Communications Between or Among Board Members and/or the Superintendent Outside of a Properly Noticed Board Meeting

1. The Superintendent or designee is permitted to email information to Board members. For example, the Superintendent may email Board meeting agendas and supporting information to Board members. When responding to a single Board member's request, the Superintendent should copy all other Board members and include a *do not reply/forward* alert to the group, such as: **"BOARD MEMBER ALERT: This email is in response to a request. Do not reply or forward to the group but only to the sender."**
2. Board members are permitted to discuss any matter except District business with each other, whether in person or by telephone or email, regardless of the number of members participating in the discussion. For example, they may discuss league sports, work, or current events.
3. Board members are permitted to provide information to each other, whether in person or by telephone or email, that is non-deliberative and non-substantive. Examples of this type of communication include scheduling meetings and confirming receipt of information.
4. A Board member is not permitted to discuss District business with more than one other Board member at a time, whether in person or by telephone or email. Stated another way, a Board member may discuss District business in person or by telephone or email with only one other Board member at a time. However, a Board member should not facilitate interactive communication by discussing District business in a series of visits with, or telephone calls or emails to, Board members individually.
5. A Board member should include a *do not reply/forward* alert when emailing a message concerning District business to more than one other Board member. The following is an example of such an alert: **"BOARD MEMBER ALERT: This email is not for interactive discussion purposes. The recipient should not reply to it or forward it to any other individual."**
6. Board members should not forward email received from another Board member.

#### When Must the Electronic Communications Sent or Received by Individual Board Members Be Disclosed Pursuant to a Freedom of Information Act (FOIA) Request?

An electronic communication must be disclosed if it is a *public record* as defined by FOIA, unless a specific exemption applies. A public record is any recorded information "pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body." 5 ILCS 140/2. Email sent or received by an individual Board member may be, depending on the content and circumstances, subject to disclosure as a *public record* (unless a FOIA exemption is applicable).

If a Board member uses a District-provided device or email address to discuss public business, the email is subject to disclosure under FOIA, barring an applicable exemption. If a Board member uses a private device and email address, the communication is subject to FOIA if it satisfies this test:

**First**, the communication pertains to the transaction of public business, and

**Second**, the communication was: (1) prepared by a public body, (2) prepared for a public body, (3) used by a public body, (4) received by a public body, (5) possessed by a public body, and/or (6) controlled by a public body.

This test is from the appellate court decision in City of Champaign v. Madigan, 992 N.E.2d 629 (Ill.App.4th, 2013).

The following *examples* describe FOIA's treatment of electronic communications:

1. If an electronic communication does not pertain to public business, it is not a public record and is not subject to a FOIA request.
2. An electronic communication pertaining to public business that is:
  - a. Sent and/or received by an individual Board member using a personal electronic device and personal email address while he or she is at home or work **would not be a public record**. Individual Board members, alone, cannot conduct school District business. As stated earlier, emails among a majority or more of a Board-quorum violate the Open Meetings Act and, thus, are subject to disclosure during proceedings to enforce the Open Meetings Act.
  - b. Sent and/or received by an individual Board member on a District-issued device or District-issued email address **will be a public record** and subject to FOIA. The electronic communication is under the control of the District.
  - c. Received by an individual Board member on a personal electronic device and then forwarded by the Board member to a District-owned device or server **will be a public record** and subject to FOIA. The electronic communication is under the control of the District.
  - d. Received by an individual Board member using a personal electronic device and personal email address, and then forwarded by the Board member to enough members to constitute a majority or more of a Board-quorum **will be a public record** and subject to FOIA. The electronic communication is in the District's possession.
  - e. Either sent to or from a Board member's personal electronic device during a Board meeting **will be a public record** and subject to FOIA. The electronic communication is in the District's possession because Board members were functioning collectively as a public body.

The District's Freedom of Information Officer and/or Board Attorney will help determine when a specific communication must be disclosed pursuant to a FOIA request.

#### When Must Electronic Communications Be Retained?

Email that qualifies under FOIA as a *public record* will need to be stored pursuant to the Local Records Act, only if it is evidence of the District's organization, function, policies, procedures, or activities or contains informational data appropriate for preservation (Local Records Act, 50 ILCS 205/). An example is any email from a Board officer concerning a decision made in his or her capacity as an officer. If a Board member uses his or her personal email, he or she must copy this type of email to the appropriate District office where it will be stored. If made available, Board members should use their email accounts provided by the District and the District will automatically store the official record messages. The District will delete these official record messages as provided in an applicable, approved **retention schedule**. Of course, email pertaining to public business that is sent or received by a Board Member using a District-issued device or email address will be subject to FOIA, even if the email does not need to be retained under the Local Records Act.

**Important:** Do not destroy any email concerning a topic that is being litigated without obtaining the Board attorney's direction. In federal lawsuits, there is an automatic discovery of virtually all types of electronically



created or stored data that might be relevant. Attorneys will generally notify their clients at the beginning of a legal proceeding not to destroy any electronic records that might be relevant. For more discussion of a litigation hold, see 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*. In addition, any person who knowingly with the intent to defraud any party destroys, removes, or conceals any public record commits a Class 4 felony. 50 ILCS 205/4, amended by P.A. 98-1063.

**REVISED: AUGUST 2007**

**REVISED: APRIL 2013**

**REVISED: OCTOBER 2014**

2:140

## **School Board**

### **Committees**

The School Board may establish committees to assist with the Board's governance function and, in some situations, to comply with State law requirements. These committees are known as Board committees and report directly to the Board. Committee members may include both Board members and non-Board members depending on the committee's purpose. The Board President makes all Board committee appointments unless specifically stated otherwise. Board committee meetings shall comply with the Open Meetings Act. A Board committee may not take final action on behalf of the Board – it may only make recommendations to the Board.

#### **Special Board Committees**

A special committee may be created for specific purposes or to investigate special issues. A special committee is automatically dissolved after presenting its final report to the Board or at the Board's discretion.

#### **Standing Board Committees**

A standing committee is created for an indefinite term although its members will fluctuate. Standing committees are:

1. Board Policy Committee. This committee researches policy issues, and provides information and recommendations to the Board.
2. Parent-Teacher Advisory Committee. This committee assists in the development of student discipline policy and procedure, and provides information and recommendations to the Board. Its members are parents/guardians and teachers, and may include persons whose expertise or experience is needed. The committee reviews such issues as administering medication in the schools, reciprocal reporting between the School District and local law enforcement agencies regarding criminal offenses committed by students, student discipline, disruptive classroom behavior, school bus safety procedures, and the dissemination of student conduct information.
3. Behavioral Interventions Committee. This committee develops and monitors procedures for using behavioral interventions in accordance with Board policy 7:230, *Misconduct by Students with Disabilities*, and provides information and recommendations to the Board. At the Board President's discretion, the Parent-Teacher Advisory Committee shall perform the duties assigned to the Behavioral Interventions Committee.

Nothing in this policy limits the authority of the Superintendent or designee to create and use committees that report to him or her or to other staff members.

LEGAL REF.: 5 ILCS 120.  
105 ILCS 5/10-20.14 and 5/14-8.05.

CROSS REF.: 2:110 (Qualifications, Term, and Duties of Board Officers), 2:200 (Types of School Board Meetings), 2:240 (Board Policy Development), 7:190 (Student Discipline), 7:230 (Misconduct by Students with Disabilities)

REVISED: OCTOBER 2006

REVISED: MARCH 2016  
2:150

## **School Board**

### **Administrative Procedure - Superintendent Committees**

The Superintendent or designee creates Superintendent or administrative committees as deemed necessary, makes all appointments, and directs all activities. A Superintendent or administrative committees reports to the Superintendent or administrator who directs its activities. The Superintendent or designee should consult the Board Attorney (a) concerning whether any of these committees must comply with the Open Meetings Act (OMA), and/or (b) to receive guidance for ensuring that the meetings either comply with OMA requirements or do not trigger OMA. Unless otherwise indicated, the listed Superintendent or administrative committees are optional:

#### **Communicable and Chronic Infectious Disease Program Task Force**

This task force assists in the development and review of a chronic and infectious disease program consistent with the District's policies and State and federal laws and regulations, and reports directly to the Superintendent or designee. Appointments are made to the task force only if the Superintendent or designee determines that its input is desirable. See policies 5:40, *General Personnel - Communicable and Chronic Infectious Disease*; and 7:280, *Students - Communicable and Chronic Infectious Disease*.

Task force members include the Superintendent or designee, school medical advisor, a school nurse, and representatives from the School Board, local health department, PTA, the professional staff, and other employee groups.

#### **Communicable and Chronic Infectious Disease Review Team**

This review team monitors those employees and students who have a communicable and chronic infectious disease, and:

1. Reviews individual medical case histories.
2. Recommends the most appropriate educational setting for a student, which may include temporary removal from and return to the regular educational setting.
3. Recommends the most appropriate work setting for an employee; this may include retention in his/her present position, transfer to another position, or temporarily excused from or returned to his/her work assignment.

Team members include the District's medical advisor, a school nurse, the Building Principal, and the Superintendent or designee.

The review team is guided by the Board's policies, Illinois Department of Public Health rules and regulations, and all other applicable State and federal laws. It reports directly to the Superintendent or designee. See also policies 5:40, *Communicable and Chronic Infectious Disease*, and 7:280, *Students - Communicable and Chronic Infectious Disease*. The review team consults the employee's or the student's personal physician and local health department officials before making any recommendations.

The Communicable and Chronic Infectious Disease Review Team respects the privacy rights of each employee and student and takes such precautions as may be necessary to secure confidentiality.

#### **Food Allergy Management Committee**

This committee develops and implements the District's Food Allergy Management Program and reports directly to the Superintendent or designee. It monitors the program for effectiveness and establishes a

schedule for the Superintendent to report this information to the Board. See policy 7:285, *Food Allergy Management Program*, that is based upon the *ISBE/IDPH Guidelines* at: [www.isbe.net/nutrition/pdf/food\\_allergy\\_guidelines.pdf](http://www.isbe.net/nutrition/pdf/food_allergy_guidelines.pdf).

Committee members include District-level administrators, Building Principals, the District Safety Coordinator (see 4:170-AP1, *Administrative Procedure - Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities*), District 504 Coordinator (see 6:120, *Education of Children with Disabilities*), staff members, parents/guardians, community members, and students.

#### Employee Drug Abuse Committee

This committee makes recommendations directly to the Superintendent or designee regarding employee drug abuse, and:

1. Cooperates with community and State agencies on drug abuse programs.
2. Gathers information about drug abuse and suggests methods to disseminate it to staff.
3. Develops a support network that encourages employees to self-refer for treatment and suggests procedures for early identification and treatment.
4. Recommends procedures that would protect the privacy of employees while taking into consideration the Board's obligation to provide a safe environment and to ensure high quality performance.
5. Recommends a method to explicitly inform employees of District policy and the consequences of drug abuse.

Committee members include the Superintendent or designee, the District's medical advisor, and employee representatives from both professional and educational support personnel. The committee is guided by Board policies, administrative procedures, and relevant State and federal statutes. See policy 5:50, *Drug- and Alcohol-Free Workplace; Tobacco Prohibition*.

#### Pandemic Planning Team

This team builds a strong relationship with the local health department and emergency medical agencies and uses their assistance to develop and implement a comprehensive pandemic influenza school action plan and build awareness of the final plan among staff, students, and community. See policy 4:180, *Pandemic Preparedness*, and 4:180-AP1, *Administrative Procedure - School Action Steps for Pandemic Influenza*.

Team members may include one or two Board members, administrators, and staff members. It reports directly to the Superintendent or designee.

#### Sex Equity Committee

This committee supports the District's efforts to eliminate sexual harassment by advising the Superintendent or designee on prevention, intervention, and education. Committee members may include community representatives, District administrators, teachers, and students. See policies 5:10, *Equal Employment Opportunity and Minority Recruitment*; 5:20, *Workplace Harassment Prohibited*; 7:10, *Equal Educational Opportunities*; and 7:20, *Harassment of Students Prohibited*.

#### School Violence Prevention Team

This team builds awareness about and supports the development and implementation of the District's:

1. Targeted School Violence Prevention Program. See 4:170, *Safety*; and 4:170-AP7, *Administrative Procedure - Targeted School Violence Prevention Program*.
2. Anti-bullying program, when and as appropriate. See 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; and 7:180-AP1, *Prevention, Identification, Investigation, and Response to Bullying and School Violence*.

All Building Principals or their designees must be on this team. Other team members may include the District Safety Coordinator (see 4:170-AP1, *Administrative Procedure - Comprehensive Safety and Security Plan, Part C, District Safety Coordinator and Safety Team; Responsibilities*), law enforcement representatives, Board Attorney, District psychologist(s), mental health workers and/or social service agencies, faith leaders, community members, and students. It reports directly to the Superintendent or designee.

#### Title I Advisory Committee

This committee is required if the District receives or desires to receive Title I funds. See policy 6:170, *Title I Programs*; 20 U.S.C. §6312; 34 C.F.R. §§200.41, 200.50, and 200.52(a)(1); and 105 ILCS 5/2-3.25d (for Illinois requirements). The committee supports the development and implementation of the District's Title I plan. Its activities may include, at the Superintendent or designee's directive:

1. Facilitating the active involvement of parents/guardians in their children's academic success by such activities as coordinating Title I parent-teacher conferences, providing information to help parents/guardians assist their children, coordinating volunteer or paid participation by parents/guardians in school activities, and establishing a process to respond to parents/guardians' inquiries and recommendations.
2. Distributing Title I informational materials.
3. Preparing and monitoring revised School Improvement Plan(s).
4. Supporting the implementation of Board policy 6:170, *Title I Programs*.

Committee members include parents/guardians and teachers of Title I children. It reports directly to the Superintendent or designee.

#### PERA (Performance Educational Reform Act) Joint Committee and the RIF (Reduction in Force) Joint Committee

Each committee listed below is required until its function has been fulfilled; each reports directly to the Superintendent or designee.

1. PERA joint committee. This mandatory committee develops a plan for incorporating data and indicators of student growth into the evaluation plan. The joint committee is "composed of equal representation selected by the district and its teachers, or where applicable, the exclusive bargaining representative of its teachers." 105 ILCS 5/24A-4(b). If, within 180 calendar days of the committee's first meeting, the committee does not reach agreement on the plan, the District must implement ISBE's model evaluation plan with respect to the use of data and indicators on student growth. The amendment of an evaluation plan continues to be a mandatory subject of bargaining.

2. RIF joint committee. This mandatory committee convenes annually to consider issues identified in the statute concerning the selection of teachers for layoff. 105 ILCS 5/24-12(c). On or before December 1 each year, the RIF joint committee must be established and must hold its first meeting. It is composed of individuals appointed by the Board and the teachers (or the exclusive bargaining representative of its teachers).

#### Concussion Oversight Team

The Concussion Oversight Team is required until its function has been fulfilled; it reports directly to the Superintendent or designee. State law requires the team to establish protocols for return-to-play and return-to-learn for students who have suffered a concussion or head injury during interscholastic athletic activities. See policy 7:305, *Student Athlete Concussions and Head Injuries*. 105 ILCS 5/22-80(d), added by P.A. 99-245; **if approved by the House and signed by the Governor, SB219 will extend the effective date to the 2016-2017 school year.** The Board must appoint or approve a Concussion Oversight Team. Section 22-80(d) identifies who must be on each Concussion Oversight Team. A physician, to the extent possible, must be on the team. If the school employs an athletic trainer and/or nurse, they must be on the team to the extent practicable. The team must include, at a minimum, one person who is responsible for implementing and complying with the return-to-play and return-to-learn protocols adopted by the team. Other licensed health care professionals may be appointed to serve on the team.

REVISED: MAY 2012

REVISED: MARCH 2016

---

## School Board

### Reuterskoild Memorial Committee

#### Composition of Committee:

The committee shall consist of the Polo Foundation Needs Assessment Committee.

#### Purpose:

To review possible projects to be financed by the interest earned annually on the Reuterskoild Memorial principal (\$70,000).

The committee shall annually present to the Polo Board of Education a recommended project or projects to be financed by the funds available.

The Committee shall function as an advisory committee only.

NOTE: Reuterskoild Will stated, ---

“...bequeath as follows:

[a] 50% thereof.....

[b]....50% thereof the PUBLIC SCHOOL OF POLO, ILLINOIS, for Elementary School purposes.”

**Revised: January 1999**



## School Board Committee Membership

### Community/Staff Advisory/Behavior Interventions Committee

#### Composition of the Committee:

The committee shall consist of:

1. Three community members
2. Three teachers: one from each building
3. Two Students: one Aplington, one High School
4. One Board Member
5. Principals
6. Superintendent

The committee shall meet at least twice each year.

#### Purpose of the Committee:

1. The committee shall have the following purposes:
2. To serve as a communication link between the community, parents, staff, students, and superintendent.
3. To hear and review reports and provide opinion on various grants, reports, and proposed actions. Reports considered will include but not be limited to: behavioral intervention guidelines and student discipline, school improvement plan activities, curriculum, and Drug Free and Chapter One activities.
4. To serve in an advisory capacity to the Superintendent.

#### Term of Membership:

Community and Teacher representatives shall serve for three years on a staggered schedule.

Students shall serve for two years on a staggered schedule.

The President of the Board of Education shall annually appoint by August 1 a member from:

1. The Board of Education
2. the faculty
3. the community
4. the student body

The Board President shall appoint new members to finish terms as vacancies develop.

The Committee shall elect or name the Committee Chairman.

**REVISED: JANUARY 1999**

## **School Board**

### **Board Attorney**

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

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

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

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

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

CROSS REF.: 4:60 (Purchases and Contracts)

REVISED: NOVEMBER 2010

REVISED: OCTOBER 2015

## **School Board**

### **Procurement of Architectural, Engineering, and Land Surveying Services**

The School Board selects architects, engineers, and land surveyors to provide professional services to the District on the basis of demonstrated competence and qualifications, and in accordance with State law.

LEGAL REF.:        Shively v. Belleville Township High School District 201, 769 N.E.2d 1062 (Ill.App.5, 2002), *appeal denied*.  
40 U.S.C. §541.  
50 ILCS 510/1 et seq., Local Government Professional Services Selection Act.  
105 ILCS 5/10-20.21.

**REVISED: MARCH 2007**

2:170

## School Board

### Administrative Procedure - Qualification Based Selection

These procedures describe how the District will procure architectural, engineering, and land surveying services; the Local Government Professional Services Selection Act will control in the event of a conflict. 50 ILCS 510/1 as amended by P.A. 94-1097. The Superintendent will modify these procedures whenever the Board determines by resolution that an emergency exists and a firm must be selected in an expeditious manner, or the cost of architectural, engineering, and land surveying services for the project is expected to be less than \$25,000. 50 ILCS 510/8.

Actor	Action
Architectural, engineering, or land surveying firms	May annually file a statement of qualifications and performance data with the District. 50 ILCS 510/4.
Superintendent and/or Designee	<p>Store statements of qualifications and performance data received from firms engaged in architectural, engineering, or land surveying services.</p> <p>Unless the District has a satisfactory relationship for services with one or more firms, mail notices of the proposed project to those firms that have current statements of qualifications and performance data on file. In addition, or alternatively, the project may be advertised in the local and area newspapers. 50 ILCS 510/4.</p> <p>Unless the District has a satisfactory relationship for services with one or more firms, evaluate the firms that submitted interest letters, according to criteria for ranking described in the last section of this procedure. The Superintendent and/or designee may conduct discussions with and require public presentations by firms deemed to be the most qualified regarding their qualifications, approach to the project, and ability to furnish the required services. 50 ILCS 510/5, as amended by P.A. 94-1097.</p> <p>Do not, prior to selecting a firm for contract negotiation, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation. 50 ILCS 510/5, as amended by P.A. 94-1097.</p> <p>Select no less than 3 firms, who would be most qualified to provide services, and rank them in order of their qualifications. If fewer than 3 firms submit interest letters and the Board determines that one or both of those firms are so qualified, negotiate a contract as provided herein. 50 ILCS 510/6.</p> <p>Attempt to negotiate a contract at a fair and reasonable compensation, taking into account the estimated value, scope, complexity, and professional nature of the services to be rendered. 50 ILCS 510/5, as amended by P.A. 94-1097.</p>
	<p>If unable to reach agreement on a satisfactory contract, terminate negotiations and proceed to negotiate with the firm ranked next in qualifications. 50 ILCS 510/5, as amended by P.A. 94-1097.</p> <p>If unable to negotiate a satisfactory contract with any of the 3 originally selected firms, inform the Board. The District will re-evaluate the services requested and</p>

Actor	Action
	compile a second list of not less than 3 qualified firms and continue the process. 50 ILCS 510/5, as amended by P.A. 94-1097.

Criteria for Ranking Firms

Unless the District has a satisfactory relationship for services with one or more firms, the criteria for evaluating the firms submitting letters of interest may include, but are not limited to:

Required Criteria for Consideration (50 ILCS 510/5.)

- Qualifications and ability of professional personnel
- Past record and experience
- Performance data
- Acceptance of District's time and budget requirements
- Location of firm's administrative offices
- Workload

Permissive Criteria for Consideration

- Firm's credit rating
- Firm's financial stability
- Reputation
- Technological resources

LEGAL REF.:           40 U.S.C. §541.  
                           50 ILCS 510/1 et seq.  
                           105 ILCS 5/10-20.21.

**REVISED: MARCH 2007**

2:170-R

## **School Board**

### **Mailing Lists for Receiving Board Material**

The Superintendent shall maintain a mailing list of the people who have filed a written request to receive any of the items listed below. Those persons shall be mailed copies of the following, provided they have pre-paid the subscription fee, pro-rated if subscribing less than one year:

Board Agenda

Budgets

Audits

Official Board minutes (mailed within 10 days after approval)

The Superintendent shall annually set the subscription fee in an amount sufficient to cover reproduction and mailing costs. The subscription period shall be the same as the District's fiscal year.

LEGAL REF.: 105 ILCS 5/10-21.6.

CROSS REF.: 2:220 (School Board Meeting Procedure)

REVISED: MAY 2006

2:190

## **School Board**

### **Types of School Board Meetings**

#### **General**

For all meetings of the School Board and its committees, the Superintendent or designee shall satisfy all notice and posting requirements contained herein as well as in the Open Meetings Act. This shall include mailing meeting notifications to news media that have officially requested them and to others as approved by the Board. Unless otherwise specified, all meetings are held in the District's main office. Board policy 2:220, *School Board Meeting Procedure*, governs meeting quorum requirements.

The Superintendent is designated on behalf of the Board and each Board committee to receive the training on compliance with the Open Meetings Act that is required by Section 1.05(a) of that Act. The Superintendent may identify other employees to receive the training. In addition, each Board member must complete a course of training on the Open Meetings Act as required by Section 1.05(b) or (c) of that Act.

#### **Regular Meetings**

The Board announces the time and place for its regular meetings at the beginning of each fiscal year. The Superintendent shall prepare and make available the calendar of regular Board meetings. The regular meeting calendar may be changed with ten days' notice in accordance with State law.

A meeting agenda shall be posted at the District's main office and the Board's meeting room, or other location where the meeting is to be held, at least 48 hours before the meeting.

#### **Closed Meetings**

The Board and Board committees may meet in a closed meeting to consider the following subjects:

1. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with [the Open Meetings Act]. 5 ILCS 120/2(c)(1), amended by P.A. 99-646.
2. Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees. 5 ILCS 120/2(c)(2).
3. The selection of a person to fill a public office, as defined in the Open Meetings Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance. 5 ILCS 120/2(c)(3).
4. Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in the Open Meetings Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning. 5 ILCS 120/2(c)(4).
5. The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired. 5 ILCS 120/2(c)(5).

6. The setting of a price for sale or lease of property owned by the public body. 5 ILCS 120/2(c)(6).
7. The sale or purchase of securities, investments, or investment contracts. 5 ILCS 120/2(c)(7).
8. Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. 5 ILCS 120/2(c)(8), amended by P.A. 99-235, eff. 1-1-16.
9. Student disciplinary cases. 5 ILCS 120/2(c)(9).
10. The placement of individual students in special education programs and other matters relating to individual students. 5 ILCS 120/2(c)(10).
11. Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting. 5 ILCS 120/2(c)(11).
12. The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member. 5 ILCS 120/2(c)(12).
13. Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member. 5 ILCS 120/2(c)(16).
14. Discussion of minutes of meetings lawfully closed under the Open Meetings Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. 5 ILCS 120/2(c)(21).
15. Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America. 5 ILCS 120/2(c)(29).

The Board may hold a closed meeting, or close a portion of a meeting, by a majority vote of a quorum, taken at an open meeting. The vote of each Board member present, and the reason for the closed meeting, will be publicly disclosed at the time of the meeting and clearly stated in the motion and the meeting minutes.

A single motion calling for a series of closed meetings may be adopted when such meetings will involve the same particular matters and are scheduled to be held within three months of the vote.

No final Board action will be taken at a closed meeting.

#### Reconvened or Rescheduled Meetings

A meeting may be rescheduled or reconvened. Public notice of a rescheduled or reconvened meeting shall be given in the same manner as that for a special meeting, except that no public notice is required when the original meeting is open to the public and: (1) is to be reconvened within 24 hours, or (2) an announcement of



the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda.

Special Meetings

Special meetings may be called by the President or by any three members of the Board by giving notice thereof, in writing, stating the time, place, and purpose of the meeting to remaining Board members by mail at least 48 hours before the meeting, or by personal service at least 24 hours before the meeting.

Public notice of a special meeting is given by posting a notice at the District’s main office at least 48 hours before the meeting and by notifying the news media that have filed a written request for notice. A meeting agenda shall accompany the notice.

All matters discussed by the Board at any special meeting must be related to a subject on the meeting agenda.

Emergency Meetings

Public notice of emergency meetings shall be given as soon as practical, but in any event, before the meeting to news media that have filed a written request for notice.

Posting on the District Website

In addition to the other notices specified in this policy, the Superintendent or designee shall post the following on the District website: 1) the annual schedule of regular meetings, which shall remain posted until the Board approves a new schedule of regular meetings; (2) a public notice of all Board meetings; and (3) the agenda for each meeting which shall remain posted until the meeting is concluded.

LEGAL REF.:           5 ILCS 120/, Open Meeting Act.  
                          5 ILCS 140/, Freedom of Information Act.  
                          105 ILCS 5/10-6 and 5/10-16.

CROSS REF.:           2:110 (Qualifications Term, and Duties of Board Officers), 2:120 (Board Member Development), 2:210 (Organizational School Board Meetings), 2:220 (School Board Meeting Procedure), 2:230 (Public Participation at School Board Meetings and Petitions to the Board), 6:235 (Access to Electronic Networks)

REVISED: JULY 2010

REVISED: APRIL 2013

REVISED: AUGUST 2014

REVISED: MARCH 2016

REVISED: APRIL 2017

## School Board

### Administrative Procedure - Types of School Board Meetings

Meeting Type	Notice	Agenda	Notice to News Media	District's Website
<b>Regular</b>	<p>Given once a year when the Board adopts its regular meeting schedule. 105 ILCS 5/10-6, 5/10-16.</p> <p>The notice and agenda must be continuously available for public review during the entire 48-hour period before the meeting. Posting on the District's website satisfies the requirement for continuous posting. However, to comply with the legislative intent, posting on the District's website does not replace the posting described in the <b>Agenda</b> column.</p> <p>5 ILCS 120/2.02, amended by P.A. 97-827 (eff. 1-1-2013).</p>	<p>Post at the District's main office and at the meeting site, at least 48 hours before the meeting.</p> <p>5 ILCS 120/2.02.</p>	<p>Give to any news media that filed an annual request for such notices.</p> <p>5 ILCS 120/2.02.</p>	<p>Post the annual schedule of regular meetings and post a public notice of each meeting along with the meeting agenda.</p> <p>5 ILCS 120/2.02.</p> <p>Post regular Board meeting minutes within 7 days after approval; the minutes remain there for at least 60 days.</p> <p>5 ILCS 120/2.06.</p>
<b>Special</b>	<p>Post a notice at the District's main office or, if no main office exists, at the meeting site, at least 48 hours before the meeting.</p> <p>5 ILCS 120/2.02.</p> <p>The notice and agenda must be continuously available and/or posted on the District's website as provided in the <b>Regular</b> meeting row.</p> <p>Notice to Board members must be served by mail 48 hours before the meeting or by personal service 24 hours before the meeting.</p> <p>105 ILCS 5/10-16.</p>	<p>Include with the public notice.</p> <p>5 ILCS 120/2.02.</p>	<p>Give to any news media that files an annual request. Must also give the same notice as that given Board members if the news media provides an address or telephone number within the District's jurisdiction.</p> <p>5 ILCS 120/2.02.</p>	<p>Post a public notice of each meeting along with the meeting agenda, at least 48 hrs before the meeting. The notice and agenda must remain posted on the website until the meeting is concluded.</p> <p>5 ILCS 120/2.02.</p>
<b>Emergency</b>	<p>Post the notice at the District's main office or, if no main office exists, at the meeting site, as soon as practicable before the meeting.</p> <p>5 ILCS 120/2.02.</p> <p>The notice and agenda must be continuously available and/or posted on the District's website as provided in the <b>Regular</b> meeting row.</p> <p>No specific notice to Board members is</p>	<p>No State law requirements.</p>	<p>Same as for special meetings.</p>	<p>Post a public notice.</p> <p>5 ILCS 120/2.02.</p>

Meeting Type	Notice	Agenda	Notice to News Media	District's Website
	specified, but it is advisable to provide the notice as soon as possible.			
<b>Closed</b>	May hold a closed meeting, or close a portion of an open meeting, upon a majority vote of a quorum present, taken at a properly noticed open meeting. 5 ILCS 120/2a.	None required, but only topics specified in the vote to hold the closed meeting may be considered. 5 ILCS 120/2a.	No additional notice required.	Post a public notice. 5 ILCS 120/2.02.
<b>Rescheduled or Reconvened</b>	Post a notice at the District's main office or, if no main office exists, at the meeting site at least 48 hours before the meeting. 5 ILCS 120/2.02.  The notice and agenda must be continuously available and/or posted on the District's website as provided in the <b>Regular</b> meeting row.  No notice is needed when an open meeting is reconvened within 24 hours, or when the time and place of a reconvened meeting was announced at the original meeting and the agenda is not changed. 5 ILCS 120/2.02.	Included with any public notice.	Same as for a special meeting.	Post a public notice. 5 ILCS 120/2.02.

REVISED: NOVEMBER 2010

REVISED: APRIL 2013

## **School Board**

### **Organizational School Board Meeting**

During a March meeting in odd-numbered years, the School Board establishes a date for its organizational meeting to be held sometime after the election authority canvasses the vote, but within 28 days after the consolidated election. The consolidated election is held on the first Tuesday in April of odd-numbered years.

At the organizational meeting the following shall occur:

1. Each successful candidate, before taking his or her seat on the Board, shall take the oath of office as provided in Board policy 2:80, *Board Member Oath and Conduct*.
2. The new School Board members shall be seated.
3. The School Board shall elect its officers who assume office immediately upon their election. The School Board shall fix a time and date for its regular meetings.

LEGAL REF.: 10 ILCS 5/2A-1 et seq.  
105 ILCS 5/9-18, 5/10-5, 5/10-16, and 105 ILCS 5/10-16.5.

CROSS REF.: 2:30 (School District Elections), 2:110 (Qualifications, Term, and Duties of Board Officers), 2:200 (Types of School Board Meetings), 2:220 (School Board Meeting Procedure), (2:230 (Public Participation at School Board Meetings and Petitions to the Board)

REVISED: OCTOBER 2006

## **SCHOOL BOARD**

### **School Board Meeting Procedure**

#### **Agenda**

The School Board President is responsible for focusing the Board meeting agendas on appropriate content. The Superintendent shall prepare agendas in consultation with the Board President. The President shall designate a portion of the agenda as a consent agenda for those items that usually do not require discussion or explanation before Board action. Upon the request of any Board member, an item will be withdrawn from the consent agenda and placed on the regular agenda for independent consideration.

Each Board meeting agenda shall contain the general subject matter of any item that will be the subject of final action at the meeting. Items submitted by Board members to the Superintendent or the President shall be placed on the agenda for an upcoming meeting. District residents may suggest inclusions for the agenda. The Board will take final action only on items contained in the posted agenda; items not on the agenda may still be discussed.

The Superintendent shall provide a copy of the agenda, with adequate data and background information, to each Board member at least 48 hours before each meeting, except a meeting held in the event of an emergency. The meeting agenda shall be posted in accordance with Board policy 2:200, *Types of School Board Meetings*.

The Board President shall determine the order of business at regular Board meetings. Upon consent of a majority of members present, the order of business at any meeting may be changed.

#### **Voting Method**

Unless otherwise provided by law, when a vote is taken upon any measure before the Board, with a quorum being present, majority of the votes cast shall determine its outcome. A vote of *abstain* or *present*, or a vote other than *yea* or *nay*, or a failure to vote, is counted for the purposes of determining whether a quorum is present. A vote of *abstain* or *present*, or a vote other than *yea* or *nay*, or a failure to vote, however, is not counted in determining whether a measure has been passed by the Board, unless otherwise stated in law. The sequence for casting votes is rotated.

On all questions involving the expenditure of money and on all questions involving the closing of a meeting to the public, a roll call vote shall be taken and entered in the Board's minutes. An individual Board member may request that a roll call vote be taken on any other matter; the President or other presiding officer may approve or deny the request but a denial is subject to being overturned by a majority vote of the members present.

#### **Minutes**

The Board Secretary shall keep written minutes of all Board meetings (whether open or closed), which shall be signed by the President and the Secretary. The minutes include:

1. The meeting's date, time, and place;
2. Board members recorded as either present or absent;
3. A summary of the discussion on all matters proposed, deliberated, or decided, and a record of any votes taken;
4. On all matters requiring a roll call vote, a record of who voted *yea* and *nay*;
5. If the meeting is adjourned to another date, the time and place of the adjourned meeting;
6. The vote of each member present when a vote is taken to hold a closed meeting or portion of a meeting, and the reason for the closed meeting with a citation to the specific exception contained in the Open Meetings Act authorizing the closed meeting;

7. A record of all motions, including individuals making and seconding motions;
8. Upon request by a Board member, a record of how he or she voted on a particular motion; and
9. The type of meeting, including any notices and, if a reconvened meeting, the original meeting's date.

The minutes shall be submitted to the Board for approval or modification at its next regularly scheduled open meeting. Minutes for open meetings must be approved within 30 days after the meeting or at the second subsequent regular meeting, whichever is later.

At least semi-annually in an open meeting, the Board: (1) reviews minutes from all closed meetings that are currently unavailable for public release, and (2) decides which, if any, no longer require confidential treatment and are available for public inspection. The Board may meet in a prior closed session to review the minutes from closed meetings that are currently unavailable for public release.

The Board's meeting minutes must be submitted to the Board Treasurer at such times as the Treasurer may require.

The official minutes are in the custody of the Board Secretary. Open meeting minutes are available for inspection during regular office hours within ten days after the Board's approval; they may be inspected in the District's main office, in the presence of the Secretary, the Superintendent or designee, or any Board member.

Minutes from closed meetings are likewise available, but only if the Board has released them for public inspection, except that Board members may access closed session minutes not yet released for public inspection (1) in the District's administrative offices or their official storage location, and (2) in the presence of a records secretary, an administrative official of the public body, or any elected official of the public body. The minutes, whether reviewed by members of the public or the Board, shall not be removed from the District's administrative offices or their official storage location except by vote of the Board or by court order.

The Board's open meeting minutes shall be posted on the District website within ten days after the Board approves them; the minutes will remain posted for at least 60 days.

#### Verbatim Record of Closed Meetings

The Superintendent, or the Board Secretary when the Superintendent is absent, shall audio record all closed meetings. If neither is present, the Board President or presiding officer shall assume this responsibility. After the closed meeting, the person making the audio recording shall label the recording with the date and store it in a secure location. The Superintendent shall ensure that: (1) an audio recording device and all necessary accompanying items are available to the Board for every closed meeting, and (2) a secure location for storing closed meeting audio recordings is maintained close to the Board's regular meeting location.

After 18 months have passed since being made, the audio recording of a closed meeting is destroyed provided the Board approved: (1) its destruction, and (2) minutes of the particular closed meeting.

Individual Board members may access verbatim recordings in the presence of a records secretary, an administrative official of the public body, or any elected official of the public body. Access to verbatim recordings is available at the District's administrative offices or the verbatim recording's official storage location. Requests shall be made to the Superintendent or Board President. While a Board member is listening to a verbatim recording, it shall not be re-recorded or removed from the District's main office or official storage location, except by vote of the Board or by court order.

Before making such requests, Board members should consider whether such requests are germane to their responsibilities, service to District, and/or Oath of Office in policy 2:80, *Board Member Oath and Conduct*. In the interest of encouraging free and open expression by Board members during closed meetings, the recordings of closed meetings should not be used by Board members to confirm or dispute the accuracy of recollections.

#### Quorum and Participation by Audio or Video Means

A quorum of the Board must be physically present at all Board meetings. A majority of the full membership of the Board constitutes a quorum.

Provided a quorum is physically present, a Board member may attend a meeting by video or audio conference if he or she is prevented from physically attending because of: (1) personal illness or disability, (2) employment or District business, or (3) a family or other emergency. If a member wishes to attend a meeting by video or audio means, he or she must notify the recording secretary or Superintendent at least 24 hours before the meeting unless advance notice is impractical. The recording secretary or Superintendent will inform the Board President and make appropriate arrangements. A Board member who attends a meeting by audio or video means, as provided in this policy, may participate in all aspects of the Board meeting including voting on any item.

#### Rules of Order

Unless State law or Board-adopted rules apply, the Board President, as the presiding officer, will use Robert's Rules of Order, Newly Revised (10th Edition), as a guide when a question arises concerning procedure.

#### Broadcasting and Recording Board Meetings

Any person may record or broadcast an open Board meeting. Special requests to facilitate recording or broadcasting an open Board meeting, such as seating, writing surfaces, lighting, and access to electrical power, should be directed to the Superintendent at least 24 hours before the meeting.

Recording meetings shall not distract or disturb Board members, other meeting participants, or members of the public. The Board President may designate a location for recording equipment, may restrict the movements of individuals who are using recording equipment, or may take such other steps as are deemed necessary to preserve decorum and facilitate the meeting.

LEGAL REF.: 5 ILCS 120/2a, 120/2.02, 120/2.05, and 120/2.06.  
105 ILCS 5/10-6, 5/10-7, 5/10-12, and 5/10-16.

CROSS REF.: 2:80 (Board Member Oath and Conduct), 2:200 (Types of School Board Meetings), 2:150 (Committees), 2:210 (Organizational School Board Meeting), 2:230 (Public Participation at School Board Meetings and Petitions to the Board)nal School Board Meeting), 2:230 (Public Participation at School Board Meetings and Petitions to the Board)

REVISED: JANUARY 2009

REVISED: APRIL 2017

## School Board

### Exhibit - Board Treatment of Closed Meeting Verbatim Records and Minutes

The following procedures govern the verbatim audio recordings and minutes of School Board meetings that are closed to the public.

<b>Actor</b>	<b>Action</b>
<p><i>Before any Board meeting:</i> Superintendent or designee</p>	<p>Arranges to have an audio recording device with extra recording tapes and a back-up audio recording device in the Board meeting room during every Board meeting regardless of whether a closed meeting is scheduled.</p> <p style="padding-left: 40px;">The Board may close a portion of a public meeting without prior notice; it cannot, however, have a closed meeting unless it can record the session.</p>
<p><i>Before a closed meeting:</i> Board President or presiding officer</p>	<p>On the closed meeting date: (1) convenes an open meeting, (2) requests a motion to adjourn into closed meeting making sure the reason for the meeting is identified in the motion, (3) takes a roll call vote, (4) asks that the minutes record the vote of each member present and the reason for the closed meeting with a citation to the specific exception contained in the Open Meetings Act authorizing the closed meeting (5 ILCS 120/2a), and (5) adjourns the open meeting.</p>
<p><i>Before a closed meeting:</i> Superintendent or Board Secretary</p>	<p>Immediately before a closed meeting, tests and activates the audio recording device.</p>
<p><i>During a closed meeting:</i> Board President or presiding officer</p>	<p>Convenes the closed meeting stating:</p> <p style="padding-left: 40px;">Seeing a quorum of the Board of Education gathered today, ___ date, at ___ o'clock, at ___ location, for the purpose of holding a closed meeting in order to confidentially discuss ___, I call the meeting to order. In order to record who is present, I request that each individual state his or her name and position with the District.</p> <p>Limits discussion to the topics that were included in the motion to go into a closed meeting.</p> <p style="padding-left: 40px;">The failure to immediately call a person out-of-order who strays from the purposes included in the motion may result in an appearance of acquiescence. This responsibility to call a person out-of-order falls on each Board member in the event of the President's failure.</p> <p>Once the closed meeting is finished, announces a return to an open meeting or adjournment, and states the time.</p>
<p><i>After a closed meeting:</i> Superintendent or Board Secretary</p>	<p>Takes possession of the audio recording of the closed meeting and labels it with identification information, specifically the date and items discussed.</p> <p>Adds the identification information contained on the audio recording's label to a cumulative list of closed meeting recordings.</p> <p>As soon as possible, puts the recording of the closed meeting in the previously identified secure location for storing recordings of closed</p>



<b>Actor</b>	<b>Action</b>
	<p>meetings.</p> <p>Prepares written closed meeting minutes that include:</p> <ul style="list-style-type: none"> <li>• The date, time, and place of the closed meeting</li> <li>• The Board members present and absent</li> <li>• A summary of discussion on all matters proposed or discussed</li> <li>• The time the closed meeting was adjourned</li> </ul>
<p><i>After a closed meeting:</i> School Board</p>	<p>Approves the previous closed meeting minutes at the next open meeting.</p>
<p><i>In preparation for the semi-annual review:</i> Superintendent or designee</p>	<p>Prepares a recommendation concerning the continued need for confidential treatment of closed meeting minutes; includes this recommendation in the packet for the meeting in which the Board will conduct its semi-annual review.</p> <p style="padding-left: 40px;">This step is in preparation of the Board’s meeting to decide whether the need for confidential treatment of specific closed meeting minutes continues to exist.</p> <p>If the Board wants to discuss closed meeting minutes in closed session, places “review of unreleased closed meeting minutes” on a closed meeting agenda.</p> <p>Places “result of Board’s review of unreleased closed meeting minutes” on a subsequent open meeting agenda.</p>
<p><i>In preparation for the semi-annual review:</i> Individual School Board members</p>	<p>Before the meetings in which the Board will conduct its semi-annual review, examines the material supplied by the Superintendent.</p> <p>Individual Board members should consider: (1) the Superintendent’s recommendation, (2) the recommendation of the attorney representing the District, (3) other Board members’ opinions, (4) the minutes themselves, and/or (5) whether the minutes would be exempted from public disclosure under the Illinois Freedom of Information Act.</p>
<p><i>During the semi-annual review:</i> School Board</p>	<p>During an open meeting, decides whether the need for confidential treatment of specific closed meeting minutes continues to exist.</p> <p style="padding-left: 40px;">The Board may have an earlier meeting in closed session to discuss the continued need for confidential treatment.</p> <p>During the semi-annual review, the Board decides in open session whether: (1) the need for confidentiality still exists as to all or part of closed meeting minutes, or (2) the minutes or portions thereof no longer require confidential treatment and are available for public inspection.</p>
<p><i>After the semi-annual review:</i> Superintendent or designee</p>	<p>Re-labels and re-files closed meeting minutes as appropriate.</p>
<p><i>Monthly, beginning July 2005:</i> Board President</p>	<p>Adds “destruction of closed meeting audio recording” as an agenda item to an upcoming open meeting.</p>
<p><i>Monthly, beginning July 2005:</i></p>	<p>Approves the destruction of particular closed meeting recording(s) that are at least 18 months old and for which approved minutes of the closed</p>

<b>Actor</b>	<b>Action</b>
School Board	meeting already exist.

LEGAL REF.: 5 ILCS 120/1 et seq.

REVISED: OCTOBER 2004

**School Board**

**Exhibit - Motion to Adjourn to Closed Meeting**

**Motion to Adjourn to Closed Meeting**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

A motion was made by \_\_\_\_\_, and seconded by \_\_\_\_\_, to adjourn to closed meeting to discuss:

- The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the District or legal counsel for the District, including hearing testimony on a complaint lodged against an employee or against legal counsel for the District to determine its validity. 5 ILCS 120/2(c)(1).
- Collective negotiating matters between the District and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees. 5 ILCS 120/2(c)(2).
- The selection of a person to fill a public office, including a vacancy in a public office, when the District is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the District is given power to remove the occupant under law or ordinance. 5 ILCS 120/2(c)(3).
- Evidence or testimony presented in open hearing, or in closed hearing where authorized by law, to a quasi-adjudicative body, as defined in the Open Meetings Act, provided that the body prepares and makes available for public inspection a written decision with its determinative reasoning. 5 ILCS 120/2(c)(4).
- The purchase or lease of real property for the use of the District, including meetings held for the purpose of discussing whether a particular parcel should be acquired. 5 ILCS 120/2(c)(5).
- The setting of a price for sale or lease of property owned by the District. 5 ILCS 120/2(c)(6).
- The sale or purchase of securities, investments, or investment contracts. 5 ILCS 120/2(c)(7).
- Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. 5 ILCS 120/2(c)(8), amended by P.A. 99-235.
- Student disciplinary cases. 5 ILCS 120/2(c)(9).
- The placement of individual students in special education programs and other matters relating to individual students. 5 ILCS 120/2(c)(10).
- Litigation, when an action against, affecting or on behalf of the particular District has been filed and is pending before a court or administrative tribunal, or when the District finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the closed meeting minutes. 5 ILCS 120/2(c)(11).
- The establishment of reserves or settlement of claims as provided in the Local Government and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or

communications from or with respect to any insurer of the District or any intergovernmental risk management association or self insurance pool of which the District is a member. 5 ILCS 120/2(c)(12).

- Self-evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the District is a member. 5 ILCS 120/2(c)(16).
- Discussion of minutes of meetings lawfully closed, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. 5 ILCS 120/2(c)(21).
- Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America. 5 ILCS 120/2(c)(29).

**Closed Meeting Roll Call:**

"Yeas"	"Nays"

**Motion:**  Carried       Failed

Revised: March 2016

### School Board

#### Exhibit - Closed Meeting Minutes

To be filed in Superintendent's office

Month:	Day:	Year:
--------	------	-------

#### **MOTION TO ADJOURN TO CLOSED MEETING**

A motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_ to adjourn to closed meeting to discuss:

<u>Roll Call:</u>	
<u>"Yeas"</u>	<u>"Nays"</u>

Motion carried. Time:

#### **MEMBERS PRESENT AT CLOSED MEETING**

The following members answered roll call at \_\_\_\_\_ p.m., at the closed meeting.

Roll Call:

#### **ITEMS DISCUSSED**

- 1.
- 2.
- 3.

#### **RETURN TO OPEN MEETING**

A motion was made by \_\_\_\_\_, and seconded by \_\_\_\_\_, at \_\_\_\_\_ p.m. to return to open meeting.

Motion carried.

## School Board

### Public Participation at School Board Meetings and Petitions to the Board

At each regular and special open meeting, the members of the public and District employees may comment on or ask questions of the Board, subject to reasonable constraints.

The individuals appearing before the Board are expected to follow these guidelines:

1. Address the Board only at the appropriate time as indicated on the agenda and when recognized by the Board President.
2. Identify him or herself and be brief. Ordinarily, such comments shall be limited to 5 minutes. In unusual circumstances, and when the person has given advance notice of the need to speak for a longer period of time, such person may be allowed to speak for more than 5 minutes.
3. The Board President may shorten or lengthen a person's opportunity to speak. The President may also deny the opportunity to speak to a person who has previously addressed the Board on the same subject within the past 2 months.
4. The Board President shall have the authority to determine procedural matters regarding public participation not otherwise defined in School Board policy.

Petitions or written correspondence to the Board shall be presented to the School Board at the next regularly scheduled Board meeting.

LEGAL REF.: 105 ILCS 5/10-6 and 5/10-16.

CROSS REF.: 2:240  
2:230

**REVISED: JANUARY 1999**

## **School Board**

### **Board Policy Development**

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

#### **Policy Development**

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

A Board Policy Committee will consider all policy suggestions, and provide information and recommendations to the Board.

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

#### **Policy Adoption and Dissemination**

Policies or policy revisions will not be adopted at the Board meeting at which they are first introduced, except when: (1) appropriate for a consent agenda because no Board discussion is required, or (2) necessary or prudent in order to meet emergency or special conditions or to be legally compliant. Further Board consideration will be given at a subsequent meeting(s) and after opportunity for community input. The adoption of a policy will serve to supersede all previously adopted policies on the same topic.

The School Board policies are available for public inspection in the District's main office during regular office hours. Copy requests should be made pursuant to Board policy 2:250, *Access to District's Public Records*.

#### **Board Policy Review and Monitoring**

The School Board will periodically review its policies for relevancy, monitor its policies for effectiveness, and consider whether any modifications are required. The Board may use an annual policy review and monitoring calendar.

#### **Superintendent Implementation**

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

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

#### **Suspension of Policies**

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

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

CROSS REF.: 2:150 (Committees), 2:250 (Access to District's Public Records), 3:40 (Superintendent)

REVISED: October 20062:240

## School Board

### Access to District Public Records

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

### Freedom of Information Officer

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

### Definition

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

### Requesting Records

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

### Responding to Requests

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

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

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

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

When responding to a request for a record containing both exempt and non-exempt material, the Freedom of Information Officer shall redact exempt material from the record before complying with the request. Fees



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

Copying fees, except when fixed by statute, shall be reasonably calculated to reimburse the District's actual cost for reproducing and certifying public records and for the use, by any person, of its equipment to copy records. In no case shall the copying fees exceed the maximum fees permitted by FOIA. If the District's actual copying costs are equal to or greater than the maximum fees permitted by FOIA, the Freedom of Information Officer is authorized to use FOIA's maximum fees as the District's fees. No copying fees shall be charged for: (1) the first 50 pages of black and white, letter or legal sized copies, or (2) electronic copies other than the actual cost of the recording medium, except if the response is to a *voluminous request*, as defined in FOIA.

A fee reduction is available if the request qualifies under Section 6 of FOIA. The Freedom of Information Officer shall set the amount of the reduction taking into consideration the amount of material requested and the cost of copying it.

#### Provision of Copies and Access to Records

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

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

#### Preserving Public Records

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

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

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

REVISED: JULY 2010

REVISED: APRIL 2013

REVISED: MAY 2015

REVISED: APRIL 2017

## **School Board**

### **Administrative Procedure - Access to and Copying of District Public Records**

- A. Legal Citations and Definitions
- B. FOIA Compliance
- C. Availability and Posting Requirements
- D. Fee Schedule
- E. Response to FOIA Requests
- F. Extensions of Time to Respond
- G. Unduly Burdensome Requests
- H. Requests for Commercial Purposes
- I. Managing Requests from a Recurrent Requester
- J. Managing Voluminous Requests
- K. Denials
- L. Consultation with the Board Attorney

#### **A. Legal Citations and Definitions**

The legal requirements contained in this procedure are followed by a citation to the controlling statute. Citations in parenthesis indicate the location of a named law. For additional clarification regarding a requirement, the cited law should be reviewed.

Definitions are found in the Illinois Freedom of Information Act (FOIA, 5 ILCS 140/2). For easy reference, some definitions are re-printed in this procedure. The IASB reports on Ill. Public Access Counselor (PAC) opinions concerning FOIA are on its website at [Recent Decisions](#).

#### **B. FOIA Compliance**

The District's Freedom of Information Officer (FOIA Officer) implements the Board policy (2:250, *Access to District Public Records*) and has the duties, without limitation, listed below:

1. Manages the District's compliance with FOIA including without limitation, performing the following duties specified in FOIA, 5 ILCS 140/3.5:
  - a. Receives FOIA requests, ensures that the District responds to requests in a timely fashion, and issues responses to FOIA requests.
  - b. Develops a list of documents or categories of records that will be immediately disclosed upon request. See 2:250-E2, *Immediately Available Public Records and Web-Posted Reports and Records*.
  - c. Upon receiving a request for a public record, (a) notes the date the District received the written request; (b) computes the day on which the period for response will expire and makes a notation of that date on the written request; (c) maintains an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and (d) creates a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.
2. Identifies other staff members to assist with FOIA compliance and delegates specific responsibilities to them. These individuals may include the information technology specialist and department heads.
3. Informs and/or trains staff members concerning their respective responsibilities regarding FOIA. This includes explaining the requirement that all FOIA requests must be immediately forwarded to the FOIA Officer, including those that are received via email.
4. Successfully completes the annual training program developed by the Public Access Counselor in the Attorney General's office. Each newly appointed FOIA Officer must successfully complete the training program within 30 days after assuming the position.

#### **C. Availability and Posting Requirements**

Full access to the District's *public records* is available to any person as provided in FOIA. The FOIA Officer approves all requests for *public records* unless: (1) the requested material does not exist, (2) the requested material is exempt from inspection and copying by FOIA, or (3) complying with the request will be unduly burdensome after extending an opportunity to the requester to reduce the request to manageable proportions.

The FOIA Officer shall:

1. Prominently display at each administrative office and school, and post on the District website, if any, the following:
  - a. A brief description of the District, and
  - b. The methods for requesting information and District public records, directory information listing the FOIA Officer and where requests for public records should be directed, and any fees. 5 ILCS 140/4. This information must be copied and mailed if requested.
2. Maintain and make available for inspection and copying a reasonably current list of all types or categories of records under the District's control. 5 ILCS 140/5. The list below contains the categories of records kept by the District; some of the records within these categories are exempt and, therefore, will not be disclosed in response to a FOIA request.
  - a. Board governance, including without limitation, Board meeting calendar and notices, Board meeting agendas and minutes, Board policy
  - b. Fiscal and business management, including without limitation, levy resolution and certificate of tax levy, audit, line-item budget, grant documents, account statements, accounts payable list, contracts, legal notices, bidding specifications, requests for proposals
  - c. Personnel, including without limitation, employee contact information, salary schedules, staff handbook, collective bargaining agreements, personnel file material
  - d. Students and instruction, including without limitation, accountability documents, calendars, student handbooks, learning outcomes, student school records

#### **D. Fee Schedule**

The FOIA Officer establishes a fee schedule (from time-to-time as appropriate) that complies with 5 ILCS 140/6, amended by P.A. 98-1129, including each of the following:

1. The fees, except when otherwise fixed by statute, must: (a) be reasonably calculated to reimburse the District's actual cost for reproducing and certifying public records and for the use, by any person, of its equipment to copy records, and (b) not exceed that maximum fee amount set by FOIA.
2. Statutory fees applicable to copies of public records when furnished in a paper format are not applicable to those records when furnished in an electronic format.
3. No fee is charged for the first 50 pages of black and white, letter or legal sized copies furnished to a requester.
4. The fee for black and white, letter or legal sized copies shall not exceed 15 cents per page.
5. If the District provides copies in color or in a size other than letter or legal, the fee may not be more than its actual cost for reproducing the records.
6. A fee reduction is available if the person requesting the record states a specific purpose for the request and indicates that a fee reduction is in the public interest by having as its principal purpose the general public's health, safety, welfare, or legal rights and is not for the principal purpose of personal or commercial benefit. In setting the reduction's amount, the FOIA Officer considers the amount of materials requested and the cost of copying them.
7. If a voluminous request is for electronic records and the responsive records are:
  - a. Not in a portable document format (PDF), the District charges up to \$20 for not more than 2 megabytes of data, up to \$40 for more than 2 but not more than 4 megabytes of data, and up to \$100 for more than 4 megabytes of data.

- b. In a PDF, the District charges up to \$20 for not more than 80 megabytes of data, up to \$40 for more than 80 megabytes but not more than 160 megabytes of data, and up to \$100 for more than 160 megabytes of data.
  - c. In both a PDF and not in a PDF, the District separates the fees and charges the requester under both fee scales.
8. Unless the request is for a commercial purpose or a voluminous request, the costs of any search for and review of the records or other personnel costs associated with reproducing the records are not included in the fee calculation. 5 ILCS 140/6(a).

\* Section 6(a) states: "If a request is *not* a request for a *commercial purpose* or a *voluminous request*, a public body *may not* charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records." (Emphasis added) This implies that a search and review fee may be charged when responding to a request for a *commercial purpose* or a *voluminous request*. However, Sec. 6(b) states that the search and review fee described in Sec. 6(f) may be charged *only to* someone making a *commercial request*. Sec. 6(f) contains the maximum amounts that may be charged for search and review but does not explain when they may be charged. The FOIA Officer will need to consult the Board Attorney.

When responding to a request for commercial purposes, as defined in 105 ILCS 2(c-10), the District charges:

- a. Up to \$10.00 for each hour spent by personnel in searching for or retrieving a requested record or examining the record for necessary reductions. No fee is charged for the first 8 hours spent by personnel in searching for or retrieving a requested record. 5 ILCS 140/6(f).
- b. The actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the District. 5 ILCS 140/6(f).

Someone making a voluminous request may be charged the fees as described above upon the FOIA Officer's consult with the Board Attorney.

The FOIA Officer provides the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records under 7 and 8 above. 5 ILCS 140/6(a-5) and (f).

#### **E. Response to FOIA Requests**

The FOIA Officer must:

1. Comply with or deny a request for inspection or copying within 5 business days of receiving a records request, unless the time for response is extended. 5 ILCS 140/3. He or she may use forms prepared by the Ill. Public Access Counselor available at: [foia.ilattorneygeneral.net/foia\\_formssampleletters.aspx](http://foia.ilattorneygeneral.net/foia_formssampleletters.aspx).
2. Redact any and all exempt portion(s) of requested records containing both exempt and non-exempt material and release the remaining material. 5 ILCS 140/7.
3. Comply with the Personnel Record Review Act, 820 ILCS 40/.
  - a. The response to a request for a disciplinary report, letter of reprimand, or other disciplinary action depends on the age of the responsive record.
    - 1) If the responsive record is more than 4 years old, the request must be denied unless the release is ordered in a legal action or arbitration. 5 ILCS 140/7.5(q); 820 ILCS 40/8.
    - 2) If the responsive record is 4 years old or less, it must be disclosed and the employee must be notified in writing (first class mail) or by email, 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. A notice to the employee is not required if:
      - The employee 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.

b. A request for a performance evaluation(s) must be denied. 820 ILCS 40/11.

#### **F. Extensions of Time to Respond**

The District FOIA Officer may extend the time for a response for any of the reasons stated in 5 ILCS 140/3(e)(i-vii), **quoted below**:

- (i) The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
- (ii) The request requires the collection of a substantial number of specified records;
- (iii) The request is couched in categorical terms and requires an extensive search for the records responsive to it;
- (iv) The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
- (v) The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of FOIA or should be revealed only with appropriate deletions;
- (vi) The request for records cannot be complied with by the public body within the time limits prescribed by paragraph (c) of Section 3 of FOIA without unduly burdening or interfering with the operations of the public body; or
- (vii) There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

If an extension of time for a response is needed, the FOIA Officer must perform one of the following actions within 5 business days after receipt of the request:

1. Notify the requester that the District is extending its time for response for no longer than 5 business days from the original due date, and identify the reason for the delay and the date on which a response will be made. 5 ILCS 140/3(e) and (f); or
2. Confer with the requester in an attempt to reach an agreement on an extended compliance date. The agreement must be in writing. 5 ILCS 140/3(e).

#### **G. Unduly Burdensome Requests**

Before invoking the *unduly burdensome* exemption, the FOIA Officer must confer with the requester in an attempt to reduce the request to manageable proportions. 5 ILCS 140/3(e) and (g). A request may be unduly burdensome due, for example, to the request's breadth. The FOIA Officer must explain to the requester in writing when a request continues to be unduly burdensome, specifying the reason why the request is unduly burdensome.

#### **H. Requests for Commercial Purposes**

A request is for *commercial purposes*, according to 5 ILCS 140/2(c-10), if:

[T]he use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a *commercial purpose* when the principal purpose of the request is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.

The FOIA Officer responds to a request that appears to be for commercial purposes pursuant to 5 ILCS 140/3.1 by:

1. Asking the requester to identify if the record is for a commercial purpose. See 2:250-E1, *Written Request for District Public Records*. It is unlawful for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose, if requested to do so by the District. 5 ILCS 140/3.1(c).
2. Responding to a request for records to be used for a commercial purpose within 21 working days after receipt. The response must be one of the following: (a) provide an estimate of the time required by the District to provide the records and an estimate of the fees, which the requester may be required to pay in full before copying the requested documents; (b) deny the request pursuant to one or more of the exemptions; (c) notify the requester that the request is unduly burdensome and extend an opportunity to attempt to reduce the request to manageable proportions; or (d) provide the records requested.
3. Complying with a request, unless the records are exempt from disclosure, within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.
4. Collecting a fee as described in subsection **D.** above.

#### **I. Managing Requests from a Recurrent Requester**

A request is from a *recurrent requester*, according to 5 ILCS 140/2(g), if:

[A] person that, in the 12 months immediately preceding the request, has submitted to the same public body (i) a minimum of 50 requests for records, (ii) a minimum of 15 requests for records within a 30-day period, or (iii) a minimum of 7 requests for records within a 7-day period. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered in calculating the number of requests made in the time period in this definition when the principal purpose of the requests is (i) to access and disseminate information concerning new and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.

For purposes of this definition, one *request* may identify multiple records to be inspected or copied.

The District complies with a request from a recurrent requester within a reasonable period considering the size and complexity of the record, unless the records are exempt from disclosure. 5 ILCS 140/3.2(c).

The FOIA Officer responds to a request from a recurrent requester by:

1. Notifying the requester within 5 business days after receiving a request from a recurrent requester (5 ILCS 140/3.2(b)) that:
  1. The request is being treated as coming from a recurrent requester under 105 ILCS 140/2(g);
  2. The reasons the request is being treated as coming from a recurrent requester;
  3. The District will send an initial response within 21 business days after receipt of the request; and
  4. The proposed FOIA responses that may be asserted pursuant to 5 ILCS 140/3.2(a). These are the same responses that the District can provide within 21 business days after receipt of a request.
2. Responding within 21 business days after receipt of a recurrent request with one of the following (5 ILCS 140/3.2(a)):
  - a. An estimate of the time required by the District to provide the records and an estimate of the fees, which the requester is required to pay in full before the District copies the requested documents;
  - b. A denial pursuant to one or more of the exemptions;
  - c. Notification that the request is unduly burdensome and extend an opportunity to attempt to reduce the request to manageable proportions; or

- d. The records as requested.

#### J. Managing Voluminous Requests

A *voluminous request*, according to 5 ILCS 140/2(g), means:

[A] request that:

- i. Includes more than 5 individual requests for more than 5 different categories of records or a combination of individual requests that total requests for more than 5 different categories of records in a period of 20 business days; or
- ii. Requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages. *Single requested record* may include, but is not limited to, one report, form, email, letter, memorandum, book, map, microfilm, tape, or recording.

According to 5 ILCS 140/2(g), a *voluminous request* “does not include a request made by news media and non-profit, scientific, or academic organizations if the principal purpose of the request is: (1) to access and disseminate information concerning news and current or passing events; (2) for articles of opinion or features of interest to the public; or (3) for the purpose of academic, scientific, or public research or education.”

The FOIA Officer responds to a voluminous request by:

1. Notifying the requester within 5 business days after receiving a voluminous request that:
  - a. The District is treating the request as a voluminous request under Section 3.6 of the Freedom of Information Act (FOIA).
  - b. The District is treating the request as voluminous for one of the following reasons:
    - 1) Includes more than 5 individual requests for more than 5 different categories of records or a combination of individual requests that total requests for more than 5 different categories of records in a period of 20 business days; or
    - 2) Requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages.
  - c. The requester must respond to the District within 10 business days after this response is sent. The requester must specify whether the requester would like to amend the request in such a way that the District will no longer treat the request as a voluminous request.
  - d. If the requester does not respond within 10 business days or if the request continues to be a voluminous request following the requester response, the District will respond to the request and assess any fees the District charges pursuant to Section 6 of FOIA.
  - e. The District has 5 business days after receipt of the requester’s response or 5 business days from the last day for the requester to amend the request, whichever is sooner, to respond to the request.
  - f. The District may request an additional 10 business days to comply with the request.
  - g. The requester has the right to review the District’s determination by the public access counselor whose address and phone number follows:
 

Public Access Counselor  
Office of the Attorney General  
500 S. 2nd Street  
Springfield, Illinois 62706  
Phone: 1-877-299-3642
  - h. If the requester fails to accept or collect the responsive records, the District will still charge the requester for its response pursuant to Section 6 of FOIA and the requester’s failure to pay will be considered a debt due and owing to the District and may be collected in accordance with applicable law.
2. Providing the requester 10 business days from the date the District responded to amend the request in such a way that the District will no longer treat it as a voluminous request.



3. If a request continues to be a voluminous request following the requester's reply or the requester fails to reply, responding within the earlier of 5 business days after the District receives the requester's reply or 5 business days after the final day for the requester to reply to the District's notification. The District's response must:
  - a. Provide an estimate of the fees to be charged, indicating whether the District requires the person to pay in full before the District copies the requested documents;
  - b. Deny the request pursuant to one or more of the exemptions sent out in FOIA;
  - c. Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or
  - d. Provide the records as requested.

The District may extend the time for responding by not more than 10 business days from the final date for the requester to reply to the District's notification for any of the reasons provided in subsection Section 3(e) of FOIA.

The requester and District may agree in writing to extend the time for compliance for a period to be determined by the parties.

#### **K. Denials**

The FOIA Officer will deny a FOIA request for any of the exemptions in 5 ILCS 140/7 or 7.5. He or she will comply with 5 ILCS 140/9 by:

1. Providing the requester with a written response containing: (a) the reasons for the denial, including a detailed factual basis for the application of any exemption claimed; (b) the names and titles or positions of each person responsible for the denial; and (c) information about his or her right to review by the Public Access Counselor (include the address and phone number for the Public Access Counselor), and to judicial review under 5 ILCS 140/11.
2. Specifying the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority when the denial is based on the grounds that the records are exempt under 5 ILCS 140/7.
3. Retaining copies of all denial notices in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested. 5 ILCS 140/9(b).

#### **L. Consultation with the Board Attorney**

The FOIA Officer may consult with the Board Attorney, as needed, for legal advice concerning compliance with FOIA, including without limitation:

1. Responding to specific requests,
2. Communicating with the Office of the Ill. Attorney General or Public Access Counselor, or
3. During any judicial proceeding.

LEGAL REF.: 5 ILCS 140/, Freedom of Information Act.

REVISED: MAY 2012

REVISED: MAY 2015

## School Board

### Administrative Procedure - Protocols for Record Preservation and Development of Retention Schedules

#### Legal Citations

Each legal requirement in this procedure is followed by a citation to the controlling rule and/or statute. Citations in parenthesis indicate the location of a named law. For additional clarification regarding a requirement, the cited law should be reviewed.

Actor	Action
<p>All Staff Members and School Board Members</p>	<p>Maintain all records, as defined and required in the Illinois Local Records Act (LRA). No public record shall be destroyed except as allowed by the LRA.</p> <p><i>“Public record means any book, paper, map, photograph, digitized electronic material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein.”</i> 50 ILCS 205/3.</p> <p>Do not destroy any District record, no matter its form, if it is subject to a litigation hold. F.R.C.P. 37(e).</p> <p>In federal lawsuits there is an automatic discovery of virtually all types of electronically created or stored data that might be relevant. Attorneys will generally notify their clients at the beginning of a legal proceeding to not destroy any electronic records that might be relevant. The receipt of a <i>litigation hold</i> or preservation letter from the Board’s attorney requires all potentially relevant electronic information to be identified, located, and preserved. This includes all email, e-documents, the tapes and servers of discarded systems, and backup data stored elsewhere.</p> <p>Whenever disposing of materials containing <i>personal information</i>, render the <i>personal information</i> unreadable, unusable, and undecipherable.</p> <p>The Personal Information Protection Act (815 ILCS 530/) contains mandates for disposing of materials containing personal information (defined as an individual’s name combined with social security number, driver’s license number or State identification card number, or financial account information, including without limitation, credit or debit card numbers). The Attorney General is authorized to impose a fine for noncompliance. 815 ILCS 530/40 and 44 Ill.Admin.Code §4000.40(b).</p>

Actor	Action
Superintendent	<p>Assign the following activities to the Records Custodian and Head of Information Technology (IT):</p> <ol style="list-style-type: none"> <li><b>1. Develop and maintain a protocol for preserving and categorizing District records;</b></li> <li><b>2. Develop and maintain a record retention and destruction schedule; and</b></li> <li><b>3. Develop protocols to implement a litigation hold.</b></li> </ol>
Records Custodian and Head of IT	<ol style="list-style-type: none"> <li><b>1. Develop and maintain a protocol for preserving and categorizing District records.</b></li> </ol> <p>Develop and maintain a list of all District records organized in categories and sub-categories, e.g., records relating to business, students, personnel, board meetings, etc. Align this list with the list of District records required by the Freedom of Information Act. 5 ILCS 140/5.</p> <p>Paper records may be easier to locate than electronic records. Electronic records will potentially exist in all of the available clouds, servers, tapes, hard drives, computers, and similar types of electronic devices (e.g., laptops, tablets, smart phones, voicemail, etc.).</p> <p>Prepare a description of how District records stored by means of electronic data processing may be obtained in a form understandable to persons lacking computer knowledge. 5 ILCS 140/5 and <i>Digital Reproduction</i>, 44 Ill.Admin.Code 4000.70 and <i>Management of Electronic Records</i>, 44 Ill.Admin.Code §4000.80.</p> <p>Such a description may include contact information for a person who can aid in obtaining records stored electronically.</p> <p>Provide for keeping only <i>records</i> and destroying non-records. Avoid filing non-record material with records. Determine what is a non-record, e.g., identical copies of documents maintained in the same file; extra copies of printed or processed materials (official copies of which are retained by the office); blank forms; and personal communications.</p> <p>The goal is to control excessive accumulation of material. Non-record material may be destroyed at any time. 50 ILCS 205/9.</p> <p>Absent a litigation hold, email must be retained only when it contains: (1) evidence of the District’s organization, function, policies, procedures, or activities, or (2) informational data appropriate for preservation. 50 ILCS 205/3. Email that is conversational, personal, or contains brainstorming may generally be deleted.</p> <p>A consistent email retention policy for use across the District ensures that the necessary emails are being retained and emails that are not required to be preserved are purged on a regular basis.</p>

Actor	Action
	<p>Determine whether each sub-category of documents should be reproduced by photography (44 Ill.Admin.Code §4000.60), microphotographic and electronic microimaging processes (44 Ill.Admin.Code §4000.50), or digitized electronic format (44 Ill.Admin.Code §4000.70).</p> <p>Any public record may be reproduced in a microfilm or digitized electronic format and the analog/paper version destroyed, provided: (a) the records are reproduced on “a durable medium that accurately and legibly reproduces the original record in all details,” and “that does not permit additions, deletions, or changes to the original document images;” and (b) the Local Records Commission is notified when the original record is disposed of and also when the reproduced record is disposed of. Local Records Act, 50 ILCS 205/7.</p> <p>Use this web link to the Illinois Secretary State’s publication, <a href="#">Guidelines for Using Electronic Records</a> and 44 Ill.Admin.Code §§4000.APPENDIX A <i>Sustainable File Formats for Electronic Records - A Guide for Government Agencies</i> (<a href="http://www.ilga.gov/commission/jcar/admincode/044/04404000ZZ9996aR.html">www.ilga.gov/commission/jcar/admincode/044/04404000ZZ9996aR.html</a>) and 4000.APPENDIX B <i>Reliable Storage Media for Electronic Records - A Guide for Government Agencies</i> (<a href="http://www.ilga.gov/commission/jcar/admincode/044/04404000ZZ9996BR.html">www.ilga.gov/commission/jcar/admincode/044/04404000ZZ9996BR.html</a>).</p> <p>Identify and index the location of each category and sub-category of District records. Organize electronic record and data storage.</p> <p>The goal is to ensure that all documents, including electronically created ones, are retained for the required timeframes and are easy to retrieve and produce if necessary.</p> <p><b>2. Develop and maintain a record retention and destruction schedule for submission to the Superintendent and eventually to the Local Records Commission.</b></p> <p>Prepare a list of public records that: (1) are not needed for current business, and (2) do not have sufficient administrative, legal, or fiscal value to warrant their further preservation. Stated differently, identify records that have no administrative, legal, or fiscal value, as this is the criteria the Commission uses to determine whether or not to authorize the records’ destruction.</p> <p>Records that have no administrative, legal, or fiscal value may be destroyed according to provisions in the Local Records Act. 50 ILCS 205/10.</p> <p>Prepare a schedule for record destruction by identifying the length of time a record category or series warrants retention after it has been received or</p>

Actor	Action
	<p>produced by the District.</p> <p>The ultimate goal is to obtain permission to destroy unnecessary public records. The Local Records Commission must approve the destruction of any public record. 50 ILCS 205/7, 44 Ill.Admin.Code Part 4000 (Local Records Commission for agencies comprising counties of less than 3,000,000 inhabitants); 44 Ill.Admin.Code Part 4500 (Local Records Commission of Cook County). See the Archives Department on the Secretary of State’s website: <a href="http://www.cyberdriveillinois.com/departments/archives/databases/home.html">www.cyberdriveillinois.com/departments/archives/databases/home.html</a></p> <p>44 Ill.Admin.Code Part 4000.30 details the procedures for compiling and submitting lists and schedules of records for disposal.</p> <p>The School Code and other statutes (e.g., statutes of limitations) contain mandatory retention timelines. The Board’s attorney should be consulted.</p> <p>The e-discovery rules provide a safe harbor for parties during a lawsuit that cannot provide information because it was destroyed as a result of routine practices. F.R.C.P. 37(e).</p> <p><b>3. Develop protocols to implement a litigation hold.</b></p> <p>Understand what a <i>litigation hold</i> is.</p> <p>A litigation hold refers to the notification made by the Board’s attorney telling the District to preserve all information that may be relevant to current or anticipated litigation. While it may occur anytime in the legal process, it will usually occur during discovery, the pretrial phase of a lawsuit designed to compel the exchange of information between parties. A litigation hold triggers the need to immediately suspend destruction of electronic and other records relevant to the current or potential claim. F.R.C.P 37(e).</p> <p>Specify how to implement a litigation hold, i.e.:</p> <ul style="list-style-type: none"> <li>• Who can trigger a litigation hold?</li> <li>• How is a litigation hold communicated?</li> <li>• Who should gather the records?</li> <li>• What records are subject to a litigation hold and who determines this?</li> <li>• In what format should records be gathered?</li> <li>• Where should records be gathered?</li> </ul> <p>Identify how to implement a litigation hold for all IT systems, including backup tapes, to ensure they are not deleted or overwritten as part of the normal tape rotation process.</p>

Actor	Action
	<p>Prepare a map of potentially relevant data and otherwise assist the Board's attorneys in locating all potentially relevant information.</p>
<p>Superintendent</p>	<p>Submit new or revised record retention and destruction lists and schedules to the Local Records Commission for approval.</p> <p>Disseminate the record retention schedule, along with instructions, to all affected staff members and Board members.</p> <p>Immediately inform the Records Custodian and Head of IT whenever a record must be preserved because: (1) it may be relevant to present or future litigation, or (2) the Board Attorney has notified the District to preserve a record, including electronic information (<i>litigation hold</i>).</p> <p>Authorize and/or order the destruction of District records after ensuring that the following steps have been performed:</p> <ol style="list-style-type: none"> <li>1. The Local Records Commission approved a schedule for continuing authority to destroy District records after the expiration of the applicable period.</li> <li>2. Any record is retained and removed from the disposal list if it is or may be evidence in litigation, or is otherwise subject to a <i>litigation hold</i>.</li> <li>3. Thirty days prior to disposal or destruction of any records, regardless of physical format or characteristics, submit a Local Records Disposal Certificate to the Commission and dispose only after a copy of that certificate has been reviewed and approved by the Chairman and returned to the District. The original copy of that Local Records Disposal Certificate is kept in the files of the Commission, and the duplicate copy approved and returned by the Chairman must be retained by the District. Section 4000.40(c) of the rules of the Downstate Local Records Commission and Section 4500.40(c) of the rules of the Cook County Local Records Commission.</li> <li>4. In the case of records with scheduled retention of less than one year, a single Local Records Disposal Certificate for more than one disposal event within a given year may be used. Local Records Disposal Certificates submitted with this intent must include a schedule of proposed records disposal in addition to the normally required information. The District must wait to dispose of records until receipt of approval from the Commission, as required in number 3, above. Section 4000.40(d) of the rules of the Downstate Local Records Commission and Section 4500.40(d) of the rules of the Cook County Local Records Commission.</li> <li>5. For records that have been damaged by water, fire, smoke, insects or vermin, mold or some other natural disaster that poses a health or safety risk to employees, the District may apply to the Commission for permission to dispose of those records ahead of their scheduled</li> </ol>

Actor	Action
	<p>disposal date. The request must include a Local Records Disposal Certificate accompanied by the District’s explanation of why the records need early disposal. The Commission may grant the request only after physically reviewing the damaged records. Section 4000.40(e) of the rules of the Downstate Local Records Commission and Section 4500.40(e) of the rules of the Cook County Local Records Commission.</p>
<p><b>Links to Web-based Record Management Resources:</b></p> <ul style="list-style-type: none"> <li><a href="#">Cook County Local Records Commission Meetings</a></li> <li><a href="#">Cook County Local Records Commission Rules (44 Ill Admin Code Title PART 4500)</a></li> <li><a href="#">Downstate Local Records Commission Meetings</a></li> <li><a href="#">Rules of the Downstate Local Records Commission (44 Ill Admin Code Title PART 4000)</a></li> <li><a href="#">Filmed Records Certification Act (50 ILCS 210)</a></li> <li><a href="#">Filmed Records Destruction Act (50 ILCS 215)</a></li> <li><a href="#">Illinois School Student Records Act (105 ILCS 10)</a></li> <li><a href="#">Local Records Act (50 ILCS ACT 205)</a></li> <li><a href="#">Local Records Disposal Certificate</a></li> </ul>	

LEGAL REF.: Federal Rules of Civil Procedure, Rules 16, 26 and 37.  
 5 ILCS 140/, Freedom of Information Act.  
 50 ILCS 205/, Local Records Act.  
 105 ILCS 10/, Ill. School Student Records Act.  
 820 ILCS 40/, Ill. Personnel Record Review Act.  
 44 Ill.Admin.Code Part 4000, Local Records Commission.  
 44 Ill.Admin.Code Part 4500, Cook County Local Records Commission.

REVISED: MARCH 2007  
 REVISED: MAY 2015

**School Board**

**Exhibit - Written Request for District Records**

All requests to inspect and/or to obtain a copy of District records must be made in writing. Please submit the following completed request to the Superintendent.

Name of Individual(s) Requesting District Records			Organization
Address			Telephone Number
City	State	Zip	Date of Request

Staff Instructions:

1. If this request was received in another form, attach the document to this completed form.
2. Calculate copy fee. Records must be approved for release and any copy fees paid in advance of duplication.
3. Submit to Superintendent

<b>Record Description</b> <i>(Please be specific)</i>	Copy Requested	Copy Fee *	To be mailed	To be picked up
1.				
2.				
3.				
	<b>Total Fee:</b>			



## School Board

### Exhibit - Immediately Available District Public Records and Web-Posted Reports and Records

*[For use by only those Districts that have websites.]*

The District's Freedom of Information Officer designates the public records that are listed in this table as being immediately available to the public. The records that are asterisked are posted on the District's website and may be immediately inspected, downloaded, printed, and/or copied. Any asterisked public record is also immediately available for inspection or copying upon request at the District's administrative office during its regular business hours, provided any applicable fees are paid. Records without an asterisk will be provided within 5 business days as allowed by the Freedom of Information Act, provided any applicable fees are paid.

<b>Web-posted records and information</b> <i>(use of an * is explained in the paragraph above this table)</i>	<b>Web-posting statutory reference and special instructions</b>
<p>*Annual schedule of regular meetings for the current school year that are posted at the beginning of each calendar or fiscal year</p> <p>*Public notice of each Board meeting that is posted at least 48 hours before the meeting and remains posted until the meeting is concluded</p> <p>*Agenda of each regular meeting that is posted at least 48 hours before a meeting and remains posted until the meeting is concluded</p> <p><b>Note:</b> For school districts that do not post board meeting notices and/or agendas on a website (because they do not have a website maintained by a fulltime staff member), the notice and agenda must be continuously available for public review during the entire 48-hour period preceding the meeting</p>	<p>5 ILCS 120/2.02.</p>
<p>*Official open meeting minutes that are posted within 10 days of the Board's approval and remain posted for at least 60 days</p>	<p>5 ILCS 120/2.06(b).</p>
<p>*Description of the District and its records including:</p> <ul style="list-style-type: none"> <li>Summary of the District's purpose</li> <li>Functional subdivisions</li> <li>Total amount of operating budget</li> <li>Number and location of all of its separate offices</li> <li>Approximate number of full and part-time employees (see also, salary and benefits information report for the Superintendent, administrators, and teachers, District's Statement of Affairs)</li> <li>Identification and membership of the Board</li> <li>Brief description of the methods whereby the public may</li> </ul>	<p>5 ILCS 140/4.</p> <p>The District must prominently post the list at each administrative office and make it available for inspection and copying.</p>

<p><b>Web-posted records and information</b> <i>(use of an * is explained in the paragraph above this table)</i></p>	<p><b>Web-posting statutory reference and special instructions</b></p>
<p>request information and public records                      Directory information for the Freedom of Information Officer                      Address where requests for public records should be directed                      Fees</p>	
<p>*A hyperlink to an email address(es) for members of the public to communicate with members of the Board</p>	<p>50 ILCS 205/20, added by P.A. 98-930.                      The hyperlink must be easily accessible from the District's home page.</p>
<p>Annual budget for current fiscal year, itemized by receipts and expenditures</p>	<p>105 ILCS 5/17-1.2.                      This may be accomplished using ISBE's School District Budget Form 50-36 or the summary pages from it.                      The District must notify its students' parents/guardians when the budget is web-posted along with its website address.</p>
<p>*District Report Card and a Report Card for each School (the Report Cards will be provided by ISBE by Oct. 31 of each year)</p>	<p>105 ILCS 5/10-17a.                      Annually, no more than 30 calendar days after receiving the Report Cards from the State Superintendent, the District must: (1) present them at a regular Board meeting, (2) post them the District's website, (3) make them available to a newspaper of general circulation serving the District, and (4) upon request, send them home to parents/guardians.                      The District also must send a written notice home to parents/guardians stating: (1) that the Report Cards are available on the website, (2) the website's address, (3) that a printed copy will be sent upon request, and (4) the telephone number to request a printed copy.</p>
<p>*A list of all contracts in excess of \$25,000 and any contracts with an exclusive bargaining representative</p>	<p>105 ILCS 5/10-20.44.                      There is no statutory timeline for web-posting.                      Each year, in conjunction with the submission of the Statement of Affairs to ISBE, before Dec. 1, the District must submit to ISBE an</p>

<p><b>Web-posted records and information</b> (<i>use of an * is explained in the paragraph above this table</i>)</p>	<p><b>Web-posting statutory reference and special instructions</b></p>
	<p>annual report on all contracts over \$25,000 awarded during the previous fiscal year.</p>
<p>*Contract(s) with any commercial driver training school(s) for driver education</p>	<p>105 ILCS 5/2-3.25g(d). The District is required to web-post this document if it has a website. If the District has no website, it must make the contract available upon request.</p>
<p>Annual Statement of Affairs</p>	<p>105 ILCS 5/10-17. The District is not required to web-post this document. It must, annually by Dec. 1, submit the Statement to ISBE for posting on ISBE’s website, have copies of the Statement available in the main administrative office, and publish a summary of the Statement in a newspaper of general circulation published in the District.</p>
<p>*Board policy, 7:180, <i>Prevention of and Response to Bullying, Intimidation, and Harassment</i> *Information developed as a result of the evaluation and assessment of the bullying policy’s outcomes and effectiveness</p>	<p>105 ILCS 5/27-23.7(b)(10) &amp; (11), amended by P.A. 98-669.</p>
<p>*Board policy, 7:290, <i>Suicide and Depression Awareness and Prevention</i></p>	<p>105 ILCS 5/2-3.163, added by P.A. 99-443.</p>
<p>*Administrator and Teacher Salary and Benefits Report (itemized salary report for the Superintendent and all administrators and teachers); <i>benefits</i> includes without limitation vacation days, sick days, bonuses, annuities, and retirement enhancements</p>	<p>105 ILCS 5/10-20.47. Annually on or before October 1: (1) the information must be presented at a regular Board meeting and posted on the District’s website, and (2) after the Board meeting at which the information was presented, the Report must be provided to ISBE.</p>
<p>*As an employer that participates in the Illinois Municipal Retirement Fund (IMRF), a compensation report for employees who have a total compensation package that exceeds \$75,000 per year; <i>total compensation package</i> means salary, health insurance, a housing allowance, a vehicle allowance, a clothing allowance, bonuses, loans, vacation days granted, and sick days granted</p>	<p>5 ILCS 120/7.3. The report must be posted within 6 business days after the District approves a budget. The District may choose to post a physical copy of this information at its principal office in lieu of posting the information directly on the website in which case it must post directions</p>

<p><b>Web-posted records and information</b> (<i>use of an * is explained in the paragraph above this table</i>)</p>	<p><b>Web-posting statutory reference and special instructions</b></p>
<p>As of Oct. 1, 2015, IASB has not received a response from the Ill. Attorney General’s office to its request for guidance concerning whether this requirement applies to employees who do not participate in IMRF, e.g., TRS participants.</p>	<p>on the website for accessing that information.</p>
<p>*As an employer that participates in the Illinois Municipal Retirement Fund, a compensation report for employees who have a total compensation package that is equal to or in excess of \$150,000 per year; <i>total compensation package</i> means payment by the employer to the employee for salary, health insurance, a housing allowance, a vehicle allowance, a clothing allowance, bonuses, loans, vacation days granted, and sick days granted</p> <p>As of Oct. 1, 2015, IASB has not received a response from the Ill. Attorney General’s office to its request for guidance concerning whether this requirement applies to employees who do not participate in IMRF, e.g., TRS participants.</p>	<p>5 ILCS 120/7.3.</p> <p>The report must be posted at least 6 days before the District approves an employee’s total compensation package that is equal to or in excess of \$150,000. The District may choose to post a physical copy of this information at its principal office in lieu of posting the information directly on the website in which case it must post directions on the website for accessing that information.</p>
<p>A description of activities to address intergroup conflict (an optional program authorized by Sec. 27-23.6)</p>	<p>105 ILCS 5/27-23.6(c).</p>
<p>*Names of Board members who have completed professional development leadership training</p>	<p>105 ILCS 5/10-16a requires the District to post on its website the names of all Board members who have completed professional development leadership training (required for board members taking office after 6/13/2011). The web-posting may be expanded to log all Board members’ training and development activities.</p> <p>5 ILCS 120/1.05(b) and (c) require each Board member to complete training on the Open Meetings Act. After completing the training, each Board member must file a copy of their certificate of completion with the School Board.</p> <p>105 ILCS 5/24-16.5 requires each Board member to complete a training program on performance evaluations before voting on a dismissal based on a performance evaluation pursuant to the Performance Evaluation Reform Act.</p>
<p>Immunization data reported to ISBE by each Nov. 15</p>	<p>105 ILCS 5/27-8.1.</p> <p>By Dec. 1, the District must annually make</p>

<b>Web-posted records and information</b> ( <i>use of an * is explained in the paragraph above this table</i> )	<b>Web-posting statutory reference and special instructions</b>
	the immunization <i>data</i> that it must report to ISBE each year publicly available. The data, not its format, must be identical to the data reported to ISBE. Boards have control over the method(s) used to make this data publicly available. One method is to instruct the reader to ask for the data directly from ISBE.
Information on mental health issues and local treatment resources	The Ill. House of Representatives encouraged this in HR 478 (5-31-2015).

**REVISED: JULY 2010**

REVISED: APRIL 2013

REVISED: OCTOBER 2014

REVISED: MARCH 2016

## **School Board**

### **Uniform Grievance Procedure**

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

1. Title II of the Americans with Disabilities Act
2. Title IX of the Education Amendments of 1972
3. Section 504 of the Rehabilitation Act of 1973
4. Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.
5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.
6. Sexual harassment (Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972)
7. Bullying, 105 ILCS 5/27-23.7
8. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
9. Curriculum, instructional materials, and/or programs
10. Victims' Economic Security and Safety Act, 820 ILCS 180
11. Illinois Equal Pay Act of 2003, 820 ILCS 112
12. Provision of services to homeless students
13. Illinois Whistleblower Act, 740 ILCS 174/
14. Misuse of genetic information (Illinois Genetic Information Privacy Act (GIPA), 410 ILCS 513/ and Titles I and II of the Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. §2000ff et seq.
15. Employee Credit Privacy Act, 820 ILCS 70/

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

### **Right to Pursue Other Remedies Not Impaired**

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

### **Deadlines**

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

### **Filing a Complaint**

A person (hereinafter Complainant) who wishes to avail him or herself of this grievance procedure may do so by filing a complaint with any District Complaint Manager. The Complainant shall not be required to file a

complaint with a particular Complaint Manager and may request a Complaint Manager of the same gender. The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with a student's parent(s)/guardian(s). The Complaint Manager shall assist the Complainant as needed.

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

#### Investigation

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

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

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

#### Decision and Appeal

Within 5 school business days after receiving the Complaint Manager's report, the Superintendent shall mail his or her written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager. All decisions shall be based upon the *preponderance of evidence* standard.

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

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

#### Appointing Nondiscrimination Coordinator and Complaint Managers

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

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

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

**Nondiscrimination Coordinator:**

**Complaint Managers:**

Centennial Principal  
 \_\_\_\_\_  
 Name  
 308 W. Pleasant St, Polo, Il 61064  
 \_\_\_\_\_  
 Address  
 mhuyett@poloschools.net  
 \_\_\_\_\_  
 Email  
 815-946-3811  
 \_\_\_\_\_  
 Telephone

Centennial Principal	Aplington Principal
_____	_____
Name	Name
308 W. Pleasant St, Polo, Il 61064	600 E. Mason St.
_____	_____
Address	Address
_____	_____
Email	Email
815-946-3811	815-946-2519
_____	_____
Telephone	Telephone

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.  
 Americans With Disabilities Act, 42 U.S.C. §12101 et seq.  
 Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.  
 Equal Pay Act, 29 U.S.C. §206(d).  
 Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.  
 Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.  
 McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.  
 Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.  
 Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.  
 Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.  
 105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.  
 Illinois Genetic Information Privacy Act, 410 ILCS 513/.  
 Illinois Whistleblower Act, 740 ILCS 174/.  
 Illinois Human Rights Act, 775 ILCS 5/.  
 Victims' Economic Security and Safety Act, 820 ILCS 180, 56 Ill.Admin.Code Part 280.  
 Equal Pay Act of 2003, 820 ILCS 112/.  
 Employee Credit Privacy Act, 820 ILCS 70/.  
 23 Ill.Admin.Code §§1.240 and 200-40.

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

REVISED: OCTOBER 2015



## School Board

### Administrative Procedure - Guidelines for Investigating Complaints and Allegations of Misconduct

All complaints are to be investigated, even when the complainant requests that nothing be done or is anonymous.

**Step 1:** Before the Investigation

- A. School employees must immediately report a suspicion of child abuse or neglect to the Illinois Department of Child and Family Services in compliance with State law and policy 5:90, *Abused and Neglected Child Reporting*. Reporting is required before proceeding further with the investigation.
- B. According to policy 2:260, *Uniform Grievance Procedure*, the Superintendent appoints at least one District Complaint Manager to administer the complaint process. If possible, the Superintendent will appoint two Complaint Managers, one of each gender. A Complaint Manager investigates: (1) complaints filed under policy 2:260, *Uniform Grievance Procedure*, and (2) allegations of employee misconduct.
- C. The appropriate Building Principal or designee investigates all allegations of student misconduct.
- D. Anyone with a complaint or making an allegation of misconduct should be referred to a Complaint Manager of their choosing or a Building Principal without delay.
- E. A Complaint Manager or Building Principal (hereafter referred to as *investigator*) will investigate all complaints or allegations of misconduct, except that, depending on the circumstances, the Superintendent or School Board may appoint a special investigator. Whenever the Superintendent deems necessary, an attorney may serve as a special investigator. See *considerations* under F below. The investigator should not have any involvement with the complainant or the alleged wrongdoer outside of the investigation. The Superintendent will ensure that investigators have sufficient authority and resources, including access to the School Board Attorney.
- F. Contact the Board Attorney to discuss the investigation process, including without limitation:
  1. Whether the investigator's notes and investigation records (including, without limitation, any audio or video recordings, photographs, or electronic images) are education records for purposes of the federal Family Education Rights and Privacy Act (FERPA) and/or school student records as defined in the Ill. School Student Records Act (105 ILCS 10/, implemented by 23 Ill.Admin.Code §375.10)?
  2. Whether the investigator's notes and investigation records (including, without limitation, any audio or video recordings, photographs, or electronic images) will be subject to disclosure pursuant to a FOIA request? A PAC opinion, binding on the parties, found that a city's investigatory records of an employee were not private or adjudicatory records and must be disclosed pursuant to a FOIA request (PAC Opinion 13-110).
  3. Whether to record conversations, and if so, how to obtain and document consent under the criminal eavesdropping statute? 720 ILCS 5/14-1 et seq., amended by P.A. 98-1142,

- prohibits recording a conversation in which someone has a reasonable expectation of privacy without the consent of all parties.
4. Whether the Board Attorney should participate in or conduct the investigation? Whether an outside attorney should serve as a special investigator? Considerations include:
    - a. The U.S. Supreme Court has held that a private attorney temporarily retained by government to perform an investigation of an employee is entitled to seek qualified immunity from suit under Section 1983. Filarsky v. Delia, 132 S.Ct. 1657 (2012).
    - b. The FOIA exemption for communications between a public body and its attorney is available in only limited situations. See PAC Opinion 14-02 interpreting 5 ILCS 140/7(m).
    - c. Documents prepared by attorneys conducting an investigation under the prospect of litigation will not be subject to discovery during a subsequent lawsuit. Sandra TE v. South Berwyn School Dist., 600 F. 3d 612 (7th Circuit 2010) (when attorneys, as attorneys, perform a factual investigation, their documents are protected by the attorney-client privilege and the work-product doctrine).
  - G. The investigator should provide a fair opportunity for both sides to be heard.
  - H. The investigator should begin by carefully reading the complaint. Next the investigator should review applicable Board policies, administrative procedures and manuals, laws, regulations, and collective bargaining agreements.
  - I. The investigator should develop a plan, including:
    1. Witness list
    2. Order of interviews
    3. Questions for witnesses
    4. Physical evidence needed, e.g., records, documents, reports, photos, and letters
  - J. The investigator should make logistical arrangements, e.g., determine interview location and the need for photographs and/or a video or audio recording.
  - K. If the investigator encounters an issue with legal ramifications outside of his/her understanding, either before or during the investigation, he/she should consult the Board Attorney before proceeding further on that legal issue, as well as any other areas of the investigation it impacts.

**Step 2: The Investigation**

- A. Typically, interview the complainant first, next the subject of the investigation, and, finally, all witnesses. The following applies to all interviews:
  1. If possible, statements should be written, dated, and signed by the person being interviewed. Do not audio or video record statements without first obtaining the Board Attorney's advice concerning legal prerequisites and treatment of the recordings.
  2. Ask open-ended questions and do not suggest answers to questions.
  3. Record important details, essentially who, did what, to whom, when, and how done and, if appropriate, why?
  4. Be objective and nonjudgmental; do not prejudge an alleged wrongdoer's guilt. Never show outrage or dismay.
  5. Ask for the names of any other witnesses.

6. Deal with emotional outbursts and anger by patiently explaining that details are needed for an accurate investigation.
  7. If a witness cannot be interviewed, record the reason.
- B. While confidentiality should be maintained, do not make promises of confidentiality or anonymity. Only the Superintendent may promise confidentiality or anonymity.
  - C. Keep the Superintendent informed, but do not discuss the investigation with Board members in order to avoid the appearance of prejudice or unfairness.
  - D. Obtain copies of all relevant written or electronic communications. Originals are not needed, but record how to get them.
  - E. Collect physical evidence and photographs. Keep a record of when, and where, or from whom physical evidence was gathered.
  - F. Document any information about the interview that is relevant, or may become relevant, including the person's demeanor, gestures, accuracy of memory, and overall credibility.
  - G. During the investigation, keep the investigation file separate from personnel or student record files. In a subsequent hearing, the opposing side may be able to view the investigation file. Records relating to a public body's adjudication (hearing) of employee grievances or disciplinary cases are exempt from Freedom of Information Act public records requests under 5 ILCS 140/7(1)(n). However, the exemption does not extend to the final outcome of cases in which discipline is imposed.

**Step 3: Following the Investigation**

- A. Report to the Superintendent or designee the investigation results, that is, the matters investigated, facts, conclusions, and recommendations. Prepare a written report if appropriate or requested.
  1. Answer who, what, when, where, why, and how.
  2. Factual findings are based on whether an incident's occurrence is more likely than not. Identify as many factual findings as possible to support a conclusion. In a "he said, she said" scenario, a decision can be based on the credibility of the parties and witnesses. Include in the report any findings that are inconclusive.
  3. Make a determination regarding credibility of specific evidence, that is, how believable is it and why by explaining the basis for the determination. Credible evidence is capable of belief by a reasonable person.
- B. Be prepared to testify as to the fairness of the investigation, the authenticity of the evidence, and the contents of the investigation report.

REVISED: NOVEMBER 2010

REVISED: OCTOBER 2015

## Procedure to Resolve Complaints

### Procedure to Resolve Complaints

During the year you may have some complaint involving a school situation. The Board of Education has adopted the following policy with regard to complaints.

- Step 1 Try to resolve the complaint by discussing it first with the staff person whom the complaint is against.
- Step 2 Take the complaint to the Principal.
- Step 3 Take the complaint to the Superintendent.
- Step 4 If by Step 3 your complaint has not been resolved, write your complaint down for the Superintendent and submit it for board consideration by giving it to the Superintendent at least one week in advance of the next board meeting. He will then send each board member a copy of your complaint and place you on the board agenda.

Complaint or concern:

---

---

---

---

---

---

---

---

---

---

If you have questions, comments or feedback, please contact Polo CUSD #222 District Office, at 815-946-3815 or [crademacher@poloschools.net](mailto:crademacher@poloschools.net).

## **School Board**

### **Membership in Association**

The Polo Board of Education shall maintain membership in the Illinois Association of School Boards and the Illinois Association of School Administrators.