

PROVISO TOWNSHIP HIGH SCHOOLS DISTRICT 209

NIHIL NISI OPTIMUM – NOTHING BUT THE BEST



November 17, 2017

On behalf of the PTHS D209 Policy Committee, the following policies will be presented for second reading during the December 12, 2017 Board of Education meeting.

If you have any questions or concerns, please contact the chairman of the PTHS D209 Policy Committee, Mr. Ned Wagner at nwagner@pths209.org.

Board of Education

Public Participation at Board of Education Meetings and Petitions to the Board

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

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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 oneself and be brief. Ordinarily, comments shall be limited to 5 minutes. In unusual circumstances, ~~and when an individual has made a request in advance to speak for a longer period of time, the individual may be allowed to speak for more than 5 minutes.~~
3. Observe the Board President’s decision to shorten public comment to conserve time and give the maximum number of individuals an opportunity to speak.
4. Observe the Board President’s decision to determine procedural matters regarding public participation not otherwise covered in Board policy.
5. Conduct oneself with respect and civility toward others and otherwise abide by Board policy, 8:30, *Visitors to and Conduct on School Property*.

Petitions or written correspondence to the Board shall be presented to the Board of Education in the next regular Board packet.

LEGAL REF.: 5 ILCS 120/2.06.
105 ILCS 5/10-6 and 5/10-16.

CROSS REF.: 2:220 (Board of Education Meeting Procedure), 8:10 (Connection with the Community), 8:30 (Visitors to and Conduct on School Property)

ADOPTED: March 13, 2012

and when an individual has made a request in writing in advance to speak for a longer period of time, the individual may be allowed to speak for up to 5 minutes.

Board of Education

School District Governance

The District is governed by a Board of Education consisting of 7 members. The Board’s powers and duties include the authority to adopt, enforce, and monitor all policies for the management and governance of the District’s schools.

Official action by the Board of Education may only occur at a duly called and legally conducted meeting at which a quorum is physically present.

As stated in the Board member oath of office prescribed by the School Code, a Board member has no legal authority as an individual.

LEGAL REF.: 5 ILCS 120/1.02.
105 ILCS 5/10-1, 5/10-10, 5/10-12, 5/10-16.5, 5/10-16.7, and 5/10-20.5.

CROSS REF.: 1:10 (School District Legal Status), 2:20 (Powers and Duties of the Board of Education; Indemnification), 2:80 (Board Member Oath and Conduct), 2:120 (Board Member Development), 2:200 (Types of Board of Education Meetings), 2:220 (Board of Education Meeting Procedure)

ADOPTED: February 21, 2012

Board Members shall refrain from individually giving direction to any administrators or employees regarding the operations of the District provided, however, that this shall not restrict the ability of Board Members to request and receive information or to request ministerial actions be performed in order to assist the Board Member in fulfilling his or her obligations.

DRAFT UPDATE

Proviso Township High Schools District 209

5:120

General Personnel

Employee Ethics; ~~and Conduct~~; and Conflict of Interest

Professional and Appropriate Conduct

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

Statement of Economic Interests

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

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

Ethics and Gift Ban

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

Prohibited Interests: ~~Conflict of Interest~~; and Limitation of Authority; ~~and Outside Employment~~

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

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District. This includes participation in the selection, award or administration of a contract supported by a federal award when the employee has a real or apparent conflict of interest as defined by 2 C.F.R. §200.318(c)(1). Employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or contracts. Situations in which the interest is not substantial or the gift is an unsolicited item of nominal value must comply with State law and Board policy 2:105, *Ethics and Gift Ban*.

Outside Employment

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

Commented [APowell1]:

This policy is renamed and updated in response to the federal regulations requiring written standards of conduct covering conflicts of interest and governing the actions of school district employees engaged in the selection, award, and administration of contracts in compliance with 2 C.F.R. §200.318.

New subheadings are added for clarity.

Issue 94, March 2017

Commented [APowell2]:

The federal rule underlying this text provides flexibility for school districts to "set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value," along with "disciplinary actions to be applied for violations." Referring to sample policy 2:105, *Ethics and Gift Ban* for these standards provides clarity and consistency. Policy 2:105, *Ethics and Gift Ban* refers to **Limitations on Receiving Gifts** in the Ethics Act at 5 ILCS 430/10-10 – 10-30, along with discussion of the specific penalties available under the Ethics Act at 5 ILCS 430/50-5 in its **Enforcement** subhead.

Issue 94, March 2017

DRAFT UPDATE

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

LEGAL REF.: U.S. Constitution, First Amendment.
[2 C.F.R. §200.318\(c\)\(1\)](#).
5 ILCS 420/4A-101 and 430/.
50 ILCS 135/.
105 ILCS 5/10-22.39 and 5/22-5.
775 ILCS 5/5A-102.
23 Ill.Admin.Code Part 22, Code of Ethics for Illinois Educators.
Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).
Garcetti v. Ceballos, 547 U.S. 410 (2006).

CROSS REF.: 2:105 (Ethics and Gift Ban); , [4:60 \(Purchases and Contracts\)](#),5:100 (Staff Development Program)

ADOPTED: [February 9, 2016](#)

DRAFT UPDATE

General Personnel

Equal Employment Opportunity and Minority Recruitment

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

Persons who believe they have not received equal employment opportunities should report their claims to the Nondiscrimination Coordinator and/or a Complaint Manager for the Uniform Grievance Procedure. These individuals are listed below. No employee or applicant will be discriminated or retaliated against because he or she: (1) requested, attempted to request, used, or attempted to use a reasonable accommodation as allowed by the Illinois Human Rights Act, or (2) initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws, rules or regulations, provided the employee or applicant did not make a knowingly false accusation nor provide knowingly false information.

Administrative Implementation

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

Nondiscrimination Coordinator:

Dr. Patrick Hardy
Name
Proviso East
Address

Email: phardy@pths209.org
708.202.1731
Telephone

Complaint Managers:

Oscar Hawthorne [Dr. Nia Abdullah](mailto:ohawthorne@pths209.org)
Name
Proviso West
Address

Email: ohawthorne@pths209.org
708.202.6354
Telephone

Dr. Bessie Karvelas
Name
Proviso Math & Science Academy
Address

bkarvelas@pths209.org
708.338.4170
Telephone

nabdullah@pths209.org
708.202.6311

DRAFT UPDATE

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

Minority Recruitment

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

DRAFT UPDATE

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.
Americans With Disabilities Act, Title I, 42 U.S.C. §12111 et seq.
Civil Rights Act of 1991, ~~29 U.S.C. §§621 et seq.~~ 42 U.S.C. §1981 et seq. ~~§2000e et seq., and §12101 et seq.~~
Equal Employment Opportunities Act (Title VII of the Civil Rights Act of 1964), 42 U.S.C. §2000e et seq., 29 C.F.R. Part 1601.
Equal Pay Act, 29 U.S.C. §206(d).
Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.
Pregnancy Discrimination Act, 42 U.S.C. §2000e(k).
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq., 34 C.F.R. Part 106.
Uniformed Services Employment and Reemployment Rights Act (1994), 38 U.S.C. §§4301 et seq.
Ill. Constitution, Art. I, §§17, 18, and 19.
105 ILCS 5/10-20.7, 5/10-20.7a, 5/10-21.1, 5/10-22.4, 5/10-23.5, 5/22-19, 5/24-4, 5/24-4.1, and 5/24-7.
Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/40.
Genetic Information Protection Act, 410 ILCS 513/25.
Ill. Whistleblower Act, 740 ILCS 174/.
Ill. Human Rights Act, 775 ILCS 5/1-103, 5/2-102, 5/2-103, and 5/6-101.
Religious Freedom Restoration Act, 775 ILCS 35/5.
Right to Privacy in the Workplace Act, 820 ILCS 55/10.
Employee Credit Privacy Act, 820 ILCS 70/.
Job Opportunities for Qualified Applicants Act, 820 ILCS 820 ILCS 75/.
Ill. Equal Pay Act of 2003, 820 ILCS 112/.
Victims' Economic Security and Safety Act, 820 ILCS 180/30.
Nursing Mothers in the Workplace Act, 820 ILCS 260.
~~23 Ill. Admin. Code §1-230.~~

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Sexual Harassment), 5:30 (Hiring Process and Criteria), 5:40 (Communicable and Chronic Infectious Disease), 5:50 (Drug- and Alcohol-Free Workplace; Tobacco Prohibition), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:250 (Leaves of Absence), 5:270 (Employment, At-Will, Compensation, and Assignment), 5:300, (Schedules and Employment Year), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 7:10 (Equal Educational Opportunities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)

ADOPTED: August 11, 2015

Comment [APowell1]:

Legal References are updated in response to Privacy in the Workplace Law, 820 ILCS 55/10(b), amended by P.A. 99-610, eff. 1-1-17.

Issue 93, October 2016

General Personnel

Hiring Process and Criteria

The District hires the most qualified personnel consistent with budget and staffing requirements and in compliance with School Board policy on equal employment opportunity and minority recruitment. The Superintendent is responsible for recruiting personnel and making hiring recommendations to the Board. If the Superintendent's recommendation is rejected, the Superintendent must submit another. The Superintendent may select personnel on a short-term basis for a specific project or emergency condition before the Board of Education's approval. No individual will be employed who has been convicted of a criminal offense listed in Section 5/21B-80(c) of the School Code. Members of the Board of Education shall refrain from making hiring suggestions and recommendations to District employees involved in the hiring process. However, this shall not restrict any Board Member from debating or discussing the potential hire of any candidate at a properly noticed meeting of the Board of Education or any of its committees for that purpose.

All applicants must complete a District application in order to be considered for employment. No individual shall begin full time, part time, club, stipend-compensated work, or any other work until receiving written approval from the Office of Human Resources. Any individual who is found to be in violation will be subject to disciplinary consequences including suspension and forfeiture of payment. It is the responsibility of the individual who has sought employment to ensure that official approval from the Office of Human Resources has been granted prior to beginning any type of employment.

Supervisors of clubs, activities, athletics, and departmental and building administrators are responsible for monitoring, supervising and ensuring that all persons have appropriate clearance from the Office of Human Resources to work before they allow any individual to begin service.

While volunteers are not paid employees of the District, these approval guidelines, as well as policy 6:250 *Volunteers*, will also apply to all volunteers.

Job Descriptions

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

Investigations

The Superintendent or designee shall ensure that a fingerprint-based criminal history records check and a check of the Statewide Sex Offender Database and Violent Offender Against Youth Database is performed on each applicant as required by State law. The Superintendent or designee shall notify an applicant if the applicant is identified in either database. The School Code requires the Board President to keep a conviction record confidential and share it only with the Superintendent, appropriate Intermediate Service Center, State Superintendent, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, or for purposes of clarifying the information, the Department of State Police and/or Statewide Sex Offender Database.

Each newly hired employee must complete an Immigration and Naturalization Service Form as required by federal law.

The District retains the right to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in Section 5/

21B-80(c) of the School Code or who falsifies, or omits facts from, his or her employment application or other employment documents.

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

1. The District uses an applicant's credit history or report from a consumer reporting agency only when a satisfactory credit history is an established bona fide occupational requirement of a particular position.
2. The District does not ask an applicant or applicant's previous employers about claim(s) made or benefit(s) received under the Workers' Compensation Act.
3. The District does not request of an applicant or employee access in any manner to his or her social networking website, including a request for passwords to such sites.
4. The District provides equal employment opportunities to all persons. See policy 5:10, *Equal Employment Opportunity and Minority Recruitment*.

Physical Examinations

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

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

Also, please refer to the current Agreement between Board of Education, Proviso Township High Schools District No. 209, County of Cook, in the State of Illinois and Service Employees International Union Local No. 73, AFL-CIO, CLC.

Orientation Program

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

Training in New Assignments

Please refer to the current Agreement between Board of Education, Proviso Township High Schools District No. 209, County of Cook, in the State of Illinois and Service Employees International Union Local No. 73, AFL-CIO, CLC.

LEGAL REF.: 105 ILCS 5/10-21.9 and 5/24-5.
Employee Credit Privacy Act, 820 ILCS 70/
Right to Privacy in the Workplace Act, 820 ILCS 55/
Americans with Disabilities Act, 42 U.S.C. §12112, 29 C.F.R. Part 1630.
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
105 ILCS 5/10-16.7, 5/10-20.7, 5/10-21.4, 5/10-21.9, 5/21B-10, 5/21B-80, 5/10-
22.34, 5/10-22.34b, 5/22-6.5, and 5/24-1 et seq.
820 ILCS 55/ and 70/
Duldulao v. St. Mary of Nazareth Hospital, 483 N.E.2d 956 (Ill.App.1, 1985), *aff'd*
in part and remanded 505 N.E.2d 314 (Ill., 1987).
Kaiser v. Dixon, 468 N.E.2d 822 (Ill.App.2, 1984).
Molitor v. Chicago Title & Trust Co., 59 N.E.2d 695 (Ill.App.1, 1945).

CROSS REF.: 2:10(School District Governance), 3:50 (Administrative Personnel Other Than
the Superintendent), 4:175 (Convicted Child Sex Offender; Screening;
Notifications), 5:10 (Equal Employment Opportunity and Minority Recruitment),
5:40 (Communicable and Chronic Infectious Disease), 5:90 (Abused and
Neglected Child Reporting), 5:125 (Personal Technology and Social Media;
Usage and Conduct), 5:220 (Substitute Teachers), 5:280 (Educational Support
Personnel - Duties and Qualifications)

ADOPTED: ~~January 13, 2015~~

General Personnel

Nepotism

The Board of Education ~~recognizes that the administrative team is responsible for recruiting and finding the best candidates for employment based upon established hiring processes. The Board of Education believes that it is necessary and in the best interest of the District to eliminate the following with respect to hiring: (1) the possibility of actual or potential conflicts of interest, (2) the appearance of impropriety, or (3) the conduct of any person with authority or influence unduly determining the selection of candidates to favor familial relatives in hiring. At all times, all individuals involved in the hiring process should be sensitive to the possibility of the perception of favoritism or abuse of power in hiring due to relationships between an employee and the candidate, including family relationships, friendships, or business-professional relationships. ~~practices strict scrutiny in reviewing the hiring of any District employee who holds any familial or business-professional relationship with any member of the Board or the Administration.~~~~

For purposes of this policy, the following definitions ~~shall be considered an "Interested Relationship":~~ of these relationships apply:

- Familial: Grandfather, grandmother, father, mother, son, daughter, brother, sister, spouse or domestic partner, niece, nephew, and cousin including all associated inlaw and step relationships for these categories.
- Business-Professional: Any such person with whom the Board or the Administration member has currently or has had within the previous 24 months a relationship where non-de minimus value (monetary or other consideration) has exchanged hands between the Board or the Administration member and the job candidate including the exchange of value with any organization in which the candidate plays a role of influence. For the purposes of this policy, any item of value permitted to be exchanged pursuant to the State Officials Employee Ethics Act and/or Board Policy 2:105 shall be considered of de minimus value. In addition, this definition does not include relationships where value was exchanged between an organization for whom any administrator or job candidate was formerly employed..

~~No person with an Interested Relationship with any member of the Board of Education, the Superintendent or a District-level administrator shall be eligible for employment in the District. Any employee who was hired prior to the adoption of this policy or who did not have an Interested Relationship at the time of hire shall be permitted to continue in employment with the District provided that the employee maintains continuous, uninterrupted employment with the District which includes extra-duty positions which may be required to be posted annually. In a case where a Board member has an Interested Relationship with an individual already employed by the District, the Board member shall publicly disclose the nature and extent of the relationship prior to any deliberations regarding the relative. The Board member shall recuse himself or herself from any deliberations or voting on any matter related to the employee's wages, benefits, hours, terms and conditions of employment, including a collective bargaining agreement which applies to the employee. Qualified candidates who have applied for a job within the District, and who hold any of the above relationships with a member of the Board and/or administration, may be offered a job so long as the individual hired is deemed to be the most qualified applicant for the job and he/she has complied with all requirements of the application process.~~

~~Any and all District Board member(s) with whom the job candidate holds the relationship shall publicly state such relationship in open session prior to any vote on the hiring of such candidate, and the Board member(s) shall recuse him/herself from voting on the hiring of such candidate.~~

~~Failure of a Board member to (1) recuse himself/herself from the discussion of such a candidate with whom the Board member holds any one or more of the relationships referenced above (2) publicly state such a relationship referenced above in open session prior to any vote on the hiring of such candidate or (3) recuse/abstain himself/herself from voting on the hiring of a candidate with whom the Board member holds such a relationship referenced above may result in the public censure of the Board member.~~

No District employee may participate in the hiring, supervision, review, recommendation, and/or decision-making in any matter concerning salary, promotion, demotion, discipline, transfer, lay-off, recall evaluation, discharge, or determining work duties or assignments with an individual with whom there is an Interested Relationship. Any individual with an Interested Relationship with any administrator at the building level shall not be employed for any position at, or later assigned to, the building of that administrator with supervisory responsibilities. If an Interested Relationship is created after the placement of the employee, said employee may be transferred provided it is permissible under any collective bargaining agreement regarding said employee.

Board Members, the Superintendent and District administration excepted, this policy shall not apply to the employment of part-time and temporary non-licensed support staff or to substitute teachers (i.e. less than 120 days in a school year.) The prohibitions in the preceding paragraph regarding prohibited participation in personnel functions with family members, however, shall apply.

~~Under no circumstances shall such candidate or any employee of D209 be assigned to work for a supervisor with whom that candidate may share any such relationship as described above. This restriction applies also to the supervisor of the employee's supervisor.~~

~~In cases where a Board member has a familial relationship with an individual already employed by the District, the Board member shall publicly disclose the nature and extent of the relationship prior to any deliberations regarding the relative. The Board member shall recuse himself or herself from any deliberations or voting on any matter related to the employee's wages, benefits, hours, terms and conditions of employment, including a collective bargaining agreement which applies to the employee.~~

ADOPTED: _____ October 12, 2010

DRAFT UPDATE

General Personnel

Family and Medical Leave

Leave Description

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

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

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

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

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

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

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

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

DRAFT UPDATE

Eligibility

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

1. The employee has been employed by the District for at least 12 months and has been employed for at least 1,250 hours of service during the 12-month period immediately before the beginning of the leave. The 12 months an employee must have been employed by the District need not be consecutive. However, the District will not consider any period of previous employment that occurred more than ~~7~~seven years before the date of the most recent hiring, except when the service break is due to fulfillment of a covered service obligation under the employee's Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, et seq., National Guard or Reserve military service or when a written agreement exists concerning the District's intention to rehire the employee.
2. The employee is a full-time classroom teacher.

Requesting Leave

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

Certification

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

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

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

The District may require recertification at reasonable intervals, but not more often than once every 30 days. Regardless of the length of time since the last request, the District may request recertification when the, (1) employee requests a leave extension, (2) circumstances described by the original

Comment [APowell1]: 1.
2. Terminology is updated to match new regulatory language.
3.
4. A service break due to fulfillment of covered service obligation is found in the *Glossary of Terms Used in FMLA* available at: webapps.dol.gov/elaws/whd/fmla/3.aspx?Glossary_Word=ELIGIBLE.
Issue 93, October 2016

DRAFT UPDATE

certification change significantly, or (3) District receives information that casts doubt upon the continuing validity of the original certification. Recertification is at the employee's expense and must be provided to the District within 15 calendar days after the request. The District may request recertification every 6 months in connection with any absence by an employee needing an intermittent or reduced schedule leave for conditions with a duration in excess of 6 months.

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

Continuation of Health Benefits

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

Changed Circumstances and Intent to Return

An employee must provide the Superintendent or designee reasonable notice of changed circumstances (i.e., within 2 business days if the changed circumstances are foreseeable) that will alter the duration of the FMLA leave. The Superintendent or designee, taking into consideration all of the relevant facts and circumstances related to an individual's leave situation, may ask an employee who has been on FMLA leave for 8 consecutive weeks whether he or she intends to return to work.

Return to Work

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

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

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

Implementation

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

LEGAL REF.: Family and Medical Leave Act, 29 U.S.C. §2601 et seq., 29 C.F.R. Part 825.

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

ADOPTED: ~~October 13, 2015~~

DRAFT UPDATE

REWRITTEN

Instruction

High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students

Credit for Non-District Experiences

A student may receive high school credit for successfully completing any of the listed courses or experiences even when it is not offered in or sponsored by the District:

1. Distance learning course, including a correspondence, virtual, or online course
2. Courses in an accredited foreign exchange program
3. Summer school or community college courses
4. College courses offering dual credit courses at both the college and high school level
5. Foreign language courses taken in an ethnic school program approved by the Illinois State Board of Education
6. Work-related training at manufacturing facilities or agencies in a Youth Apprenticeship Vocational Education Program (Tech Prep)
7. Credit earned in a Vocational Academy

The student must seek approval from the Superintendent or designee to receive graduation credit for any non-District course or experience. The Superintendent or designee shall determine the amount of credit and whether a proficiency examination is required before the credit is awarded. As approval is not guaranteed, students should seek conditional approval of the experience before participating in a non-District course or experience. The student assumes responsibility for any fee, tuition, supply, or other expense. The student seeking credit is responsible for (1) providing documents or transcripts that demonstrate successful completion of the experience, and (2) taking a proficiency examination, if requested. The Superintendent or designee shall determine which, if any, non-District courses or experiences, will count toward a student's grade point average, class rank, and eligibility for athletic and extracurricular activities. This section does not govern the transfer of credits for students transferring into the District.

Substitutions for Required Courses

Vocational or technical education. A student in grades 9-12 may satisfy one or more high school courses (including physical education) or graduation requirements by successfully completing related vocational or technical education courses if:

1. The Building Principal approves the substitution and the vocational or technical education course is completely described in curriculum material along with its relationship to the required course; and
2. The student's parent/guardian requests and approves the substitution in writing on forms provided by the District.

Advanced placement computer science. The advanced placement computer science course is equivalent to a high school mathematics course. A student in grades 9-12 may substitute the advanced placement computer science course for one year of mathematics, in accordance with Section 27-22 of

Comment [AKL1]: Policy is rewritten and amended in response to legislation. It is now organized under three subheads, described in the Update Memo. **Issue 87, October 2014**

Comment [AKL2]: Each board may choose for which, if any, of the listed non-district experiences the district will grant high school credit.
OPTION 1: If a district does not grant credit for any of the listed activities, substitute the following alternative for all text in the entire section: "The District does not grant graduation credit for learning experiences that an enrolled student does not complete through the District. This section does not govern the transfer of credits for students transferring into the District."

Comment [AKL3]: **OPTION 2-** Remove distance learning programs

Comment [AKL4]: **OPTION 3-** Remove foreign exchange program.

Comment [AKL5]: **OPTION 4-** Remove summer school/community college.

Comment [AKL6]: **OPTION 5-** Remove dual credit courses

Comment [AKL7]: **OPTION 6-** Remove foreign language courses

Comment [AKL8]: **OPTION 7-** Remove Tech Prep

Comment [AKL9]: **OPTION 8-** Remove Vocational Academy.

Comment [AKL10]: Each board may choose which, if any courses may be substituted for required courses, including P.E.

Comment [AKL11]: **OPTION 9** – District does not substitute vocational or technical education courses for required courses or for P.E.

Comment [AKL12]: **OPTION 10** – District does not substitute AP computer science course for one year of math.

DRAFT UPDATE

the School Code. The transcript of a student who completes the advanced placement computer science course will state that it qualifies as a mathematics-based, quantitative course.

Substitutions for physical education. A student in grades 9-12, unless otherwise stated, may submit a written request to the Building Principal to be excused from physical education courses for the reasons stated below. The Superintendent or designee shall maintain records showing that the criteria set forth in this policy were applied to the student's individual circumstances, as appropriate.

1. Enrollment in a marching band program for credit;
2. Enrollment in Reserve Officer's Training Corps (ROTC) program sponsored by the District;
3. Ongoing participation in an interscholastic athletic program (student must be in the 11th or 12th grade);
4. Enrollment in academic classes that are required for admission to an institution of higher learning (student must be in the 11th or 12th grade); or
5. Enrollment in academic classes that are required for graduation from high school, provided that failure to take such classes will result in the student being unable to graduate (student must be in the 11th or 12th grade).

Comment [AKL13]: OPTION 11- District does not substitute marching band for P.E.

Comment [AKL14]: OPTION 12 – District does not substitute ROTC for P.E.

Comment [AKL15]: OPTION 13 – District does not substitute athletic program for P.E.

Comment [AKL16]: OPTION 14 – District does not substitute academic classes required for admission for P.E.

Comment [AKL17]: OPTION 15- District does not substitute academic class required for graduation for P.E.

~~A student requiring adapted physical education must receive that service in accordance with his or her Individualized Educational Program/Plan (IEP).~~

A student who is eligible for special education may be excused from physical education courses pursuant to 7:260, Exemption from Physical Education, in either of the following situations:

- ~~a. He or she (a) is in grades 3-12, (b) his or her IEP requires that special education support and services be provided during physical education time, and (c) the parent/guardian agrees or the IEP team makes the determination; or~~
- ~~b. He or she (a) has an IEP, (b) is participating in an adaptive athletic program outside of the school setting, and (c) the parent/guardian documents the student's participation as required by the Superintendent or designee.~~

Comment [APowell18]:
The policy, Legal References, and Cross References are updated to reference new physical education regulations at 23 Ill.Admin.Code §1.425, added at 40 Ill. Reg. 2990.

The deleted text is now managed in a more appropriate place, 7:260, Exemption from Physical Activity Education.

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Comment [AKL19]: OPTION 16 – District does not participate in a volunteer service credit program.

Volunteer service credit. A student participating in the District's Volunteer Service Credit Program, if any, may earn credit toward graduation for the performance of community service. The amount of credit given for program participation shall not exceed that given for completion of one semester of language arts, math, science, or social studies.

Re-Entering Students

Individuals younger than 21 years of age may re-enter high school to acquire a high school diploma or an equivalency certificate, subject to the limitations in Board policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*. Re-entering students may obtain credit through the successful completion of the following (not all of these may be available at any one time):

1. District courses
2. Non-District experiences described in this policy
3. Classes in a program established under Section 10-22.20 of the School Code, in accordance with the standards established by the Illinois Community College Board
4. Proficiency testing, correspondence courses, life experiences, and other nonformal educational endeavors
5. Military service, provided the individual making the request has a recommendation from the U.S. Commission of Accreditation of Service Experiences

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The provisions in the section **Credit for Non-District Experiences**, above, apply to the receipt of credit for any non-District course.

LEGAL REF.: 105 ILCS 5/2-3.44, 5/2-3.108, 5/2-3.115, 5/2-3.142, 5/10-22.43a, 5/27-6, 5/27-22.3, and 5/27-22.05.
23 Ill.Admin.Code §§1.420~~(p)~~5(c) and (f), 1.440(f), and 1.470(c).

CROSS REF.: 6:180 (Extended Instructional Programs), 6:300 (Graduation Requirements), 6:320 (High School Credit for Proficiency), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:260 (Exemption from Physical ActivityEducation)

ADOPTED:

Compare to current district policy 6:310, or consider adding to your manual if it is not now included.

DRAFT UPDATE

Instruction

Title I Programs

The Superintendent or designee shall pursue funding under Title I, Improving the Academic Achievement of the Disadvantaged, of the Elementary and Secondary Education Act, to supplement instructional services and activities in order to improve the educational opportunities of educationally disadvantaged or deprived children.

All District schools, regardless of whether they receive Title I funds, shall provide services that, taken as a whole, are substantially comparable. Teachers, administrators, and other staff shall be assigned to schools in a manner that ensures equivalency among the District's schools. Curriculum materials and instructional supplies shall be provided in a manner that ensures equivalency among the District's schools.

Title I Parental and Family Engagement ~~Involvement~~

The District maintains programs, activities, and procedures for the ~~involvement~~engagement of parents/guardians ~~and families~~ of students receiving services, or enrolled in programs, under Title I. These programs, activities, and procedures are described in District-level and School-level compacts.

Comment [APowell1]:
The policy and Incorporated by Reference are updated to reflect new Title I program requirements under §6318 of ESEA, as amended by ESSA.
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District-Level Parental and Family Engagement ~~Involvement~~ Compact

The Superintendent or designee shall develop a *District-Level Parental and Family Engagement ~~Involvement~~ Compact* according to Title I requirements. The *District-Level Parental and Family Engagement ~~Involvement~~ Compact* shall contain: (1) the District's expectations for parental ~~involvement and family engagement~~, (2) specific strategies for effective parent ~~and family engagement~~involvement activities to improve student academic achievement and school performance, and (3) other provisions as required by federal law. The Superintendent or designee shall ensure that the *Compact* is distributed to parents/guardians of students receiving services, or enrolled in programs, under Title I.

School-Level Parental and Family Engagement ~~Involvement~~ Compact

Each Building Principal or designee shall develop a *School-Level Parental and Family Engagement ~~Involvement~~ Compact* according to Title I requirements. This *School-Level Parental and Family Engagement ~~Involvement~~ Compact* shall contain: (1) a process for continually involving parents/guardians in its development and implementation, (2) how parents/guardians, the entire school staff, and students share the responsibility for improved student academic achievement, (3) the means by which the school and parents/guardians build and develop a partnership to help children achieve the State's high standards, and (4) other provisions as required by federal law. Each Building Principal or designee shall ensure that the *Compact* is distributed to parents/guardians of students receiving services, or enrolled in programs, under Title I.

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LEGAL REF.: Title I of the Elementary and Secondary Education Act, 20 U.S.C. § 6301-6514.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 4:110 (Transportation), 5:190 (Teacher Qualifications), 5:280 (Duties and Qualifications), 6:15 (School Accountability), 6:140 (Education of Homeless Children), 6:145 (Migrant Students), 6:160 (Limited English Proficient Students), 7:10 (Equal Educational Opportunities), 7:30 (Student Assignment), 7:60 (Residence), 7:100 (Health, Eye, and Dental Examinations, Immunizations, and Exclusion of Students), 8:95 (Parental Involvement)

ADOPTED: ~~November 12, 2013~~