

# **Board of Education Policy Manual**

**Proviso Area for Exceptional Children (PAEC), #803**  
**Cook County, Illinois**



# **Proviso Area for Exceptional Children - (P.A.E.C.)**

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## **Proviso Area for Exceptional Children (P.A.E.C.)**

**SECTION 1 - COOPERATIVE ORGANIZATION**

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **1:10 Cooperative Legal Status**

The Illinois Constitution requires the State to provide for an efficient system of high-quality public educational institutions and services in order to achieve the educational development of all persons to the limits of their capabilities.

The General Assembly has implemented this constitutional mandate through the creation of joint agreements of various types for the purpose of providing special education services to children with disabilities. Proviso Area for Exceptional Children (hereinafter "P.A.E.C." or "the Cooperative" is governed by such mandates.

Special education programs and/or services shall be developed in accordance with The Illinois Rules and Regulations to Govern the Organization and Administration of Special Education as promulgated under the constitutional authority of the State of Illinois and the Office of the Illinois State Board of Education.

Consistent with 105 ILCS 5/10-22.31, the P.A.E.C. Governing Board shall serve as the administrative and legal entity for the Special Education District.

The Governing Board constitutes a body corporate that possesses all the usual powers of a corporation for public purposes, and in that name may sue and be sued, purchase, hold and sell personal property and real estate, and enter into such obligations as are authorized by law.

LEGAL REF.:

Ill. Constitution, Art. X, Sec. 1.

105 ILCS 5/10-1 et seq.

CROSS REF.: 2:10 (Cooperative District Governance), 2:20 (Powers and Duties of the Board)

Adopted: October 20, 2021

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **1:20 Cooperative Organization**

The Cooperative is organized under the "Articles of Joint Agreement for Proviso Area for Exceptional Children."

LEGAL REF.:

23 Ill Admin Code § 1.210

Adopted: October 20, 2021

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## 1:24 Membership

Membership in P.A.E.C. shall include the following school districts:

### Elementary school districts

- Berkeley School District 87
- Bellwood School District 88
- Broadview School District 92
- Hillside School District 93

### High School District

- Proviso Township High School District 209

By membership in P.A.E.C., each school district member agrees to accept and carry out the following responsibilities:

- a. Be assessed for administrative and operational costs according to procedures or policies established by the Governing Board.
- b. Render prompt payment of assessments.
- c. Provide appropriate classroom space.
- d. Support the policies, procedures and actions of the Governing Board, but reserve the right of minority opinion.
- e. Adhere to the *"Articles of Joint Agreement"*.

### Withdrawal

New members may join the Cooperative and current members shall withdraw under the terms and conditions contained in the *"Articles of Joint Agreement."*

### Participation in Special Education Services - Voluntary Partial Withdrawal

A Member District may provide its own special education service(s) that were previously provided by P.A.E.C. if the following procedures are followed:

1. The Member District will notify the Executive Director and/or the Governing Board in writing of its intent to provide its own special education service(s) no later than February 1 prior to the school year in which they plan to provide the service(s).
2. All money owed P.A.E.C. for service(s) provided shall be paid within sixty (60) days of billing by P.A.E.C.
3. If the Member District gives a notice after February 1 or fails to provide such notice, all expenses incurred by P.A.E.C. due to this action will be paid by that Member District.

Adopted: December 20, 2018

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **1:30 Mission Statement**

P.A.E.C. is a Special Education Joint Agreement (District 803) which plans and provides special education programs and services for children in member school districts. The focus is to identify and serve children ages three through twenty-one who are at risk in regular education or in need of special education services. The nature, extent and location of services are determined by the unique needs of each individual child.

CROSS REF: 2:10 (Cooperative District Governance)

Adopted: October 20, 2021

## **Proviso Area for Exceptional Children (P.A.E.C.)**

**SECTION 2 - GOVERNING BOARD**

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **2:10 Cooperative Governance**

The Cooperative is governed by a Governing Board whose membership, responsibilities and authority shall be as described in the "*Articles of Joint Agreement*", and an Executive Board whose membership, responsibilities, and authority shall be as described in the "*Articles of Joint Agreement*". The ultimate responsibility for fiscal and personnel matters rests with the Governing Board based on recommendations from the Executive Board.

Official action by the Governing Board may only occur at a duly called and legally conducted meeting. Except as otherwise provided by the Open Meetings Act, a quorum must be physically present at the meeting.

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

LEGAL REF.:

5 ILCS 120/, Open Meetings Act.

105 ILCS 5/10-1, 5/10-10, 5/10-20.5, and 5/10-22.31.

CROSS REF.: 1:10 (Cooperative Legal Status)

Adopted: October 20, 2021

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **2:20 Powers and Duties of the Boards**

The Governing Board and Executive Board shall have those powers and duties assigned to them in the *"Articles of Joint Agreement"*.

Adopted: January 17, 2024

**Proviso Area for Exceptional Children (P.A.E.C.)**



## **2:70 Vacancies on the Governing Board - Filling Vacancies**

In the event of a vacancy on the Governing Board, the member Board of Education shall designate its new Governing Board member representative and/or alternate within thirty (30) days thereof.

ADOPTED:October 11, 2011

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **2:100 Board Member Conflict of Interest**

No Board member shall: (1) have a beneficial interest directly or indirectly in any contract, work, or business of the Cooperative unless permitted by State or federal law; or (2) solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or contracts with the Cooperative. 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*.

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

### Federal and State Grant Awards

No Board member shall participate in the selection, award, or administration of a contract supported by a federal award or State award governed by the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/) if he or she has a real or apparent conflict of interest. A conflict of interest arises when a Board member or any of the following individuals has a financial or other interest in or a tangible benefit from the entity selected for the contract:

1. A member of the Board member's immediate family;
2. The Board member's partner; or
3. An entity that employs or is about to employ the Board member or one of the individuals listed in one or two above.

### LEGAL REF.:

105 ILCS 5/10-9.

5 ILCS 420/, Ill. Governmental Ethics Act.

30 ILCS 708/, Grant Accountability and Transparency Act.

50 ILCS 105/3, Public Officer Prohibited Activities Act.

2 C.F.R. §200.318(c)(1).

CROSS REF.: 2:105 (Ethics and Gift Ban), 4:60 (Purchases and Contracts), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest)

ADOPTED: October 11, 2011

REVISED: July 10, 2012; June 15, 2017; April 16, 2020; February 22, 2023

## **2:105 Ethics and Gift Ban**

### Prohibited Political Activity

The following precepts govern political activities being conducted by Cooperative employees and 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 P.A.E.C. 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 any activity that: (1) is otherwise appropriate as part of his or her official duties, or (2) is undertaken by the individual on a voluntary basis that is 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 a 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 fundraising 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 "intergovernmental gift" means any gift given to a Board member or employee from 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 26 U.S.C. §501(c)(3).

### Enforcement

The Governing Board President and Executive Director shall seek guidance from the Board attorney concerning compliance with and enforcement of this policy and State ethics laws.

Written complaints alleging a violation of this policy shall be filed with the Governing Board President or Executive Director. If attempts to correct any misunderstanding or problem do not resolve the matter, the Governing Board President or Executive Director 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 Cooperative 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;
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;
5. Is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or
6. Is an agent of, a spouse of, or an immediate family member living with a prohibited source.

"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.

#### Complaints of Sexual Harassment Made Against Board Members by Elected Officials

Pursuant to the State Officials and Employees Ethics Act (5 ILCS 430/70-5), members of the Board and other elected officials are encouraged to promptly report claims of sexual harassment by a Board member. Every effort should be made to file such

complaints as soon as possible, while facts are known and potential witnesses are available. If the official feels comfortable doing so, he or she should directly inform the individual that the individual's conduct or communication is offensive and must stop.

Board members and elected officials should report claims of sexual harassment against a member of the Board to the Board President or Executive Director. If the report is made to the Executive Director, the Executive Director shall promptly notify the President, or if the President is the subject of the complaint, the Vice President. Reports of sexual harassment will be confidential to the greatest extent practicable.

When a complaint of sexual harassment is made against a member of the Board by another Board member or other elected official, the Executive Director shall appoint a qualified outside investigator who is not a Cooperative employee or Board member to conduct an independent review of the allegations. The investigator shall prepare a written report and submit it to the Board.

If a Board member has engaged in sexual harassment, the matter will be addressed in accordance with the authority of the Board.

The Executive Director will post this policy on the Cooperative website and/or make this policy available in the Cooperative's administrative office.

LEGAL REF.:

105 ILCS 5/22-93.

5 ILCS 430/1-1 et seq.

10 ILCS 5/9-25.1.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 2:260 (Uniform Grievance Procedure), 4:60 (Purchases and Contracts), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest)

ADOPTED: October 11, 2011

REVISED: July 10, 2012; September 10, 2013; December 20, 2018; April 16, 2020; February 16, 2022; February 22, 2023

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **2:110 Qualifications, Term, and Duties of Board Officers**

#### Governing Board

The officers of the Governing Board shall be a President, Vice-President, and a Secretary. They shall be elected from the Governing Board membership at the regular June meeting. The Executive Director of P.A.E.C. shall serve as an executive officer of

the Governing Board without voting rights. The term of office in all instances shall be for one (1) year.

If the President and Vice-President are absent from any meeting or refuse to perform their duties, a temporary President, who shall be a member of the Governing Board, shall be appointed.

If the Secretary is absent from any meeting or refuses to perform his/her duties, a Secretary Pro Tempore, who shall be a member of the Governing Board, shall be appointed by the President.

Vacancies occurring in an office during the year shall be filled by special election as determined by the Governing Board.

### Duties of the President

The President of the Governing Board shall preside at all meetings and shall perform such other duties as usually pertain to the office or as imposed by law or by action of the Governing Board.

The President shall have the same rights as do other members of the Governing Board.

The President shall call special meetings of the Governing Board.

The President shall sign official documents that require the President's signature.

The President shall serve as or appoint the Board's official spokesperson to the media.

The President shall ensure that all fingerprint-based criminal history records information checks, screenings, and sexual misconduct related employment history reviews (EHRs) required by State law and policy 5:30, *Hiring Process and Criteria*, are completed for the Executive Director.

### Duties of the Vice-President

The Vice-President of the Governing Board shall perform the duties of the President if there is a vacancy in the office of the President, if the President is absent or if the President is unable to perform the duties of the office. The Vice-President shall perform other duties as imposed by the rules of the Governing Board.

### Duties of the Secretary

The Secretary shall perform all duties usually pertaining to his/her office...and such as are imposed on him/her by law, or by action of the Governing Board. As a member of the Governing Board, the Secretary may vote on all questions which come before the Board. The Secretary may delegate duties to the Executive Director's Secretary.

1. Notice of Meetings - The Secretary shall notify members of regular and special meetings.



2. Minutes - The Secretary shall keep true and correct records of all transactions of the Board. Minutes of all Board meetings shall be kept in accordance with State law. The minutes shall be kept in well-bound books with numbered pages, convenient for reference. The Secretary shall furnish each member of the Governing Board and the Executive Director and members of the Executive Board with a copy of the unapproved minutes not later than at the time of the next regular meeting.
3. Notices and Reports - The Secretary shall publish notices, prepare reports, and sign documents as required by law or by regulations of governmental agencies.
4. Preparation for Board Meetings - The Secretary to the Executive Director shall prepare the agenda under the direction of the Executive Director. The Secretary shall prepare a draft copy of Governing Board policy motions upon the Executive Director's direction.
5. Files and Reference - The Secretary shall maintain up-to-date files on Board policies, financial reports, publicity, correspondence and all Board actions.
6. Official Records - The Secretary shall arrange for public inspection of and hearing on the tentative budget no less than thirty (30) days prior to the budget adoption.

#### Executive Board

The Chairperson of the Executive Board shall be the Superintendent of a member school district and selected on an annual basis during the June meeting.

#### LEGAL REF.:

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, 5/10-21.9, 5/17-1, 5/21B-85, and 5/22-94.

5 ILCS 120/7, Open Meetings Act.

5 ILCS 420/4A-106, Ill. Governmental Ethics Act.

Adopted: June 21, 2023

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **2:125 Board Member Compensation; Expenses**

#### Board Member Compensation Prohibited

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 Cooperative Expenses

The Board regulates the reimbursement of all travel, meal, and lodging expenses in the Cooperative by resolution. No later than approval of the annual budget and when necessary, the Executive Director will recommend a maximum allowable reimbursement amount for expenses to be included in the resolution. The recommended amount should be based upon the Cooperative'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 Director 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 Executive Director 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 Executive Director: (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 Cooperative 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 preapproval 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.

### Standardized Expense Form(s) Required

All requests for expense advancement, reimbursement, and/or purchase orders in the Cooperative 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 Cooperative 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, ride sharing or other local transportation costs.
3. Meals. Meals charged to the School Cooperative 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.

#### Additional Requirements for Travel Expenses Charged to Federal and State Grants

All Board member expenses for travel charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act (30 ILCS 708/) must comply with Board policy 5:60, *Expenses*, and its implementing procedures. Travel expenses include costs for transportation, lodging, meals, and related items.

#### LEGAL REF.:

105 ILCS 5/10-20 and 5/10-22.32.

30 ILCS 708/, Government Accountability and Transparency Act.

50 ILCS 150/, Local Government Travel Expense Control Act.

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)

Adopted: June 18, 2020

**Proviso Area for Exceptional Children (P.A.E.C.)**

**2:125-E1 Exhibit - Board Member Expense Reimbursement Form**

*Submit to the Executive Director , who will include this request in the monthly list of bills presented to the Board. Please print and attach receipts for all expenditures. Use of this form is required by 2:125-E3, Resolution to Regulate Expense Reimbursements. Please print.*

Name: \_\_\_\_\_

Title/Office:

\_\_\_\_\_

Travel Destination: \_\_\_\_\_

Purpose:

\_\_\_\_\_

Departure Date: \_\_\_\_\_

Return Date:

\_\_\_\_\_

**Receipts attached** Request Date: \_\_\_\_\_

**Estimated expenses attached** (Completed 2:125-E2, Board Member Estimated Expense Approval Form)(pre-approval is required for federal and State grants).

**Approved expense advancement (voucher) attached, if applicable\*** (Completed 2:125-E2, Board Member Estimated Expense Approval Form.)

<b>Actual Expense Report</b>										
<p>* Board members will be reimbursed for actual and necessary expenses that exceed the amount advanced, but must refund any expense advancement that exceeds the actual and necessary expenses incurred. 105 ILCS 5/10-22.32. For federal and State grants, board members will be reimbursed for actual and necessary expenses that exceed estimated expenses as permitted by Board policy 2:125, <i>Board Member Compensation; Expenses</i>.</p>										
Auto Travel Allowance: _____ per mile										
Date	Auto Mileage		Transp. Expenses	Lodging	Meals or Per Diem			Other		Daily Total
	Miles	Cost			Bkfst	Lunch	Dinner	Item	Cost	
<b>Subtotal</b>										
<b>Advances</b>									-	
<b>TOTAL</b> (a negative amount indicates refund due from Board member)									<b>\$</b>	

Submitting Board Member's Signature \_\_\_\_\_ Date \_\_\_\_\_

Executive Director Signature \_\_\_\_\_ Date \_\_\_\_\_

**School Board Action:**

- Approved**       **Denied**
- Approved in**    **Part Exceeds Maximum Allowable Amount**
- Grant Funding Source** (if applicable):

Comments:

DATED : June 18, 2020

## **Proviso Area for Exceptional Children (P.A.E.C.)**

## 2:125-E2 Exhibit - Board Member Estimated Expense Approval Form

*Submit to the Executive Director , who will include this request in the monthly list of bills presented to the Board. Use of this form is required (1) by 2:125-E3, Resolution to Regulate Expense Reimbursements and (2) for pre-approval of expenses to be charged to a federal grant or State grant governed by the Grant Accountability and Transparency Act. Please print.*

Name: \_\_\_\_\_

Title/Office:

\_\_\_\_\_

Travel Destination: \_\_\_\_\_

Purpose:

\_\_\_\_\_

Departure Date: \_\_\_\_\_

Return Date:

\_\_\_\_\_

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

**Travel is grant-related\*** (specify grant): \_\_\_\_\_

### **Purchase Order Requested**

Purchase Order #: \_\_\_\_\_

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

Voucher Amount: \_\_\_\_\_



## Estimated Expense Report

Auto Travel Allowance: \_\_\_\_\_ per mile

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

Date	Auto Mileage		Transp. Expenses	Lodging	Meals or Per Diem			Other		Daily Total
	Miles	Cost			Bkfst	Lunch	Dinner	Item	Cost	
<b>Total</b>										<b>\$</b>

Submitting Board Member's Signature \_\_\_\_\_ Date \_\_\_\_\_

Executive Director Signature \_\_\_\_\_ Date \_\_\_\_\_

**School Board Action:**

- Approved**       **Denied**
- Approved**       **in Part Exceeds Maximum Allowable Amount**
- Grant Funding Source** (if applicable):

Comments:

DATED : June 18, 2020

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **2:140 Communications To and From the Board**

The Governing Board welcomes communications from staff members, parents/guardians, students, and community members. Individuals may submit questions or communications for the Board's consideration to the Executive Director or may use the electronic link to the Board's email address(es) posted on the Cooperative's website.

The Executive Director or designee shall:

1. Ensure that the home page for the Cooperative's website contains an active electronic link to the email address(es) for the School Board, and
2. During the Board's regular meetings, report for the Board's consideration all questions or communications submitted through the active electronic link along with the status of the Cooperative's response in the Board meeting packet.

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 Director's office. Board members will not take individual action that might compromise the Board or Cooperative. 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 Cooperative business. Electronic communications among Board members shall be limited to: (1) disseminating information, and (2) messages not involving deliberation, debate, or decisionmaking. 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

In accordance with the Open Meetings Act, 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 through electronic communications with a majority of a Board-quorum.

LEGAL REF.:

5 ILCS 120/, Open Meetings Act.

50 ILCS 205/20, Local Records Act.

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

Adopted: October 17, 2019

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **2:140-E Exhibit - Guidance for Board Member Communications, Including Email Use**

The Open Meetings Act (OMA) requires the Governing Board to discuss Cooperative business only at a properly noticed Board meeting. 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 Cooperative business. This *Guidance* assumes a Board has five 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 Executive Director Outside of a Properly Noticed Board Meeting

1. The Executive Director or designee is permitted to email information to Board members. For example, the Executive Director may email Board meeting agendas and supporting information to Board members. When responding to a single Board member's request, the Executive Director 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 Cooperative 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 Cooperative 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 Cooperative 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 Cooperative 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 Cooperative 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 Cooperative-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 Cooperative business. As stated earlier, emails among a

majority or more of a Board-quorum violate OMA and, thus, are subject to disclosure during proceedings to enforce OMA.

- b. Sent and/or received by an individual Board member on a Cooperative-issued device or Cooperative-issued email address **will be a public record** and subject to FOIA. The electronic communication is under the control of the Cooperative.
- c. Received by an individual Board member on a personal electronic device and then forwarded by the Board member to a Cooperative-owned device or server **will be a public record** and subject to FOIA. The electronic communication is under the control of the Cooperative.
- 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 Cooperative'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 Cooperative's possession because Board members were functioning collectively as a public body.

The Cooperative'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(LRA), only if it is evidence of the Cooperative's organization, function, policies, procedures, or activities or contains informational data appropriate for preservation. 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 Cooperative office where it will be stored. If made available, Board members should use their email accounts provided by the Cooperative, and the Cooperative will automatically store the official record messages. The Cooperative 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 Cooperative-issued device or email address will be subject to FOIA, even if the email does not need to be retained under the LRA.

**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. This is referred to as a *litigation hold*. 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.

DATED : October 17, 2019

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **2:150 Board Committees**

The Governing Board shall authorize special committees as are deemed necessary. The President shall appoint committees to act upon a specific problem defined at the time a committee is created. Upon reporting its action to the Board, the said committee shall be dissolved unless the Board renews its appointment.

The Governing Board may enlist citizen groups for assistance and counsel. Such groups shall function within the guidelines furnished to them by the Board, and their recommendations shall be advisory only. The Governing Board cannot delegate its legal responsibility.

### Standing Committees

The following committee shall serve in an advisory capacity to the P.A.E.C. Executive Board. • Finance Committee

LEGAL REF.:

5 ILCS 120/, Open Meetings Act.

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 Board Meetings)

ADOPTED: October 11, 2011

REVISED: July 10, 2012

REVIEWED: February 22, 2023

## **Proviso Area for Exceptional Children (P.A.E.C.)**

## **2:160 Board Attorney**

The Governing Board may retain legal services with one or more attorneys or law firms to be the Board Attorney(s). The Board Attorney represents the Governing Board in its capacity as the governing body for the Cooperative. 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 or as memorialized by an engagement letter. The Cooperative will only pay for legal services that are provided in accordance with the agreement for legal services, as memorialized by an engagement letter, or that are otherwise authorized by this policy or a majority of the Board.

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

The Executive Director may authorize the Board Attorney to represent the Cooperative in any legal matter until the Board has an opportunity to be informed of and/or 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)

Adopted: June 18, 2020

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **2:160-E Exhibit - Checklist for Selecting a Board Attorney**

The Board selects and retains the Board Attorney(s). The Board may use this checklist for guidance when it selects and retains attorney(s) and/or law firms for legal services. This checklist is designed for the Board to use a request for proposal (RFP) process to seek outside attorneys/law firms. The Board may also select an attorney without using an RFP process and adapt this checklist. The Board may also adapt this checklist and use it for an application process, if the Board seeks an inhouse attorney. For more information, call the IASB Office of General Counsel; see its current phone numbers at [www.iasb.com/about-us/staff/#office-general-counsel](http://www.iasb.com/about-us/staff/#office-general-counsel).

#### **Determine what type of legal services the District needs.**

1. Review Board policy 2:160, *Board Attorney*. **Note:** Critically analyze whether the Cooperative's legal needs are best served by in-house attorney(s) or outside attorney(s)/law firms. Many districts use a combination of these services. Many districts also use multiple attorney(s)/law firms for their specialties, e.g., different law firms for bond counsel, special education, or labor law. Some boards also approve a panel of attorneys and allow the administration to choose which attorney to use.
2. Consider the following factors to analyze the type(s) of legal services needed for the Cooperative including, but are not limited to:
  - Cooperative's size;
  - Any past and current experiences with legal matters;
  - Complexity of the Cooperative's legal needs;
  - Availability of expertise; and
  - Cost of outside fees compared to internal staff expenses for an in-house arrangement.



**□ Develop a list of qualifications necessary for providing quality legal services to the Cooperative.**

1. Review policy 4:60, *Purchases and Contracts*. **Note:** While State law exempts hiring an attorney from bidding requirements (105 ILCS 10-20.21(a)), the Board may want to review its procurement processes and align procurement for legal services to its non-bidding-related standards for purchases, e.g., avoiding favoritism, staying within the Cooperative's budget, etc.
2. Develop the list of qualifications. The major qualifications include, but are not limited to:
  - Licensed to practice law in Illinois and in good standing with the Ill. Attorney Registration and Disciplinary Commission (ARDC) (see checklist item *Conduct a reference check and other background investigations*, below)
  - Member of the Cooperative's assigned United States district court and the Seventh Circuit Court of Appeals
  - Substantive knowledge and experience in the legal areas matching Cooperative's needs, e.g., bidding, civil rights, collective bargaining, education reform, employment law, Freedom of Information Act, Open Meetings Act, other records laws, special education, student rights, etc. **Note:** This list of knowledge and experience must be created by the Cooperative's identified needs and may change from time to time.
  - Experience in all aspects of contract, employment, and school law
  - Experience that meets the Cooperative's needs, including litigation experience in State and federal courts
  - Membership in professional associations, such as, the Ill. Council of School Attorneys (ICSA) and education law sections of bar associations, etc.
  - Demonstrated knowledge of and ability to apply professional responsibility rules

- Accessibility for the Cooperative's identified needs, e.g., evening Board meetings, phone calls, etc.
- Ability to declare that representation of the Cooperative will be to the exclusion of all other clients having potential conflicts with the Cooperative's interests
- When additional qualifications apply, list those qualifications for providing legal services. This may include specialties such as bond counsel, etc.

## □ Develop the RFP.

1. Insert the list of qualifications that the Board developed.
2. Include the following information:

- The deadline for responses to be submitted
- The location (address or email) where responses should be sent
- A statement that the Board is soliciting proposals from qualified lawyers and law firms to provide legal services to the School Cooperative
- Significant information about the Cooperative (see policy 1:30, *Mission Statement*, for the Cooperative's mission statement that is specific to the community's goals)
- The scope of work, e.g., "The Board Attorney will provide legal advice concerning [*typical duties, specific duties, excluded duties*]."

Qualifications

Details about interviews and presentations

3. Specify what responders must include in their responses, such as the following:

- Cover letter, complete name, address, and legal structure (if the responder is a law firm)
- The individuals who prepared the response, including their titles
- If different from above, the identity of and directory information for the individuals who have authority to answer questions regarding the submitted proposal

A proposed fee schedule, e.g., "Respondents may combine set fees and hourly fees. If hourly fees are proposed, please provide the minimum time increment for billing purposes. If a retainer agreement is proposed, please specifically describe options."

- A summary of the responder's relevant experience representing public schools
- A writing sample

An assurance that the responder meets the RFP's qualifications References including current or past clients □

## Announce the RFP.

1. Title the announcement. **Note:** How and where the RFP is announced are at the Board's sole discretion. The Board may want to announce the RFP during an open

meeting, post it on the Cooperative's website, mail or email it to local law firms, and/or place it in the local newspaper(s) or other legal publications. A directory of those lawyers belonging to the ICSA is on the IASB website, [www.iasb.com](http://www.iasb.com). A printed copy is available upon request. Inclusion in the directory does not represent an IASB endorsement. Some attorneys who practice school law do not belong to ICSA. Other online sources, such as the Ill. State Bar Association, also maintain directories of information about attorneys. The Board may want to title the announcement "The

[Cooperative's *Insert s name*] School Board Requests Proposals to Provide Legal Services."

2. Announce that the Board seeks an attorney or law firm to serve as its Board Attorney.
3. Inform the reader that the attorney or law firm selected will serve either *at will* or from the date of appointment to [*date*]. The length of the appointment is at the Board's discretion.
4. State the School Cooperative's philosophy or mission statement.
5. Insert the RFP location and contact information with the beginning date and time.
6. Tell prospective responders that completed RFPs must be returned by [*certain time and date*] to [*name and title of person receiving applications*].

**Receive and manage responses to the RFP.**

1. Review policy 2:110, *Qualifications, Term, and Duties of Board Officers*. The Board President is a logical officer to accept the applications, but this task may be delegated to the Secretary or Executive Director's secretary if the Board determines that it is more convenient. Who accepts applications is at the Board's sole discretion and should be decided by the Board prior to posting the RFP announcement.
2. The Board will discuss, at an open meeting, its process to review the applications and who will contact RFP responders for an interview.
3. The designated person will contact RFP responders for interviews.

**Develop interview questions if the Board interviews attorneys or law firms.**

1. Interview questions are at the Board's discretion.
2. A prospective attorney or law firm to fill the Board Attorney position may raise other specific issues that the Board will want to cover during an interview.
3. The following non-exhaustive list of interview questions may help the Board tailor its questions toward finding an attorney or law firm with an approach to the role of the Board Attorney that the Board desires:

- - What do you see as your role as Board Attorney?
  - How many other school cooperatives or districts do you currently represent?
  - What kind of legal services do you provide to your school clients? Please explain how your other experience is relevant to this position.
  - How many years of experience does your firm (or, the attorney) have? How long have you been practicing law? How long have you been representing school cooperatives and districts?
  - What methods will you use to ensure all members of the Board, which is your client, remain informed? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
  - How would you manage a situation in which the Board feels strongly about its position but you believe that position is not legally supportable? The *Ill. Rules of Professional Conduct*, at [www.illinoiscourts.gov/supremecourt/rules/art\\_viii/default\\_new.asp](http://www.illinoiscourts.gov/supremecourt/rules/art_viii/default_new.asp), require attorneys to represent the Board in its capacity as the governing body for the District. The responders should be discussing these rules, specifically Rule 1.7 (Conflict of Interest: Current Clients) and Rule 1.13 (Organization as Client), among others, in their answers to this question. See also, **PRESS** policy 2:160, *Board Attorney*.
  - How would you manage a situation in which the Board's interest may be or become adverse to one or more of its members? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
  - How would you manage a situation in which the Board and Executive Director are in conflict? How about a divided Board? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
  - If the Board did something that you had advised against, could you still defend the Board's action? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
- Will you try to shape Board decisions or do you have a *whatever the Board decides philosophy*? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
- Do you give clients specific recommendations or do you advise them of the available options and let the client decide? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.

- Do you provide your school Board clients with any updating services gratis?
  - How do you keep your Board clients apprised of litigation and other legal matters you are handling for them?
  - Will you be handling this business personally, i.e., will you delegate to your associates or partners?
  - Can anyone else in your firm handle our inquiries when you are unavailable?
  - How do you keep current on school law?
  - When do you tell your school clients to contact you regarding a matter with possible legal repercussions?
- Have you represented a school cooperative or district in a matter involving the rights of disabled students? ...involving disabled employees? ... involving a student expulsion? ... involving a teacher dismissal? ... involving an employee's contract or dismissal? ... involving a building contract or bidding matter? ... Can you tell us about that case?
- How do you bill? How are you to be paid? Please explain your rates and/or fees. The subject of billing should cover whether the attorney or law firm prepares a budget for representation and its method for billing in detail, including the date and time, what work was performed, and who worked on the project, along with expenses.
  - Did you bring a written agreement for legal services, engagement letter, or a retainer agreement? If yes, please review it for us now. If not, please explain the options for a written agreement for legal services, engagement letter, or a retainer agreement.

**□Develop an interview protocol.** Interviews may occur in closed session pursuant to 5 ILCS 120/2(c)(1).

1. The Board President will lead the Board as it interviews responders to its RFP. See 105 ILCS 5/10-13 stating that the Board President presides at all meetings and policy 2:110, *Qualifications, Term, and Duties of Board Officers*.
2. The Board may also want to consider allowing an equal amount of time for each interview.
3. Discuss the following items with each responder during the interview:
  - Introduce Board members to the responder
  - Describe the Board's interview process, selection process, and ask the responder if he or she has questions about the Board's process for selecting its attorney
  - Describe the District's philosophy or mission statement
  - Describe the Board Attorney position by reviewing the RFP
  - Begin asking the interview questions (see *Develop interview questions*, above)

Ask the responder whether he or she has any questions for the Board

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Thank the responder and inform him or her when the Board expects to make its decision and how the responder will be contacted regarding the Board's decision

**Conduct a reference check and other background investigation(s).**

1. The Board President may perform this check or direct the Executive Director to:

- - Check the ARDC's master roll of attorneys as "Authorized to Practice Law" (To do this, enter the attorney's name into the ARDC's registration and public disciplinary records database at: [www.iardc.org/lawyersearch.asp](http://www.iardc.org/lawyersearch.asp).)
  - Click on the attorney's name to review whether any disciplinary actions are pending or resolved; current and prior actions will appear at the bottom of the screen
  - If disciplinary actions are listed, ask the attorney or law firm for more information

2. There are other online attorney review services available. These services may be overly subjective and/or the attorney may have control over the content in these services. Always check with the ARDC.

3. Call references provided by the responder.

**☐ Enter into a written agreement or engagement letter with the selected attorney or law firm.**

1. All *agreements for legal services* should be in writing. At minimum, the agreement should provide the fee arrangement and the scope of services. *Agreements for legal services* and individual billing statements from the Board Attorney are subject to disclosure pursuant to a Freedom of Information Act request (PAO 14-02).

2. Discuss the fee arrangements with the responder and decide:

- Whether to enter into a fee arrangement and/or a retainer agreement (**Note:** Attorneys typically bill by a pre-determined percentage of the hour, e.g., in one-tenth of an hour increments. Many cooperatives enter into a retainer agreement for legal services or an engagement letter that requires them to pay the attorney a pre-determined fee every month. In return, the attorney provides a pre-determined amount of legal services whenever the district needs him or her. Cooperatives find this useful because (1) they can budget for legal expenses, (2) legal advice is available up to the pre-determined amount for lower fees, and (3) this arrangement often provides for an enhanced, long-term relationship with the attorney.)

- The appropriate scope of services

3. Review the written contract or memorialized relationship (*agreement for legal services* or *engagement letter*) for these provisions:

- Fee arrangement
- Scope of services
- Which attorneys will be providing legal services
- A statement that the Board controls all legal decisions
- A statement that the attorney and his or her law firm have no conflicts of interest or, if a conflict exists, that the Board understands the conflict and waives it

- 

Board's right to terminate the services of the attorney and law firm at any time for any reason

4. Approve the *agreement for legal services* or *engagement letter* during an open Board meeting.

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

1. The contents of the announcement and length of time it is displayed are at the Board's sole discretion.
2. The Board may want to consider announcing during an open meeting. See policy 8:10, *Connection with the Community*.
3. The Board may want to include the following information in its announcement:

The Board appointed [attorney's name or law firm name] as the Board Attorney

- The appointment will begin on [date] for [length of time]
- The Board previously established qualifications for the Board Attorney in a careful and thoughtful manner, e.g., "[Attorney or law firm's name] meets these qualifications and has demonstrated the willingness to accept its duties and responsibilities. [Attorney or law firm's name] brings a clear understanding of the demands and expectations of the Board Attorney position along with a constructive attitude toward the challenge."

DATED : June 18, 2020

**Proviso Area for Exceptional Children (P.A.E.C.)**



## **2:170 Procurement of Architectural, Engineering, and Land Surveying Services**

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

LEGAL REF.:

40 U.S.C. §1101 et seq.

50 ILCS 510/, Local Government Professional Services Selection Act.

105 ILCS 5/10-20.21.

Shively v. Belleville Twp. High Sch. Dist. 201, 329 Ill.App.3d 1156 (5th Dist. 2002), *appeal denied*.

Adopted: July 26, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 2:200 Types of Board Meetings

### General

For all meetings of the Governing and Executive Board and their committees, the Executive Director 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 Board room at P.A.E.C. Policy 2:220, *Board Meeting Procedure*, governs meeting quorum requirements.

The Executive Director is designated on behalf of the Boards 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 Executive Director 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 Governing Board announces the time and place for its regular meetings at the beginning of each fiscal year. The Executive Director shall prepare and make available the calendar of regular Governing Board meetings. The regular meeting calendar may be changed with 10 days' notice in accordance with State law. If a meeting cannot be held on a scheduled date due to the lack of a quorum or for any other cause, the meeting shall be held on another date designated by the President, which shall be within 14 days of the original date.

The Executive Board shall meet on a regular monthly basis prior to the Governing Board meeting. The dates for these meetings shall be established and announced prior to the beginning of each fiscal year.

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

### Closed Meetings

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

1. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors or specific volunteers of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor or a volunteer 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).

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. Evidence or testimony presented to the Board regarding denial of admission to school events or property pursuant to 105 ILCS 5/24-24, provided that the Board prepares and makes available for public inspection a written decision setting forth its determinative reasoning. 5 ILCS 120/2(c) (4.5).
6. 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).
7. The setting of a price for sale or lease of property owned by the public body. 5ILCS 120/2(c)(6).
8. The sale or purchase of securities, investments, or investment contracts. 5 ILCS 120/2(c)(7).
9. 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. 5ILCS 120/2(c)(8).
10. Student disciplinary cases. 5 ILCS 120/2(c)(9).
11. The placement of individual students in special education programs and other matters relating to individual students. 5 ILCS 120/2(c)(10).
12. 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).
13. 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).

14. 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).
15. 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).
16. 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).
17. Any other purpose permitted by law.

The Governing or Executive 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 of the Governing Board or Executive Board 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 Cooperative's main office at least 48 hours before the meeting.

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 Cooperative Website

In addition to the other notices specified in this policy, the Executive Director or designee shall post the following on the Cooperative 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 Meetings Act.

5 ILCS 140/, Freedom of Information Act.

105 ILCS 5/10-6 and 5/10-16.

CROSS REF.: 2:210 (Organizational Board Meetings), 2:220 (Board Meeting Procedure), 2:230

(Public Participation at Board Meetings and Petitions to the Board), 6:235 (Access to Electronic Networks), 8:30 (Visitors to and Conduct on School Property)

ADOPTED: October 11, 2011

REVISED: February 12, 2013; April 21, 2016; March 16, 2017; April 16, 2020; January 17, 2024

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **2:210 Organizational Board Meeting**

The Governing Board's annual organizational meeting shall be the June meeting. The order of business shall include:

1. Choose a temporary chairperson.
2. Elect the President.
3. Elect the Vice-President.
4. Elect the Secretary.

Once the President is elected, the remainder of the meeting shall include, but not be limited to:

1. Adoption of existing policies.
2. Selection of the Board's attorney.

3. Naming of a newspaper in which to publish all Board informational and/or legal notices.
4. Set meetings for the following twelve months.
5. Appoint the Township Treasurer as the treasurer for P.A.E.C.
6. Appoint auditors.
7. Appoint architect.

The Executive Board shall select its chairperson annually at its June meeting.

LEGAL REF.:

105 ILCS 5/10-5, 5/10-16, and 5/10-16.5.

10 ILCS 5/2A-1 et seq., Election Code.

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

Adopted: February 22, 2023

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **2:220 Board Meeting Procedure**

#### Agenda

The Governing Board President and Executive Director are responsible for focusing their respective Board meeting agendas on appropriate content. The Executive Director shall prepare agendas in consultation, when deemed necessary, with the Board President. The Board President shall designate a portion of the agenda as a consent agenda for those items that usually do not require extensive discussion 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 Executive Director, or Board President shall be placed on the agenda. Such suggestions must be received by the Executive Director at least one week prior to the Board meeting. Cooperative 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 Executive Director 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 Board Meetings*. Copies of the agenda shall be available at the meeting for the convenience of visitors.

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, a 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.

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.

Any Board member may request that his or her vote be changed before the President announces the result.

### 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 (OMA) 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, with the approval of the other Board members, he/she may append at that time, a statement indicating the reason for his/her vote; 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.

Every six months, or as soon after as is practicable, in an open meeting, the Board: (1) reviews minutes from all closed meetings that are currently unavailable for public release, and (2) determines which, if any, no longer require confidential treatment and are available for public inspection. This is also referred to as a *semi-annual review*. The Board may meet in a prior closed session to review the minutes from closed meetings that are currently unavailable for public release, but it reports its determination in open session.

The Board's meeting minutes must be submitted to the Secretary for inspection and approval at such times as the Treasurer may require.

The official minutes are in the custody of the Executive Director. Open meeting minutes are available for inspection during regular office hours within 10 days after the Board's approval; they may be inspected in the Cooperative's main office, in the presence of the Secretary, the Executive Director 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 Cooperative's administrative offices or their official storage location, and (2) in the presence of the Recording Secretary, the Executive Director or designated administrator, or any elected Board member. The minutes, whether reviewed by members of the public or the Board, shall not be removed from the Cooperative'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 Cooperative's website within 10 days after the Board approves them; the minutes will remain posted for at least 60 days.

#### Verbatim Record of Closed Meetings

The Executive Director, or the Board Secretary when the Executive Director 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 Executive Director 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 the Recording Secretary, the Executive Director or designated administrator, or any elected



Board member. Access to the verbatim recordings is available at the Cooperative's administrative offices or the verbatim recording's official storage location. Requests shall be made to the Executive Director or Board President. While a Board member is listening to a verbatim recording, it shall not be re-recorded or removed from the Cooperative'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 or service to Cooperative. 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 Cooperative business, (3) a family or other emergency, or (4) unexpected childcare obligations. If a member wishes to attend a meeting by video or audio means, he or she must notify the recording secretary or Executive Director at least 24 hours before the meeting unless advance notice is impractical. The recording secretary or Executive Director 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.

#### No Physical Presence of Quorum and Participation by Audio or Video; Disaster Declaration

The ability of the Board to meet in person with a quorum physically present at its meeting location may be affected by the Governor or the Director of the Ill. Dept. of Public Health issuing a disaster declaration related to a public health emergency. The Board President or, if the office is vacant or the

President is absent or unable to perform the office's duties, the Vice President determines that an inperson meeting or a meeting conducted under the **Quorum and Participation by Audio or Video Means** subhead above, is not practical or prudent because of the disaster declaration.; if neither the President nor Vice President are present or able to perform this determination, the Executive Director shall serve as the duly authorized designee for purposes of making this determination.

The individual who makes this determination for the Board shall put it in writing, include it on the Board's published notice and agenda for the audio or video meeting and in the meeting minutes, and ensure that the Board meets every OMA requirement for the Board to meet by video or audio conference without the physical presence of a quorum.

## Rules of Order

Unless State law or Board-adopted rules apply, the Board President as the presiding officer, will use the most recent edition of Robert's Rules of Order Newly Revised, 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 Executive Director 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, 120/2.06, and 120/7, Open Meetings Act.

105 ILCS 5/10-6, 5/10-7, 5/10-12, and 5/10-16.

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

ADOPTED: October 11, 2011

REVISED: July 10, 2012; February 12, 2013; September 10, 2013; March 16, 2017; April 16, 2020; December 17, 2020; February 16, 2022; January 17, 2024

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 2:220-E9 Exhibit - Requirements for No Physical Presence of Quorum and Participation by Audio or Video During Disaster Declaration

*Use this exhibit to document the Board's and/or its committee(s)'s (5 ILCS 120/1.02) processes to comply with the requirements of the Open Meetings Act (OMA) when a board and/or its committee(s) must meet during a disaster declaration related to a public health emergency/concern and the meeting will have no physical presence of a quorum and participation by audio or video.*

**Note:** *If a Board committee uses this exhibit, replace Board President, Vice President, and Executive Director with the appropriate committee leaders.*

### **Consult the Board Attorney for guidance.**

#### Documentation of OMA Requirements for Board Members to Participate in a Meeting with No Physical Presence of Quorum

The Governor or the Director of the Ill. Dept. of Public Health has issued a disaster declaration related to a public health emergency because of a disaster as defined in 20 ILCS 3305/4, and all or part of the jurisdiction of the Board is covered by the disaster area. 5 ILCS 120/7(e)(1), amended by P.A. 101-640. **Note:** OMA uses “public health concerns,” but the Ill. Emergency Management Act (IEMA) uses “public health emergency;” this exhibit matches the IEMA term because it governs disaster declarations.

*Insert Disaster Declaration or Executive Order number [ \_\_\_\_\_ ] or attach to this document.*

The Board President or, if the office is vacant or the President is absent or unable to perform the office's duties, the Vice President, or if neither the President nor Vice President are present or able to perform this determination, the Executive Director (5 ILCS 120/7(e)(2), amended by P.A. 101-640, and 140/2(e)) signs below that the following three **Steps** were executed by:

**Step 1.** Determining whether the meeting is a bona fide emergency (5 ILCS 120/7(e)(7), amended by P.A. 101-640) (*check Yes or No, below*):

Yes; it is an emergency meeting, and I:

- A. Notified the Board members and the public, including any news medium which has filed an annual request for notice of meetings as soon as practicable, but in any event prior to the holding of such meeting pursuant to 5 ILCS 120/2.02(a) and 120/7(e)(7)(A), amended by P.A. 101-640; B. Stated the nature of the emergency at the beginning of the meeting; and
- C. Provided the Executive Director or Board Secretary the resources necessary during the meeting to keep a verbatim record of the meeting, **for both open and**

**closed**, and managed it the same way that the Board complies with the verbatim recording requirements for closed meetings (see exhibit 2:220-E1, *Board Treatment of Closed Meeting Verbatim Recordings and Minutes*). **Note:** In this situation, a verbatim recording is not limited to closed meetings only. D. Move to Step 2, below.

No; it is a regular or special meeting, and I:

- A. Ensured that the Board provided 48 hours' notice of the meeting to all Board members, to any news medium on file in the Cooperative that have requested notice of meetings pursuant to 5 ILCS 120/2.02(a), and to members of the public by posting it on the Cooperative's website. 5 ILCS 120/7(e)(7), amended by P.A. 101-640. **Note:** 5 ILCS 120/7(e), amended by P.A. 101640 does not have the "if any" exception for school boards that do not have websites. Consult the board attorney regarding alternate ways to communicate notice of a meeting when the cooperative does not have a website and a Disaster Declaration or Executive Order has been issued.

*Insert meeting date and time, and a link to the meeting notice or attach a copy of the notice to this document.*

B. Moves to Step 2, below.

**Step 2.** Determining whether it is practical, prudent, or feasible for any in-person attendance at the regular meeting location (5 ILCS 120/7(e)(2), amended by P.A. 101-640). (*check Yes or No, below*):

Yes; in-person attendance is practical, prudent, or feasible, and I:

- A. Ensured that at least one Board member, the Board Attorney, or the Executive Director was physically present at the regular meeting location (5 ILCS 120/7(e)(5), amended by P.A. 101640), and
- B. Verified that members of the public who were present could hear all discussion and testimony and all votes of the members of the Board. 5 ILCS 120/7(e)(4), amended by P.A. 101-640. C. Move to Step 3, below.

No; in-person attendance is not practical, prudent, or feasible, and I:

- A. Made a written determination referring to the specific Executive Order or Disaster Declaration citing the public health concern/emergency that applies to the Board and the meeting. 5 ILCS 120/7(e)(1) and (2), amended by P.A. 101-640.
- B. Included the written determination made in letter A., above, on the Board's published notice and agenda for the alternative arrangements for the meeting. 5 ILCS 120/7(e)(7)(A)-(B), amended by P.A. 101-640.
- C. Offered the alternative arrangements to the public by offering a telephone number or a webbased link. 5 ILCS 120/7(e)(4), amended by P.A. 101-640.

*Insert a link to the meeting notice or attach a copy of the notice or refer to above if already attached to this document (see above).*

*Include this written determination on the Board/committee's published notice and agenda for the audio or video meeting, and in the meeting minutes.*

D. Move to Step 3, below.

**Step 3.** During the meeting, I:

Directed the Recording Secretary to, in addition to the requirements for open meetings under OMA, also keep verbatim record of the open meeting by recording it and making it open and available to the public under all provisions of OMA. 5 ILCS 120/7(e)(9), amended by P.A. 101-640. *Sample text follows below in the subhead below **Report to the Public Following the Board's Meeting with No Physical Presence of Quorum.***

Read my written determination referring to the specific Executive Order or Disaster Declaration citing the public health concern/emergency that applies to the Board and the meeting and directed the Recording Secretary to include it in the meeting minutes.

Ensured that any interested member of the public has access to contemporaneously hear all discussion, testimony, and roll call votes. 5 ILCS 120/7(e)(4), amended by P.A. 101-640.

Requested the Recording Secretary to enter into the appropriate minutes of the Board that each Board member participating in the meeting, wherever their physical locations, announced:

1. Themselves present (5 ILCS 120/7(e)(3), amended by P.A. 101-640), and
2. A verification that they could hear one another and all discussion and testimony.  
ld.

See 2:220-E3, *Closed Meeting Minutes* and/or 2:220-E4, *Open Meeting Minutes*.

**Attach to this document copies or information about where these minutes may be found.**

Announced and considered each Board member participating in the meeting present at the meeting for purposes of determining a quorum and participating in all proceedings (5 ILCS 120/7(e) (8), amended by P.A. 101-640) and directed the Recording Secretary to reflect it in the minutes (best practice for transparency).

Conducted all votes by roll call, so each Board member's vote on each issue could be identified and recorded (5 ILCS 120/7(e)(6), amended by P.A. 101-640), and ensured that the Recording Secretary entered all votes as **Roll Call Votes** (*Use exhibit 2:220-E4, Open Meeting Minutes but ensure all votes are recorded as roll call votes pursuant to the example below.*):

“Yeas”	“Nays”
--------	--------

**Motion**  Carried  Failed

Executed or directed execution of the subhead below **Report to the Public Following the Board’s Meeting with No Physical Presence of Quorum.**

Report to the Public Following the Board’s Meeting with No Physical Presence of Quorum

*The text below may be used for the actual report.*

The School Board met on *[insert date]* with no physical presence of quorum to conduct its business.

The verbatim *[circle one]* audio | video recording of this meeting is available to the public under all provisions of OMA and will be destroyed pursuant to 5 ILCS 120/2.06(c)(no less than 18 months after the completion of the meeting recorded but only after: (1) the Board approves the destruction of the particular recording; and (2) the Board approves minutes of the meeting that meet the written minutes requirements of OMA). 5 ILCS 120/7(e)(9), amended by P.A. 101-640.

*Insert links to the verbatim recording of meeting here or attach to this document.*

**Note:** Consult the board attorney for guidance on the destruction of a verbatim recording of an open meeting without the physical presence of a quorum. While 5 ILCS 120/2.06(c) refers to the process for destroying closed session verbatim recordings, 5 ILCS 120/7(e)(9), amended by P.A. 101-640, applies that process for destroying closed session verbatim recordings to the destruction of the verbatim open session recordings that are required when a board determines it is necessary for it to meet without the physical presence of a quorum due to a public health emergency.

Completed By: \_\_\_\_\_

Title: \_\_\_\_\_

DATED : December 17, 2020

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **2:230 Public Participation at Board Meetings and Petitions to the Board**

The Governing Board and Executive Board shall designate a portion of each open meeting to recognize visitors and to provide them with an opportunity to address the Board (*public participation*), subject to the reasonable constraints established and recorded in this policy's guidelines below. The Governing Board and Executive Board listens to comments or questions during public participation; responses to comments to or questions of the Boards are most often managed through policy 3:30, *Chain of Command*.

To preserve sufficient time for the Board to conduct its business, any person appearing before the Boards shall be subject to the following:

1. The individual shall submit a request in writing to the Governing Board President (or Chairperson for the Executive Board) or Executive Director no later than five working days prior to the meeting. An outline of the subject matter to be presented must be submitted with the request.
2. The individual shall sign in with the Board Secretary at the time of the meeting.
3. The individual shall address the Board only at the appropriate time as indicated on the agenda and when recognized by the President (or Chairperson) or other presiding officer. This includes following the directives of the Board President (or Chairperson) or other presiding officer to maintain order and decorum for all.
4. Identify oneself and be brief. Ordinarily, the time for any one person to address the Board during public participation shall be limited to three minutes. In unusual circumstances, and when an individual has made a request to speak for a longer period of time, the Board President may allow a person to speak for more than three minutes. If multiple individuals wish to address the Boards on the same subject, the group is encouraged to appoint a spokesperson.
5. Observe, when necessary and appropriate, the Board President's (or Chairperson's) or other presiding officer's authority to:
  - a. Shorten the time for each person to address the Board during public participation to conserve time and give the maximum number of people an opportunity to speak;
  - b. Expand the overall maximum of 40-minutes total for any public participation; and/or
  - c. Determine procedural matters regarding public participation not otherwise covered in Board policy.
6. Conduct oneself with respect and civility toward others and otherwise abide by Board policy 8:30, *Visitors to and Conduct on Cooperative Property*.

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

LEGAL REF.:

105 ILCS 5/10-6 and 5/10-16.

5 ILCS 120/2.06, Open Meetings Act.

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

Adopted: July 20, 2022

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **2:240 Board Policy Development**

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

#### Policy Development

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

The Executive Director 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 Executive Director 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 may be given at a subsequent meeting(s) and after opportunity for community input. The adoption of a policy will serve to supersede all previously adopted policies on the same topic.

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

#### Board Policy Review and Monitoring

The Board will periodically review its policies for relevancy, monitor its policies for effectiveness, and consider whether any modifications are required.



### Words Importing Gender

Throughout this policy manual, words importing the masculine and/or feminine gender include all gender neutral/inclusive pronouns.

### Executive Director Implementation

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

In the absence of Board policy, the Executive Director 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 (Board Committees), 2:250 (Access to Cooperative Public Records), 3:40 (Executive Director)

Adopted: October 20, 2021

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **2:250 Access to Cooperative Public Records**

Full access to the Cooperative's *public records* is available to any person as provided in the Illinois Freedom of Information Act (FOIA), this policy, and implementing procedures. The Director or designee shall: (1) provide the Board with sufficient information and data to permit the Board to monitor the Cooperative'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 Cooperative's response.

### Freedom of Information Officer

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

### Definition

The Cooperative'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 Cooperative.

### 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 Cooperative'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 Director or designee shall instruct Cooperative employees to immediately forward any request for inspection and copying of a public record to the Cooperative'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

Cooperative'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 Cooperative'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 Cooperative'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 Cooperative'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 Cooperative'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 Cooperative'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 Cooperative 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 Cooperative'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), Cooperative 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)

Adopted: February 22, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 2:260 Uniform Grievance Procedure

A student, parent/guardian, employee, or community member should notify any P.A.E.C. Complaint Manager if he or she believes that the Governing or Executive Board, their employees, or its 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, 42 U.S.C. §12101 et seq.
2. Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., excluding Title IX sexual harassment complaints governed by policy 2:265, *Title IX Sexual Harassment Grievance Procedure*
3. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
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 prohibited by the State Officials and Employees Ethics Act, 5 ILCS 430/705(a); Illinois Human Rights Act, 775 ILCS 5/; and Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq. (Title IX sexual harassment complaints are addressed under policy  
*2:265, Title IX Sexual Harassment Grievance Procedure*)
7. Breastfeeding accommodations for students, 105 ILCS 5/10-20.60
8. Bullying, 105 ILCS 5/27-23.7
9. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
10. Curriculum, instructional materials, and/or programs
11. Victims' Economic Security and Safety Act, 820 ILCS 180/
12. Illinois Equal Pay Act of 2003, 820 ILCS 112/
13. Provision of services to homeless students
14. Illinois Whistleblower Act, 740 ILCS 174/
15. Misuse of genetic information prohibited by the Illinois Genetic Information Privacy Act, 410 ILCS 513/; and Titles I and II of the Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.
16. 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 policy, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this policy may forego any informal suggestions and/or attempts to resolve it and may proceed directly to this 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 under this policy 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 Cooperative will continue with a simultaneous investigation under this policy.

## Deadlines

All deadlines under this policy 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 Cooperative'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 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 parents/guardians. The Complaint Manager shall assist the Complainant as needed.

For any complaint alleging bullying and/or cyberbullying of students, 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. For any complaint alleging sexual harassment or other violation of Board policy 5:20, *Workplace Harassment Prohibited*, the Complaint Manager shall process and review the complaint according to that policy, in addition to any response required by this policy.

## Investigation Process

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, 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 any collective bargaining agreement, (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, this policy, or any collective bargaining agreement, (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 policy about the status of the investigation. Within 30 school business days after the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Executive Director. The Complaint Manager may request an extension of time.

The Executive Director will keep the Board informed of all complaints.

If a complaint contains allegations involving the Executive Director or Board member(s), the written report shall be filed directly with the Board, which will make a decision in accordance with paragraph four of the following section of this policy.

### Decision and Appeal

Within five school business days after receiving the Complaint Manager's report, the Executive Director shall mail his or her written decision to the Complainant and the accused by registered mail, return receipt requested, and/or personal delivery 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 Executive Director'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 after an appeal of the Executive Director's decision, the Board shall affirm, reverse, or amend the Executive Director's decision or direct the Executive Director to gather additional information. Within five school business days after the Board's decision, the Executive Director shall inform the Complainant and the accused of the Board's action.

For complaints containing allegations involving the Executive Director or Board member(s), within 30 school business days after receiving the Complaint Manager's or outside investigator's report, the Board shall mail its written decision to the Complainant and the accused by registered mail, return receipt requested, and/or personal delivery as well as to the Complaint Manager.

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

### Appointing a Nondiscrimination Coordinator and Complaint Managers

The Executive Director shall appoint a Nondiscrimination Coordinator to manage the Cooperative'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 Cooperative's Title IX Coordinator.

The Executive Director shall appoint at least one Complaint Manager to administer this policy. If possible, the Executive Director will appoint two Complaint Managers, one of

each gender. The Cooperative's Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

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

**Nondiscrimination Coordinator:**

Michael James

1000 Van Buren St., Maywood, IL

60153 mjames@paec803.org 708-

450-2100

**Complaint Manager:**

Dr. Sherry Reynolds-Whitaker

1000 Van Buren St., Maywood, IL 60153

swhitaker@paec803.org

708-450-2158

**LEGAL REF.:**

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

20 U.S.C. §1232g, Family Education Rights Privacy Act.

20 U.S.C. §1400, The Individuals with Disabilities Education Act.

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

29 U.S.C. §206(d), Equal Pay Act.

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

29 U.S.C. §791 et seq., Rehabilitation Act of 1973.

29 U.S.C. §2612, Family and Medical Leave Act.

42 U.S.C. §2000d et seq., Title VI of the Civil Rights Act.

42 U.S.C. §2000e et seq., Equal Employment Opportunities Act (Title VII of the Civil Rights Act).

42 U.S.C. §2000ff et seq., Genetic Information Nondiscrimination Act.

42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.

42 U.S.C. §12101 et seq., Americans With Disabilities Act.



105 ILCS 5/2-3.8, 5/3-10, 5/10-20, 5/10-20.5, 5/10-20.7a, 5/10-20.60, 5/10-20.69 5/10-20.75 (final citation pending), 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.

5 ILCS 415/10(a)(2), Government Severance Pay Act.

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

410 ILCS 513/, Ill. Genetic Information Privacy Act.

740 ILCS 174/, Whistleblower Act.

740 ILCS 175/, Ill. False Claims Act.

775 ILCS 5/, Ill. Human Rights Act.

820 ILCS 180/, Victims' Economic Security and Safety Act; 56 Ill.Admin.Code Part 280.

820 ILCS 112/, Equal Pay Act of 2003.

820 ILCS 70/, Employee Credit Privacy Act, 70/10(b), and 70/25

23 Ill.Admin.Code §§1.240, 200.40, 226.50, and 226.570.

CROSS REF.: 2:105 (Ethics and Gift Ban), 2:265 (Title IX Sexual Harassment Grievance Procedure),

5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment

Prohibited), 5:30 (Hiring Process and Criteria), 5:90 (Abused and Neglected Child Reporting), 6:120 (Education of Children with Disabilities), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy

Rights), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying,

Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:310 (Restrictions on

Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools), 8:70

(Accommodating Individuals with Disabilities), 8:95 (Parental Involvement), 8:110 (Public Suggestions and Concerns)

ADOPTED: October 20, 2011

REVISED: July 10, 2012; December 17, 2015; March 15, 2018; December 20, 2018; April 16, 2020; December 17, 2020; February 16, 2022

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 2:265 Title IX Sexual Harassment Grievance Procedure

Sexual harassment affects a student's ability to learn and an employee's ability to work. Providing an educational and workplace environment free from sexual harassment is an important Cooperative goal. The Cooperative does not discriminate on the basis of sex in any of its education programs or activities, and it complies with Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations (34 C.F.R. Part 106) concerning everyone in the Cooperative's education programs and activities, including applicants for employment, students, parents/guardians, employees, and third parties.

### Title IX Sexual Harassment Prohibited

Sexual harassment as defined in Title IX (Title IX Sexual Harassment) is prohibited. Any person, including a Cooperative employee or agent, or student, engages in Title IX Sexual Harassment whenever that person engages in conduct on the basis of an individual's sex that satisfies one or more of the following:

1. A Cooperative employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct; or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Cooperative's educational program or activity; or
3. *Sexual assault* as defined in 20 U.S.C. §1092(f)(6)(A)(v), *dating violence* as defined in 34 U.S.C. §12291(a)(11), *domestic violence* as defined in 34 U.S.C. §12291(a)(12), or *stalking* as defined in 34 U.S.C. §12291(a)(36).

Examples of sexual harassment include, but are not limited to, touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, spreading rumors related to a person's alleged sexual activities, rape, sexual battery, sexual abuse, and sexual coercion.

### Definitions from 34 C.F.R. §106.30

*Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

*Education program or activity* includes locations, events, or circumstances where the Cooperative has substantial control over both the *Respondent* and the context in which alleged sexual harassment occurs.

*Formal Title IX Sexual Harassment Complaint* means a document filed by a *Complainant* or signed by the Title IX Coordinator alleging sexual harassment against a *Respondent* and requesting that the Cooperative investigate the allegation.

*Respondent* means an individual who has been reported to be the perpetrator of the conduct that could constitute sexual harassment.

*Supportive measures* mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the *Complainant* or the *Respondent* before or after the filing of a *Formal Title IX Sexual Harassment Complaint* or where no *Formal Title IX Sexual Harassment Complaint* has been filed.

### Title IX Sexual Harassment Prevention and Response

The Executive Director or designee will ensure that the Cooperative prevents and responds to allegations of Title IX Sexual Harassment as follows:

1. Ensures that the Cooperative's comprehensive health education program incorporates (a) ageappropriate sexual abuse and assault awareness and prevention programs in grades pre-K through 12, and (b) age-appropriate education about the warning signs, recognition, dangers, and prevention of teen dating violence in grades 7-12. This includes incorporating student social and emotional development into the Cooperative's educational program as required by State law and in alignment with Board policy 6:65, *Student Social and Emotional Development*.
2. Incorporates education and training for school staff pursuant to policy 5:100, *Staff Development Program*, and as recommended by the Executive Director, Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, or a Complaint Manager.
3. Notifies applicants for employment, students, parents/guardians, employees, and collective bargaining units of this policy and contact information for the Title IX Coordinator by, at a minimum, prominently displaying them on the Cooperative's website, if any, and in each handbook made available to such persons.

### Making a Report

A person who wishes to make a report under this Title IX Sexual Harassment grievance procedure may make a report to the Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, a Complaint Manager, or any employee with whom the person is comfortable speaking. A person who wishes to make a report may choose to report to a person of the same gender.

Cooperative employees shall respond to incidents of sexual harassment by promptly making or forwarding the report to the Title IX Coordinator. An employee who fails to promptly make or forward a report may be disciplined, up to and including discharge.

The Executive Director shall insert into this policy and keep current the name, office address, email address, and telephone number of the Title IX Coordinator.

### **Title IX Coordinator:**

Michael James

1000 Van Buren, Maywood, IL  
60153 mjames@paec803.org  
708-450-2100

### Processing and Reviewing a Report or Complaint

Upon receipt of a report, the Title IX Coordinator and/or designee will promptly contact the

*Complainant* to: (1) discuss the availability of supportive measures, (2) consider the *Complainant's* wishes with respect to *supportive measures*, (3) inform the *Complainant* of the availability of *supportive measures* with or without the filing of a *Formal Title IX Sexual Harassment Complaint*, and (4) explain to the *Complainant* the process for filing a *Formal Title IX Sexual Harassment Complaint*.

Further, the Title IX Coordinator will analyze the report to identify and determine whether there is another or an additional appropriate method(s) for processing and reviewing it. For any report received, the Title IX Coordinator shall review Board policies 2:260, *Uniform Grievance Procedure*; 5:20, *Workplace Harassment Prohibited*; 5:90, *Abused and Neglected Child Reporting*; 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; 7:20, *Harassment of Students Prohibited*; 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; 7:185, *Teen Dating Violence Prohibited*; and 7:190, *Student Behavior*, to determine if the allegations in the report require further action.

Reports of alleged sexual harassment will be confidential to the greatest extent practicable, subject to the Cooperative's duty to investigate and maintain an educational program or activity that is productive, respectful, and free of sexual harassment.

### Formal Title IX Sexual Harassment Complaint Grievance Process

When a *Formal Title IX Sexual Harassment Complaint* is filed, the Title IX Coordinator will investigate it or appoint a qualified person to undertake the investigation.

The Executive Director or designee shall implement procedures to ensure that all *Formal Title IX Sexual Harassment Complaints* are processed and reviewed according to a Title IX grievance process that fully complies with 34 C.F.R. §106.45. The Cooperative's grievance process shall, at a minimum:

1. Treat *Complainants* and *Respondents* equitably by providing remedies to a *Complainant* where the *Respondent* is determined to be responsible for sexual harassment, and by following a grievance process that complies with 34 C.F.R.

§106.45 before the imposition of any disciplinary sanctions or other actions against a *Respondent*.

2. Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person’s status as a *Complainant*, *Respondent*, or witness.
3. Require that any individual designated by the Cooperative as a Title IX Coordinator, investigator, decision-maker, or any person designated by the Cooperative to facilitate an informal resolution process:
  - a. Not have a conflict of interest or bias for or against complainants or respondents generally or an individual *Complainant* or *Respondent*.
  - b. Receive training on the definition of sexual harassment, the scope of the Cooperative's *education program or activity*, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially.
4. Require that any individual designated by the Cooperative as an investigator receiving training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
5. Require that any individual designated by the Cooperative as a decision-maker receive training on issues of relevance of questions and evidence, including when questions and evidence about the *Complainant’s* sexual predisposition or prior sexual behavior are not relevant.
6. Include a presumption that the *Respondent* is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
7. Include reasonably prompt timeframes for conclusion of the grievance process.
8. Describe the range of possible disciplinary sanctions and remedies the Cooperative may implement following any determination of responsibility.
9. Base all decisions upon the *preponderance of evidence* standard.
10. Include the procedures and permissible bases for the *Complainant* and *Respondent* to appeal.
11. Describe the range of *supportive measures* available to *Complainants* and *Respondents*.
12. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

### Enforcement

Any Cooperative employee who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any third party who is determined, at the conclusion of the

grievance process, to have engaged in sexual harassment will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the Cooperative, e.g., vendor, parent, invitee, etc. Any Cooperative student who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with student behavior policies. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action.

This policy does not increase or diminish the ability of the Cooperative or the parties to exercise any other rights under existing law.

### Retaliation Prohibited

The Cooperative prohibits any form of retaliation against anyone who, in good faith, has made a report or complaint, assisted, or participated or refused to participate in any manner in a proceeding under this policy. Any person should report claims of retaliation using Board policy 2:260, *Uniform Grievance Procedure*.

Any person who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary action, up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

### LEGAL REF.:

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

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Independent Sch. Dist., 524 U.S. 274 (1998).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior)

Adopted: February 22, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

**SECTION 3 - GENERAL ADMINISTRATION**

**Proviso Area for Exceptional Children (P.A.E.C.)**

### **3:30 Chain of Command**

The Executive Director shall develop an organizational chart indicating the channels of authority and reporting relationships for school personnel. These channels should be followed, and no level should be bypassed except in unusual situations.

All personnel should refer matters requiring administrative action to the responsible administrator, and may appeal a decision to a higher administrative officer. Whenever possible, each employee should be responsible to only one immediate supervisor. When this is not possible, the division of responsibility must be clear.

CROSS REF.: 1:20 (Cooperative Organization), 2:140 (Communications To and From the Board), 3:70 (Succession of Authority), 8:110 (Public Suggestions and Concerns)

ADOPTED:October 11, 2011

REVISED:September 15, 2016; October 20, 2021

**Proviso Area for Exceptional Children (P.A.E.C.)**



## **3:40 Executive Director**

### Duties and Authority

The Executive Director is the Cooperative's executive officer and is responsible for the administration and management of the Cooperative programs and services in accordance with Board policies and directives, and State and federal law, including the special reporting responsibilities in policy 5:90, *Abused and Neglected Child Reporting*. The Executive Director is authorized to develop administrative procedures to implement Board policy.

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

### Qualifications and Appointment

The Executive Director must be of good character and of unquestionable morals and integrity. The

Executive Director shall have the experience and the skills necessary to work effectively with the Boards, Cooperative employees, students, and the community.

The Executive Director shall hold proper state licensure/approval.

When the office of the Executive Director becomes vacant, the Executive Board will conduct a search to find the most capable person for the position and make recommendations to the Governing Board. Qualified staff members who apply for the position will be considered for the vacancy.

### Evaluation

The Governing Board will evaluate, at least annually, the Executive Director's performance, using standards and objectives developed by the Executive Director and Board that are consistent with State law, and the Cooperative's mission and goal statements. A specific time should be designated for a formal evaluation session with the Board. The evaluation should include a discussion of professional strengths as well as performance areas needing improvement.

### Compensation and Benefits

The Governing Board and the Executive Director shall enter into a contract that conforms to this policy and State law. This contract shall govern the employment relationship between the Boards and the Executive Director.

### LEGAL REF.:

105 ILCS 5/10-16.7, 5/10-20.47, 5/10-21.4, 5/10-21.9, 5/10-23.8, 5/21B-20, 5/21B-25, 5/24-11, and 5/24A-3.

5 ILCS 120/7.3, Open Meetings Act.

23 Ill.Admin.Code §§1.310, 1.705, and 25.355.

CROSS REF: 2:240 (Board Policy Development), 4:165 (Awareness and Prevention of Child Sexual

Abuse and Grooming Behaviors), 4:175 (Convicted Child Sex Offender; Screening; Notifications),

5:30 (Hiring Process and Criteria), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee

Ethics; Code of Professional Conduct; and Conflict of Interest), 5:150 (Personnel Records), 5:210 (Resignations), 5:290 (Employment Termination and Suspensions)

Adopted: February 16, 2022

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 3:40-E Exhibit - Checklist for the Superintendent Employment Contract Negotiation Process

The School Board hires and employs the Executive Director. The Executive Director shall be in charge of the administration of the schools under the direction of the Board, through its policies. See 105 ILCS 5/10-21.4 and 105 ILCS 5/10-16.7. As an effective employer, the Board must develop and maintain a productive relationship with the Executive Director. See IASB's *Foundational Principles of Effective Governance*, **Principle 3.**

### **The board employs a executive director, at:**

[www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-ofeffective-governance/](http://www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-ofeffective-governance/).

The foundation for a productive employment relationship begins when the Board identifies the most qualified executive director candidate (*successful executive director candidate*) after an established interview process. The Board then extends an offer of employment to the successful candidate. The employment search process and resulting relationship should consist of mutual respect and a clear understanding of respective roles, responsibilities, and expectations. This relationship should begin with the Board's policy, a thoughtfully crafted employment contract and job description, and procedures for communications and ongoing assessment. See *Principles* at the link above.

Below, the *Checklist for the Executive Director Employment Contract Negotiation Process*

(*Checklist*) provides a column entitled **Executive Director Contract Term Considerations for the Board**. It lists common executive director employment contract terms and points of consideration for boards to prepare for during the contract formation process. Another column entitled **Explanation, Special Considerations, and Resources** provides extra information about these common executive director employment contract terms.

The *Checklist* is intended to serve as a resource to educate and guide the Board through the employment contract negotiation process with its successful executive director candidate. Board members who are educated about the content within the *Checklist* are crucial to successful negotiation processes. An educated contract formation and negotiation process, along with a wellwritten contract and job description for the Executive Director, all set the foundation for mutual respect and a clear understanding of the Board and Executive Director's respective roles, responsibilities, and expectations. **Important:** This *Checklist* is a resource for contract formation; it is not a list of must have items for an executive director's employment contract or a basis for a board to re-open contracts currently in effect.

Prior to providing the successful executive director candidate an offer for employment and contract for review, consideration, and negotiation, consult the Board Attorney about the *Checklist* and the scope of the terms the Board wishes to offer the successful

executive director candidate. The Board and the successful executive director candidate should expect and encourage the other to seek the advice of their respective attorneys during the employment contract formation process.

Many attorneys agree and best practices suggest that boards and successful executive director candidates work with their own separate attorneys in an amicable and cooperative manner to complete the employment contract negotiation process.

**Board Attorney.** Prior to providing any successful executive director candidate with an offer for employment and a contract for review, consideration, and negotiation, best practices suggest consulting the Board Attorney about the *Checklist*. Note: Boards should view a successful executive director candidate retaining his or her own attorney as a best practice (as opposed to a warning sign). Each party is beginning the employment relationship in a cooperative manner to set an appropriate foundation to the future working relationship.

**Power and Duties of Executive Director**

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<b>Executive Director Contract Term Considerations for the Board</b>	<b>Explanation, Special Considerations, and Resources</b>
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Duties

Does the Board enumerate the duties of the Executive Director in the employment contract?

1. Are the statutory duties of the Executive Director listed?

2. Has the Board incorporated policy references to the other duties related to the Executive Director's employment?

See 105 ILCS 5/10-21.4 and 105 ILCS 5/10-16.7.

How will the Board address outside activities of the Executive Director?

1. How will the Board define *outside activities*?

2. Will the Board restrict the Executive Director

Full-time, Attention and Energy Clause from engaging in outside activities during the term of the employment contract?

3. Will the Board require approval/notification before the Executive Director engages in outside activities?

## **Employment and Compensation**

**Executive Director Contract**  
**Term Considerations for the Explanation, Special Considerations, and**  
**Resources**  
**Board**

An executive director’s employment contract may not exceed five

years. If its duration is two to five years, the contract must reference goals and suspension of tenure.

Duration of Contract prior to its scheduled expiration unless all the performance and improvement goals contained in the contract have been met. See 105 ILCS 5/10-23.8.

If the duration is one year or less, then the contract need not reference goals or suspension of tenure.

Special Considerations for the Board may include:

1. What is the estimated Board contribution to the Teachers’ Retirement System (TRS) for any raises above six percent (40 ILCS 5/15-155(g)) prior to retirement?
2. What is the *cost shift* implication for the District if the Board offers or later agrees to a salary that is equal to or greater than the governor’s statutory salary? School districts are responsible for paying the actuarial cost of the pension benefits earned on the portion of a TRS member’s salary

that exceeds the governor’s statutory salary. The governor’s

Salary annual salary is published by TRS at:  
[www.trsil.org/employers/payments/contributionrates\\_earnings-limitations](http://www.trsil.org/employers/payments/contributionrates_earnings-limitations).

3. Do any administrative cost cap triggers exist (105 ILCS 5/17-1.5)?

Items the Board may see the successful executive director candidate request of it:

1. A fixed salary for each year of the contract.
2. A guaranteed minimum salary.
3. Compensation increases.

Any contract that contains a condition of severance pay must include the following provisions required by

Severance Agreements	<p>the Government Severance Pay Act (GSPA), 5 ILCS 415/10:</p> <ol style="list-style-type: none"> <li>1. A restriction to an amount not exceeding 20 weeks of compensation; and</li> <li>2. A prohibition for any severance if the Executive Director is fired for <i>misconduct</i> by the Board. See the <i>Severance Pay</i> row under the Changes to the Executive Director's</li> </ol>
Teachers Retirement System (TRS) & Teacher Health Insurance (THIS) payment of (THIS)	<p>Employment Contract subhead below for a definition of what misconduct means in the context of this law.</p> <p>How does the Board want to address:</p> <ol style="list-style-type: none"> <li>1. Pension contributions (TRS-THIS)?</li> <li>2. Inclusion of salary and other compensation in the</li> </ol>
<p><b>Conditions of Employment</b></p> <p><b>Executive Director Contract Term</b></p> <p><b>Explanation, Special Considerations, and Considerations for the Board</b></p>	<p>TRRS and THIS? Or, will TRRS and THIS be in addition to salary and other compensation?</p> <ol style="list-style-type: none"> <li>3. Unforeseen pension reform issues?</li> </ol> <p><b>Resources</b></p>

<input type="checkbox"/>	<p>Does the Board want to require the successful executive director candidate to guarantee that</p>
<p>Administrative License</p>	<p>as the future Executive Director of the District, he or she has and will maintain the appropriate licensure throughout the employment contract?</p> <p>105 ILCS 5/10-21.9. See also PRESS sample policy</p>
<p>Criminal Background Check Law entitled</p>	<p>5:30, <i>Hiring Process and Criteria</i>, and the subhead Fingerprint-based Criminal History Records Information Check in administrative procedure 5:30AP2, <i>Investigations</i>.</p>
	<p>105 ILCS 5/22-94, added by P.A. 102-702, eff. 7-1-</p>

Sexual Misconduct Related Employment  
History Review Law

23. See also PRESS sample policy 5:30,  
*Hiring*

*Process and Criteria* and PRESS sample  
administrative procedure 5:30-AP3, *Sexual  
Misconduct Related Employment History  
Review  
(EHR)*.

Does the Board want to require additional  
background inquiries beyond the fingerprint-  
based criminal history records information  
check required by 105 ILCS 5/10-21.9 and  
sexual misconduct related employment history  
review required by 105 ILCS 5/22-94, added  
by P.A. 102-702, eff. 7-1-23 and discussed  
above? If yes, consult the Board Attorney and  
consider the following laws:

15 U.S.C. § 1681 et seq., Federal Fair Credit  
Reporting Act (FCRA), is a federal law that  
regulates the gathering and use of information  
about consumers by third party *consumer  
reporting agencies*, including credit  
information, criminal background, driving  
record, personal characteristics/reputation,  
etc. The law requires consumer reporting  
agencies to comply with certain procedural  
notice requirements when gathering  
information from a consumer.

820 ILCS 75/, Ill. Job Opportunities for  
Qualified Applicants Act, prohibits employers  
from inquiring about an applicant's criminal  
history until the application has been  
determined qualified and notified that he/she  
has been selected for an interview (*a/k/a ban  
the box law*).

820 ILCS 55/, Ill. Right to Privacy in the  
Workplace Act (RPWA), prohibits employers  
from:

1. Requesting, coercing, or requiring any  
employee or prospective employee to

Other Background Check Laws

provide a user name and password for any personal

online account;

2. Requesting, coercing, or requiring an employee or applicant to invite the employer to have access to that individual's personal online account; and
3. Taking an adverse employment action against an individual (including refusal to hire) based on that individual's use of a lawful product off District property during nonworking hours, i.e., tobacco, cannabis, or alcohol. (Note: RPWA allows employers to regulate employees' use of those lawful products that impair an employee's ability to perform the employee's assigned duties. See policy 5:50, *Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition*, and its f/ns).

820 ILCS 70/, III. Employee Credit Privacy Act, prohibits employers from inquiring into an individual's credit history or taking action against an employee based such history unless a satisfactory credit history is a *bona fide occupational requirement*, which is further defined in the statute. The job descriptions of executive directors generally meet this standard because they: (1) describe a managerial position that involves direction of school districts; (2) include signatory power over more than \$100; and (3) involve having access to confidential and financial information. Note: Any one of these grounds alone is sufficient.

105 ILCS 5/24-5 requires new employees to submit evidence of physical fitness to perform assigned duties and freedom from communicable diseases.

The Americans with Disabilities Act allows medical inquiries of current employees only when they are jobrelated and consistent with



## Medical Examination

business necessity or part of a voluntary employee wellness program. 42 U.S.C. §12112(d)(4). Districts may deny jobs to individuals with disabilities who pose a direct threat to the health or safety of others in the workplace, provided that a reasonable accommodation would not either eliminate the risk or reduce it to an acceptable level. 42 U.S.C. §12113; 29 C.F.R. §1630.2(r).

See also PRESS sample policy 5:30, *Hiring Process and Criteria*, specifically f/ns 25 and 26.

## Suspension of Tenure

With multi-year contracts and multi-year extensions, executive directors waive their rights to tenure in a school district, but no previously acquired tenure may be lost.

## Tenure

### Continued Tenure

Executive Directors serving multiple one year contracts may still accrue service toward and acquire tenure.

See 105 ILCS 5/10-23.8 and the *Duration of Contract* row in the Employment and Compensation checkbox, above.

## Evaluations and Goals

Once the Board has developed its goals and indicators (as discussed immediately above), 105 ILCS 5/10-20, 5/10-23, and 5/1023.8 require the Board to:

1. “Direct, through policy, its executive director in his or her charge of the administration of the school district;” and
2. Evaluate the executive director in his or her “administration of school board policies and his or her stewardship of the assets of the district.”

How will the Board evaluate the successful executive director candidate upon its outlined goals and indicators?

Executive Director Evaluation	<p>Does the Board state when it will evaluate the successful executive director candidate upon the goals and indicators that it set? Note: Some districts do not consider the executive director evaluation to be a <i>one-time event</i> and put an on-going process into place. Contrast other districts, which depending upon their preferences, generally find the best time of year to evaluate is in the winter or early springtime.</p> <p>Is the Board or the successful executive director candidate responsible to trigger the components of the Executive Director’s evaluation process?</p> <p>What evaluation instrument will be used? How will the evaluation be documented?</p> <p>Will an evaluation instrument be outlined by the Board in its employment contract with the successful executive director candidate?</p> <p>Is the evaluation instrument the Board will use tied to its goals and indicators of student performance and academic improvement and other information as the Board may determine?</p> <p>For more information about best practices when planning for and evaluating the Executive Director, see:</p> <p><i>The Executive Director Evaluation Process</i> at:  <a href="http://www.iasb.com/iasb/media/documents/superintendent-evaluationprocess.pdf">www.iasb.com/iasb/media/documents/superintendent-evaluationprocess.pdf</a>;</p> <p><i>IASB’s Foundational Principles of Effective Governance</i>, Principle</p>
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<input type="checkbox"/>	<p>3. The board employs a superintendent, at:</p>
<p><b>Expenses and Benefits</b>  <b>Executive Director</b>  <b>Contract Term</b></p>	<p><a href="http://www.iasb.com/conference-training-and-events/training/trainingresources/foundational-principles-of-effective-governance/">www.iasb.com/conference-training-and-events/training/trainingresources/foundational-principles-of-effective-governance/</a>; stating “the board employs and evaluates one person — the Executive Director — and holds that person accountable for district performance and compliance with written board policy.”</p> <p><b>Considerations for the Board</b>  <b>Explanation, Special Considerations,</b>  <b>and Resources</b></p>

How will the Board address expenses and allowances in its employment contract negotiations with the successful executive director candidate?

Business

1. What standards will the Board use, e

.g. , re as on ab le, ite mi ze d, et c. ?  
2. Will the Board designate the Board President or

Expenses and Allowances	<p>another individual to review and/or approve the Executive Director's expenses?</p> <p>Transportation</p> <p>Will the Board reimburse travel? If yes, what types of travel will the board reimburse? Some transportation topics that successful executive director candidates request discussion about include:</p> <ol style="list-style-type: none"> <li>1. Vehicle insurance reimbursement(s)</li> <li>2. Vehicle repair reimbursement(s)</li> <li>3. A travel allowance only at either a set amount or the District's per mile rate</li> <li>4. A vehicle</li> <li>5. Out-of-district travel</li> </ol>	
Insurance	<p>Will the Board address insurance in its employment contract negotiations with the successful executive director candidate?</p> <p>Some items successful executive director candidates request include:</p> <ol style="list-style-type: none"> <li>1. Insurance contributions as part of a Cafeteria Plan, or in the alternative, the Board paying the premiums.</li> <li>2. Specific insurance coverages from the Board, such as health, dental, vision, life, disability, etc.</li> </ol>	
Vacation	<p>Will the Board address vacation days in its employment contract negotiations with the successful executive director candidate? If yes, then:</p> <ol style="list-style-type: none"> <li>1. How many days?</li> <li>2. Will vacation days accumulate? And, if so, how?</li> <li>3. Will the Board designate itself, the Board President, or a Board officer to approve or receive notification from the Executive Director prior to taking a vacation? If yes, describe the process.</li> <li>4. Will the Board address reimbursement for unused days?</li> <li>5. Will vacation days need to be used for days off during winter or spring breaks?</li> </ol>	
Sick Leave/Days	<p>Will the Board address sick days in its employment contract negotiations with the successful executive director candidate? If yes, then:</p> <ol style="list-style-type: none"> <li>1. Will sick leave be limited to annual sick leave days in the District's teachers' contract or will a different amount be provided?</li> </ol>	

Sick Leave/Days

	<p>2. How will sick day accumulation be addressed?</p> <p>3. Will the Board designate itself, the Board President, or a Board officer to approve or receive notification from the Executive Director prior to taking or upon returning from a sick day? If yes, describe the process.</p>
<p>Professional Activities and Organizations   Memberships in Community Organizations</p>	<p>Will the Board address memberships in professional activities/organizations and/or community organizations its employment contract negotiations with the successful executive director candidate? If yes, then:</p> <p>1. How many organizations will the Board allow the Executive Director to join?</p> <p>2. Which organizations will be allowed?</p> <p>3. What is the Board's limit for the cost of dues to professional organizations?</p>
<p>Retirement</p>	<p>Will the Board address any type of payment(s) upon the Executive Director's retirement? If yes, then:</p> <p>1. Has the Board thoroughly examined and addressed:</p> <ul style="list-style-type: none"> <li>a. Any consequences or other penalties to it?</li> <li>b. The impact of any prior salary increases?</li> <li>c. Potential pension reform issues?</li> </ul> <p>2. Often, a successful executive director candidate's attorney has interest in the following issues:</p> <ul style="list-style-type: none"> <li>a. Available post-retirement options available, e.g., payments for sick/vacation days, post-retirement insurance, longevity annuity payment, etc.</li> <li>b. Whether a potential retirement payment will be properly creditable for TRS purposes. Note: Ultimately, only TRS has the authority to determine creditability.</li> </ul>
	<p>3. Whether a potential retirement payment will be properly creditable for TRS purposes. Note: Ultimately, only TRS has the authority to determine creditability.</p>

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Will the Board address any type of annuities and other deferred compensation issues? If yes, then:

- Annuities and Other Deferred Compensation
1. Will it offer such compensation in addition to the Executive Director's agreed-upon salary?
  2. Will it contribute creditable earnings for TRS purposes?

### **Changes to the Executive Director's Employment Contract**

#### **Executive Director Contract Term Explanation, Special Considerations, and Considerations for the Board Resources**

How will the Board and successful executive director candidate agree to address orderly end to the employment contract when the Board chooses not to renew it?

1. Will there be a non-renewal notification date? Do both parties' attorneys find it reasonable?

- Non-Renewal at End of Contract
2. Will the Board require the Executive Director to remind it of the non-renewal date?
  3. Will there be any agreement to a clause for an automatic one-year renewal if the Board fails to provide end-of-contract non-renewal notification?
  4. Will the Board agree to language in the employment contract that would provide the Executive Director with a hearing upon non-renewal?

Will the Board agree to a procedure for renewing the employment contract at its end? If yes, then:

1. What date would be the earliest that the Board could renew its employment contract with the Executive Director?

#### **Renewal at End of Contract**

2. What criteria will the Board base its renewal upon? For example, some boards base renewal upon executive directors achieving their stated goals and indicators of student performance and academic improvement and other information they required.

	<p>Will the Board agree to allow for an extension of its employment contract during its term? If yes, then:</p>
<p>Contract Extensions</p>	<ol style="list-style-type: none"> <li>1. Will the Board agree to extend it during its term if the Board determines that the Executive Director successfully met all of the Board's stated goals and indicators of student performance and academic improvement and other information it required?</li> <li>2. Will the Board agree to extend a one-year contract when the Executive Director is not required to meet any goals?</li> </ol> <p>See 105 ILCS 5/10-23.8.</p>
	<p>If the successful executive director candidate accepts employment with the Board and becomes the Executive Director, how will the Board outline the grounds and procedures for terminating the Executive Director's employment during the contract's term?</p> <ol style="list-style-type: none"> <li>1. Will the Board and the successful executive director candidate agree to terminate it upon mutual agreement?</li> <li>2. Will the Board allow retirement to be an appropriate reason for terminating its employment contract with the Executive Director? And if so, will the Board require reasonable notice from its Executive Director?</li> <li>3. Could either the Board or Executive Director terminate the employment contract without cause by providing notice to the other?</li> <li>4. Will the Board terminate the employment contract for permanent disability of the Executive Director? <ol style="list-style-type: none"> <li>a. How will the Board define permanent disability in the contract?</li> <li>b. Will the Board require the Executive Director to obtain a permanent disability determination through physician certification, and/or</li> <li>c. Will the Board consider duration of absence;</li> </ol> </li> </ol>

Terminations

e.g., 90-days after exhaustion of available leave, whichever is greater?

See PRESS sample policy 5:180, *Temporary Illness or Temporary Incapacity*.

5. What standard will the Board use to terminate the employment contract for cause? Items to consider include:
- a. Any conduct detrimental/prejudicial to the District;\*
  - b. Just cause;
  - c. Sufficient to dismiss a tenured teacher;
  - d. Material breach of contract; or
  - e. Not arbitrary and capricious.

\*50 ILCS 205/3c, requires a school district to post on its website and make available to news media specific information about severance agreements that it enters into because an employee or contractor was found to have engaged in sexual harassment or sexual discrimination, as defined by the Ill. Human Rights Act or Title VII of the Civil Rights Act of 1964. See Severance Pay row directly below.

6. Will the Board agree to provisions for hearing and due process for the Executive Director?

7. How will the Board address death of its Executive Director during the duration of the employment contract?

Any renewal or renegotiation that adds a condition of severance pay must include the following provisions of GSPA, 5 ILCS 415/10(a)(1):

- 1. A restriction to an amount not exceeding 20 weeks of compensation; and
- 2. A prohibition for any severance if the Executive Director is fired for *misconduct* by the Board. This



Severance Pay

law defines misconduct to include sexual harassment and/or discrimination. But 50 ILCS

205/3c limits sexual harassment or discrimination to instances when an employee is "found to have engaged in sexual harassment or sexual discrimination, as defined by the Ill. Human Rights Act or Title VII of the Civil Rights Act of 1964." For more discussion about these laws, see f/n 6 in policy 2:260, *Uniform Grievance Procedure*.

Liquidated Damages	<p>Will the Board agree to liquidate damages with its Executive Director if one or the other terminates the employment contract?</p> <p>1. Have both the Board and the successful executive director candidate discussed the practical consequences of a liquidated damages clause with their respective attorneys?</p>
	<p>2. If the Board terminates the contract, has it discussed with the Board Attorney how it can avoid litigation with its former Executive Director?</p>

Amendments for amendments to the employment contract?	How will the Board and Executive Director agree to allow amendments to the employment contract?
<p><b>What technical clauses need to be in the Executive Director's employment contract?</b></p> <p><b>Executive Director Contract Term Explanation, Special Considerations, and Considerations for the Board</b></p> <p>Technical clauses (common in contracts)</p>	<p><b>Resources</b></p> <p>If the employment contract contains any of the following technical provisions, have the Board Attorney and Executive Director's attorney reviewed them?</p> <ol style="list-style-type: none"> <li>1. Notice</li> <li>2. Applicable law</li> <li>3. Headings and numbers</li> <li>4. Complete understanding, i.e., do the Board members and Executive Director share the same understanding of the various provisions written in the employment contract?</li> </ol>

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- 5. Counterparts
- 6. Effect of Policy Amendments
- 7. Severability
- 8. Advice of Counsel

**Miscellaneous Issues**

**Executive Director Contract Term Explanation, Special Considerations, and Considerations for the Board Resources**

Do all members of the Board understand the District's obligations under the employment contract and what not complying with them will mean to the District?

Board Obligations Under the Employment Contract  
Specifically, are Board members aware of the Board's specific obligations regarding:

- 1. The Executive Director Evaluation

2. Goal setting

3. Required notifications/actions by each party prior to termination of the employment contract

Ongoing Monitoring of Each Party's	Are the Board and Executive Director actually complying with the terms of the employment contract?
Compliance with the Contract	Has the Board Attorney explained how the Board should monitor compliance with the employment contract?
Legislative Issues trending	<del>How might pending pension reform legislation or other</del> legislation affect the employment contract?

DATED : June 21, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **3:50 Administrative Personnel Other Than the Executive Director**

### Duties and Authority

P.A.E.C. administrative and supervisory positions are established by the Governing Board in accordance with State law. This policy applies to all administrators other than the Executive Director, including without limitation, Building Principals. The general duties and authority of each administrative or supervisory position are approved by the Governing Board, upon the Executive Director's recommendation, and contained in the respective position's job description.

### Qualifications

All administrative personnel shall have a valid administrative license and appropriate endorsements issued by the State Educator Preparation and Licensure Board and such other qualifications as specified in the position's job descriptions.

### Qualifications

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

### Evaluation

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

### Administrative Work Year

The administrators' work year shall be the same as the Cooperative's fiscal year, July 1 through June 30, as stated in the employment agreement. Each individual administrative contract shall govern the contractual days. All administrators shall be available for work when their services are necessary.

### Compensation and Benefits

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

The Governing Board will consider the Executive Director's recommendations regarding compensation for individual administrators. The Executive Director's recommendations should be presented to the Governing Board no later than the April Board meeting.

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

### LEGAL REF:

105 ILCS 5/10-21.4a, 5/10-23.8a, 5/10-23.8b, 5/21B, and 5/24A.

23 Ill.Admin.Code §§1.310, 1.705, and 50.300; and Parts 25 and 29.

CROSS REF: 3:60 (Administrative Responsibility of the Building Principal), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:30 (Hiring Process and Criteria), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:150 (Personnel Records), 5:210 (Resignations), 5:250 (Leaves of Absence), 5:290 (Employment Termination and Suspensions)

Adopted: February 16, 2022

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **3:60 Administrative Responsibilities of the Building Principal and Assistant Principal**

### Duties and Authority

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

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

### Evaluation Plan

The Executive Director or designee shall implement an evaluation plan for Principals that complies with Section 24A-15 of the School Code and relevant Illinois State Board of Education rules. Using that plan, the Executive Director or designee or, in the absence of the Executive Director or his or her designee, an individual appointed by the Board who holds a valid professional educator license endorsed for Executive Director. The Executive Director or designee may conduct additional evaluations. The Executive Director or designee may conduct additional evaluations.

### Qualifications and Other Terms and Conditions of Employment

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

#### LEGAL REF.:

105 ILCS 5/2-3.53a, 5/10-20.14, 5/10-21.4a, 5/10-23.8a, 5/10-23.8b, and 5/24A-15.

10 ILCS 5/4-6.2, Election Code.

105 ILCS 127/, School Reporting of Drug Violations Act.

23 Ill.Admin.Code Parts 35 and 50, Subpart D.

CROSS REF.: 3:50 (Administrative Personnel Other Than the Executive Director), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:150 (Personnel Records), 5:210 (Resignations), 5:250 (Leaves of Absence), 5:290 (Employment Termination and Suspensions)

Adopted: February 16, 2022

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **3:62 Staff Supervision**

In all cases, personnel shall be supervised by the Program Coordinators, Principals, and the Assistant Directors. The employing organization and its administrative staff shall be responsible for the supervision of the general functions of the program or service on a day-to-day basis and is/are recognized as the line supervisor(s). The P.A.E.C. directly supervises its employees. Member school districts directly supervise their own employees.

The P.A.E.C. Cooperative is responsible for providing technical assistance and consultation to teachers, administrators, and line supervisors regarding special education programs and services. Such assistance and consultation may include, but is not limited to, the following activities:

1. Classroom visitations - classroom visitations may be initiated by either the classroom teacher or by the designated P.A.E.C. supervisor. Other administrative staff of either the Cooperative or a Member District may request a classroom visitation by the designated supervisor.
2. Inservice - supervisors shall plan and conduct appropriate in-service activities.
3. Consultation - consultations regarding students, curriculum, instruction, etc., may be initiated by either the staff member or designated supervisor. Other administrative staff of either the Cooperative or a Member District may request a consultation between a service provider and his or her designated supervisor.
4. Records and reports - Appropriate records and reports may be requested by the designated supervisor.

ADOPTED: October 11, 2011

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **3:70 Succession of Authority**

If the Executive Director, Assistant Director, or other administrator is temporarily unavailable, the succession of authority and responsibility of the respective office shall follow a succession plan, developed by the Executive Director and submitted to the Governing Board.

ADOPTED: February 12, 2013

REVISED: June 15, 2017; July 20, 2022

## **Proviso Area for Exceptional Children (P.A.E.C.)**

**SECTION 4 - OPERATIONAL SERVICES**

**Proviso Area for Exceptional Children (P.A.E.C.)**



## 4:10 Fiscal and Business Management

P.A.E.C. will (1) operate on a fiscally sound basis within a balanced budget; (2) require maximum efficiency in the expenditure funds and in accounting and reporting; (3) provide a clean, comfortable, safe environment which facilitates the educational process; and (4) secure community understanding and support of the fiscal requirements of a good cooperative program. The Executive Director is responsible for the Cooperative's fiscal and business management. Secondary responsibility for fiscal and business management may be designated to the business manager. This responsibility includes annually preparing and presenting the Cooperative's statement of affairs to the Board and publishing it before December 1, as required by State law.

The P.A.E.C. Governing Board shall be responsible for accounting to Member Districts for all of P.A.E.C.'s revenues and expenditures. The Governing Board shall adopt management procedures which produce fiscal accountability.

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

### Budget Planning

The Cooperative's fiscal year is from July 1 until June 30. The Governing Board shall adopt not later than March of each year, a proposed budget calendar, indicating dates for presentation by the Executive Director of estimated receipts and expenditures. The Executive Director shall present a tentative budget to the Executive Board at a regular or special meeting preceding the commencement of the applicable fiscal year in order that the Executive Board may make recommendations to the Governing Board for a final budget. The final budget shall be adopted by the Governing Board no later than September 1 of each calendar year. This budget shall represent the culmination of an ongoing process of planning for the fiscal support needed for the Cooperative's programs. The Cooperative's budget shall be entered upon the Ill. State Board of Education's (ISBE) *Joint Agreement Budget Form*.

### Preliminary Adoption Procedures

The Executive Director shall present the tentative budget to the Governing Board at the first regular meeting in June. At this meeting, the Governing Board shall set:

1. The date, place and time for a public hearing on the proposed budget.
2. The date, place and time for the proposed budget to be available to the public for inspection.

The Governing Board shall authorize the Executive Director's Secretary to publish a notice in a local newspaper stating the date, place and time of the availability of the proposed budget for public inspection and the public hearing on the proposed budget.

The proposed budget shall be available for public inspection at least 30 days prior to the time of the budget hearing.

At the public hearing, the proposed budget shall be reviewed, including the cash reserve balance of all funds held by the Cooperative related to its operational levy and, if applicable, any obligations secured by those funds, and the public invited to comment.

### Final Adoption Procedures

Budget adoption by the Governing Board shall require a simple majority vote of the quorum. Budget adoption procedures shall include:

1. entering the budget on a form prepared and provided by the State Board of Education;
2. making the budget available for public inspection at the P.A.E.C. Central Office for at least thirty (30) days prior to its final adoption;
3. having held at least one (1) public hearing on the budget during a P.A.E.C. Governing Board meeting prior to its final adoption;
4. review and recommendation for adoption by the P.A.E.C. Executive Board;
5. adopting the budget by roll call vote with the names of the Governing Board members voting yea and nay and the resolution adopting the budget incorporated in the official minutes.

Proposed budget will be sent to each member district for review and opportunity for questions before final approval by the Governing Board.

### Budget Amendments

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

### Implementation

The Executive Director or designee shall implement the Cooperative's budget and monitor spending and receipt of funds throughout the year.

### LEGAL REF.:

105 ILCS 5/10-17, 5/10-22.33, 5/17-1, 5/17-1.2, 5/17-1.3, 5/17-2A, 5/17-3.2, 5/17-11, 5/20-5, 5/20-8, and 5/20-10.

35 ILCS 200/18-55 et seq., Truth in Taxation Law.

23 Ill.Admin.Code Part 100.

Adopted: February 22, 2023

## **4:12 Budget Categories and Funding Formulas**

The P.A.E.C. budget shall include the following categories and funding formulas:

### Special Education Programs

1. P.A.E.C. tuition student charges will be determined by establishing the cost per student, per program. P.A.E.C. will bill a Member District for the cost of servicing the Member District's tuition students.
2. Member District tuition student charges will be determined by establishing the cost per student, per program in which the student is placed.

### Administrative Services (approved 2/13/96, Governing Board)

The administrative budget includes General Administration, Governing Board and Business Service costs.

Administrative service costs will be prorated according to a two-tiered system:

- a. A percentage of administrative costs are allocated according to the support services that Member Districts purchase from P.A.E.C. (support services that Member Districts purchase from P.A.E.C. divided by P.A.E.C.'s total Education, O & M, and Transportation Funds); and
- b. The remaining administrative costs are allocated according to the number of students each district has in P.A.E.C. programs.

### Program Supervisory Costs

Program supervisory costs will be prorated and billed to participating Member Districts on a percentage of time used (i.e. the full-time equivalency of Program Supervisors used by each Member District).

### Support Services

Support services costs will be calculated on a discipline category basis and billed to participating Member Districts on a percentage of time used (i.e., the full-time equivalency of staff support services used by each Member District).

### Building

All building costs and related expenses needed to support specific SEJA 803 programs will become program costs and will be charged to Member Districts.

### Capital Equipment and Improvements

The cost of equipment needed to support specific programs will become program costs and will be charged to Member Districts accordingly.

## Transportation

Transportation costs to and from school services are billed on a per child basis to each Member District. Field trips and special transportation services are billed on the specific number of students from each district participating for each P.A.E.C. program.

ADOPTED:October 11, 2011

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 4:15 Identity Protection

The collection, storage, use, and disclosure of social security numbers by the Cooperative shall be consistent with State and federal laws. The goals for managing the Cooperative's collection, storage, use, and disclosure of social security numbers are to:

1. Limit activities involving social security numbers.
2. Protect each social security number collected or maintained by the Cooperative from unauthorized disclosure.

The Executive Director is responsible for ensuring that the Cooperative complies with the Identity Protection Act, 5 ILCS 179/. Compliance measures shall include each of the following:

1. All employees having access to social security numbers in the course of performing their duties shall be trained to protect the confidentiality of social security numbers. Training will include instructions on the proper handling of information containing social security numbers from the time of collection through the destruction of the information.
2. Only employees who are required to use or handle information or documents that contain social security numbers shall have access to such information or documents.
3. Social security numbers requested from an individual shall be provided in a manner that makes the social security number easily redacted if the record is required to be released as part of a public records request.
4. When collecting a social security number or upon request by an individual, a statement of the purpose(s) for which the Cooperative is collecting and using the social security number shall be provided. The stated reason for collection of the social security number must be relevant to the documented purpose.
5. All employees must be advised of this Policy's existence and a copy of the Policy must be made available to each employee. The Policy must also be made available to any member of the public, upon request.
6. If this policy is amended, employees will be advised of the existence of the amended policy and a copy of the amended policy will be made available to each employee.

No Cooperative employee shall collect, store, use, or disclose an individual's social security number unless specifically authorized by the Executive Director. An employee who has substantially breached the confidentiality of social security numbers may be subject to disciplinary action or sanctions up to and including dismissal in accordance with Cooperative policy and procedures. This policy shall not be interpreted as a guarantee of the confidentiality of social security numbers and/or other personal information. The Cooperative will use best efforts to comply with this policy, but this policy should not be construed to convey any rights to protection of information not otherwise afforded by law.

## Treatment of Personally Identifiable Information Under Grant Awards

The Executive Director ensures that the Cooperative takes reasonable measures to safeguard: (1) *protected personally identifiable information*, (2) other information that a federal awarding agency, pass-through agency or State awarding agency designates as sensitive, such as *personally identifiable information* (PII) and (3) information that the Cooperative considers to be sensitive consistent with applicable laws regarding privacy and confidentiality (collectively, *sensitive information*), when administering federal grant awards and State grant awards governed by the Grant Accountability and Transparency Act (30 ILCS 708/).

The Executive Director shall establish procedures for the identification, handling, storage, access, disposal and overall confidentiality of sensitive information. The Executive Director shall ensure that employees and contractors responsible for the administration of a federal or State award for the Cooperative receive regular training in the safeguarding of sensitive information. Employees mishandling sensitive information are subject to discipline, up to and including dismissal.

### LEGAL REF.:

2 C.F.R. §200.303(e).

5 ILCS 179/, Identity Protection Act.

30 ILCS 708/, Grant Accountability and Transparency Act

50 ILCS 205/3, Local Records Act.

105 ILCS 10/, Illinois School Student Records Act.

CROSS REF: 2:250 (Access to Cooperative Public Records), 5:150 (Personnel Records), 7:340 (Student Records)

ADOPTED: July 9, 2013

REVISED: June 15, 2017; March 15, 2018; April 16, 2020

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **4:30 Revenue and Investments**

### Revenue

The Executive Director or designee is responsible for making all claims for State Aid, special State funds for specific programs, federal funds, and categorical grants.

### Investments

The Proviso Township Treasurer or designee shall serve as the Chief Investment Officer. The Chief Investment Officer shall invest money that is not required for current operations, in accordance with this policy and State law.

The Chief Investment Officer or designee shall use the standard of prudence when making investment decisions. They shall use the judgment and care, under circumstances then prevailing, that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of their capital as well as its probable income.

### Investment Objectives

The objectives for the Cooperative's investment activities are:

1. Safety of Principal - Every investment is made with safety as the primary and overriding concern. Each investment transaction shall ensure that capital loss, whether from credit or market risk, is avoided.
2. Liquidity - The investment portfolio shall provide sufficient liquidity to pay Cooperative obligations as they become due. In this regard, the maturity and marketability of investments shall be considered.
3. Rate of Return - The highest return on investments is sought, consistent with the preservation of principal and prudent investment principles.
4. Diversification - The investment portfolio is diversified as to materials and investments, as appropriate to the nature, purpose, and amount of the funds.

### Authorized Investments

The Chief Investment Officer or designee may invest any Cooperative funds in any investment as authorized in 30 ILCS 235/2 and Acts amended thereto.

Except as provided herein, investments may be made only in banks, savings banks, savings and loan associations, or credit unions that are insured by the Federal Deposit Insurance Corporation or other approved share insurer.

The Chief Investment Officer and Executive Director shall regularly consider material, relevant, and decision-useful sustainability factors in evaluating investment decisions, within the bounds of financial and fiduciary prudence. Such factors include, but are not limited to: (1) corporate governance and leadership factors, (2) environmental factors, (3) social capital factors, (4) human capital factors, and (5) business model and innovation factors, as provided under the Ill. Sustainable Investing Act, 30 ILCS 238/.

## Selection of Depositories, Investment Managers, Dealers, and Brokers

The Chief Investment Officer or designee shall establish a list of authorized depositories, investment managers, dealers and brokers based upon the creditworthiness, reputation, minimum capital requirements, qualifications under State law, as well as a long history of dealing with public fund entities. The Board will review and approve the list at least annually.

In order to be an authorized depository, each institution must submit copies of the last two sworn statements of resources and liabilities or reports of examination that the institution is required to furnish to the appropriate State or federal agency. Each institution designated as a depository shall, while acting as such depository, furnish the Cooperative with a copy of all statements of resources and liabilities or all reports of examination that it is required to furnish to the appropriate State or federal agency.

The above eligibility requirements of a bank to receive or hold public deposits do not apply to investments in an interest-bearing savings account, interest-bearing certificate of deposit, or interestbearing time deposit if: (1) the Cooperative initiates the investment at or through a bank located in Illinois, and (2) the invested public funds are at all times fully insured by an agency or instrumentality of the federal government.

The Cooperative may consider a financial institution's record and current level of financial commitment to its local community when deciding whether to deposit funds in that financial institution. The Cooperative may consider factors including:

1. For financial institutions subject to the federal Community Reinvestment Act of 1977, the current and historical ratings that the financial institution has received, to the extent that those ratings are publicly available, under the federal Community Reinvestment Act of 1977;
2. Any changes in ownership, management, policies, or practices of the financial institution that may affect the level of the financial institution's commitment to its community;
3. The financial impact that the withdrawal or denial of Cooperative deposits might have on the financial institution;
4. The financial impact to the Cooperative as a result of withdrawing public funds or refusing to deposit additional public funds in the financial institution; and
5. Any additional burden on the Cooperative's resources that might result from ceasing to maintain deposits of public funds at the financial institution under consideration.

## Collateral Requirements

All amounts deposited or invested with financial institutions in excess of any insurance limit shall be collateralized in accordance with 30 ILCS 235/6(d). The Board must approve each collateral agreement.



## Safekeeping and Custody Arrangements

The preferred method for safekeeping is to have securities registered in the Cooperative's name and held by a third-party custodian. Safekeeping practices should qualify for the Governmental Accounting Standards Board Statement No. 3, Deposits with Financial Institutions, Investments (including Repurchase Agreements), and Reverse Repurchase Agreements, Category I, the highest recognized safekeeping procedures.

## Controls and Report

The Chief Investment Officer or designee shall establish a system of internal controls and written operational procedures to prevent losses arising from fraud, employee error, misrepresentation by third parties, or imprudent employee action.

The Chief Investment Officer or designee shall provide a quarterly investment report to the Board. The report will: (1) assess whether the investment portfolio is meeting the Cooperative's investment objectives, (2) identify each security by class or type, book value, income earned, and market value, (3) identify those institutions providing investment services to the Cooperative, and (4) include any other relevant information. The investment portfolio's performance shall be measured by appropriate and creditable industry standards for the investment type.

The Board will determine, after receiving the Chief Investment Officer's recommendation, which fund is in most need of interest income and the Chief Investment Officer shall execute a transfer. This provision does not apply when the use of interest earned on a particular fund is restricted.

## Ethics and Conflicts of Interest

The Board and Cooperative officials will avoid any investment transaction or practice that in appearance or fact might impair public confidence. Board members are bound by the Board Policy 2:100, *Board Member Conflict of Interest*. No Cooperative employee having influence on the Cooperative's investment decisions shall:

1. Have any interest, directly or indirectly, in any investments in which the Cooperative is authorized to invest,
2. Have any interest, directly or indirectly, in the sellers, sponsors, or managers of those investments, or
3. Receive, in any manner, compensation of any kind from any investments in that the agency is authorized to invest.

LEGAL REF.:

30 ILCS 235/, Public Funds Investment Act.

30 ILCS 238/, III. Sustainable Investing Act.

105 ILCS 5/8-7, 5/10-22.44, 5/17-1, and 5/17-11.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 4:10 (Fiscal and Business Management), 4:80 (Accounting and Audits)

Adopted: January 17, 2024

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **4:40 Incurring Debt**

The Cooperative may borrow up to 50% of any State categorical or grant payments due and payable to the Cooperative, if a hardship exists. Interest shall not be in excess of that provided for by the Bond Authorization Act. Principal and interest shall be repaid from the categorical or grant payments immediately upon receipt of those payments. The Executive Director shall notify the State Board of Education before the Cooperative issues any form of long-term or short-term debt that will result in outstanding debt that exceeds 75% of the debt limit specified in State law.

#### Bond Issue Obligations

In connection with the Board's issuance of bonds, the Executive Director shall be responsible for ensuring the Cooperative's compliance with federal securities laws, including the anti-fraud provisions of the Securities Act of 1933, as amended and, if applicable, the continuing disclosure obligations under Rule 15c2-12 of the Securities Exchange Act of 1934, as amended.

Additionally, in connection with the Board's issuance of bonds, the interest on which is excludable from *gross income* for federal income tax purposes, or which enable the Cooperative or bond holder to receive other federal tax benefits, the Board authorizes the Executive Director to establish written procedures for post-issuance compliance monitoring for such bonds to protect their tax-exempt (or tax-advantaged) status.

The Board may contract with outside professionals, such as bond counsel and/or a qualified financial consulting firm, to assist it in meeting the requirements of this subsection.

#### LEGAL REF.:

Securities Act of 1933, 15 U.S.C. §77a et seq.

Securities Exchange Act of 1934, 15 U.S.C. §78a et seq.

17 C.F.R. §240.15c2-12.

Bond Authorization Act, 30 ILCS 305/2

Bond Issue Notification Act, 30 ILCS 352/

Local Government Debt Reform Act, 30 ILCS 350/.

Tax Anticipation Note Act, 50 ILCS 420/.

Adopted: June 21, 2023

## Proviso Area for Exceptional Children (P.A.E.C.)

### 4:45 Insufficient Fund Checks and Debt Recovery

#### Insufficient Fund Checks

The Executive Director or designee is responsible for collecting up to the maximum fee authorized by State law for returned checks written to the Cooperative that are not honored upon presentation to the respective bank or other depository institution for any reason. The Executive Director is authorized to contact the Cooperative's attorney whenever necessary to collect the returned check amount, fee, collection costs and expenses, and interest.

#### Delinquent Debt Recovery

The Executive Director is authorized to seek collection of delinquent debt owed the Cooperative to the fullest extent of the law.

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

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

1. Providing a Cooperative-wide, uniform, method of notice and due process to the individual or entity against whom a claim for delinquent debt payment (*claim*) is made. Written notice and an opportunity to be heard must be given to the individual or entity responsible for paying a delinquent debt before the claim is certified to the IOC for offset. The notice must state the claim's amount, the reason for the amount due, the claim's date or time period, and a description of the process to challenge the claim. If reimbursable meals or snacks provided under the Hunger-Free Students' Bill of Rights Act are the basis of the Cooperative's delinquent debt claim of no less than \$500, the notice must be sent to a student's parent(s)/guardian(s) only after: (a) the student owes the Cooperative more than five meals and/or snacks; (b) the Executive Director or designee made: (i) repeated contacts to collect the amounts owed, and (ii) reasonable efforts to collect the amount due for at least one year; and (c) the Cooperative requested the student's parent(s)/guardian(s) to apply for meal benefits pursuant to policy 4:130, *Free and Reduced-Price Food Services*, and they either: (i) did not qualify, or (ii) refused to apply.
2. An individual or entity challenging a claim shall be provided an informal proceeding to refute the claim's existence, amount, or current collectability; the decision following this proceeding shall be reviewable.

- a. If a waiver of student fees is requested as a challenge to paying the claim, and the waiver of student fees is denied, an appeal of the denial of a fee waiver request shall be handled according to 4:140, Waiver of Student Fees. If no waiver of student fees is requested, reviews regarding payment of the claim shall be handled according to this policy before certification to the IOC for offset.
  - b. If application for meal benefits pursuant to policy 4:130, Free and Reduced-Price Food Services, is requested as a challenge to paying the claim, and the request is denied, an appeal of the denial of the request shall be handled according to 4:130, Free and Reduced-Price Food Services. If no request for meal benefits is received, review of the claim's payment shall be handled according to this policy before certification to the IOC for offset.
3. Certifying to the IOC that the debt is past due and legally enforceable, and notifying the IOC of any change in the status of an offset claim for delinquent debt.
  4. Responding to requests for information from the IOC to facilitate the prompt resolution of any administrative review requests received by the IOC.

LEGAL REF.:

15 ILCS 405/10.05 and 10.05d, State Comptroller Act.

105 ILCS 123/, Hunger-Free Students' Bill of Rights Act.

810 ILCS 5/3-806, Uniform Commercial Code.

Adopted: July 26, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **4:50 Payment Procedures**

The Business Manager or designee shall prepare a list of all due and payable bills, indicating vendor name and amount, and shall present it to the Governing Board in advance of the Board's first regular monthly meeting or, if necessary, a special meeting. These bills are reviewed by the Board, after which they may be approved for payment by Board order. Approval of all bills shall be given by a roll call vote and the votes shall be recorded in the minutes. The Township Treasurer shall pay the bills after receiving a Board order or pertinent portions of the Board minutes, even if the minutes are unapproved, provided the order or minutes are signed by the Board President and Secretary, or a majority of the Board.

The Treasurer is authorized to pay Social Security taxes and recurring bills including, but not limited to, wages, pension contributions and utility bills without Board approval upon certification by the Board Secretary of the amount only. These disbursements shall be included in the listing of bills presented to the Board.

The Board authorizes the Executive Director or designee to establish an Imprest account and petty cash accounts for appropriate Cooperative expenditures, provided such accounts are maintained in accordance with Board policy 4:80, *Accounting and Audits*, and remain in the custody of an employee who is properly insured according to State law.

LEGAL REF.:

105 ILCS 5/8-16, 5/10-7, and 5/10-20.19.

23 Ill.Admin.Code §100.70.

CROSS REF.: 4:55 (Use of Credit and Procurement Cards), 4:60 (Purchases and Contracts), 4:80 (Accounting and Audits)

ADOPTED:October 11, 2012

REVISED:July 10, 2012; December 17, 2015; June 18, 2020

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **4:55 Use of Credit and Procurement Cards**

The Executive Director and employees designated by the Executive Director are authorized to use P.A.E.C. credit and procurement cards to simplify the acquisition, receipt, and payment of purchases and travel expenses incurred on the Cooperative's behalf. Credit and procurement cards shall only be used for those expenses that are for the P.A.E.C.'s benefit and serve a valid and proper public purpose; they shall not be used for personal purchases. Cardholders are responsible for exercising due care and judgment and for acting in the Cooperative's best interests.

The Executive Director or designee shall manage the use of P.A.E.C. credit and procurement cards by employees. It is the Board's responsibility, through the audit and approval process, to determine whether P.A.E.C. credit and procurement card use by the Executive Director is appropriate.

In addition to the other limitations contained in this and other Board policies, P.A.E.C. credit and procurement cards are governed by the following restrictions:

1. Credit and/or procurement cards may only be used to pay certain job-related expenses or to make purchases on behalf of the Board or Cooperative or any student activity fund, or for purposes that would otherwise be addressed through a conventional revolving fund.
2. The Executive Director or designee shall instruct the issuing bank to block the cards' use at unapproved merchants.
3. Each cardholder, other than the Executive Director, may charge no more than \$500 in a single purchase and no more than \$1000 within a given month without prior authorization from the Executive Director.
4. The Executive Director or designee must approve the use of a P.A.E.C. credit or procurement card whenever such use is by telephone, fax, and the Internet. Permission shall be withheld when the use violates any Board policy, is from a vendor whose reputation has not been verified, or would be more expensive than if another available payment method were used.
5. The consequences for unauthorized purchases include, but are not limited to, reimbursing the P.A.E.C. for the purchase amount, loss of cardholding privileges, and, if made by an employee, discipline up to and including discharge.
6. All cardholders must sign a statement affirming that they are familiar with this policy.
7. The Executive Director shall implement a process whereby all purchases using a P.A.E.C. credit or procurement card are reviewed and approved by someone other than the cardholder or someone under the cardholder's supervision.
8. Cardholders must submit the original, itemized receipt to document all purchases.
9. No individual may use a P.A.E.C. credit or procurement card to make purchases in a manner contrary to State law, including, but not limited to, the bidding and other purchasing requirements in 105 ILCS 5/10-20.21, or any Board policy.
10. The Executive Director or designee shall account for any financial or material reward or rebate offered by the company or institution issuing the P.A.E.C. credit or procurement card and shall ensure that it is used for the Cooperative's benefit.

LEGAL REF.:

105 ILCS 5/10-20.21.

23 Ill.Admin.Code §100.70(d).

CROSS REF.: 4:50 (Payment Procedures), 4:60 (Purchases and Contracts), 4:80 (Accounting and Audits), 4:90 (Student Activity and Fiduciary Funds), 5:60 (Expenses)

Adopted: February 22, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 4:60 Purchases and Contracts

The Executive Director or designee shall manage the Cooperative's purchases and contracts in accordance with State law, the standards set forth in this policy, and other applicable Board policies.

### Standards for Purchasing and Contracting

All purchases and contracts shall be entered into in accordance with applicable federal and State law. The Board Attorney shall be consulted as needed regarding the legal requirements for purchases or contracts. All contracts greater than \$25,000 shall be approved or authorized by the Board.

All purchases and contracts should support a recognized P.A.E.C. function or purpose as well as provide for good quality products and services at the lowest cost, with consideration for service, reliability, and delivery promptness, and in compliance with State law. No purchase or contract shall be made or entered into as a result of favoritism, extravagance, fraud, or corruption.

Adoption of the annual budget authorizes the Executive Director or designee to purchase budgeted supplies, equipment, and services, provided that State law is followed. Purchases of items not included in the budget require prior Board approval, except in an emergency.

When presenting a contract or purchase for Board approval, the Executive Director or designee shall ensure that it complies with applicable federal and State law, including but not limited to, those specified below:

1. Supplies, materials, or work involving an expenditure in excess of \$35,000 must comply with the State law bidding procedure, 105 ILCS 5/10-20.21, unless specifically exempted.
2. Construction, lease, or purchase of school buildings must comply with State law and Board policy 4:150, *Facility Management and Building Programs*.
3. Guaranteed energy savings must comply with 105 ILCS 5/19b-1 et seq.
4. Third party non-instructional services must comply with 105 ILCS 5/10-22.34c.
5. Goods and services that are intended to generate revenue and other remunerations for the Cooperative in excess of \$1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, must comply with 105 ILCS 5/10-20.21(b-5). The Executive Director or designee shall keep a record of: (1) each vendor, product, or service provided, (2) the actual net revenue and non-monetary remuneration from each contract or agreement, and (3) how the revenue was used and to whom the non-monetary remuneration was distributed. The Executive Director or designee shall report this information to the Board by completing the necessary forms that must be attached to the Cooperative's annual budget.
6. Any contract to purchase food with a bidder or offeror must comply with 105 ILCS 5/10-20.21(b10).



7. The purchase of paper and paper products must comply with 105 ILCS 5/10-20.19c and policy 4:70, *Resource Conservation*.
8. Each contractor with the Cooperative is bound by each of the following:
  - a. In accordance with 105 ILCS 5/10-21.9(f): (1) prohibit any of its employees who is or was found guilty of a criminal offense listed in 105 ILCS 5/10-21.9(c) and 5/21B-80(c) to have direct, daily contact at a Cooperative school or school-related activity with one or more student(s); (2) prohibit any of the contractor's employees from having direct, daily contact with one or more students if the employee was found guilty of any offense in 5/21B-80(b) (certain drug offenses) until seven years following the end of the employee's sentence for the criminal offense; and (3) require each of its employees who will have direct, daily contact with student(s) to cooperate during the Cooperative's fingerprint-based criminal history records check on him or her.
  - b. In accordance with 105 ILCS 5/22-94: (1) prohibit any of its employees from having *direct contact with children or students* if the contractor has not performed a sexual misconduct related employment history review (EHR) of the employee or if the Cooperative objects to the employee's assignment based on the employee's involvement in an instance of sexual misconduct as provided in 105 ILCS 5/22-94(j)(3), which the contractor is required to disclose; (2) discipline, up to and including termination or denial of employment, any employee who provides false information or willfully fails to disclose information required by the EHR; (3) maintain all records of EHRs and provide the Cooperative access to such records upon request; and (4) refrain from entering into any agreements prohibited by 105 ILCS 5/22-94(g).
  - c. In accordance with 105 ILCS 5/24-5: (1) concerning each new employee of a contractor that provides services to students or in schools, provide the Cooperative with evidence of physical fitness to perform the duties assigned and freedom from communicable disease; and (2) require any new or existing employee who provides services to students or in schools to complete additional health examinations as required by the Cooperative and be subject to additional health examinations, including tuberculosis screening, as required by the Ill. Dept. of Public Health rules or order of a local health official.
9. Any pavement engineering project using a coal tar-based sealant product or high polycyclic aromatic hydrocarbon sealant product for pavement engineering-related use must comply with the Coal Tar Sealant Disclosure Act.
10. Design-build contracts must comply with 105 ILCS 5/15A-1 et seq.
11. Any new contract for a district-administered assessment must comply with 105 ILCS 5/10-20.85.
12. Purchases made with federal or State awards must comply with 2 C.F.R. Part 200 and 30 ILCS 708/, as applicable, and any terms of the award.

The Executive Director or designee shall: (1) execute the reporting and website posting mandates in State law concerning corporative contracts, and (2) monitor the discharge of contracts, contractors' performances, and the quality and value of services or products being provided.

All purchases of goods, services, equipment and minor repairs, except some purchases made from the Imprest Fund, shall be made through the use of purchase orders. The Business Manager shall establish a system which assures the efficient handling of purchasing, receiving and disbursement of supplies, equipment and services.

LEGAL REF.:

2 C.F.R. Part 200.

105 ILCS 5/10-20.19c, 5/10-20.21, 5/10-20.85, 5/10-21.9, 5/10-22.34c, 5/15A-1 et seq., 5/19b-1 et seq., 5/22-94, and 5/24-5.

30 ILCS 708/, Grant Accountability and Transparency Act.

410 ILCS 170/, Coal Tar Sealant Disclosure Act.

820 ILCS 130/, Prevailing Wage Act.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 4:70 (Resource Conservation), 4:150

(Facility Management and Building Programs), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:90 (Abused and Neglected Child Reporting)

Adopted: January 17, 2024

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 4:70 Resource Conservation

The Executive Director or designee shall manage a program of energy and resource conservation for the Cooperative that includes:

1. Periodic review of procurement procedures and specifications to ensure that purchased products and supplies are reusable, durable, or made from recycled materials, if economically and practically feasible.
2. Purchasing recycled paper and paper products in amounts that will, at a minimum, meet the specifications in the School Code, if economically and practically feasible.
3. Periodic review of procedures on the reduction of solid waste generated by academic, administrative, and other institutional functions. These procedures shall:  
(a) require recycling the Cooperative's waste stream, including landscape waste, computer paper, and white office paper, if economically and practically feasible; (b) include investigation of the feasibility of potential markets for other recyclable materials that are present in the Cooperative's waste stream; and (c) be designed to achieve, before July 1, 2020, at least a 50% reduction in the amount of solid waste that is generated by the Cooperative.
4. Adherence to energy conservation measures.

LEGAL REF.:

105 ILCS 5/10-20.19c and 5/19b.

CROSS REF.: 4:60 (Purchases and Contracts), 4:150 (Facility Management and Building Programs)

Adopted: July 20, 2022

## **Proviso Area for Exceptional Children (P.A.E.C.)**

## 4:80 Accounting and Audits

The Cooperative's accounting and audit services shall comply with the *Requirements for Accounting,*

*Budgeting, Financial Reporting, and Auditing,* as adopted by the Ill. State Board of Education (ISBE), State and federal laws and regulations, and generally accepted accounting principles. Determination of liabilities and assets, prioritization of expenditures of governmental funds, and provisions for accounting disclosures shall be made in accordance with government accounting standards as directed by the auditor designated by the Board. The Township Treasurer, in addition to other assigned financial responsibilities, shall report monthly on the Cooperative's financial performance, both income and expense, in relation to the financial plan represented in the budget.

## Annual Audit

At the close of each fiscal year, the Executive Director shall arrange an audit of the Cooperative funds, accounts, statements, and other financial matters. The audit shall be performed by an independent certified public accountant designated by the Board and be conducted in conformance with prescribed standards and legal requirements. A complete and detailed written audit report shall be provided to each Board member and to the Executive Director. The Executive Director shall annually, on or before October 15, submit an original and one copy of the audit to the Regional Executive Director of Schools.

## Annual Financial Report

The annual auditor shall annually prepare and submit the Annual Financial Report on a timely basis using the form adopted by the ISBE. The Executive Director or designee shall arrange for the auditor to review and discuss the Annual Financial Report with the Board before it is submitted.

## Inventories

The Executive Director or designee is responsible for establishing and maintaining accurate inventory records. The inventory record of supplies and equipment shall include a description of each item, quantity, location, purchase date, and cost or estimated replacement cost, unless the supplies and equipment are acquired by the Cooperative pursuant to a federal or State grant award, in which case the inventory record shall also include the information required by 2 C.F.R. §200.313, if applicable. The Executive Director shall establish procedures for the management of property acquired by the Cooperative under grant awards that comply with federal and State law.

## Capitalization Threshold

To be considered a capital asset for financial reporting purposes, a capital item must be at or above a capitalization threshold of \$5,000 and have an estimated useful life greater than one year.

## Disposition of Cooperative Property

The Executive Director or designee shall notify the Board, as necessary, of the following so that the Board may consider its disposition: (1) Cooperative personal property (property other than buildings and land) that is no longer needed for school purposes, and (2) school site, building, or other real estate that is unnecessary, unsuitable, or inconvenient. Notwithstanding the above, the Executive Director or designee may unilaterally dispose of personal property of a diminutive value. The Executive Director shall establish procedures for the disposition of property acquired by the Cooperative under grant awards that comply with federal and State law.

## Taxable Fringe Benefits

The Executive Director or designee shall: (1) require that all use of Cooperative property or equipment by employees is for the Cooperative's convenience and best interests

unless it is a Board-approved fringe benefit, and (2) ensure compliance with the Internal Revenue Service regulations regarding when to report an employee's personal use of Cooperative property or equipment as taxable compensation.

### Controls for Imprest and Petty Cash Accounts

The Imprest account and petty cash accounts are established in Board policy 4:50, *Payment Procedures*. The Executive Director shall: (1) designate a custodian for each Imprest account and petty cash accounts and (2) maintain the funds in compliance with this policy, State law, and ISBE rules. The amount of each account shall be established by a Governing Board resolution. A check for the petty cash account may be drawn payable to the designated petty cash custodian. All expenditures from these bank accounts must be directly related to the purpose for which the account was established and supported with documentation, including signed invoices or receipts. All deposits into these bank accounts must be accompanied with a clear description of their intended purpose. The Executive Director or designee shall include checks written to reimburse Imprest and petty cash funds on the Board's monthly listing of bills indicating the recipient and including an explanation.

### Control Requirements for Checks

The Board must approve all bank accounts opened or established in the Cooperative's or a Cooperative school's name or with the Cooperative's Federal Employer Identification Number. All checks issued by the Cooperative must be signed by two of the following individuals: Executive Director, Business Manager or Assistant Director, except that checks from accounts containing student activity funds or fiduciary funds and checks from revolving accounts may be signed by their respective account custodians.

### Internal Controls

The Executive Director is primarily responsible for establishing and implementing a system of internal controls for safeguarding the Cooperative's financial condition; the Board, however, will oversee these safeguards. The control objectives are to ensure efficient business and financial practices, reliable financial reporting, and compliance with State law and Board policies, and to prevent losses from fraud, employee error, misrepresentation by third parties, or imprudent employee action.

The Executive Director or designee shall annually audit the Cooperative's financial and business operations for compliance with established internal controls and provide the results to the Board. The Board may from time-to-time engage a third-party to audit internal controls in addition to the annual audit.

### Reporting to the Governing Board

The Executive Director or designee shall provide the Governing Board and the Executive Board with financial reports and data as may be appropriate and/or requested.

LEGAL REF.:

105 ILCS 5/2-3.27, 5/2-3.28, 5/3-7, 5/3-15.1, 5/5-22, 5/10-21.4, 5/10-20.19, 5/10-22.8, and 5/17-1 et seq.

23 Ill.Admin.Code Part 100.

CROSS REF.: 4:10 (Fiscal and Business Management), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards), 4:90 (Student Activity and Fiduciary Funds)

Adopted: April 15, 2021

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **4:90 Student Activity and Fiduciary Funds**

The Governing Board, upon the Executive Director or designee's recommendation, establishes student activity funds to be managed by the Business Manager or designee. The Governing Board, upon the Executive Director or designee's recommendation, also establishes fiduciary funds to be supervised by the Executive Director or designee. The Cooperative has custodial responsibilities for fiduciary funds but no direct involvement in the management of such funds.

### Student Activity Funds

The Executive Director or designee shall: (1) be responsible for supervising student activity funds in accordance with Board policy, 4:80, *Accounting and Audits*, and State law, and (2) have all of the responsibilities listed in the Ill. State Board of Education (ISBE) rules for student activity funds.

Appropriate expenditures from these funds shall require Executive Director and designee approval.

Unless otherwise instructed by the Board, a student activity fund's balance will carry over to the next fiscal year. An account containing student activity funds that is inactive for 12 consecutive months shall be closed and its funds transferred to another student activity fund or authorized fund with a similar purpose.

### Fiduciary Funds

The Executive Director or designee shall be responsible for supervising fiduciary funds in accordance with Board policy 4:80, *Accounting and Audits*; State law; and ISBE rules for fiduciary funds. The Governing Board will appoint a treasurer for each fund to serve as the fund's sole custodian and be bonded in accordance with the School Code. The treasurer shall have all of the responsibilities specific to the treasurer listed in the ISBE rules for fiduciary funds.

LEGAL REF.:

105 ILCS 5/8-2 and 5/10-20.19.

23 Ill.Admin.Code §§100.20, 100.80, and 100.85.

CROSS REF.: 4:80 (Accounting and Audits)

Adopted: April 15, 2021

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 4:100 Insurance Management

The Executive Director shall recommend and maintain all insurance programs that provide the broadest and most complete coverage available at the most economical cost, consistent with sound insurance principles.

The insurance program shall include:

1. Liability coverage to insure against any loss or liability of the Cooperative and the listed individuals against civil rights damage claims and suits, constitutional rights damage claims and suits, and death and bodily injury and property damage claims and suits, including defense costs, when damages are sought for negligent or wrongful acts allegedly committed in the scope of employment or under the Board's direction or related to any mentoring services provided to the Cooperative's licensed staff members; Board members; employees; volunteer personnel authorized by 105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b; mentors of licensed staff members authorized in 105 ILCS 5/21A-5 et seq. (new teacher), 105 ILCS 5/2-3.53a (new principal), and 2-3.53b (new directors); and student teachers.
2. Catastrophic accident insurance at the mandated benefit level for student athletes in grades 9 through 12 who sustain an accident injury while participating in school-sponsored or school supervised interscholastic athletic events sanctioned by the Illinois High School Association that results in medical expenses in excess of \$50,000.
3. Comprehensive property insurance covering a broad range of causes of loss involving building and personal property. The coverage amount shall normally be for the replacement cost or the insurable value. Personal property of P.A.E.C. employees shall not be covered under the P.A.E.C. plan.
4. Workers' Compensation to protect individual employees against financial loss in case of a workrelated injury, certain types of disease, or death incurred in an employee-related situation.
5. Employee Insurance Plans covering Health-Major Medical Dental and Life insurance coverage.

Those persons delivering consultant services through a contract agency under a contractual agreement with P.A.E.C., shall be required to purchase and provide evidence in the form of a Certificate of Insurance annually of their own liability and Workers' Compensation coverage.

### Workers' Compensation

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**



## Student Insurance

The Board shall annually designate a company to offer student accident insurance coverage. The Board does not endorse the plan nor recommend that parents/guardians secure the coverage, and any contract is between the parents/guardians and the company.

### LEGAL REF.:

Consolidated Omnibus Budget Reconciliation Act, Pub. L. 99-272, §10001, 26 U.S.C. §4980B(f), 42 U.S.C. §300bb-1 et seq.

105 ILCS 5/2-3.53a, 5/2-3.53b, 5/10-20.20, 5/10-22.3, 5/10-22.3a, 5/10-22.3b, 5/10-22.3f, 5/10-22.34, 5/10-22.34a, 5/10-22.34b, 5/21A-5 et seq., and 5/22-15.

215 ILCS 5/, Ill. Insurance Code.

750 ILCS 75/, Ill. Religious Freedom Protection and Civil Union Act.

820 ILCS 305/, Workers' Compensation Act.

Adopted: July 26, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **4:110 Transportation**

Transportation shall be the responsibility of the District of residence.

The Cooperative shall provide transportation for those students participating in Special Olympics.

LEGAL REF.:

20 U.S.C. §6312(c)(5)(B), Elementary and Secondary Education Act.

42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.

105 ILCS 5/10-22.22 and 5/29-1 et seq.

105 ILCS 45/1-15 and /1-17.

625 ILCS 5/1-148.3a-5, 5/1-182, 5/11-1414.1, 5/12-813.1, 5/12-815, 5/12-816, 5/12-821, and 5/13109.

23 Ill.Admin.Code §§1.510 and 226.750; Part 120.

92 Ill.Admin.Code Part 440.

Adopted: May 16, 2019

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 4:120 Food Services

Good nutrition shall be promoted in the Cooperative's meal programs and in other food and beverages that are sold to students during the school day. The Director shall manage a food service program that complies with this policy and is in alignment with School Board policy 6:50, *School Wellness*.

Food or beverage items sold to students as part of a reimbursable meal under federal law must follow the nutrition standards specified in the U.S. Dept. of Agriculture rules that implement the National School Lunch and Child Nutrition Acts. Schools being reimbursed for meals under these laws are *participating schools*.

The food service program in participating schools shall comply with the nutrition standards specified in the U.S. Dept. of Agriculture's *Smart Snacks rules* when it offers competitive foods to students on the school campus during the school day. *Competitive foods* are all food and beverages that are offered by any person, organization or entity for sale to students on the school campus during the school day that are not reimbursed under programs authorized by federal law. The food service programs in participating schools shall also comply with any applicable mandates in the Illinois State Board of Education's School Food Service rules implementing these federal laws and the Ill. School Breakfast and Lunch Program Act.

All revenue from the sale of any food or beverages sold in competition with the School Breakfast Program or National School Lunch Program to students in food service areas during the meal period shall accrue to the nonprofit school lunch program account.

### LEGAL REF.:

Russell B. National School Lunch Act, 42 U.S.C. §1751 et seq.

Child Nutrition Act of 1966, 42 U.S.C. §1771 et seq.

7 C.F.R. Parts 210 (National School Lunch Program) and 220 (School Breakfast Program).

105 ILCS 125/, School Breakfast and Lunch Program Act.

23 Ill.Admin.Code Part 305, School Food Service.

CROSS REF.: 4:130 (Free and Reduced-Price Food Services), 6:50 (School Wellness)

Adopted: February 16, 2022

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **4:130 Free and Reduced-Price Food Services**

### Notice

The Executive Director or designee shall be responsible for implementing the Cooperative's free and reduced-price food services policy and all applicable programs.

If State funding is available for the Healthy School Meals for All Program, the Board will annually determine if it will participate in the program.

### Eligibility Criteria and Selection of Children

A student's eligibility for free and reduced-price food services shall be determined by the income eligibility guidelines, family-size income standards, set annually by the U.S. Department of Agriculture and distributed by the Illinois State Board of Education.

### Notification

At the beginning of each school year, by letter, the Cooperative shall notify students and their parents/guardians of: (1) eligibility requirements for free and reduced-price food service; (2) the application process; (3) the name and telephone number of a contact person for the program; and (4) other information required by federal law. The Executive Director or designee shall provide the same information to: (1) informational media, the local unemployment office, and any major area employers contemplating layoffs; and (2) the Cooperative's website (if applicable), all school newsletters, or students' registration materials. Parents/guardians enrolling a child in the Cooperative for the first time, any time during the school year, shall receive the eligibility information.

### Nondiscrimination Assurance

The Cooperative shall avoid publicly identifying students receiving free or reduced-price meals and shall use methods for collecting meal payments that prevent identification of children receiving assistance.

### Appeal

A family may appeal the Cooperative's decision to deny an application for free and reduced-price food services or to terminate such services as outlined by the U.S. Department of Agriculture in 7 C.F.R. §245.7, Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools. The Executive Director shall establish a hearing procedure for adverse eligibility decisions and provide by mail a copy of them to the family. The Cooperative may also use these procedures to challenge a child's continued eligibility for free or reduced-price meals or milk.

During an appeal, students previously receiving food service benefits shall not have their benefits terminated. Students who were denied benefits shall not receive benefits during the appeal.

The Executive Director or designee shall keep on file for a period of three years a record of any appeals made and the hearing record. The Cooperative shall also maintain accurate and complete records showing the data and method used to

determine the number of eligible students served free and reduced-price food services. These records shall be maintained for three years.

LEGAL REF.:

U.S. Dept. of Agriculture, Food and Nutrition Service, National School Lunch Program, 7 C.F.R. Part 210.

U.S. Dept. of Agriculture, Food and Nutrition Service, Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools, 7 C.F.R. Part 245.

105 ILCS 125/, School Breakfast and Lunch Program Act.

105 ILCS 126/, Childhood Hunger Relief Act.

23 Ill.Admin.Code §305.10 et seq.

Adopted: January 17, 2024

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **4:130-E Exhibit - Free and Reduced-Price Food Services; Meal Charge Notifications**

*On District letterhead, website, in student handbook, newsletters, bulletins, and/or calendars*

Date:

To: Parents/Guardians, Students, and Staff

Re: Eligibility and Meal Charge Notifications

The following notification is provided to all households of students at the beginning of each school year as federally required notification regarding eligibility requirements and the application process for the free and reduced-price food services that are listed in Board policy 4:130, *Free and Reduced-Price Food Services*, and 4:140, *Waiver of Student Fees*. This notification is also provided to households of students transferring to the District during the school year. For more information, see [www.fns.usda.gov/school-meals/unpaid-meal-charges](http://www.fns.usda.gov/school-meals/unpaid-meal-charges), and/or contact the Building Principal or designee.

### Free and Reduced-Price Food Services Eligibility

When the parents/guardians of students are unable to pay for their child(ren)'s meal services, meal charges will apply per a student's eligibility category and will be processed by the Cooperative accordingly.

A student's eligibility for free and reduced-price food services shall be determined by the income eligibility guidelines, family-size income standards, set annually by the U.S. Dept. of Agriculture, and distributed by the Ill. State Board of Education.

### Meal Charges for Meals Provided by the District

The Building Principal and Cooperative staff will work jointly to prevent meal charges from accumulating. Every effort to collect all funds due to the Cooperative will be made on a regular basis and before the end of the school year. Contact your Building Principal or designee about whether your child(ren)'s charges may be carried over at the end of the school year, i.e., beyond June 30<sup>th</sup>.

Unpaid meal charges are considered delinquent debt when payment is overdue as defined by Board policy 4:45, *Insufficient Fund Checks and Debt Recovery* and the Hunger-Free Students' Bill of Rights Act (105 ILCS 123/). The Cooperative will make reasonable efforts to collect charges classified as delinquent debt, including repeated contacts to collect the amounts and, when necessary, requesting that the student's parent(s)/guardian(s) apply for meal benefits to determine if the student qualifies for such benefits under Board policy 4:130, *Free and Reduced-Price Food Services*. The Cooperative will provide a federally reimbursable meal or snack to a student who requests one, regardless of the student's ability to pay or negative account balance.

When a student's funds are low and when there is a negative balance, reminders will be provided to the staff, students, and their parent(s)/guardian(s) at regular intervals during the school year. State law allows the Building Principal to contact parents(s)/guardian(s) to attempt collection of the owed money when the amount owed is more than the amount of five lunches. If a parent/guardian regularly fails to provide meal money for the child(ren) that he/she is responsible for in the Cooperative and does not qualify for free meal benefits or refuses to apply for such benefits, the Building Principal or designee will direct the next course of action. Continual failure to provide meal money may require the Cooperative to notify the Ill. Dept. of Children and Family Services (DCFS) and/or take legal steps to recover the unpaid meal charges, up to and including seeking an offset under the State Comptroller Act, if applicable.

LEGAL REF.:

Healthy Hunger-Free Kids Act of 2010 (P.L. 111-296).

7 C.F.R. §245.5.

105 ILCS 123/, Hunger-Free Students' Bill of Rights Act.

23 Ill.Admin.Code Part 305, School Food Service.

DATED : January 17, 2024

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **4:140 Waiver of Student Fees**

The Executive Director or designee will recommend to the Governing Board for adoption a schedule of fees, if any, to be charged students for the use of textbooks, consumable materials, extracurricular activities, and other school student fees. Students must also pay fines for the loss of or damage to school books or other school-owned materials.

Fees for textbooks, other instructional materials, and driver education, as well as fines for the loss or damage of school property are waived for students who meet the eligibility criteria for a waiver as described in this Policy.

No student may be punished or discriminated against because the parent(s)/guardian(s) is unable to purchase required textbooks or instructional materials or to pay required fees.

### Notification

The Executive Director or designee shall ensure that a notice of waiver applicability is provided to parents/guardians with every bill for fees and/or fines, and that applications for waivers are widely available and distributed according to State law and Ill. State Board of Education (ISBE) rule and that provisions for assisting parents/guardians in completing the application are available.

### Eligibility Criteria

A student shall be eligible for a fee and fine waiver as determined by the student's resident district or when:

1. The student currently lives in a household that meets the free lunch or breakfast eligibility guidelines established by the federal government pursuant to the Richard B. Russell National School Lunch Act;
2. The student or student's family is currently receiving aid under the Illinois Public Aid Code, Article IV, Temporary Assistance for Needy Families (TANF);
3. The student's parents/guardians are veterans or active-duty military personnel with income at or below 200% of the federal poverty line; or
4. The student is homeless, as defined in the McKinney-Vento Homeless Assistance Act (42 U.S.C. §11434a).

The Executive Director or designee will give additional consideration when one or more of the following factors are present in the student's family/household:

- Very significant loss of income due to severe illness or injury in the family;
- Unusual expenses such as fire, flood, storm damage, etc.;
- Emergency situations; or
- When one or more of the parents/guardians are involved in a work stoppage.



## Verification

The Executive Director or designee shall establish a process for determining a student's eligibility for a waiver of fees and fines in accordance with State law requirements.

If a student receiving a waiver is found to be no longer eligible during the school year, the Executive Director or designee shall notify the student's parent/guardian and charge the student a prorated amount based upon the number of school days remaining in the school year.

## Determination and Appeal

Within 30 calendar days after the receipt of a fee waiver request, the Executive Director or designee will mail a written notice to the parent(s)/guardian(s) as to whether the fee waiver request has been granted or denied. The denial notice shall include: (1) the reason for the denial, (2) the process and timelines for making an appeal, and (3) a statement that the parent(s)/guardian(s) may reapply for a waiver any time during the school year if circumstances change. If the denial is appealed, the District shall follow the procedures for the resolution of appeals as provided in the ISBE rule on waiver of fees.

### LEGAL REF.:

42 U.S.C. §11434a, McKinney-Vento Homeless Assistance Act.

105 ILCS 5/10-20.13, 5/10-22.25, 5/27-24.2, and 5/28-19.2.

23 Ill.Admin.Code §1.245 [may contain unenforceable provisions].

CROSS REF.: 6:220 (Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct) Adopted: February 22, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **4:150 Facility Management and Building Programs**

The Executive Director or designee shall manage the Cooperative's facilities and grounds as well as facility construction and building programs in accordance with the law, the standards set forth in this policy, and other applicable Board policies. The Executive Director or designee shall facilitate: (1) inspections of schools by the Regional Superintendent and State Fire Marshal or designee, (2) review of plans and specifications for future construction or alterations of a school if requested by the relevant municipality, county (if applicable), or fire protection district, and (3) compliance with the 10-year safety survey process required by the School Code.

### Standards for Managing Buildings and Grounds

All Cooperative buildings and grounds shall be adequately maintained in order to provide an appropriate, safe, and energy efficient physical environment for learning and teaching. The Executive Director or designee shall provide the Board with periodic reports on maintenance data and projected maintenance needs that include cost analysis. This policy is not intended to discourage efforts to improve the appearance of buildings or grounds that are consistent with the designated use of those buildings and grounds.

### Standards for Green Cleaning

For each Cooperative school with 50 or more students, the Executive Director or designee shall establish and supervise a green cleaning program that complies with the guidelines established by the Illinois Green Government Coordinating Council.

### Standards for Facility Construction and Building Programs

As appropriate, the Board will authorize a comprehensive study to determine the need for facility construction and expansion. On an annual basis, the Executive Director or designee shall provide the Board with projected facility needs, enrollment trends, and other data impacting facility use. Board approval is needed for all new facility construction and expansion.

When making decisions pertaining to design and construction of school facilities, the Board will confer with members of the staff and community, the Ill. State Board of Education, and educational and architectural consultants, as it deems appropriate. The Board's facility goals are to:

1. Integrate facilities planning with other aspects of planning and goal-setting.
2. Base educational specifications for school buildings on identifiable student needs.
3. Design buildings for sufficient flexibility to permit new or modified programs.
4. Design buildings for maximum potential for community use.
5. Meet or exceed all safety requirements.
6. Meet requirements on the accessibility of school facilities to disabled persons as specified in State and federal law.
7. Provide for low maintenance costs, energy efficiency, and minimal environmental impact.

## Naming Buildings and Facilities

Recognizing that the name for a school building, facility, or ground or field reflects on its public image, the Board's primary consideration will be to select a name that enhances the credibility and stature of the school or facility. Any request to name or rename an existing facility should be submitted to the Board. When a facility is to be named or renamed, the Board President will appoint a special committee to consider nominations and make a recommendation, along with supporting rationale, to the Board. The Board will make the final selection. The Executive Director or designee may name a room or designate some area on a school's property in honor of an individual or group that has performed outstanding service to the Cooperative without using the process in this policy.

### LEGAL REF.:

42 U.S.C. §12101 et seq., Americans with Disabilities Act of 1990, implemented by 28 C.F.R. Parts 35 and 36.

20 ILCS 3130/, Green Buildings Act.

105 ILCS 5/2-3.12, 5/10-20.49, 5/10-22.36, 5/10-20.63 and 5/17-2.11.

105 ILCS 140/, Green Cleaning Schools Act.

105 ILCS 230/, School Construction Law.

410 ILCS 25/, Environmental Barriers Act.

410 ILCS 35/25, Equitable Restrooms Act.

820 ILCS 130/, Prevailing Wage Act.

23 Ill.Admin.Code Part 151, School Construction Program; Part 180, Health/Life Safety Code for Public Schools; and Part 2800, Green Cleaning for Elementary and Secondary Schools.

71 Ill.Admin.Code Part 400, Ill. Accessibility Code.

CROSS REF.: 2:150 (Board Committees), 2:170 (Procurement of Architectural, Engineering, and Land Surveying Services), 4:60 (Purchases and Contracts), 8:70 (Accommodating Individuals with Disabilities)

Adopted: April 16, 2020

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **4:160 Environmental Quality of Buildings and Grounds**

The Executive Director or designee shall take all reasonable measures to protect: (1) the safety of Cooperative personnel, students, and visitors on Cooperative premises

from risks associated with hazardous materials and (2) the environmental quality of the Cooperative's buildings and grounds.

### Pesticides

Pesticides will not be applied on the paved surfaces, playgrounds, or playing fields of any school serving grades K-8 during a school day or partial school day when students are in attendance for instructional purposes. Additionally, the application of any restricted use pesticides is prohibited on or within 500 feet of school property during normal school hours. Before pesticides are used on Cooperative premises, the Executive Director or designee shall notify employees and parents/guardians of students as required by the Structural Pest Control Act, 225 ILCS 235/, and the Lawn Care Products Application and Notice Act, 415 ILCS 65/.

### Coal Tar Sealant

Before coal tar-based sealant products or high polycyclic aromatic hydrocarbon sealant products are used on Cooperative premises, the Executive Director or designee shall notify employees and parents/guardians of students in writing or by telephone as required by the Coal Tar Sealant Disclosure Act.

### LEGAL REF.:

105 ILCS 5/10-20.17a; 5/10-20.48.

29 C.F.R. §1910.1030, Occupational Exposure to Bloodborne Pathogens, as adopted by the Illinois Department of Labor, 56 Ill.Admin.Code §350.700(b).

29 C.F.R. §1910.1200, Occupational Safety and Health Administration Hazard Communication Standards, as adopted by 820 ILCS 255/1.5, Toxic Substances Disclosure to Employees Act.

20 ILCS 3130/, Green Buildings Act.

105 ILCS 135/, Toxic Art Supplies in Schools Act.

105 ILCS 140/, Green Cleaning School Act.

105 ILCS 160/, Pesticide Application at Schools Act.

225 ILCS 235/, Structural Pest Control Act.

415 ILCS 60/14, Illinois Pesticide Act.

415 ILCS 65/, Lawn Care Products Application and Notice Act.

410 ILCS 170/, Coal Tar Sealant Disclosure Act.

820 ILCS 255/, Toxic Substances Disclosure to Employees Act. (*inoperative*)

23 Ill.Admin.Code §1.330.

CROSS REF.: 4:150 (Facility Management and Building Programs), 4:170 (Safety)

Adopted: January 17, 2024

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 4:165 Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors

Child sexual abuse and grooming behaviors harm students, their parents/guardians, the Cooperative's environment, its school communities, and the community at large, while diminishing a student's ability to learn. The Board has a responsibility and obligation to increase awareness and knowledge of: (1) issues regarding child sexual abuse, (2) likely warning signs that a child may be a victim of sexual abuse, (3) grooming behaviors related to child sexual abuse and grooming, (4) how to report child sexual abuse, (5) appropriate relationships between P.A.E.C. employees and students based upon State law, and (6) how to prevent child sexual abuse.

To address the Board's obligation to increase awareness and knowledge of these issues, prevent sexual abuse of children, and define prohibited grooming behaviors, the Executive Director or designee shall implement an Awareness and Prevention of Sexual Abuse and Grooming Behaviors Program. The Program will:

1. Educate students with:
  - a. An age-appropriate and evidence-informed health and safety education curriculum that includes methods for how to report child sexual abuse and grooming behaviors to authorities;
  - b. Information in policy 7:250, *Student Support Services*, about: (i) P.A.E.C. counseling options, assistance, and intervention for students who are victims of or affected by sexual abuse, and (ii) community-based Children's Advocacy Centers and sexual assault crisis centers and how to access those serving the Cooperative.
2. Train P.A.E.C. employees about child sexual abuse and grooming behaviors by January 31 of each school year with materials that include:
  - a. A definition of prohibited grooming behaviors and employee-student boundary violations pursuant to policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*;
  - b. Evidence-informed content on preventing, recognizing, reporting, and responding to child sexual abuse, grooming behaviors, and employee-student boundary violations pursuant to policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Sexual Harassment Grievance Procedure*; 5:90, *Abused and Neglected Child Reporting*; 5:100, *Staff Development Program*; and 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; and
  - c. How to report child sexual abuse, grooming behaviors, and/or employee-student boundary violations pursuant to policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Sexual Harassment Grievance Procedure*; and 5:90, *Abused and Neglected Child Reporting*.
3. Provide information to parents/guardians in student handbooks about the warning signs of child sexual abuse, grooming behaviors, and employee-student boundary violations with evidenceinformed educational information that also includes:

- a. Assistance, referral, or resource information, including how to recognize grooming behaviors, appropriate relationships between P.A.E.C. employees and students based upon policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, and how to prevent child sexual abuse from happening;
  - b. Methods for how to report child sexual abuse, grooming behaviors, and/or employeestudent boundary violations to authorities; and
  - c. Available counseling and resources for children who are affected by sexual abuse, including both emotional and educational support for students affected by sexual abuse, so that the student can continue to succeed in school pursuant to policy 7:250, *Student Support Services*.
4. Provide parents/guardians of students in any of grades K through 8 with not less than five days' written notice before commencing any class or course providing instruction in recognizing and avoiding sexual abuse, as well as the opportunity to object in writing.

LEGAL REF.:

105 ILCS 5/10-23.13, 5/22-85.5, 5/27-9.1a, and 5/27-13.2.

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

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

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

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance

Procedure), 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:90 (Abused and

Neglected Child Reporting), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 7:20 (Harassment of Students Prohibited), 7:250 (Student Support Services)

Adopted: February 22, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **4:170 Safety**

### Safety and Security

All Cooperative operations, including the education program, shall be conducted in a manner that will promote the safety and security of everyone on Cooperative property or at a Cooperative event. The Executive Director or designee shall develop, implement, and maintain a comprehensive safety and security plan that includes, without limitation:

1. An emergency operations and crisis response plan(s) addressing prevention, preparation, response, and recovery for each school;
2. Provisions for a coordinated effort with local law enforcement and fire officials, and emergency medical services personnel;
3. A school safety drill plan;
4. Instruction in safe bus riding practices; and
5. A clear, rapid, factual, and coordinated system of internal and external communication.

In the event of an emergency that threatens the safety of any person or property, students and staff are encouraged to follow the best practices discussed for their building regarding the use of any available cellular telephones.

### School Safety Drill Plan

During every academic year, each school building that houses school children shall conduct, at a minimum, each of the following in accordance with the School Safety Drill Act (105 ILCS 128/):

1. Three school evacuation drills to address and prepare students and school personnel for fire incidents. One of these three drills shall require the participation of the local fire department or Cooperative.
2. One bus evacuation drill.
3. One severe weather and shelter-in-place drill to address and prepare students and school personnel for possible tornado incidents.
4. One law enforcement lockdown drill to address a school shooting incident and to evaluate the preparedness of school personnel and students. This drill shall occur no later than 90 days after the first day of school of each year, and shall require the participation of all school personnel and students present at school at the time of the drill, except for those exempted by administrators, school support personnel, or a parent/guardian.

One of the school evacuation drills must be conducted with the participation of the appropriate local fire department, except there waived under State law.



## Annual Review

The Board, Executive Director, or its designee will annually review each school building's emergency operations and crisis response plan(s), protocols, and procedures, as well as each building's compliance with the school safety drill plan. This annual review shall be in accordance with the School Safety Drill Act (105 ILCS 128/) and the Joint Rules of the Office of the State Fire Marshal and the Ill. State Board of Education (ISBE) 29 Ill.Admin.Code Part 1500.

## Automated External Defibrillator (AED)

The Executive Director or designee shall implement a written plan for responding to medical emergencies at the Cooperative's physical fitness facilities in accordance with the Fitness Facility Medical Emergency Preparedness Act and shall file a copy of the plan with the Ill. Dept. of Public Health (IDPH). The plan shall provide for at least one automated external defibrillator (AED) to be available at every physical fitness facility on the premises according to State law requirements.

The Cooperative shall have an AED on site as well as a trained AED user: (1) on staff during staffed business hours; and (2) available during activities or events sponsored and conducted or supervised by the Cooperative. The Executive Director or designee shall ensure that every AED on the Cooperative's premises is properly tested and maintained in accordance with rules developed by the IDPH. This policy does not create an obligation to use an AED.

## Carbon Monoxide Alarms

The Executive Director or designee shall implement a plan with the Cooperative's local fire officials to:

1. Determine which school buildings to equip with approved *carbon monoxide alarms* or *carbon monoxide detectors*,
2. Locate the required carbon monoxide alarms or carbon monoxide detectors within 20 feet of a carbon monoxide emitting device, and
3. Incorporate carbon monoxide alarm or detector activation procedures into each school building that requires a carbon monoxide alarm or detector. The Director or designee shall ensure each school building annually reviews these procedures.

## Lead Testing in Water

The Executive Director or designee shall implement testing for lead in each source of drinking water in school buildings in accordance with the Ill. Plumbing License Law and guidance published by the IDPH. The Executive Director or designee shall notify parent(s)/guardian(s) about the sampling results from their children's respective school buildings.

## Emergency Closing

The Executive Director or designee is authorized to close school(s) in the event of hazardous weather or other emergency that threatens the safety of students, staff members, or school property.

### LEGAL REF.:

105 ILCS 5/10-20.2, 5/10-20.57, 5/18-12, and 5/18-12.5.

105 ILCS 128/, School Safety Drill Act; 29 Ill.Admin.Code Part 1500.

210 ILCS 74/, Physical Fitness Facility Medical Emergency Preparedness Act.

225 ILCS 320/35.5, Ill. Plumbing License Law.

CROSS REF.: 4:110 (Transportation), 4:175 (Convicted Child Sex Offender; Screening;

Notifications), 4:180 (Pandemic Preparedness; Management; and Recovery), 4:190 (Targeted School Violence Prevention Program), 5:30 (Hiring Process and Criteria), 8:30 (Visitors to and Conduct on School Property)

Adopted: February 16, 2022

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **4:175 Convicted Child Sex Offender; Screening; Notifications**

#### Persons Prohibited on School Property without Prior Permission

State law prohibits a child sex offender from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present, unless the offender meets either of the following two exceptions:

1. The offender is a parent/guardian of a student attending the school and has notified the Building Principal of his or her presence at the school for the purpose of: (i) attending a conference with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion; or
2. The offender received permission to be present from the Governing Board, Director, or Director's designee. If permission is granted, the Director, Director's designee, or Board

President shall provide the details of the offender's upcoming visit to the Building Principal.

In all cases, the Director or designee shall supervise a child sex offender whenever the offender is in a child's vicinity. If a student is a sex offender, the Director or designee shall develop guidelines for managing his or her presence in school.

### Screening

The Executive Director or designee shall perform fingerprint-based criminal history records information checks and/or screenings required by State law or Board policy for employees; student teachers; students doing field or clinical experience other than student teaching; contractors' employees who have direct, daily contact with one or more children; and resource persons and volunteers. The Board President shall ensure that these checks are completed for the Executive Director. He or she shall take appropriate action based on the result of any criminal background check and/or screen.

### Notification to Parents/Guardians

The Director or designee shall develop procedures for the distribution and use of information from law enforcement officials under the Sex Offender Community Notification Law and the Murderer and Violent Offender Against Youth Community Notification Law. The Director or designee shall serve as the Cooperative contact person for purposes of these laws. The Director or designee and Building Principal shall manage a process for schools to notify the parents/guardians during school registration that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law. This notification must occur during school registration and at other times as the Director, Director's designee, or Building Principal determines advisable.

### LEGAL REF.:

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

20 ILCS 2635/, Uniform Conviction Information Act.

720 ILCS 5/11-9.3, Criminal Code of 2012.

730 ILCS 152/, Sex Offender Community Notification Law.

730 ILCS 154/75-105, Murderer and Violent Offender Against Youth Community Notification Law.

CROSS REF.: 2:110 (Qualifications, Term, and Duties of Board Officers), 3:40 (Executive Director), 3:50 (Administrative Personnel Other Than the Executive Director), 3:60 (Administrative Responsibility of the Building Principal and Assistant Principal), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:30 (Hiring Process and Criteria), 5:260 (Student Teachers), 6:250 (Community Resource Persons and Volunteers), 8:30 (Visitors to and Conduct on School Property)

Adopted: February 16, 2022

## **Proviso Area for Exceptional Children (P.A.E.C.)**

## **4:180 Pandemic Preparedness; Management; and Recovery**

The Governing Board recognizes that the Cooperative will play an essential role along with the local health department and emergency management agencies in protecting the public's health and safety during a pandemic.

A pandemic is a global outbreak of disease. Pandemics happen when a new virus emerges to infect individuals and, because there is little to no pre-existing immunity against the new virus, it spreads sustainably.

To prepare the Cooperative community for a pandemic, the Executive Director or designee shall: (1) learn and understand how the roles that the federal, State, and local government function; (2) form a pandemic planning team consisting of appropriate Cooperative personnel to identify priorities and oversee the development and implementation of a comprehensive pandemic school action plan; and (3) build awareness of the final plan among staff, students, and community.

### Emergency School Closing

In the case of a pandemic, the Governor may declare a disaster due to a public health emergency that may affect any decision for an emergency school closing. Decisions for an emergency school closing will be made by the executive Director in consultation with and, if necessary, at the direction of the Governor, Ill. Dept. of Public Health, Cooperative's local health department, emergency management agencies, and/or Regional Office of Education.

During an emergency school closing, the Board President and the Executive Director may, to the extent the emergency situation allows, examine existing Board policies pursuant to Policy 2:240, *Board Policy Development*, and recommend to the Board for consideration any needed amendments or suspensions to address mandates that the Cooperative may not be able to accomplish or implement due to a pandemic.

### Board Meeting Procedure; No Physical Presence of Quorum and Participation by Audio or Video

A disaster declaration related to a public health emergency may affect the Board's ability to meet in person and generate a quorum of members who are physically present at the location of a meeting. Policy 2:220, *School Board Meeting Procedure*, governs Board meetings by video or audio conference without the physical presence of a quorum.

### Payment of Employee Salaries During Emergency School Closures

The Executive Director shall consult with the Board to determine the extent to which continued payment of salaries and benefits will be made to the Cooperative's employees, pursuant to Board policies 3:40, *Executive Director*, 3:50, *Administrative Personnel Other Than the Executive Director*, 5:35, *Compliance with the Fair Labor Standards Act*, 5:200, *Terms and Conditions of Employment and Dismissal*, and 5:270, *Employment At-Will, Compensation, and Assignment*, and consistent with: (1) applicable laws, regulations, federal or State or local emergency declarations,

executive orders, and agency directives; (2) collective bargaining agreements and any bargaining obligations; and (3) the terms of any grant under which an employee is being paid.

### Suspension of In-Person Instruction; Remote and/or Blended Remote Learning Day Plan(s)

When the Governor declares a disaster due to a public health emergency pursuant to 20 ILCS 3305/7, and the State Superintendent of Education declares a requirement for the Cooperative to use *Remote Learning Days* or *Blended Remote Learning Days*, the Executive Director shall approve and present to the Board for adoption a Remote and/or Blended Remote Learning Day Plan (Plan) that:

1. Recommends to the Board for consideration any suspensions or amendments to curriculum-related policies to reduce any Board-required graduation or other instructional requirements in excess of minimum curricular requirements specified in School Code that the Cooperative may not be able to provide due to the pandemic;
2. Implements the requirements of 105 ILCS 5/10-30; and
3. Ensures a plan for periodic review of and/or amendments to the Plan when needed and/or required by statute, regulation, or State guidance.

#### LEGAL REF.:

105 ILCS 5/10-16.7, 5/10-20.5, 5/10-20.56, and 5/10-30.

5 ILCS 120/2.01 and 120/7(e), Open Meetings Act.

20 ILCS 2305/2(b), Ill. Dept. of Public Health Act (Part 1).

20 ILCS 3305/, Ill. Emergency Management Agency Act.

115 ILCS 5/, Ill. Educational Labor Relations Act.

CROSS REF.: 1:20 (District Organization, Operations, and Cooperative Agreements), 2:20

(Powers and Duties of the School Board; Indemnification), 2:220 (School Board Meeting Procedure), 2:240 (Board Policy Development), 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 3:70 (Succession of Authority), 4:170 (Safety), 5:35 (Compliance with the Fair Labor Standards Act), 5:200 (Terms and Conditions of Employment and Dismissal), 5:270 (Employment At-Will, Compensation, and Assignment), 6:20 (School Year Calendar and Day), 6:60

(Curriculum Content), 6:300 (Graduation Requirements), 7:90 (Release During School Hours), 8:100 (Relations with Other Organizations and Agencies)

Adopted: December 17, 2020

## 4:190 Targeted School Violence Prevention Program

Threats and acts of targeted school violence harm the Cooperative's environment and school community, diminishing students' ability to learn and a school's ability to educate. Providing students and staff with access to a safe and secure Cooperative environment is an important Board goal. While it is not possible for the Cooperative to completely eliminate threats in its environment, a Targeted School Violence Prevention Program (Program) using the collective efforts of local school officials, staff, students, families, and the community helps the Cooperative reduce these risks to its environment.

The Executive Director or designee shall develop and implement the Program. The Program oversees the maintenance of a Cooperative environment that is conducive to learning and working by identifying, assessing, classifying, responding to, and managing threats and acts of targeted school violence. The Program shall be part of the Cooperative's Comprehensive Safety and Security Plan, required by Board policy 4:170, *Safety*, and shall:

1. Establish a Cooperative-level School Violence Prevention Team to: (a) develop a Cooperativelevel Targeted School Violence Prevention Plan, and (b) oversee the Cooperative's Buildinglevel Threat Assessment Team(s).
2. Establish Building-level Threat Assessment Team(s) to assess and intervene with individuals whose behavior may pose a threat to safety. This team may serve one or more schools.
3. Comply with State and federal law and align with Board policies.

The Local Governmental and Governmental Employees Tort Immunity Act protects the Cooperative from liability. The Program does not: (1) replace the care of a physician licensed to practice medicine in all of its branches or a licensed medical practitioner or professional trained in violence prevention, assessments and counseling services, (2) extend beyond available resources within the Cooperative, (3) extend beyond the school day and/or school-sponsored events, or (4) guarantee or ensure the safety of students, Cooperative staff, or visitors.

### LEGAL REF.:

105 ILCS 5/10-20.14, 5/10-21.7, 5/10-27.1A, 5/10-27.1B, 5/24-24, and 5/27-23.7.

105 ILCS 128/, School Safety Drill Act.

745 ILCS 10/, Local Governmental and Governmental Employees Tort Immunity Act.

29 Ill.Admin.Code Part 1500.

CROSS REF.: 2:240 (Board Policy Development), 4:170 (Safety), 5:90 (Abused and Neglected

Child Reporting), 5:100 (Staff Development Program), 5:230 (Maintaining Student Discipline), 6:65

(Student Social and Emotional Development), 6:270 (Guidance and Counseling Program), 7:140 (Search and Seizure), 7:150 (Agency and Police Interviews), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:250 (Student Support Services), 7:290 (Suicide and Depression Awareness and Prevention), 7:340 (Student Records), 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)

Adopted: May 16, 2019

**Proviso Area for Exceptional Children (P.A.E.C.)**

**SECTION 5 - PERSONNEL**

**Proviso Area for Exceptional Children (P.A.E.C.)**



**General Personnel**

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **5:10 Equal Employment Opportunity and Minority Recruitment**

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

Persons who believe they have not received equal employment opportunities should report their claims to the Nondiscrimination Coordinator and/or a Complaint Manager 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 Executive Director or designee shall appoint a Nondiscrimination Coordinator for personnel who shall be responsible for coordinating the Cooperative's nondiscrimination efforts. The

Nondiscrimination Coordinator may be the Executive Director or designee or a Complaint Manager for the Uniform Grievance Procedure. The Nondiscrimination Coordinator also serves as the Cooperative's Title IX Coordinator.

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

### **Nondiscrimination Coordinator:**

Mr. Michael James

1000 Van Buren St., Maywood, IL 60153

mjames@paec803.org

708-450-2100

## **Complaint Manager:**

Dr. Sherry Reynolds-Whitaker

1000 Van Buren St., Maywood, IL 60153

swhitaker@paec803.org

708-450-2158

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

### Minority Recruitment

The Cooperative 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 Cooperative to give preferential treatment or special rights based on a protected group status without evidence of past discrimination.

### LEGAL REF.:

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

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

29 U.S.C. §206(d), Equal Pay Act.

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

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

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

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

42 U.S.C. §2000e et seq., Title VII of the Civil Rights Act of 1964; 29 C.F.R. Part 1601.

42 U.S.C. §2000ff et seq., Genetic Information Nondiscrimination Act of 2008.

42 U.S.C. §2000d et seq., Title VI of the Civil Rights Act of 1964.

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

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

Ill. Constitution, Art. I, §§17, 18, and 19.

105 ILCS 5/10-20.7, 5/10-20.7a, 5/10-21.1, 5/10-22.4, 5/10-23.5, 5/22-19, 5/24-4, 5/24-4.1, and 5/247.

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

410 ILCS 513/25, Genetic Information Privacy Act.

740 ILCS 174/, Ill. Whistleblower Act.

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

775 ILCS 35/, Religious Freedom Restoration Act.

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

820 ILCS 70/, Employee Credit Privacy Act.

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

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

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

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

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance

Procedure), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:40

(Communicable and Chronic Infectious Disease), 5:50 (Drug- and Alcohol-Free Workplace; ECigarette, Tobacco, and Cannabis Prohibition), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:250 (Leaves of Absence), 5:270 (Employment, At-Will, Compensation, and Assignment), 5:300 (Schedules and Employment Year), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 7:10 (Equal Educational Opportunities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)

ADOPTED: February 12, 2013

REVISED: September 18, 2014, April 16, 2015; March 16, 2017; April 16, 2020; December 17,

2020; October 20, 2021; February 16, 2022

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 5:20 Workplace Harassment Prohibited

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

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

### Sexual Harassment Prohibited

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

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

### Making a Report or Complaint

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

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

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

Employees should report claims of harassment to the Nondiscrimination Coordinator and/or use the

Board policy 2:260, Uniform Grievance Procedure. Employees may choose to report to a person of

the employee's same sex. There are no express time limits for initiating complaints and grievances under this policy; however, every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available.

#### Whom to Contact with a Report or Complaint

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

Coordinator, and/or a Complaint Manager. An employee may also report claims using Board policy

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

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

#### **Nondiscrimination Coordinator:**

Michael James

1000 Van Buren St., Maywood, IL

60153 mjames@paec803.org 708-

450-2100

#### **Complaint Manager:**

Dr. Sherry Reynolds-Whitaker

1000 Van Buren St., Maywood, IL

60153 swhitaker@paec803.org

708-450-2158

## Investigation Process

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

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

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

For any other alleged workplace harassment that does not require action under policy 2:265, *Title IX*

*Sexual Harassment Grievance Procedure*, the Nondiscrimination Coordinator or a Complaint

Manager or designee shall consider whether an investigation under policy 2:260, *Uniform Grievance Procedure*, and/or 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, should be initiated, regardless of whether a written report or complaint is filed.

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

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

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

## Enforcement

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

## Retaliation Prohibited

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

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

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

## Recourse to State and Federal Fair Employment Practice Agencies

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

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

### LEGAL REF.:

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

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

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

775 ILCS 5/2-101(E) and (E-1), 5/2-102(A), (A-10), (D-5), 5/2-102(E-5), 5/2-109, 5/5-102, and 5/5102.2, Ill. Human Rights Act.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

ADOPTED: October 11, 2011

REVISED: July 10, 2012; September 10, 2013; March 15, 2018; December 20, 2018; April 16, 2020;

December 17, 2020; February 16, 2022; February 22, 2023

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **5:20-E Resolution to Prohibit Sexual Harassment**

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

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

WHEREAS, Section 5-65 of the State Officials and Employees Ethics Act (5 ILCS 430/5-65, added by P.A. 100-554) provides that all persons have a right to work in an environment free from sexual harassment;

WHEREAS, Section 70-5 of the State Officials and Employees Ethics Act (5 ILCS 430/70-5, amended by P.A.s 100-554 and 101-221) requires governmental entities to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment

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

THEREFORE, BE IT RESOLVED, by the Board of Education of Proviso Area for Exceptional Children (P.A.E.C), Cook County, Illinois, as follows:

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

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

Adopted this 16th day of April, 2020.

Attested by: Peg O'Connell, Board President

Attested by: Princess Dempsey, Board Secretary

### **Proviso Area for Exceptional Children (P.A.E.C.)**

#### **5:30 Hiring Process and Criteria**

P.A.E.C. hires the most qualified personnel consistent with budget and staffing requirements and in compliance with Board Policy on equal employment opportunity and

minority recruitment. The Executive Director or designee is responsible for recruiting personnel and making hiring recommendations to the Board. If the Executive Director's or designee's recommendation is rejected, the Executive Director must submit another recommended applicant. No individual will be employed who has been convicted of a criminal offense listed in 105 ILCS 5/21B-80(c).

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

### Job Descriptions

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

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

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

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

The Executive Director or designee shall ensure that the Cooperative does not engage in any investigation or inquiry prohibited by law and complies with each of the following:

1. The Cooperative 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 Cooperative does not screen applicants based on their current or prior wages or salary histories, including benefits or other compensation, by requiring that the wage or salary history satisfy minimum or maximum criteria.
3. The Cooperative does not request or require a wage or salary history as a condition of being considered for employment, being interviewed, continuing to be considered for an offer of employment, an offer of employment, or an offer of compensation.
4. The Cooperative does not request or require an applicant to disclose wage or salary history as a condition of employment.
5. The Cooperative does not ask an applicant or applicant's current or previous employers about wage or salary history, including benefits or other compensation, unless the applicant's wage or salary history is a matter of public record, or is contained in a document completed by the applicant's current or former employer and then made available to the public by the employer, or then submitted or posted by the employer to comply with State or federal law; or the applicant is a current employee applying for a position with the same current employer.
6. The Cooperative does not ask an applicant or applicant's previous employers about claim(s) made or benefit(s) received under the Workers' Compensation Act.
7. The Cooperative does not request of an applicant or employee access in any manner to his or her personal online account, such as social networking websites, including a request for passwords to such accounts.
8. The Cooperative provides equal employment opportunities to all persons. See policy 5:10, *Equal Employment Opportunity and Minority Recruitment*.

#### Sexual Misconduct Related Employment History Review (EHR)

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

#### Physical Examinations

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

**For employees not covered by this Agreement or if not addressed in this Agreement:**

Each new employee must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease. The physical fitness examination must be performed by a physician licensed in Illinois, or any other state, to practice medicine

and surgery in any of its branches, a licensed advanced practice registered nurse, or a licensed physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations. The employee must have the physical examination performed no more than 90 days before submitting evidence of it to the Cooperative.

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

### Orientation Program

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

**For employees not covered by this Agreement or if not addressed in this Agreement:**

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

### LEGAL REF.:

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

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

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

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

20 ILCS 2630/3.3, Criminal Identification Act.

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

820 ILCS 70/, Employee Credit Privacy Act.

820 ILCS 112/, Equal Pay Act of 2003.

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

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

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

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

Adopted: January 17, 2024

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **5:35 Compliance with the Fair Labor Standards Act**

#### Job Classifications

The Executive Director will ensure that all Cooperative positions are identified as either "exempt" or "non-exempt" according to State law and the Fair Labor Standards Act (FLSA) and that employees are informed of their "exempt" or "non-exempt" status. "Exempt" and "non-exempt" categories may include certificated and non-certificated positions. Minimum wage and overtime requirements pursuant to State law and the FLSA apply to all non-exempt employees, whether paid on a salary or hourly basis.

#### Workweek and Compensation

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

#### Overtime

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

**For employees not covered by this Agreement:**

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

### Suspension Without Pay

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

### Implementation

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

### LEGAL REF.:

820 ILCS 105/4a.

Fair Labor Standards Act, 29 U.S.C. §201 et seq., 29 C.F.R. Parts 516, 541, 548, 553, 778, and 785.

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

Adopted: October 17, 2019

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **5:40 Communicable and Chronic Infectious Disease**

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

**For employees not covered by this Agreement or if not addressed in this Agreement:**

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

An employee with a communicable or chronic infectious disease is encouraged to inform the Executive Director immediately. The Executive Director shall hold the employee's medical condition and records in strictest confidence, except to the extent allowed by law.

An employee with a communicable or chronic infectious disease will be permitted to retain his or her position whenever, after reasonable accommodations and without undue hardship, the employee is able to continue to perform the position's essential functions without risk to the employee or others. An employee with a communicable and chronic infectious disease remains subject to the Board's employment policies including sick and/or other leave, physical examinations, temporary and permanent disability, and termination.

LEGAL REF.:

42 U.S.C. §12101 et seq., Americans With Disabilities Act, amended by the Americans with Disabilities Act Amendments Act (ADAAA), Pub. L. 110-325; 29 C.F.R. §1630.1 et seq.

29 U.S.C. §791, Rehabilitation Act of 1973; 34 C.F.R. §104.1 et seq.

105 ILCS 5/24-5.

20 ILCS 2305/6, Department of Public Health Act.

820 ILCS 40/, Personnel Record Review Act.

77 Ill.Admin.Code Part 690, Control of Communicable Diseases.

CROSS REF.: 2:150 (Board Committees), 4:180 (Pandemic Preparedness; Management; and

Recovery), 5:30 (Hiring Process and Criteria), 5:180 (Temporary Illness or Temporary

Incapacity) Adopted: October 17, 2019



## Proviso Area for Exceptional Children (P.A.E.C.)

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

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

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

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

Upon the Executive Director or designee's reasonable suspicion of an employee's violation of any of the prohibited activities stated above, the Executive Director or designee may direct the employee to undergo a drug and/or alcohol test.

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

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

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

sponsored or school-sanctioned events or activities. "Vehicles used for school purposes" means school buses or other school vehicles.

As a condition of employment, each employee shall:

1. Abide by the terms of this Board policy respecting a drug-and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the Cooperative premises or while performing work for the Cooperative, no later than five calendar days after such a conviction.

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

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

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

#### E-Cigarette, Tobacco, and Cannabis Prohibition

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

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

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

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

### Cooperative Action Upon Violation of Policy

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

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

Should Cooperative employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate State or federal agency from which the Cooperative receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction.

### Disclaimer

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

### LEGAL REF.:

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

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

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

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

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

30 ILCS 580/, Drug-Free Workplace Act.

105 ILCS 5/10-20.5b.

410 ILCS 82/, Smoke Free Illinois Act.

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

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

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

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

23 Ill.Admin.Code §22.20.

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

Adopted: February 16, 2022

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **5:60 Expenses**

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

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

### Advancements

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

Expense advancement requests must be submitted to the Executive Director or designee on the Cooperative's standardized estimated expense approval form for employees. After spending expense advancements, employees must use the Cooperative's standardized expense reimbursement form and submit to the Executive Director: (a) the itemized, signed advancement voucher that was issued, and (b) the amount of actual expenses by attaching receipts. Any portion of an expense

advancement not used must be returned to the Cooperative. Expense advancements and vouchers shall be presented to the Board in its regular bill process.

### Reimbursements and Purchase Orders

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

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

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

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

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

### Registration

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

### Travel

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

1. Air travel at the coach or economy class commercial airline rate. First class or business class air travel will be reimbursed only if emergency circumstances warrant. The emergency circumstances must be explained on the expense form and Board approval of the additional expense is required. Copies of airline tickets must be attached to the expense form.
2. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach airfare. Copies of tickets must be attached to the expense form to substantiate amounts.
3. Use of personal automobiles at the standard mileage rate approved by the Internal Revenue Service for income tax purposes. The reimbursement may not exceed the cost of coach airfare. Mileage for use of personal automobiles in trips to and from

transportation terminals will also be reimbursed. Toll charges and parking costs will be reimbursed.

4. Automobile rental costs when the vehicle's use is warranted. The circumstances for such use must be explained on the expense form.
5. Taxis, airport limousines, ride sharing services, or other local transportation costs.

### Meals

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

### Lodging

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

### Miscellaneous Expenses

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

### Additional Requirements for Travel Expenses Charged to Federal and State Grants

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

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

1. The participation of the employee is necessary to the award, and the costs are specifically related to the award.
2. Expenses must be permissible under the terms and conditions of the award.
3. Expenses must be reasonable and consistent with this policy.
4. The Board does not reimburse actual expenses or pay a per diem allowance unless the employee is on official *travel status* for more than 12 hours. However, employees remain eligible for mileage reimbursement (minus regular commuting mileage/costs) and other transportation expenses if on travel status less than 12 hours.
5. Expenses may be charged based on an actual cost basis or on a per diem basis in lieu of actual costs incurred; however, only one method may be applied per trip.

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

LEGAL REF.:

2 C.F.R. §200.474.

30 ILCS 708/130, Grant Accountability and Transparency Act.

50 ILCS 150/, Local Government Travel Expense Control Act.

105 ILCS 5/10-22.32.

820 ILCS 115/9.5, Ill. Wage Payment and Collection Act.

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

Adopted: June 18, 2020

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 5:60-E1 Exhibit - Employee Expense Reimbursement Form

Submit to the Executive Director. Use of this form is required by 2:125-E3, Resolution to

**Regulate Expense Reimbursements.** Please print and attach receipts for all expenditures.

Name: \_\_\_\_\_

Title/Office: \_\_\_\_\_

Destination: \_\_\_\_\_

Purpose: \_\_\_\_\_

Departure Date: \_\_\_\_\_

Return Date: \_\_\_\_\_

Receipts attached

Request Date: \_\_\_\_\_

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

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

### Actual Expense Report

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

Auto Travel Allowance:		per mile		Meals or Per Diem		Other		Daily
Date	Auto Mileage	Transp.	Lodging	Bkfst	Lunch	Item	Cost	Total
	Miles	Cost	Expenses		Dinner		Cost	

**Subtotal**

**Advances**

-



**TOTAL** (A negative amount indicates refund due from employee.) \$

**Executive Director or Designee:**

**Denied** **Approved**

(below maximum allowable amount)

**Approved in Part**

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

Executive Director or Designee Signature

Date

Comments:

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

**Part**

**Approved in**

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

Employee Signature

Date

DATED : June 18, 2020

**Proviso Area for Exceptional Children (P.A.E.C.)**

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

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

Name: \_\_\_\_\_ Title/Office: \_\_\_\_\_

Travel Destination: \_\_\_\_\_ Purpose: \_\_\_\_\_

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

**Travel is grant-related\*** (specify grant): \_\_\_\_\_

**Purchase Order Requested**

Purchase Order #: \_\_\_\_\_

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

Voucher Amount: \_\_\_\_\_

Estimated Expense Report										
Departure date: _____					Return date: _____					
Auto Travel Allowance: _____ per mile										
* <b>Grant-related travel only:</b> Except for mileage and other transportation expenses, expense reimbursement/per diem is only allowed if on official travel status for 12 hours or more. If lodging at or below the applicable rate cannot be identified, please indicate below and attach at least three quotes for review.										
Date	Auto Mileage		Transp. Expenses	Lodging	Meals or Per Diem			Other		Daily Total
	Miles	Cost			Bkfst	Lunch	Dinner	Item	Cost	
<b>Total</b>										\$

Executive Director or Designee:

Approved

Denied

(below maximum allowable amount)

Approved in Part

Grant Funding Source (if applicable): \_\_\_\_\_

Executive Director or Designee Signature

Date

Comments:

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

**Part**

**Approved in**

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

Employee Signature

Date

DATED : June 18, 2020

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **5:70 Religious Holidays**

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

**For employees not covered by this Agreement or if not addressed in this Agreement:**

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

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

LEGAL REF.:

775 ILCS 5/2-101 and 5/2-102, Ill. Human Rights Act.

775 ILCS 35/155, Religious Freedom Restoration Act.

ADOPTED: February 12, 2013

REVISED: February 26, 2015; July 20, 2022

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **5:80 Court Duty**

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

### **For employees not covered by this Agreement:**

The employee is required to submit a copy of any compensation received for such duties to the Cooperative's business office as proof of attending court duty.

An employee should give at least five days' prior notice of pending court duty to the Cooperative and provide a copy of the jury duty notice, subpoena, or court order.

### Witness Duty

P.A.E.C. will pay full salary during the time an employee is absent due to a subpoena to serve as a witness in a trial or have a deposition taken in any school-related matter pending in court.

### Jury Duty

P.A.E.C. will pay full salary during the time an employee is absent due to jury duty.

LEGAL REF.:

105 ILCS 5/10-20.7.

705 ILCS 305/4.1, Jury Act.

Adopted: July 20, 2022

## **Proviso Area for Exceptional Children (P.A.E.C.)**

## **5:90 Abused and Neglected Child Reporting**

Any Cooperative employee who suspects or receives knowledge that a student may be an abused or neglected child or, for a student aged 18 through 22, an abused or neglected individual with a disability, shall: (1) immediately report or cause a report to be made to the Ill. Dept. of Children and Family Services (DCFS) on its Child Abuse Hotline 1-800-25-ABUSE (1-800-252-2873)(within Illinois); 1-217-524-2606 (outside of Illinois); or 1-800-358-5117 (TTY), and (2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office. Any Cooperative employee who believes a student is in immediate danger of harm, shall first call 911. The employee shall also promptly notify the Executive Director or Building Principal that a report has been made. The Executive Director, designee, or Building Principal shall immediately coordinate any necessary notifications to the student's parent(s)/guardian(s) with DCFS, the applicable school resource officer (SRO), and/or local law enforcement.

Negligent failure to report occurs when a Cooperative employee personally observes an instance of suspected child abuse or neglect and reasonably believes, in his or her professional or official capacity, that the instance constitutes an act of child abuse or neglect under the Abused and Neglected Child Reporting Act (ANCRA) and he or she, without willful intent, fails to immediately report or cause a report to be made of the suspected abuse or neglect to DCFS.

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

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

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

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

All Cooperative employees shall:

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

### Alleged Incidents of Sexual Abuse; Investigations

An *alleged incident of sexual abuse* is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A, that is alleged to have been perpetrated by school

personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity.

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

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

#### Special Executive Director or Designee Responsibilities

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

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

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

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

#### Special Board Member Responsibilities

Each individual Board member must, if an allegation is raised to the member during an open or closed Board meeting that a student is an abused child as defined in ANCRA, direct or cause the Board to direct the Executive Director or other equivalent

school administrator to comply with ANCRA's requirements concerning the reporting of child abuse.

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

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

LEGAL REF.:

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

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

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

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

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

CROSS REF.: 2:20 (Powers and Duties of the Boards), 3:40 (Executive Director), 3:50 (Administrative Personnel Other Than the Executive Director), 3:60 (Administrative Responsibility of the Building Principal and Assistant Principal), 4:60 (Purchases and Contracts), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:150 (Personnel Records), 5:200

(Terms and Conditions of Employment and Dismissal), 5:290 (Employment Termination and Suspensions), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:20 (Harassment of Students Prohibited), 7:150 (Agency and Police Interviews) Adopted: June 21, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**



## 5:100 Staff Development Program

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

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

1. Staff development for local school site personnel who work with students in grades kindergarten through 8, in the detection, reporting, and prevention of child abuse and neglect.
2. Within three months of employment, each staff member must complete mandated reporter training from a provider or agency with expertise in recognizing and reporting child abuse. Mandated reporter training must be completed again at least every three years.
3. By January 31, 2023, and every year after, all school personnel must complete evidenceinformed training on preventing, reporting, and responding to child sexual abuse, grooming behaviors, and boundary violations.

The staff development program shall provide, at a minimum, at least once every two years, the inservice training of licensed school personnel and administrators on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children.

The staff development program shall provide, at a minimum, once every two years, the in-service training of all Cooperative staff on educator ethics, teacher-student conduct, and school employeestudent conduct.

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

1. At least, once every two years, training of all Cooperative staff by a person with expertise on anaphylactic reactions and management.
2. At least every two years, an in-service to train school personnel, at a minimum, to understand, provide information and referrals, and address issues pertaining to youth who are parents, expectant parents, or victims of domestic or sexual violence.

3. Training that, at a minimum, provides Cooperative staff with a basic knowledge of matters relating to acquired immunodeficiency syndrome (AIDS) and the availability of appropriate sources of counseling and referral.
4. Training for licensed school personnel and administrators who work with students in grades kindergarten through 12 to identify the warning signs of mental illness and suicidal behavior in youth along with appropriate intervention and referral techniques.
5. Education for staff instructing students in grades 7 through 12, concerning teen dating violence as recommended by the Cooperative's Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, or Complaint Manager.
6. Ongoing professional development for teachers, administrators, school resource officers, and staff regarding the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.
7. Annual continuing education and/or training opportunities (*professional standards*) for school nutrition program directors, managers, and staff. Each school food authority's director shall document compliance with this requirement by the end of each school year and maintain documentation for a three year period.
8. Every two years, school personnel who work with students must complete an in-person or online training program on the management of asthma, the prevention of asthma symptoms, and emergency response in the school setting.
9. Training for school personnel to develop cultural competency, including understanding and reducing implicit racial bias.
10. For school personnel who work with hazardous or toxic materials on a regular basis, training on the safe handling and use of such materials.
11. For nurses, administrators, school counselors, teachers, persons employed by a local health department and assigned to a school, and persons who contract with the Cooperative to perform services in connection with a student's seizure action plan, training in the basics of seizure recognition, first aid, and appropriate emergency protocols.
12. For all Cooperative staff, annual sexual harassment prevention training.
13. Title IX requirements for training as follows (see policy 2:265, *Title IX Sexual Harassment Grievance Procedure*):
  - a. For all P.A.E.C. staff, training on the definition of sexual harassment, the scope of the Cooperative's education program or activity, all relevant P.A.E.C. policies and procedures, and the necessity to promptly forward all reports of sexual harassment to the Title IX Coordinator.
  - b. For school personnel designated as Title IX coordinators, investigators, decision-makers, or informal resolution facilitators, training on the definition of sexual harassment, the scope of the Cooperative's education program or activity, how to conduct an investigation and grievance process (including

hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially.

- c. For school personnel designated as Title IX investigators, training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- d. For school personnel designated as Title IX decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant.

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

An opportunity shall be provided for all staff members to acquire, develop, and maintain the knowledge and skills necessary to properly administer life-saving techniques and first aid, including the Heimlich maneuver, cardiopulmonary resuscitation, and the use of an automated external defibrillator, in accordance with a nationally recognized certifying organization. Physical fitness facilities' staff must be trained in cardiopulmonary resuscitation and use of an automated external defibrillator.

#### LEGAL REF.:

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

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

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

105 ILCS 25/1.15, Interscholastic Athletic Organization Act.

105 ILCS 150/25, Seizure Smart School Act.

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

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

745 ILCS 49/, Good Samaritan Act.

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

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

77 Ill.Admin.Code §527.800.

CROSS REF.: 2:265 (Title IX Sexual Harassment Grievance Procedure), 3:40 (Executive Director), 3:50 (Administrative Personnel Other Than the Director), 4:160

(Environmental Quality of Buildings and Grounds), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:250 (Leaves of Absence), 6:20 (School Year Calendar and Day), 6:50 (School Wellness), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:270 (Administering Medicines to Students), 7:285 (Food Allergy Management Program), 7:290 (Suicide and Depression Awareness and Prevention)

Adopted: February 16, 2022

### **Proviso Area for Exceptional Children (P.A.E.C.)**

#### **5:120 Employee Ethics; Code of Professional Conduct; and Conflict of Interest**

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

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

#### **Professional and Appropriate Conduct**

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

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

1. Employees who are governed by the *Code of Ethics for Illinois Educators*, adopted by the Ill. State Board of Education (ISBE), will comply with its incorporation by reference into this policy.
2. Employees are trained on educator ethics, child abuse, grooming behaviors, and employee-student boundary violations as required by law and policies 2:265, *Title IX Sexual Harassment Grievance Procedure*; 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*; 5:90, *Abused and Neglected Child Reporting*; and 5:100, *Staff Development Program*.
3. Employees maintain professional relationships with students, including maintaining employee-student boundaries based upon students' ages, grade levels, and developmental levels and following District-established guidelines for specific situations, including but not limited to:
  - a. Transporting a student;
  - b. Taking or possessing a photo or video of a student; and
  - c. Meeting with a student or contacting a student outside the employee's professional role.
4. Employees report prohibited behaviors and/or boundary violations pursuant to Board policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Sexual Harassment Grievance Procedure*; and 5:90, *Abused and Neglected Child Reporting*.
5. Discipline up to and including dismissal will occur for any employee who violates an employee conduct standard or engages in any of the following:
  - a. Violates expectations and guidelines for employee-student boundaries.
  - b. Sexually harasses a student.
  - c. Willfully or negligently fails to follow reporting requirements of the Abused and Neglected Child Reporting Act (325 ILCS 5/), Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.), or the Elementary and Secondary Education Act (20 U.S.C. § 7926).
  - d. Engages in *grooming* as defined in 720 ILCS 5/11-25.
  - e. Engages in grooming behaviors. Prohibited grooming behaviors include, at a minimum, *sexual misconduct*. *Sexual misconduct* is any act, including but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, by an employee with direct contact with a student, that is directed toward or with a student to establish a romantic or sexual relationship

with the student. Examples include, but are not limited to: i. A sexual or romantic invitation.

ii. Dating or soliciting a date. iii. Engaging in sexualized or romantic dialog. iv. Making sexually suggestive comments that are directed toward or with a student.

v. Self-disclosure or physical exposure of a sexual, romantic, or erotic nature. vi. A sexual, indecent, romantic, or erotic contact with the student.

### Statement of Economic Interests

The following employees must file a *Statement of Economic Interests* as required by the Ill. Governmental Ethics Act:

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

### Ethics and Gift Ban

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

### Prohibited Interests; Conflict of Interest; and Limitation of Authority

In accordance with 105 ILCS 5/22-5, "no school officer or teacher shall be interested in the sale, proceeds, or profits of any book, apparatus, or furniture used or to be used in any school with which such officer or teacher may be connected," except when the employee is the author or developer of instructional materials listed with ISBE and adopted for use by the Board. An employee having an interest in instructional materials must file an annual statement with the Board Secretary.

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District. This includes participation in the selection, award, or administration of a contract supported by a federal award or State award governed by the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/) when the employee has a real or apparent conflict of interest. A conflict of interest arises when an employee or any of the following individuals has a financial or other interest in or a tangible benefit from the entity selected for the contract:

1. A member of the employee's immediate family;
2. An employee's partner; or
3. An entity that employs or is about to employ the employee or one of the individuals listed in one or two above.

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

#### Guidance Counselor Gift Ban

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

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

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

### Outside Employment

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

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

#### LEGAL REF.:

U.S. Constitution, First Amendment.

2 C.F.R. §200.318(c)(1).

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

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

30 ILCS 708/, Grant Accountability and Transparency Act.

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

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

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

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

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

23 Ill.Admin.Code Part 22, Code of Ethics for Ill. Educators.

Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).

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

CROSS REF.: 2:105 (Ethics and Gift Ban), 2:265 (Title IX Sexual Harassment Grievance Procedure),

4:60 (Purchases and Contracts), 4:165 (Awareness and Prevention of Child Sexual Abuse and

Grooming Behaviors), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development

Program), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:200 (Terms and

Conditions of Employment and Dismissal), 5:290 (Employment Termination and Suspensions), 7:20 (Harassment of Students Prohibited)



Adopted: February 22, 2023

## **Proviso Area for Exceptional Children (P.A.E.C.)**

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

#### Definitions

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

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

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

#### Usage and Conduct

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

1. Adhere to the high standards for **Professional and Appropriate Conduct** required by policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest* at all times, regardless of the ever-changing social media and personal technology platforms available. This includes Cooperative employees posting images or private information about themselves or others in a manner readily accessible to students and other employees that is inappropriate as defined by policies 5:20, *Workplace Harassment Prohibited*; 5:100, *Staff Development Program*; 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; 6:235, *Access to Electronic Networks*; and 7:20, *Harassment of Students Prohibited*; and the Ill. Code of Educator Ethics, 23 Ill.Admin.Code §22.20.
2. Choose a Cooperative-provided or supported method whenever possible to communicate with students and their parents/guardians.
3. Not interfere with or disrupt the educational or working environment, or the delivery of education or educational support services.
4. Inform their immediate supervisor if a student initiates inappropriate contact with them via any form of personal technology or social media.
5. Report instances of suspected abuse or neglect discovered through the use of social media or personal technology pursuant to a school employee's obligations under policy 5:90, *Abused and Neglected Child Reporting*.

6. Not disclose confidential information, including but not limited to school student records (e.g., student work, photographs of students, names of students, or any other personally identifiable information about students) or personnel records, in compliance with policy 5:130, *Responsibilities Concerning Internal Information*. For Cooperative employees, proper approval may include implied consent under the circumstances.
7. Refrain from using the Cooperative's logos without permission and follow policy 5:170, *Copyright*, and all Cooperative copyright compliance procedures.
8. Use personal technology and social media for personal purposes only during non-work times or hours. Any duty-free use must occur during times and places that the use will not interfere with job duties or otherwise be disruptive to the school environment or its operation.
9. Assume all risks associated with the use of personal technology and social media at school or school-sponsored activities, including students' viewing of inappropriate Internet materials through the Cooperative employee's personal technology or social media. The Board expressly disclaims any responsibility for imposing content filters, blocking lists, or monitoring of its employees' personal technology and social media.
10. Be subject to remedial and any other appropriate disciplinary action for violations of this policy ranging from prohibiting the employee from possessing or using any personal technology or social media at school to dismissal and/or indemnification of the Cooperative for any losses, costs, or damages, including reasonable attorney fees, incurred by the Cooperative relating to, or arising out of, any violation of this policy. Executive Director Responsibilities

The Executive Director shall:

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

LEGAL REF.:

105 ILCS 5/ 21B-75 and 5/ 21B-80.

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

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

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

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

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

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

CROSS REF.: 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors),

5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of

Interest), 5:130 (Responsibilities Concerning Internal Information), 5:150 (Personnel Records), 5:170

(Copyright), 5:200 (Terms and Conditions of Employment and Dismissal), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:340 (Student Records)

ADOPTED: February 12, 2013

REVISED: September 18, 2014; March 16, 2017; February 16, 2022; June 21, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **5:130 Responsibilities Concerning Internal Information**

P.A.E.C. employees are responsible for maintaining: (1) the integrity and security of all internal information, and (2) the privacy of confidential records, including but not limited to: public records, student school records, personnel records, and the minutes of, and material disclosed in, a closed Board meeting. Internal information is any oral or recorded information, regardless of physical form or characteristics, maintained by the Cooperative, or used by the Cooperative or its officials, employees, or agents. The Executive Director or designee shall manage procedures for safeguarding the integrity, security, and, as appropriate, confidentiality of internal information.

LEGAL REF.:

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

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

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

Local Records Act, 50 ILCS 205/.

105 ILCS 10/.

Personnel Record Review Act, 820 ILCS 40/.

CROSS REF.:2:140 (Communications To and From the Board), 2:250 (Access to Cooperative Public Records), 5:150 (Personnel Records), 7:340 (Student Records)

Adopted: October 17, 2019

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **5:140 Solicitations By or From Staff**

P.A.E.C. employees shall not solicit donations or sales, nor shall they be solicited for donations or sales, on school grounds without prior approval from the Executive Director.

LEGAL REF.:

105 ILCS 5/10-20.5.

ADOPTED: February 12, 2013

REVISED: February 26, 2015; July 20, 2022

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## 5:150 Personnel Records

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

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

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

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

### Maintenance and Access to Records

**Please refer to the applicable collective bargaining agreement(s).**

**For employees not covered by a current applicable bargaining agreement:**

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

Reasonable access to a Cooperative employee's personnel records is available as follows:

1. To the employee according to State law and guidelines developed by the Executive Director.

2. To an employee's supervisor or an administrator who has an employment or business-related reason to inspect the personnel records.
3. To anyone having the respective employee's written consent.
4. To anyone authorized by State or federal law.

All other requests for access to personnel records are governed by Board policy 2:250, *Access to Cooperative Public Records*.

LEGAL REF.:

20 U.S.C. §7926.

105 ILCS 5/22-94.

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

745 ILCS 46/10, Employment Record Disclosure Act.

820 ILCS 40/, Personnel Record Review Act.

23 Ill.Admin.Code §1.660.

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

ADOPTED: October 11, 2012

REVISED: September 15, 2016; June 18, 2020; February 16, 2022; June 21, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 5:170 Copyright

### Works Made for Hire

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

### Copyright Compliance

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

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

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

#### **District DMCA Agent:**

Michael James

Name

1000 Van Buren, Maywood, IL 60153

Address

mjames@pace803.org

Email

708-450-2156

Telephone

LEGAL REF.:

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

105 ILCS 5/10-23.10.

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

Adopted: February 22, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**



## 5:180 Temporary Illness or Temporary Incapacity

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

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

"If illness, incapacity, or any other condition causes an employee to be absent in one school year, after exhaustion of all available leave, for more than 90 consecutive work days, such absence may be considered a permanent disability and the Board may begin dismissal proceedings subject to State and federal law, including the Americans with Disabilities Act. The Executive Director may recommend this paragraph's use when circumstances strongly suggest that the employee returned to work intermittently in order to avoid this paragraph's application.

Any employee may be required to have an examination, at the Cooperative's expense, by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, a licensed advanced practice registered nurse, or a licensed physician assistant if the examination is job-related and consistent with business necessity.

### LEGAL REF.:

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

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

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

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

CROSS REF.:5:30 (Hiring Process and Criteria), 5:40 (Communicable and Chronic Infectious

Disease), 5:185 (Family and Medical Leave), 5:250 (Leaves of Absence), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

Adopted: October 17, 2019

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 5:185 Family and Medical Leave

### Leave Description

An eligible employee may use unpaid family and medical leave (FMLA leave), as provided 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 year, beginning July 1 and ending June 30 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 Cooperative will substitute an employee's accrued compensatory time-off and/or paid leave for unpaid FMLA leave, provided such leave is available for use in accordance with Board policies and rules. In addition, all policies and rules regarding the use of paid leave apply when paid leave is substituted for unpaid FMLA leave. Any substitution of paid leave for unpaid FMLA leave will count against the employee's FMLA leave entitlement. Use of FMLA leave shall not preclude the use of other applicable unpaid leave that will extend the employee's leave beyond 12 weeks, provided that the use of FMLA leave shall not serve to extend such other unpaid leave. Any full workweek period during which the employee would not have been required to work, such as 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 care of the employee's son or daughter.
2. The adoption or foster placement of a son or daughter, and care for the newly placed child, 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 care of the employee's spouse, child, or parent with a serious health condition.
4. The employee's own serious health condition makes the employee unable to perform one or more of the essential 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 Cooperative, they may together take only a combined total of 12weeks for FMLA leaves when the reason for the leave is item 1 or 2 above, or

to care for a parent with a serious health condition as stated in item 3 above, or a combined total of 26 weeks when the reason for the leave is item 6 above.

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

### Eligibility

To be eligible for FMLA leave, an employee must be employed at a worksite where at least 50 employees are employed within 75 miles. In addition, the employee must have been employed by the Cooperative for at least 12 months and employed for at least 1,000 hours of service during the 12-month period immediately before the beginning of the leave. The 12 months an employee must have been employed by the Cooperative need not be consecutive. However, the Cooperative will not consider any period of previous employment that occurred more than seven years before the date of the most recent hiring, except when the service break is due to fulfillment of a covered service obligation under the employee's Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, *et seq.*, or when a written agreement exists concerning the District's intention to rehire the employee.

### Requesting Leave

If the need for the FMLA leave is foreseeable, an employee must provide the Executive Director or designee with notice at least 30 days before the requested leave. 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 Cooperative's operations, subject to the approval of the health care provider administering the treatment. The employee shall provide notice sufficient to make the Executive Director or designee aware that he or she needs FMLA leave, and the anticipated timing and duration of the leave. The employee's failure to give the required notice for a foreseeable leave may result in a delay in granting the FMLA leave until at least 30 days after the date the Executive Director or designee receives notice.

### Certification

Within 15 calendar days after the Executive Director 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 Cooperative 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 Cooperative may require recertification at reasonable intervals, but not more often than once every 30 days. The Cooperative may request recertification in less than 30 days when the: (1) employee requests a leave extension, (2) circumstances described by the original certification change significantly, or (3) Cooperative 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 Cooperative within 15 calendar days after the request. The Cooperative may request recertification every six months in connection with any absence by an employee, including but not limited to an employee needing an intermittent or reduced schedule leave for a period in excess of six months.

Failure to furnish a complete and sufficient certification on forms provided by the Cooperative 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. The Executive Director or designee will determine the procedures for receiving premium payments from the employee during the FMLA leave. The employee's health insurance coverage will cease if the premium payment is more than 30 days late and the Executive Director or designee notified the employee at least 15 days before the cancellation of coverage.

#### Changed Circumstances and Intent to Return

An employee must provide the Executive Director or designee reasonable notice of changed circumstances (i.e., within two business days when foreseeable) that will alter the duration of the FMLA leave. The Executive Director or designee, taking into consideration all of the relevant facts and circumstances related to the employee's leave situation, may require the employee to make periodic reports during the FMLA leave regarding his or her status and intent to return to work.

#### Return to Work

If the FMLA leave was due to 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 and perform the essential functions of his or her position.

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 Cooperative may impose as provided in the FMLA or implementing regulations, and (2) the Cooperative's reassignment policies and practices.

Instructional employees may be required to continue taking leave until the end of the next semester in certain situations as provided by the FMLA regulations.

### Implementation

The Executive Director or designee shall ensure that: (1) all required notices and responses to leave requests are provided to employees in accordance with the FMLA and its implementing regulations; and (2) this Policy is implemented in accordance with the FMLA and its implementing regulations. 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.

**Please also refer to the current Contractual Agreement between P.A.E.C. Governing Board SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

LEGAL REF.:

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

105 ILCS 5/24-6.4.

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

Adopted: February 16, 2022

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **Professional Personnel**

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **5:190 Teacher Qualifications**

A teacher, as the term is used in this Policy, refers to a Cooperative employee who is required to be licensed under State law. Each teacher must:

- a. Have a valid Illinois Professional Educator License issued by the State Superintendent of Education with the required endorsements as provided in the School Code.
- b. Provide the Cooperative Office with a complete transcript of credits earned in institutions of higher education.
- c. On or before September 1 of each year, unless otherwise provided in an applicable collective bargaining agreement, provide the Cooperative Office with a transcript of any credits earned since the date the last transcript was filed.
- d. Notify the Executive Director of any change in the teacher's transcript.

The Executive Director or designee shall:

1. Monitor compliance with State and federal law requirements that teachers be appropriately licensed; and
2. Through incentives for voluntary transfers, professional development, recruiting programs, or other effective strategies, ensure that minority students and students from low-income families are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers.

LEGAL REF.:

20 U.S.C. §6312(e)(1)(A).

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

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

ADOPTED: July 10, 2012

REVISED: September 18, 2014; March 16, 2017; January 17, 2024

REVIEWED: February 22, 2023

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **5:200 Terms and Conditions of Employment and Dismissal**

The Board delegates authority and responsibility to the Executive Director to manage the terms and conditions for the employment of professional personnel. The Executive Director shall act reasonably and comply with State and federal law as well as any applicable individual employment contract or collective bargaining agreement in effect. The Executive Director is responsible for making dismissal recommendations to the Board consistent with the Board's goal of having a highly qualified, high performing staff.

Duty-Free Lunch, School Year and Day, Salary, Assignments and Transfers, Evaluation, Dismissal

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

Nursing Mothers

The Cooperative accommodates employees who are nursing mothers according to provisions in the Nursing Mothers in the Workplace Act.

School Social Worker Services Outside of District Employment

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

Teachers Evaluation Plan Committee

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

LEGAL REF.:

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

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

105 ILCS 5/10-19, 5/10-19.05, 5/10-20.65, 5/14-1.09a, 5/22-95, 5/22.4, 5/24-16.5, 5/24-2, 5/24-8, 5/24-9, 5/24-11, 5/24-12, 5/24-21, 5/24A-1 through 24A-20.

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

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

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

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

ADOPTED: October 11, 2011

REVISED: July 10, 2012; February 11, 2014, February 26, 2015; March 15, 2018; December 20, 2018; April 16, 2020; February 16, 2022; January 17, 2024

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **5:210 Resignations**

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

Probationary teachers may resign during their contract period only with the Board's consent.

LEGAL REF.:

105 ILCS 5/24-14.

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

Adopted: January 17, 2024

## **Proviso Area for Exceptional Children (P.A.E.C.)**



## 5:220 Substitute Teachers

The Executive Director or designee may employ substitute teachers as necessary to replace teachers who are temporarily absent.

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

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

The Ill. Teachers' Retirement System (TRS) limits a substitute teacher who is a TRS annuitant to substitute teaching for a period not to exceed 120 paid days or 600 paid hours in each school year through June 30, 2026, but not more than 100 paid days in the same classroom. Beginning July 1, 2026, a substitute teacher who is a TRS annuitant may substitute teach for a period not to exceed 100 paid days or 500 paid hours in any school year, unless the subject area is one where the Intermediate Service Center Executive Director has certified that a personnel shortage exists.

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

### Short-Term Substitute Teachers

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

### Emergency Situations

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

LEGAL REF.:

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

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

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

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

Adopted: January 17, 2024

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **5:230 Maintaining Student Discipline**

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

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

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

LEGAL REF.:

105 ILCS 5/24-24.

23 Ill.Admin.Code §1.280.

CROSS REF.:2:150 (Board Committees), 5:200 (Terms and Conditions of Employment and Dismissal), 7:190 (Student Behavior), 7:230 (Misconduct by Students with Disabilities)

ADOPTED:February 12, 2013

REVISED:June 15, 2017; July 26, 2023

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **5:240 Suspension**

### Suspension Without Pay

The Executive Director or designee may suspend a professional employee without pay for up to ten (10) employment days for misconduct that is detrimental to the Cooperative. The Board may suspend without pay: (1) a professional employee pending a dismissal

hearing, or (2) a professional employee as a disciplinary measure for up to thirty (30) employment days for misconduct that is detrimental to the Cooperative.

Misconduct that is detrimental to the Cooperative includes:

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

Prior to a suspension without pay, the affected employee shall be notified of the charges by the Executive Director or designee and have an opportunity to explain or rebut the charges at a meeting with the Executive Director or designee. The employee will be provided with a written notice of suspension.

Within five (5) school days after receiving the notice of suspension, the professional employee may request a hearing before the Governing Board. In the event of an appeal, the suspension will be implemented pending the appeal at the discretion of the Executive Director. The Board or hearing officer will conduct the hearing. The Board or its designee shall notify the professional employee of the alleged charges and the date and time of the hearing. The hearing will be conducted in accordance with procedures adopted by the Board. At the hearing, the employee shall have the right to be represented by counsel and present witnesses and proof relative to the charges. If the Board determines that the suspension was not properly invoked, the suspension references shall be deleted from the employee's records, and the lost pay promptly paid to the employee.

If the Executive Director or designee is of the opinion that the best interests of P.A.E.C. require a suspension without pay longer than ten (10) employment days authorized by this Policy, the Executive Director shall impose the suspension without pay and present the recommendation to the Governing Board at its next regularly-scheduled meeting.

A written notice stating the reason or reasons for the suspension shall be issued to the employee in the following manner:

1. hand delivered by the Executive Director or designee;
2. regular U.S. Mail; or
3. certified mail and return receipt.

### Suspension With Pay

The Board or Executive Director or designee may suspend a professional employee with pay: (1) during an investigation into allegations of disobedience or misconduct whenever the employee's continued presence in his or her position would not be in the Cooperative's best interests, (2) as a disciplinary measure for misconduct that is detrimental to the Cooperative, or (3) pending a hearing before the Board or hearing officer to consider further discipline, including dismissal from employment.

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

#### Employees Under Investigation by Illinois Dept. of Children and Family Services (DCFS)

Upon receipt of a DCFS recommendation that the Cooperative remove an employee from his or her position when he or she is the subject of a pending DCFS investigation that relates to his or her employment with the Cooperative, the Board or Executive Director or designee, in consultation with the Board Attorney, will determine whether to:

1. Let the employee remain in his or her position pending the outcome of the investigation; or
2. Remove the employee as recommended by DCFS, proceeding with:
  - a. A suspension with pay; or
  - b. A suspension without pay.

#### Repayment of Compensation and Benefits

If a professional employee is suspended with pay, either voluntarily or involuntarily, pending the outcome of a criminal investigation or prosecution, and the employee is later dismissed as a result of his or her criminal conviction, the employee must repay to the District all compensation and the value of all benefits received by him or her during the suspension. The Executive Director will notify the employee of this requirement when the employee is suspended.

LEGAL REF.:

105 ILCS 5/24-12.

5 ILCS 430/5-60(b), State Officials and Employee Ethics Act.

325 ILCS 5/7.4(c-10), Abused and Neglected Child Reporting Act.

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

Barszcz v. Cmty College Dist. No. 504, 400 F.Supp. 675 (N.D. Ill. 1975).

Massie v. East St. Louis Sch. Dist. No.189, 203 Ill.App.3d 965 (5th Dist. 1990).

CROSS REF.: 5:290 (Employment Termination and Suspensions)

Adopted: July 20, 2022

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **5:250 Leaves of Absence**

Each of the provisions in this Policy applies to all professional personnel to the extent that it does not conflict with an applicable collective bargaining agreement or individual employment contract or benefit plan; in the event of a conflict, such provision is severable and the applicable bargaining agreement or individual agreement will control.

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

**For employees not covered by this Agreement or if not addressed in this Agreement:**

Sick and Bereavement Leave, Personal Leave, Leave of Absence Without Pay, Union Leave, Extended Sick Leave

The use of paid sick leave for adoption or placement for adoption is limited to 30 days unless a longer leave is provided in an applicable collective bargaining agreement. The Executive Director or designee may require that the employee provide evidence that the formal adoption process is underway.

Staff members are entitled to use up to 30 days of paid sick leave because of the birth of a child that is not dependent on the need to recover from childbirth. Such days may be used at any time within the 12-month period following the birth of the child. Intervening periods of nonworking days or school not being in session, such as breaks and holidays, do not count towards the 30 working school days. As a condition of paying sick leave beyond the 30 working school days, the Board or Executive Director may require medical certification.

For purposes of adoption, placement for adoption, or acceptance of a child in need of foster care, paid sick leave may be used for reasons related to the formal adoption or the formal foster care process prior to taking custody of the child or accepting the child in need of foster care, and for taking custody of the child or accepting the child in need of foster care. Such leave is limited to 30 days, unless a longer leave is provided in an applicable collective bargaining agreement, and need not be used consecutively once the formal adoption or foster care process is underway. The Board or Executive Director may require that the employee provide evidence that the formal adoption or foster care process is underway.

### Family Bereavement Leave

State law allows a maximum of 10 unpaid work days for eligible employees (Family and Medical Leave Act of 1993, 20 U.S.C. §2601 et seq.) to take family bereavement leave. The purpose, requirements, scheduling, and all other terms of the leave are governed by the Family Bereavement Leave Act. Eligible employees may use family bereavement leave, without any adverse employment action, for: (1) attendance by the bereaved staff member at the funeral or alternative to a funeral of a covered family member, which includes an employee's child, stepchild, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent (2) making arrangements

necessitated by the death of the covered family member, (3) grieving the death of the covered family member, or (4) absence from work due to a Significant Event, which includes: (i) miscarriage, (ii) an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure, (iii) a failed adoption match or an adoption that is not finalized because it is contested by another party, (iv) a failed surrogacy agreement, (v) a diagnosis that negatively impacts pregnancy or fertility, or (vi) a still birth. An employee qualifying for leave due to a Significant Event will not be required to identify which specific reason applies to the employee's request.

The leave must be completed within 60 days after the date on which the employee received notice of the death of the covered family member or the date on which an event under item (4) above occurs. However, in the event of the death of more than one covered family member in a 12-month period, an employee is entitled to up to a total of six weeks of bereavement leave during the 12-month period, subject to certain restrictions under State and federal law. Other existing forms of leave may be substituted for the leave provided in the Family Bereavement Leave Act. This policy does not create any right for an employee to take family bereavement leave that is inconsistent with the Family Bereavement Leave Act.

#### Child Extended Bereavement Leave

Unpaid leave from work is available to employees who experience the loss of a child by suicide or homicide. The Child Extended Bereavement Leave Act governs the duration, scheduling, continuity of benefits, and all other terms of the leave. Accordingly, if the Cooperative employs 250 or more employees on a full-time basis, an employee is entitled to a total of 12 weeks of unpaid leave within one year after the employee notifies the Cooperative of the loss. An employee may elect to substitute other forms of leave to which the employee is entitled for the leave provided under the Child Extended Bereavement Leave Act.

#### Leaves for Service in the Military

Leaves for service in the U.S. Armed Services or any of its reserve components and the National Guard, as well as re-employment rights, will be granted in accordance with State and federal law. A professional staff member hired to replace one in military service does not acquire tenure.

#### General Assembly Leave

Leaves for service in the General Assembly, as well as re-employment rights, will be granted in accordance with State and federal law. A professional staff member hired to replace one in the General Assembly does not acquire tenure.

#### School Visitation Leave

An eligible professional staff member is entitled to eight hours during any school year, no more than four hours of which may be taken on any given day, to attend school conferences, behavioral meetings, or academic meetings related to the teacher's child, if the conference or meeting cannot be scheduled during non-work hours. Professional

staff members must first use all accrued vacation leave, personal leave, compensatory leave, and any other leave that may be granted to the professional staff member, except sick, and disability leave.

The Executive Director or designee shall develop administrative procedures implementing this Policy consistent with the School Visitation Rights Act.

#### Leaves for Victims of Domestic Violence, Sexual Violence, Gender Violence, or Other Crime of Violence

An unpaid leave from work is available to any staff member who: (1) is a victim of domestic violence, sexual violence, gender violence, or any other crime of violence or (2) has a family or household member who is a victim of such violence whose interests are not adverse to the employee as it relates to the domestic violence, sexual violence, gender violence, or any other crime of violence. The unpaid leave allows the employee to seek medical help, legal assistance, counseling, safety planning, and other assistance, and to grieve and attend to matters necessitated by the death of a family or household member who is killed in a crime of violence, without suffering adverse employment action.

The Victims' Economic Security and Safety Act (VESSA) governs the purpose, requirements, scheduling, and continuity of benefits, and all other terms of the leave. Accordingly, if the Cooperative employs at least 50 employees, and subject to any exceptions in VESSA, an employee is entitled to a total of 12 work weeks of unpaid leave during any 12-month period. Neither the law nor this Policy creates a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. §2601 et seq.).

#### Leaves to Serve as an Officer, Trustee, or Representative of a Specific Organization

Upon request, the Board will grant: (1) an unpaid leave of absence to an elected officer of a State or national teacher organization that represents teachers in collective bargaining negotiations, (2) up to twenty days of paid leave of absence per year to a trustee of the Teachers' Retirement System in accordance with 105 ILCS 5/24-6.3, (3) a paid leave of absence for the local association president of a State teacher association that is an exclusive bargaining agent in the Cooperative, or his or her designee, to attend meetings, workshops, or seminars as described in 105 ILCS 5/24-6.2, and (4) up to 10 days of paid leave per school term for teachers elected to represent a statewide teacher association in federal advocacy work in accordance with 105 ILCS 5/24-3.5.

#### Leave to Serve as an Election Judge

Any staff member who was appointed to serve as an election judge under State law may, after giving at least 20-days' written notice to the Cooperative, be absent without pay for the purpose of serving as an election judge. The staff member is not required to use any form of paid leave to serve as an election judge. No more than 10% of the Cooperative's employees may be absent to serve as election judges on the same Election Day.



## COVID-19 Paid Administrative Leave

When applicable, paid administrative leave related to COVID-19 will be granted to eligible employees in accordance with State law.

### LEGAL REF.:

105 ILCS 5/10-20.83, 5/24-6, 5/24-6.1, 5/24-6.2, 5/24-6.3, 5/24-13, and 5/24-13.1.

10 ILCS 5/13-2.5, Election Code.

330 ILCS 61/, Service Member Employment and Reemployment Rights Act.

820 ILCS 147/, School Visitation Rights Act.

820 ILCS 154/, Family Bereavement Leave Act.

820 ILCS 156/, Child Extended Bereavement Leave Act.

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

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

Adopted: January 17, 2024

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **5:260 Student Teachers**

The Executive Director is authorized to accept students from university-approved teacher-training programs to do student teaching in the Cooperative. No individual who has been convicted of a criminal offense that would subject him or her to license suspension or revocation pursuant to Section 5/21B-80 of the School Code or who has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987 is permitted to student teach.

Before permitting an individual to student teach or begin a required internship in the Cooperative, the Executive Director or designee shall ensure that:

1. The Cooperative performed a *105 ILCS 5/10-21.9(g) Check* as described below; and
2. The individual furnished evidence of physical fitness to perform assigned duties and freedom from communicable disease pursuant to 105 ILCS 5/24-5.

A *105 ILCS 5/10-21.9(g) Check* shall include:

1. Fingerprint-based checks through (a) the Illinois State Police (ISP) for criminal history records information (CHRI) pursuant to the Uniform Conviction Information

Act (20 ILCS 2635/1), and (b) the FBI national crime information databases pursuant to the Adam Walsh Child Protection and Safety Act (P.L. 109-248);

2. A check of the Illinois Sex Offender Registry (see the Sex Offender Community Notification Law (730 ILCS 152/101 et seq.); and
3. A check of the Illinois Murderer and Violent Offender Against Youth Registry (Murderer and Violent Offender Against Youth Registration Act (730 ILCS 154/75-105).

The School Code requires each individual student teaching or beginning a required internship to provide the Cooperative with written authorization for, and pay the costs of, his or her 105 ILCS 5/1021.9(g) check (including any applicable vendor's fees). Upon receipt of this authorization and payment, the Executive Director or designee will submit the student teacher's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Ill. State Police (ISP), to the ISP. The Executive Director or designee will provide each student teacher with a copy of his or her report.

### Assignment

The Executive Director or designee shall be responsible for coordinating placements of all student teachers within the Cooperative. Student teachers should be assigned to supervising teachers whose qualifications are acceptable to the Cooperative and the students' respective colleges or universities.

### LEGAL REF.:

34 U.S.C. §20901 et seq., Adam Walsh Child Protection and Safety Act, P.L. 109-248.

20 ILCS 2635/1, Uniform Conviction Information Act.

105 ILCS 5/10-21.9, 5/10-22.34, and 5/24-5.

CROSS REF.: 4:175 (Convicted Child Sex Offender; Screening; Notifications), 5:190 (Teacher Qualifications)

Adopted: June 21, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

**Educational Support Personnel**

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **5:270 Employment At-Will, Compensation, and Assignment**

### Employment At-Will

Unless otherwise specifically provided, Cooperative employment is at-will, meaning that employment may be terminated by the Cooperative or employee at any time for any reason, other than a reason prohibited by law, or no reason at all. Nothing in Board policy is intended or should be construed as altering the employment at-will relationship.

Exceptions to employment at-will may include employees who are employed annually, have an employment contract, or are otherwise granted a legitimate interest in continued employment. The Executive Director is authorized to make exceptions to employing nonlicensed employees at-will but shall maintain a record of positions or employees who are not at-will.

### Compensation

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

**For employees not covered by this Agreement or if not addressed in this Agreement:**

The Board will determine salary and wages for educational support personnel. Increments are dependent on evidence of continuing satisfactory performance. An employee covered by the overtime provisions in State or federal law shall not work overtime without the prior authorization from the employee's immediate supervisor. Educational support personnel are paid twice a month.

### Assignment

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

**For employees not covered by this Agreement or if not addressed in this Agreement:**

The Executive Director is authorized to make assignments and transfers of educational support personnel.

LEGAL REF.:

105 ILCS 5/10-22.34 and 5/10-23.5.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment) 5:35 (Compliance with the Fair Labor Standards Act), 5:290 (Employment Termination and Suspensions), 5:310 (Compensatory Time-Off)

Adopted: April 15, 2021

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **5:280 Duties and Qualifications**

All support staff: (1) must meet qualifications specified in job descriptions, (2) must be able to perform the essential tasks listed and/or assigned, and (3) are subject to Board policies as they may be changed from time to time at the Board's sole discretion.

#### Program Assistants, Paraprofessionals

Paraprofessionals provide supervised instructional support. Service as a paraprofessional requires an educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Ill. State Board of Education (ISBE).

Individuals with only non-instructional duties (e.g., providing technical support for computers, providing personal care services, or performing clerical duties) are not program assistants, and the requirements in this section do not apply. In addition, individuals completing their clinical experiences and/or student teaching do not need to comply with this section, provided their service otherwise complies with ISBE rules.

#### Nonlicensed Personnel Working with Students and Performing Non-Instructional Duties

Nonlicensed personnel performing non-instructional duties may be used:

1. For supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media (e.g., computers, video, and audio), detention and discipline areas, and school-sponsored extracurricular activities;
2. As supervisors, chaperones, or sponsors for non-academic school activities or for school activities connected to the academic program during any time in which the Governor has declared a disaster due to a public health emergency, in accordance with ISBE rule; or
3. For non-teaching duties not requiring instructional judgment or student evaluation.

Nothing in this Policy prevents a nonlicensed person from serving as a guest lecturer or resource person under a certificated teacher's direction and with the Administration's approval.

#### Coaches and Athletic Trainers

Athletic coaches and trainers shall have the qualifications required by any association in which the Cooperative maintains a membership. Regardless of whether the athletic activity is governed by an association, the Executive Director or designee shall ensure that each athletic coach: (1) is knowledgeable regarding coaching principles, (2) has

first aid training, and (3) is a trained Automatic External Defibrillator user according to rules adopted by the Illinois Department of Public Health.

Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law.

LEGAL REF.:

34 C.F.R. §200.58.

105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.

625 ILCS 5/6-104 and 5/6-106.1, Ill. Vehicle Code.

23 Ill.Admin.Code §§1.280, 1.630, and 25.510.

CROSS REF.: 4:170 (Safety), 5:30 (Hiring Process and Criteria), 5:35 (Compliance with the Fair

Labor Standards Act), 6:250 (Community Resource Persons and Volunteers)

ADOPTED: March 16, 2017

REVISED: June 18, 2020, February 22, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **5:290 Employment Termination and Suspensions**

### Resignation

An employee is requested to provide two weeks' notice of a resignation. A resignation notice cannot be revoked once given.

### Retirement

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

**For employees not covered by this Agreement or if not addressed in this Agreement:**

An employee planning to retire should notify his or her supervisor by December 1 of his or her retirement year.

### Non-RIF Dismissal

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

**For employees not covered by this Agreement or if not addressed in this Agreement:**

The Cooperative may terminate an at-will employee at any time for any or no reason, but not for a reason prohibited by State or federal law.

Employees who are employed under a contract for a fixed term may be dismissed: (1) at the end of the school year or at the end of their respective contract, or (2) mid-year or mid-contract provided appropriate due process procedures are provided.

The Executive Director is responsible for making dismissal recommendations to the Governing Board consistent with the Board's goal of having a highly qualified, high performing staff. This includes recommending a non-licensed employee for immediate dismissal for willful or negligent failure to report an instance of suspected child abuse or neglect as required by 325 ILCS 5/.

### Reduction in Force and Recall

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

**For employees not covered by this Agreement or if not addressed in this Agreement:**

The Board may, as necessary or prudent, decide to decrease the number of educational support personnel or to discontinue some particular type of educational support service and, as a result of that action, dismiss or reduce the hours of one or more educational support employees. When making decisions concerning reduction in force and recall, the Board will follow Sections 10-22.34c (outsourcing non-instructional services) and 10-23.5 (procedures) of the School Code, to the extent they are applicable and not superseded by legislation or an applicable collective bargaining agreement.

### Final Paycheck

A terminating employee's final paycheck will be adjusted for any unused, earned vacation credit. Employees are paid for all earned vacation. Terminating employees will receive their final pay on the next regular payday following the date of termination, except that an employee dismissed due to a reduction in force shall receive his or her final paycheck on or before the next regular pay date following the last day of employment.

### Suspension

The Board or Executive Director or designee upon receipt of a recommendation from the IL Dept. Children and Family Services (DCFS) that the Cooperative remove an employee from his or her position when he or she is the subject of a pending DCFS investigation that relates to his or her employment with the Cooperative, the Board or Executive Director or designee, in consultation with the Board Attorney, will determine whether to:

1. Let the employee remain in his or her position pending the outcome of the investigation; or
2. Remove the employee as recommended, proceeding with:
  - a. A suspension with pay; or
  - b. A suspension without pay.

If an educational support employee is suspended with pay, either voluntarily or involuntarily, pending the outcome of a criminal investigation or prosecution, and the employee is later dismissed as a result of his or her criminal conviction, the employee must repay to the Cooperative all compensation and the value of all benefits received by him or her during the suspension. The Executive Director will notify the employee of this requirement when the employee is suspended.

### LEGAL REF.:

105 ILCS 5/10-22.34c and 5/10-23.5

5 ILCS 430 et seq., State Officials and Employees Ethics Act.

325 ILCS 5/7.4(c-10), Abused and Neglected Child Reporting Act.

820 ILCS 105/4a, Minimum Wage Law.



CROSS REF.: 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:240 (Suspension), 5:270 (Employment At-Will, Compensation, and Assignment)

ADOPTED: October 11, 2012

REVISED: July 10, 2012; December 17, 2015; March 15, 2018; April 16, 2020

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **5:300 Schedules and Employment Year**

The Executive Director shall monitor the work schedules and employment year for educational support employees in accordance with State and federal law, Board policies, and applicable agreements. The Executive Director shall assign each educational support employee a supervisor who will supervise the work schedule, including breaks, and respond to changing circumstances by altering work schedules as needed. The Executive Director's approval is required to establish a flexible work schedule or job-sharing.

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

#### Twelve-Month Employees

Twelve-month employees work daily (Monday through Friday) throughout the calendar year, except holidays and earned vacation time.

Custodians and maintenance personnel are twelve-month employees and work a 40-hour week, with the individual time schedule developed by their immediate supervisor and subject to the Cooperative's needs.

Administrative office personnel are twelve-month employees and work a 40-hour week with the individual time schedule developed by their immediate supervisor and subject to the Cooperative's needs.

#### School Year Employees

School year employees work days provided in the Cooperative's State-approved calendar unless otherwise specified, except earned leave time.

#### Hourly Employees

Hourly employees will work as needed and approved by their immediate supervisor.

#### Supervisory Staff

The work day and work year for salaried supervisory staff shall be similar to other personnel except that supervisory personnel may be required to perform additional

tasks and are expected to work beyond the regular work day in order to accomplish such tasks when necessary. No additional remuneration shall be provided for such additional hours worked.

### Breaks

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

**For employees not covered by this Agreement or if not addressed in this Agreement:**

An employee who works at least 7.5 continuous hours shall receive a 30-minute duty-free meal break that begins within the first five hours of the employee's workday. The Cooperative accommodates employees who are nursing mothers according to State and federal law.

LEGAL REF.:Fair Labor Standards Act, 29 U.S.C. §207 et seq.

105 ILCS 5/10-20.14a, 5/10-22.34, and 5/10-23.5.

740 ILCS 137/, Right to Breastfeed Act.

820 ILCS 105/, Minimum Wage Law.

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

CROSS REF.:5:35 (Compliance with the Fair Labor Standards Act)

ADOPTED:October 11, 2011

REVISED:July 10, 2012, February 26, 2015; June 15, 2017

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 5:310 Compensatory Time-Off

This policy governs the use of compensatory time-off by employees who: (1) are covered by the overtime provisions of the Fair Labor Standards Act, 29 U.S.C. §201 et seq., and (2) are not represented by an exclusive bargaining representative.

Employees may be given 1-1/2 hours of compensatory time-off in lieu of cash payment for each hour of overtime worked. At no time may an employee's accumulated compensatory time-off exceed 240 hours, which represents compensation for 160 hours of overtime.

Notwithstanding the above and to avoid hardship to the Cooperative, an employee's supervisor may require the employee to reduce accumulated compensatory time, or schedule the compensatory timeoff for the employee, so that the employee does not accumulate more than 75 hours of compensatory time, which represents compensation for 50 hours of overtime.

An employee who has accrued compensatory time-off shall be permitted to use such time in half-day increments provided prior approval is obtained from the employee's supervisor.

Upon termination of employment, an employee will be paid for unused compensatory time at the higher of:

1. The average regular rate received by such employee during the last three years of employment; or
2. The final regular rate received by such employee.

Compensatory time-off is time during which the employee is not working and is, therefore, not counted as "hours worked" for purposes of overtime compensation.

### Implementation

The Executive Director or designee shall implement this Policy in accordance with the FLSA. In the event of a conflict between the policy and the FLSA, the latter shall control.

### LEGAL REF.:

Fair Labor Standards Act, 29 U.S.C. §201 et seq.; 29 C.F.R. Part 553.

CROSS REF.:5:35 (Compliance with the Fair Labor Standards Act), 5:185 (Family and Medical Leave), 5:270 (Employment At-Will, Compensation, and Assignment)

Adopted: October 17, 2019

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 5:320 Evaluation

The Executive Director is responsible for designing and implementing a program for evaluating the job performance of each educational support staff member according to standards contained in Board policies as well as in compliance with State law and any applicable employee handbook and/or collective bargaining agreement. The standards for the evaluation program shall include, but not be limited to:

1. Each employee may be evaluated annually, or as determined necessary by the Executive Director or designee, preferably before the annual salary review.
2. The direct supervisor shall provide input.
3. The employee's work quality, promptness, attendance, reliability, conduct, judgment, and cooperation shall be considered.
4. The employee shall receive a copy of the annual evaluation.
5. All evaluations shall comply with State and federal law and any applicable employee handbook and/or collective bargaining agreement.

### Program Assistant Evaluation Plan Committee

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.**

LEGAL REF.:

105 ILCS 5/10-20.5.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:150 (Personnel Records)

Adopted: February 22, 2023

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## 5:330 Sick Days, Vacation, Holidays, and Leaves

Each of the provisions in this Policy applies to all educational support personnel to the extent that it does not conflict with an applicable collective bargaining agreement or individual employment contract or benefit plan; in the event of a conflict, such provision is severable and the applicable bargaining agreement or individual agreement will control.

### Sick and Bereavement Leave

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and P.A.E.C. Council Local 571 IFT-AFT.**

**For employees not covered by this Agreement or if not addressed in this Agreement:**

**Please refer to the P.A.E.C. Employee Handbook.**

Part-time employees who are eligible to participate in the Ill. Municipal Retirement Fund (IMRF) receive sick leave pay, which will be equivalent to their regular workday. Unused sick leave shall accumulate to a maximum of 180 days, including the leave of the current year. This policy is the Cooperative's written plan allowing eligible employees to convert eligible accumulated sick leave to service credit upon a Cooperative employee's retirement under the IMRF.

Sick leave is defined in State law as personal illness, mental or behavioral complications, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, placement for adoption, or the acceptance of a child in need of foster care. The Executive Director or designee shall monitor the use of sick leave.

As a condition for paying sick leave after three days absence for personal illness or as the Board or Executive Director deem necessary in other cases, the Board or Executive Director may require that the staff member provide a certificate from: (1) a physician licensed in Illinois to practice medicine and surgery in all its branches, (2) a mental health professional licensed in Illinois providing ongoing care or treatment to the staff member, (3) a chiropractic physician licensed under the Medical Practice Act, (4) a licensed advanced practice registered nurse, (5) a licensed physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or (6) if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the employee's faith. If the Board or Executive Director requires a certificate during a leave of less than three days for personal illness, the Cooperative shall pay the expenses incurred by the employee.

Employees are entitled to use up to 30 days of paid sick leave because of the birth of a child that is not dependent on the need to recover from childbirth. Such days may be used at any time within the 12-month period following the birth of the child. Intervening periods of nonworking days or school not being in session, such as breaks and holidays, do not count towards the 30 working school days. As a condition of paying sick leave beyond the 30 working school days, the Board or the Executive Director may require medical certification.

For purposes of adoption, placement for adoption, or acceptance of a child in need of foster care, paid sick leave may be used for reasons related to the formal adoption or the formal foster care process prior to taking custody of the child or accepting the child in need of foster care, and for taking custody of the child or accepting the child in need of foster care. Such leave is limited to 30 days, unless a longer leave is provided in an applicable collective bargaining agreement, and need not be used consecutively once the formal adoption or foster care process is underway. The Board or Executive Director may require that the employee provide evidence that the formal adoption or foster care process is underway.

Vacation

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and P.A.E.C. Council Local 571 IFT-AFT.**

**For employees not covered by this Agreement or if not addressed in this Agreement:**

Twelve-month employees shall be eligible for paid vacation days according to the following schedule:

Length of Employment                      Maximum Vacation Leave Earned Per Year

From:                      To:

Beginning of year 2 End of year 5 10 Days per year\*

Beginning of year 6 End of year 13 15 Days per year

Beginning of year 14                      20 Days per year

\* - 5 days may be used after the first 6 months of employment.

Part-time employees are not entitled to paid vacation days. The Executive Director will determine the procedure for requesting vacation.

Vacation days earned in one fiscal year must be used by August 31 of the following fiscal year; they do not accumulate. Employees resigning or whose employment is terminated are entitled to the monetary equivalent of all earned vacation.

A full-time 10 or 11 month employee who becomes a full-time 12 month employee, will have the 12 month starting date used when determining vacation calculations.

Holidays

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and P.A.E.C. Council Local 571 IFT-AFT.**

**For employees not covered by this Agreement or if not addressed in this Agreement:**

Unless the Cooperative has a waiver or modification of the School Code pursuant to Section 2-3.25g or 24-2(b) allowing it to schedule school on a legal school holiday listed below, educational support personnel will not be required to work on:

New Year's Day                      Labor Day

Martin Luther King Jr.'s Birthday Indigenous Peoples' Day

Presidents' Day                      Veterans Day

Casimir Pulaski's Birthday      2024 Election Day

Memorial Day                      Thanksgiving Day

Juneteenth National Freedom Day Christmas Day

Independence Day

A holiday will not cause a deduction from an employee's time or compensation. Part-time employees are not entitled to paid holidays. The Cooperative may require educational support personnel to work on a school holiday during an emergency or for the continued operation and maintenance of facilities or property.

### Personal Leave

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and P.A.E.C. Council Local 571 IFT-AFT.**

**For employees not covered by this Agreement or if not addressed in this Agreement:**

Full-time educational support personnel in their first through ninth consecutive years have two paid personal leave days per year. Full-time educational support personnel in their tenth (10th) or more consecutive years have three paid personal leave days per year. The use of a personal day is subject to the following conditions:

1. Except in cases of emergency or unavoidable situations, a personal leave request should be submitted to the Building Principal two (2) days before the requested date.
2. No personal leave day may be used immediately before or immediately after a holiday, or during the first and/or last five (5) days of the school year, unless the Executive Director grants prior approval.
3. Personal leave may not be used in increments of less than one-half day.
4. Personal leave is subject to any necessary replacement's availability.
5. Personal leave may not be used on an in-service training day and/or institute training days.
6. Personal leave may not be used when the employee's absence would create an undue hardship.
7. Once personal leave days are exhausted for the year, two (2) sick leave days, if available, may be used as personal leave days, in accordance with other requirements for the use of personal leave set forth above.

Unused personal days are carried over to the accumulative sick leave category.

### Leave to Serve as a Trustee of the Ill. Municipal Retirement Fund

Upon request, the Board will grant twenty (20) days of paid leave of absence per year to a trustee of the Ill. Municipal Retirement Fund in accordance with State law.

Union Leave, Leave of Absence Without Pay, Extended Sick Leave

**Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and P.A.E.C. Council Local 571 IFT-AFT.**

Other Leaves

Educational support personnel receive the following leaves on the same terms and conditions granted professional personnel in Board Policy 5:250, *Leaves of Absence*:

1. Leave for Service in the Military.
2. Leave for Service in the General Assembly.
3. School Visitation Leave.
4. Leaves for Victims of Domestic Violence, Sexual Violence, Gender Violence, or Other Crime of Violence.
5. Family Bereavement Leave.
6. Child Extended Bereavement Leave.
7. Leave to serve as an election judge.
8. COVID-19 Paid Administrative Leave.

LEGAL REF.:

105 ILCS 5/10-20.7b, 5/10-20.83, 5/24-2, 5/24-6, and 5/24-6.3.

10 ILCS 5/13-2.5, Election Code.

330 ILCS 61/, Service Member Employment and Reemployment Rights Act.

820 ILCS 147, School Visitation Rights Act.

820 ILCS 154/, Family Bereavement Leave Act.

820 ILCS 156/, Child Extended Bereavement Leave Act.

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

School Dist. 151 v. ISBE, 154 Ill.App.3d 375 (1st Dist. 1987); Elder v. Sch. Dist. No.127 1/2, 60 Ill.App.2d 56 (1st Dist. 1965).

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

5:250 (Leaves of Absence)

Adopted: January 17, 2024

**Proviso Area for Exceptional Children (P.A.E.C.)**

**SECTION 6 - INSTRUCTION**



## **Proviso Area for Exceptional Children (P.A.E.C.)**

## 6:20 School Year Calendar and Day

### School Calendar

The Cooperative shall, as closely as possible, follow the school calendars established by member districts. Staff working in classrooms housed in member districts shall follow that member district's established calendar.

The Cooperative, upon the Executive Director's or designee's recommendation and subject to State regulations, annually establishes the dates for opening and closing classes, teacher institutes and inservices, the length and dates of vacations, and the days designated as legal school holidays. The school calendar shall have a minimum of 185 days to ensure 176 days of actual student attendance.

### Commemorative Holidays

The teachers and students shall devote a portion of the school day on each commemorative holiday designated in the School Code to study and honor the commemorated person or occasion. The Governing Board may, from time to time, designate a regular school day as a commemorative holiday.

### School Day

The Governing Board establishes the length of the school day with the recommendation of the Executive Director or designee and subject to State law requirements. The Executive Director or designee shall ensure that observances required by State law are followed during each day of school attendance.

### LEGAL REF.:

105 ILCS 5/10-19, 5/10-19.05, 5/10-20.56, 5/10-20.46, 5/10-30, 5/18-12, 5/18-12.5, 5/24-2, 5/27-3, 5/27-18, 5/27-19, 5/27-20, 5/27-20.1, and 5/27-20.2.

10 ILCS 5/11-4.1, Election Code.

5 ILCS 490/, State Commemorative Dates Act.

23 Ill.Admin.Code §1.420(f).

Metzl v. Leininger, 850 F.Supp. 740 (N.D. Ill. 1994), *aff'd* by 57 F.3d 618 (7th Cir. 1995).

CROSS REF.: 2:20 (Powers and Duties of the Boards), 4:180 (Pandemic Preparedness; Management; and Recovery), 5:200 (Terms and Conditions of Employment and Dismissal), 5:330

(Sick Days, Vacation, Holidays, and Leaves), 6:70 (Teaching About Religions), 7:90 (Release During School Hours)

Adopted: February 22, 2023

## **6:30 Organization of Instruction**

The grouping and locations of instructional levels in member district facilities shall be according to plans developed by the Executive Director in cooperation with the member districts and approved by the Governing Board.

The Executive Director or designee shall place eligible students with disabilities in classes, programs and services operated as a part of the comprehensive plan of the Cooperative.

CROSS REF.: 7:30 (Student Assignment)

Adopted: January 17, 2024

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **6:40 Programs and Curriculum Development**

In order to provide instructional services for the students with disabilities of the member districts, the Executive Director, in consultation with the Governing Board, shall develop a plan of programs and curriculum. It shall be a plan that is educationally sound and in accordance with State and federal law and regulations for curriculum and graduation requirements.

The plan shall ensure that member districts have available a full continuum of special education and related services.

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

LEGAL REF.:

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

105 ILCS 5/10-20.8.

CROSS REF.:6:120 (Education of Children with Disabilities), 7:15 (Student and Family Privacy Rights)

Adopted: October 17, 2019

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **6:50 School Wellness**

Student wellness, including good nutrition and physical activity, shall be promoted in the Cooperative's educational program, school-based activities, and meal programs. This policy shall be interpreted consistently with Section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 and the Healthy Hunger-Free Kids Act of 2010 (HHFKA).

The Executive Director will ensure:

1. Each school building complies with this policy;
2. The policy is available to the community on an annual basis through copies of or online access to the Board Policy Manual; and
3. The community is informed about the progress of this policy's implementation.

### Goals for Nutrition Education and Nutrition Promotion

The goals for addressing nutrition education and nutrition promotion include the following:

- Schools will support and promote sound nutrition for students.
- Schools will foster the positive relationship between sound nutrition, physical activity, and the capacity of students to develop and learn.
- Nutrition education will be part of the Cooperative's comprehensive health education curriculum.

### Goals for Physical Activity

The goals for addressing physical activity include the following:

- Schools will support and promote an active lifestyle for students.
- Physical education will be taught in all grades and shall include a developmentally planned and sequential curriculum that fosters the development of movement skills, enhances health-related fitness, increases students' knowledge, offers direct opportunities to learn how to work cooperatively in a group setting, and encourages healthy habits and attitudes for a healthy lifestyle. See policy 7:260, *Exemption from Physical Education*.
- During the school day, all students will be required to engage in a daily physical education course, unless otherwise exempted. See policy 7:260, *Exemption from Physical Education*.
- The curriculum will be consistent with and incorporate relevant *Illinois Learning Standards for Physical Development and Health* as established by the Ill. State Board of Education (ISBE).

### Goals for Other School-Based Activities

The goals for school-based activities include the following:

- Schools will support and promote a healthy eating environment for students.
- Schools will promote and participate in wellness activities.
- Schools will offer other school-based activities to support student health and wellness, including coordinated events and clubs.

### Nutrition Guidelines for Foods Available During the School Day; Marketing Prohibited

Students will be offered and schools will promote nutritious food and beverage choices during the school day that are consistent with Board policy 4:120, *Food Services* (requiring compliance with the nutrition standards specified in the U.S. Dept. of Agriculture's (USDA) *Smart Snacks* rules).

In addition, in order to promote student health and reduce childhood obesity, the Executive Director or designee shall:

1. Restrict the sale of *competitive foods*, as defined by the USDA, in the food service areas during meal periods;
2. Comply with all ISBE rules; and

3. Prohibit marketing during the school day of foods and beverages that do not meet the standards listed in Board policy 4:120, *Food Services*, i.e., in-school marketing of food and beverage items must meet *competitive foods* standards.

*Competitive foods* standards do not apply to foods and beverages available, but not sold in school during the school day; e.g., brown bag lunches, foods for classroom parties, school celebrations, and reward incentives.

#### Exempted Fundraising Day (EFD) Requests

All food and beverages sold to students on the school campuses of participating schools during the school day must comply with the “general nutrition standards for competitive foods” specified in federal law.

ISBE rules prohibit EFDs for grades 8 and below in participating schools.

The Executive Director or designee in a participating school may grant an EFD for grades 9 through 12 in participating schools. To request an EFD and learn more about the Cooperative's related procedure(s), contact the Executive Director or designee. The Cooperative's procedures are subject to change. The number of EFDs for grades 9 through 12 in participating schools is set by ISBE rule.

#### Guidelines for Reimbursable School Meals

Reimbursable school meals served shall meet, at a minimum, the nutrition requirements and regulations for the National School Lunch Program and/or School Breakfast Program.

#### Unused Food Sharing Plan

In collaboration with the Cooperative's local health department, the Executive Director or designee will:

1. Develop and support a food sharing plan (Plan) for unused food that is focused on needy students.
2. Implement the Plan throughout the Cooperative.
3. Ensure the Plan complies with the Richard B. Russell National School Lunch Act, as well as accompanying guidance from the U.S. Department of Agriculture on the Food Donation Program.
4. Ensure that any leftover food items are properly donated to combat potential food insecurity in the Cooperative's community. *Properly* means in accordance with all federal regulations and State and local health and sanitation codes.

#### Monitoring

At least every three years, the Executive Director shall provide implementation data and/or reports to the Board concerning this policy's implementation sufficient to allow the Board to monitor and adjust the policy (a triennial report). This triennial report must include without limitation each of the following:

- An assessment of the Cooperative's implementation of the policy
- The extent to which schools in the Cooperative are in compliance with the policy
- The extent to which the policy compares to model local school wellness policies
- A description of the progress made in attaining the goals of the policy
- How the Cooperative will make the results of the assessment available to the public
- Where the Cooperative will retain records of the assessment

The Board will monitor and adjust the policy pursuant to policy 2:240, *Board Policy Development*.

### Community Involvement

The Board and Executive Director will actively invite suggestions and comments concerning the development, implementation, periodic reviews, and updates of the school wellness policy from parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the community. Community involvement methods shall align their suggestions and comments to policy 2:140, *Communications To and From the Board*.

### Record Keeping

The Executive Director shall retain records to document compliance with this policy, the Cooperative's records retention protocols, and the Local Records Act.

### LEGAL REF.:

Pub. L. 108-265, Sec. 204, Child Nutrition and WIC Reauthorization Act of 2004.

42 U.S.C. §1751 et seq., Richard B. Russell National School Lunch Act.

42 U.S.C. §1758b, Pub. L. 111-296, Healthy, Hunger-Free Kids Act of 2010.

42 U.S.C. §1771 et seq., Child Nutrition Act of 1966.

42 U.S.C. §1779, as implemented by 7 C.F.R. §§210.11 and 210.31.

50 ILCS 205/, Local Records Act.

105 ILCS 5/2-3.139 and 5/2-3.189.

23 Ill.Admin.Code Part 305, Food Program.

ISBE's *School Wellness Policy* Goal, adopted Oct. 2007.

CROSS REF.: 2:140 (Communications To and From the Board), 2:150 (Board Committees), 2:240

(Board Policy Development), 4:120 (Food Services), 5:100 (Staff Development Program), 7:260 (Exemption from Physical Education), 8:10 (Connection with the Community)

Adopted: January 17, 2024

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **6:65 Student Social and Emotional Development**

Social and emotional learning (SEL) is defined as the process through which students enhance their ability to integrate thinking, feeling, and behaving to achieve important life tasks. Students competent in SEL are able to recognize and manage their emotions, establish healthy relationships, set positive goals, meet personal and social needs, and make responsible and ethical decisions.

The Executive Director shall incorporate SEL into the Cooperative's curriculum and other educational programs consistent with the Cooperative's mission and the goals and benchmarks of the Ill. Learning Standards. The Ill. Learning Standards include three goals for students:

1. Develop self-awareness and self-management skills to achieve school and life success.
2. Use social-awareness and interpersonal skills to establish and maintain positive relationships.
3. Demonstrate decision-making skills and responsible behaviors in personal, school, and community contexts.

The incorporation of SEL objectives into the Cooperative's curriculum and other educational programs may include but is not limited to:

1. Classroom and school-wide programming to foster a safe, supportive learning environment where students feel respected and valued. This may include incorporating scientifically based, age-and-culturally appropriate classroom instruction, Cooperative-wide, and school-wide strategies that teach SEL skills, promote optimal mental health, and prevent risk behaviors for all students.
2. Staff development and training to promote students' SEL development. This may include providing all personnel with age-appropriate academic and SEL and how to promote it.
3. Parent/Guardian and family involvement to promote students' SEL development. This may include providing parents/guardians and families with learning opportunities related to the importance of their children's optimal SEL development and ways to enhance it.
4. Community partnerships to promote students' SEL development. This may include establishing partnerships with diverse community agencies and organizations to assure a coordinated approach to addressing children's mental health and SEL development.
5. Early identification and intervention to enhance students' school readiness, academic success, and use of good citizenship skills. This may include development of a system and procedures for periodic and universal screening, assessment, and early intervention for students who have significant risk factors for social, emotional, or mental health conditions that impact learning.



6. Treatment to prevent or minimize mental health conditions in students. This may include building and strengthening referral and follow-up procedures for providing effective clinical services for students with social, emotional, and mental health conditions that impact learning. This may include student and family support services, school-based behavioral health services, and school-community linked services and supports.
7. Assessment and accountability for teaching SEL skills to all students. This may include implementation of a process to assess and report baseline information and ongoing progress about school climate, students' social and emotional development, and academic performance.

LEGAL REF.:

Children's Mental Health Act, 405 ILCS 49/.

CROSS REF.: 1:30 (Mission Statement), 6:40 (Programs and Curriculum Development), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:250 (Student Support Services)

Adopted: February 22, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **6:70 Teaching About Religions**

The Cooperative's curriculum may include the study of religions as they relate to geography, history, culture, and the development of various ethnic groups. The study of religions shall give neither preferential nor derogatory treatment to any single religion, religious belief, or to religion in general. The study of religions shall be treated as an academic subject with no emphasis on the advancement or practice of religion.

LEGAL REF.:

School Dist. of Abington Twp v. Schempp, 374 U.S. 203 (1963).

Allegheny County v. ACLU Pittsburgh Chapter, 492 U.S. 573 (1989).

CROSS REF.: 6:20 (School Year Calendar and Day), 6:40 (Programs and Curriculum Development), 6:255 (Assemblies and Ceremonies) ADOPTED: February 12, 2013

REVISED: June 15, 2017; July 20, 2022

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **6:80 Teaching About Controversial Issues**

The Executive Director shall ensure that all school-sponsored presentations and discussions of controversial or sensitive topics in the instructional program, including those made by guest speakers, are:

- Age-appropriate. Proper decorum, considering the students' ages, should be followed.
  - Consistent with the curriculum and serve an educational purpose.
  - Informative and present a balanced view.
  - Respectful of the rights and opinions of everyone. Emotional criticisms and hurtful sarcasm should be avoided.
- Not tolerant of profanity or slander.

The Cooperative specifically reserves its right to stop any school-sponsored activity that it determines violates this Policy, is harmful to the Cooperative or the students, or violates State or federal law.

LEGAL REF.:

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

Mayer v. Monroe Cnty. Cmty. Sch. Corp., 474 F.3d 477 (7th Cir. 2007).

CROSS REF.: 6:40 (Programs and Curriculum Development), 6:255 (Assemblies and Ceremonies)

Adopted: July 20, 2022

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **6:100 Using Animals in the Educational Program**

Animals may be brought into school facilities for educational purposes according to procedures developed by the Executive Director assuring: (a) the animal is appropriately housed, humanely cared for, and properly handled, and (b) students will not be exposed to a dangerous animal or an unhealthy environment.

### Animal Experiments

Experiments on living animals are prohibited; however, behavior studies that do not impair an animal's health or safety are permissible.

### Animal Dissection

The dissection of dead animals or parts of dead animals shall be allowed in the classroom only when the dissection exercise contributes to or is a part of an illustration

of pertinent study materials. All dissection of animals shall be confined to the classroom and must comply with the School Code.

Students who object to performing, participating in, or observing the dissection of animals are excused from classroom attendance without penalty during times when such activities are taking place. No student will be penalized or disciplined for refusing to perform, participate in, or observe a dissection. The Executive Director or designee shall inform students of: (1) their right to refrain from performing, participating in, or observing dissection, and (2) which courses contain a dissection unit and which of those courses offers an alternative project.

LEGAL REF.:

105 ILCS 5/2-3.122, 5/27-14, and 112/1 et seq.

CROSS REF.: 6:40 (Programs and Curriculum Development)

Adopted: October 20, 2021

### **Proviso Area for Exceptional Children (P.A.E.C.)**

#### **6:120 Education of Children with Disabilities**

The Cooperative shall provide a free appropriate public education in the least restrictive environment and necessary related services to all children with disabilities enrolled in the Cooperative and its member districts, as required by the Individuals With Disabilities Education Act (IDEA) and implementing provisions of the School Code, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act. The term *children with disabilities*, as used in this Policy, means children between ages 3 and 21 (inclusive) for whom it is determined, through definitions and procedures described in federal and State laws, regulations, and rules that special education services are needed. Children with disabilities who turn 22 years old during the school year are eligible for such services through the end of the school year.

It is the intent of the Cooperative and its member districts to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act, even though they do not require services pursuant to IDEA.

For students eligible for services under IDEA, the Cooperative and its member districts shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in the federal and State laws, regulations, and rules. For those students who are not eligible for services under IDEA, but, because of disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the Cooperative and its member districts shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, and educational placement. This system shall include notice, an opportunity for the student's parent(s)/guardian(s)

to examine relevant records, an impartial hearing with opportunity for participation by the student's parent(s)/guardian(s), representation by counsel, and a review procedure.

If necessary, the member districts may also place students in nonpublic special education programs or education facilities.

LEGAL REF.:

20 U.S.C. §1400 et seq., Individuals With Disabilities Education Improvement Act of 2004.

29 U.S.C. §794, Rehabilitation Act of 1973, Section 504.

42 U.S.C. §12101 et seq., Americans With Disabilities Act.

34 C.F.R. Part 106.

34 C.F.R. Part 300.

105 ILCS 5/14-1.01 et seq., 5/14-7.02, and 5/14-7.02b.

23 Ill.Admin.Code Part 226.

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

Adopted: February 16, 2022

### **Proviso Area for Exceptional Children (P.A.E.C.)**

#### **6:150 Home and Hospital Instruction**

If a student will be or it is anticipated that the student will be absent from school for an extended period of two or more consecutive weeks or on an ongoing intermittent basis, because of a medical condition, the student may be eligible for home or hospital instruction as determined by law and the Illinois State Board of Education rule governing the continuum of placement options. For the purposes of this Policy, an "ongoing intermittent basis" means that the student's medical condition is of such a nature or severity that the student will be, or it is anticipated that the student will be, absent from school due to the medical condition for periods of at least two days at a time multiple times during the school year, totaling 10 days or more of absences.. Appropriate educational services from qualified staff will begin no later than five school days after receiving a written statement from a physician, physician assistant, or advanced practice registered nurse licensed to practice medicine and all of its branches stating (1) the existence of the medical condition, (2) the impact of the medical condition on the student's ability to participate in education, and (3) the anticipated duration or nature of the student's absence from school. Instructional or related services for a student receiving special education services will be determined by the student's individualized education program (IEP) team or Section 504 plan team.

A student who is unable to attend school because of pregnancy will be provided home instruction, correspondence courses, or other courses of instruction before the birth of the child when the student's physician, physician assistant, or advanced practice registered nurse indicates, in writing, that she is medically unable to attend regular classroom instruction as well as for up to three months after the child's birth or a miscarriage.

Periodic conferences will be held between appropriate school personnel, parent(s)/guardian(s), and hospital staff to coordinate course work and facilitate a student's return to school.

LEGAL REF.:

105 ILCS 5/10-19.05(e), 5/10-22.6a, 5/14-13.01, and 5/18-4.5.

23 Ill.Admin.Code §§1.520, 1.610, and 226.300.

CROSS REF.: 6:120 (Education of Children with Disabilities), 7:10 (Equal Educational Opportunity)

ADOPTED: October 11, 2012

REVISED: July 10, 2012; March 15, 2018; April 16, 2020

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **6:190 Extracurricular and Co-Curricular Activities**

Extracurricular activities or co-curricular activities are school-sponsored programs for which some or all of the activities are outside the instructional day. They do not include field trips, homework, or occasional work required outside the school day for a scheduled class. *Co-curricular activity* refers to an activity associated with the curriculum in a classroom and is generally required for class credit. *Extracurricular activity* refers to an activity that is not part of the curriculum, is not graded, does not offer credit, and does not take place during class time; it includes competitive interscholastic activities and clubs.

The Executive Director must approve an activity in order for it to be considered a Cooperativesponsored extracurricular or co-curricular activity, using the following criteria:

1. The activity will contribute to the leadership abilities, social well-being, self-realization, good citizenship, or general growth of student-participants.
2. Fees assessed students are reasonable and do not exceed the actual cost of operation.
3. The Cooperative has sufficient financial resources for the activity.
4. Requests from students.
5. The activity will be supervised by a school-approved sponsor.

For students attending Cooperative programs, selection of members or participants in Cooperativesponsored extracurricular to co-curricular activities is at the discretion of the teachers, sponsors, or coaches, provided that the selection material conform to the Cooperative's policies. Students must satisfy all academic standards and must comply with the activity's rules and the student conduct code of the Cooperative and member districts.

LEGAL REF.:

105 ILCS 5/24-24.

CROSS REF.: 4:170 (Safety), 7:10 (Equal Educational Opportunities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:300 (Extracurricular Athletics)

REVISED:July 10, 2012, July 9, 2013, December 20, 2018; July 26, 2023

### **Proviso Area for Exceptional Children (P.A.E.C.)**

#### **6:210 Instructional Materials**

All Cooperative classrooms and learning centers should be equipped with an evenly-proportioned, wide assortment of instructional materials, including textbooks, workbooks, audio-visual materials, and electronic materials. These materials should provide quality learning experiences for students and:

1. Enrich and support the curriculum;
2. Stimulate growth in knowledge, literary appreciation, aesthetic values, and ethical standards;
3. Provide background information to enable students to make informed judgments and promote critical reading and thinking;
4. Depict in an accurate and unbiased way the cultural diversity and pluralistic nature of American society; and
5. Contribute to a sense of the worth of all people regardless of sex, race, religion, nationality, ethnic origin, sexual orientation, disability, or any other differences that may exist.

Anyone may inspect any textbook or instructional material upon request, and the Cooperative shall respond in accordance with Board Policy 2:250, *Access to Cooperative Public Records*.

Teachers are encouraged to use age-appropriate supplemental material only when it will enhance, or otherwise illustrate, the subjects being taught. No movie rated above PG shall be shown to students unless prior approval is received from the Building Principal, and no movie rated NC-17 (no one 17 and under admitted) shall be shown under any circumstances. These restrictions apply to television programs and other media with equivalent ratings. The Executive Director or designee shall give parents/guardians an

opportunity to request that their child not participate in a class showing a movie, television program, or other media with a PG-13, R, or equivalent rating.

### Instructional Materials Selection and Adoption

The Executive Director shall approve the selection of all textbooks and instructional materials according to the standards described in this Policy. The School Code governs the adoption and purchase of textbooks and instructional materials.

LEGAL REF.:

105 ILCS 5/10-20.8 and 5/28-19.1.

CROSS REF.: 6:30 (Organization of Instruction), 6:40 (Programs and Curriculum Development), 6:80 (Teaching About Controversial Issues), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy Rights), 8:110 (Public Suggestions and Concerns) ADOPTED: October 11, 2011

REVISED: July 10, 2012; October 19, 2017

REVIEWED: June 21, 2023

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **6:220 Bring Your Own Technology (BYOT) Program; Responsible Use and Conduct**

The Executive Director or designee shall establish a *Bring Your Own Technology (BYOT) Program*. The program will:

1. Promote educational excellence by facilitating resource sharing, innovation, and communication to enhance (a) technology use skills; (b) web-literacy and critical thinking skills about Internet resources and materials, including making wise choices; and (c) habits for responsible digital citizenship required in the 21st century.
2. Provide sufficient wireless infrastructure within budget parameters.
3. Provide access to the Internet only through the Cooperative's electronic networks.
4. Identify approved BYOT devices and what Cooperative-owned technology devices may be available; e.g., laptops, tablet devices, E-readers, and/or smartphones.
5. Align with established board policies.
6. Provide relevant staff members with BYOT professional development opportunities, including the provision of:
  - a. Classroom management information about issues associated with the program, e.g., technical support, responsible use, etc.;
  - b. A copy of or access to this policy and any building-specific rules for the program;



- c. Additional training, if necessary, about 5:170, *Copyright*; and
- d. Information concerning appropriate behavior of staff members as required by State law and policy 5:120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*.

- 7. Provide a method to inform parents/guardians and students about this policy.
- 8. Include the program in the annual report to the Board as required under policy 6:10, *Education Philosophy and Objectives*.

The Cooperative reserves the right to discontinue its BYOT program at any time. The Cooperative does not provide liability protection for BYOT devices, and it is not responsible for any damages to them.

### Responsible Use

The Cooperative recognizes students participating in the program as responsible young adults and holds high expectations of their conduct in connection with their participation in the program. Teachers may encourage students to bring their own devices as supplemental in-class materials when: (a) using the devices will appropriately enhance, or otherwise illustrate, the subjects being taught; (b) the Building Principal has approved their use and found that their use is age-appropriate; and (c) the student's parent/guardian has signed the *Bring Your Own Technology (BYOT) Program Participation Authorization and Responsible Use Agreement Form*. A student's right to privacy in his or her device is limited; any reasonable suspicion of activities that violate law or Board policies will be treated according to policy 7:140, *Search and Seizure*.

Responsible use in the program incorporates into this policy the individual's *Acceptable Use of Electronic Networks* agreement pursuant to policy 6:235, *Access to Electronic Networks*. Responsible use also incorporates the established usage and conduct rules in policy 5:125, *Personal Technology and Social Media; Usage and Conduct*, for staff and 7:190, *Student Behavior* for students. Failure to follow these rules and the specific BYOT program student guidelines may result in: (a) the loss of access to the Cooperative's electronic network and/or student's BYOT privileges; (b) disciplinary action pursuant to 7:190, *Student Behavior*; 7:200, *Suspension Procedures*; or 7:210, *Expulsion Procedures*; and/or (c) appropriate legal action, including referrals of suspected or alleged criminal acts to appropriate law enforcement agencies.

### LEGAL REF.:

15 U.S.C. §§6501-6508, Children's Online Privacy Protection Act; 16 C.F.R. Part 312, Children's Online Privacy Protection Rule.

20 U.S.C §6751 et seq., Enhancing Education Through Technology Act.

47 U.S.C. §254(h) and (l), Children's Internet Protection Act.

47 C.F.R. Part 54, Subpart F, Universal Service Support for Schools and Libraries.

105 ILCS 5/10-20.28.

CROSS REF.: 1:30 (Mission Statement), 4:140 (Waiver of Student Fees), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:170 (Copyright), 6:40 (Programs and Curriculum Development), 6:120 (Education of Children with Disabilities), 6:210 (Instructional Materials), 6:235 (Access to Electronic Networks), 7:140 (Search and Seizure), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Behavior), 7:340 (Student Records)

Adopted: February 16, 2022

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 6:230 Library Media Program

The Executive Director or designee shall manage the Cooperative's library media program to comply with, (1) State law and Ill. State Board of Education (ISBE) rule, and (2) the following standards:

1. The program includes an organized collection of resources available to students and staff to supplement classroom instruction, foster reading for pleasure, enhance information literacy, and support research, as appropriate to students of all abilities in the grade levels served.
2. Financial resources for the program's resources and supplies are allocated to meet students' needs.
3. Students in all grades served have equitable access to library media resources.
4. The advice of an individual who is qualified according to ISBE rule is sought regarding the overall direction of the program, including the selection and organization of materials, provision of instruction in information and technology literacy, and structuring the work of library paraprofessionals.
5. The program adheres to the principles of the American Library Association's *Library Bill of Rights*, which indicate that materials should not be proscribed or removed because of partisan or doctrinal disapproval.
6. Staff members are invited to recommend additions to the collection.
7. Students may freely select resource center materials as well as receive guided selection of materials appropriate to specific, planned learning experiences.

Parents/guardians, employees, and community members who believe that library media program resources violate rights guaranteed by any law or Board policy may file a complaint using Board policy 2:260, *Uniform Grievance Procedure*.

The Executive Director or designee shall establish criteria consistent with this policy for the review of objections. Parents/guardians, employees, and community members with suggestions or complaints about library media program resources may complete a *Library Media Resource Objection Form*. The Executive Director or designee shall inform the parent/guardian, employee, or community member, as applicable, of the Cooperative's decision.

LEGAL REF.:

75 ILCS 10/8.7.

23 Ill.Admin.Code §1.420(o).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 6:210 (Instructional Materials), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs)

Adopted: January 17, 2024

## Proviso Area for Exceptional Children (P.A.E.C.)

### 6:235 Access to Electronic Networks

P.A.E.C. provides electronic networks to support the educational mission of P.A.E.C. and its member districts.

Electronic networks are a part of P.A.E.C.'s instructional program and serve to promote educational excellence by facilitating resource sharing, innovation, and communication.

The term *electronic networks* includes all of P.A.E.C.'s technology resources, including, but not limited to:

1. P.A.E.C.'s local-area and wide-area networks, including wireless networks (Wi-Fi), P.A.E.C.issued Wi-Fi hotspots, and any P.A.E.C. servers or other networking infrastructure;
2. Access to the Internet or other online resources via the P.A.E.C.'s networks or to any P.A.E.C.issued online account from any computer or device, regardless of location;
3. P.A.E.C.-owned or P.A.E.C.-issued computers, laptops, tablets, phones, or similar devices.

P.A.E.C.'s electronic networks are not a public forum for general use. The use of these electronic networks is a privilege, not a right, that is extended to staff, students, parents, and other members of the P.A.E.C. community. Violations of this Policy may result in a loss of privileges, discipline, or legal actions at the discretion of the Executive Director or designee. The Executive Director shall develop an implementation plan for this Policy and appoint system administrator(s).

#### Application of Policy

For purposes of this Policy, "electronic networks" includes all P.A.E.C. hardware, software, communication systems, networks, electronic equipment, data and other technologies, including any access to the Internet using such resources.

Individuals covered by this Policy include, but are not limited to, students, employees, Administration, parents, and visiting guests who have access to P.A.E.C.'s electronic systems. Except as otherwise provided herein, the provisions of this Policy shall apply to the use of technology in any P.A.E.C. school building, on school grounds, at a school-sponsored activity, and at any location in any manner that would otherwise violate this Policy. P.A.E.C.'s code of conduct applies to the use of P.A.E.C.'s electronic networks.

#### Responsibilities and Rights

The Governing Board owns the contents of P.A.E.C.'s electronic networks and reserves the right to inspect the contents of the electronic networks. Individuals using the electronic networks have no expectation of privacy in any material stored, transmitted, or received via the electronic networks, including but not limited to P.A.E.C. e-mail

accounts. Electronic communications and downloaded material, including files deleted from a user's account but not erased, may be monitored or read by school officials. P.A.E.C. is not responsible for any information, including its accuracy or quality, obtained or transmitted through use of the Internet (except for P.A.E.C.'s website). P.A.E.C. is not responsible for any information that may be lost or damaged, or become unavailable when using the electronic networks, or for any information that is retrieved or transmitted via the Internet. Furthermore, P.A.E.C. will not be responsible for any unauthorized charges or fees resulting from access to the Internet.

### Curriculum and Appropriate Online Behavior

The use of P.A.E.C. electronic networks shall: (1) be consistent with the curriculum adopted by

P.A.E.C. as well as the varied instructional needs, learning styles, abilities, and developmental levels of the students, and (2) comply with the selection criteria for instructional materials and library resource center materials. As required by federal law, students will be educated about appropriate online behavior, including but not limited to: (1) interacting with other individuals on social networking websites and in chat rooms, and (2) cyberbullying awareness and response. Staff members may, consistent with Executive Director's implementation plan, use the Internet throughout the curriculum.

### Acceptable Use

All use of P.A.E.C.'s electronic networks must be: (1) in support of education and/or research, and be in furtherance of the educational mission of P.A.E.C. and its member districts, or (2) for a legitimate school business purpose. General rules for behavior and communications apply when using the electronic networks. P.A.E.C.'s *Authorization for Access to the District's Electronic Network* contains the appropriate uses, ethics, and protocol.

Uses of the electronic networks that are NOT acceptable include, but are not limited to, the following:

1. Installing, modifying, uploading or downloading programs or software without approval of the Administration.
2. Engaging in acts of vandalism, which is defined as any malicious attempt to harm or destroy data of another user or P.A.E.C., including the creation or use of computer viruses.
3. Accessing, submitting, posting, publishing, transmitting or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, harassing or illegal material; this includes using the electronic networks to engage in bullying as defined by State law.
4. Posting P.A.E.C. or member district work product (e.g., test materials, Department procedures, P.A.E.C. publications) on the Internet for public access without prior approval from the Executive Director or designee.
5. Posting, publishing, transmitting, receiving or displaying material for commercial gain.

6. Accessing data maintained by P.A.E.C. in which the individual has not been given proper authorization.
7. Accessing the electronic networks when such privilege has been suspended or revoked by P.A.E.C.
8. Using the electronic networks in violation of State or federal law.

### Internet Safety

Technology protection measures shall be used on each P.A.E.C. computer with Internet access. They shall include a filtering device that protects against Internet access by both adults and minors to visual depictions that are: (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by federal law and as determined by the Executive Director or designee. The Executive Director or designee shall enforce the use of such filtering devices. An Administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose, provided the person receives prior permission from the Executive Director or designee. The Executive Director or designee shall include measures in this Policy's implementation plan to address the following:

1. Ensure staff supervision of student access to online electronic networks,
2. Restrict student access to inappropriate matter as well as harmful materials,
3. Ensure student and staff privacy, safety, and security when using electronic communications,
4. Restrict unauthorized access, including "hacking" and other unlawful activities, and
5. Restrict unauthorized disclosure, use, and dissemination of personal identification information, such as, names and addresses.

### DISCLAIMER:

In compliance with the federal Children's Internet Protection Act, P.A.E.C. endeavors to protect users of P.A.E.C.'s electronic networks from websites containing material that is illegal for minors, including, but not limited to, pornography. P.A.E.C. also endeavors to address the safety and security of minors when using electronic mail and other forms of direct electronic communications through the electronic networks. However, the use of employee-provided and student-provided technology to access the Internet network cannot be subjected to measures used by P.A.E.C. such as content filters, blocking lists, or monitoring of Internet website traffic for patterns of usage that could indicate inappropriate network usage. Accordingly, employees and students who provide their own technology and/or access to the Internet shall assume any risk associated therewith. P.A.E.C. expressly disclaims any responsibility for imposing content filters, blocking lists or monitoring of employee or student-provided technology and/or devices.

### Electronic Mail

P.A.E.C. provides electronic mail ("e-mail") accounts to aid employees and students in fulfilling their duties and responsibilities in the learning environment. The Executive Director or designee will develop and implement procedures for the use of P.A.E.C. e-mail that shall, at a minimum, address acceptable uses, P.A.E.C. monitoring, data retention, and confidentiality issues.

## Authorization for Electronic Network Access

Each staff member must sign P.A.E.C.'s *Authorization for Electronic Network Access* as a condition for using P.A.E.C.'s electronic networks. Each student and his or her parent(s)/guardian(s) must sign the *Authorization* before being granted unsupervised use.

## Confidentiality

All users of the P.A.E.C.'s computers to access the Internet shall maintain the confidentiality of student records. Reasonable measures to protect against unreasonable access shall be taken before confidential student information is loaded onto the network.

## Violations

The failure of any user to follow the terms of the P.A.E.C.'s administrative procedure, *Acceptable Use of P.A.E.C.'s Electronic Networks*, or this policy, will result in the loss of privileges, disciplinary action, and/or appropriate legal action

at the discretion of the Executive Director or designee. In the case of employees, violation of the *Authorization for Electronic Network Access* or this Policy may result in suspension without pay or dismissal of employment. In the case of students, violation of the *Authorization for Access to P.A.E.C.'s Electronic Network* or this Policy may result in out-of-school suspension or expulsion.

## LEGAL REF.:

20 U.S.C. §7131, Elementary and Secondary Education Act.

47 U.S.C. §254(h) and (l), Children's Internet Protection Act.

47 C.F.R. Part 54, Subpart F, Universal Service Support for Schools and Libraries.

115 ILCS 5/14(c-5), Ill. Educational Labor Relations Act.

720 ILCS 5/26.5.

CROSS REF.: 2:250 (Access to Cooperative Public Records), 5:100 (Staff Development Program),

5:150 (Personnel Records), 5:170 (Copyright), 5:200 (Terms and Conditions of Employment and Dismissal), 5:290 (Employment Termination and Suspensions), 6:40 (Programs and Curriculum Development), 6:210 (Instructional Materials), 6:230 (Library Media Program), 6:260 (Complaints

About Curriculum, Instructional Materials, and Programs), 7:130 (Student Conduct), 7:190 (Student

Behavior), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on

Publications; High Schools), 7:345 (Use of Educational Technologies; Student Data Privacy and Security)

Adopted: October 20, 2021

**Proviso Area for Exceptional Children (P.A.E.C.)**



## 6:235-E Exhibit - Authorization for Electronic Network Access

*Each staff member must sign this Authorization as a condition for using P.A.E.C.'s electronic networks. Each student and his or her parent(s)/guardian(s) must sign the Authorization before being granted unsupervised access. Please read this document carefully before signing.*

All use of the Internet shall be consistent with P.A.E.C.'s goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. This *Authorization* does not attempt to state all required or proscribed behavior by users. However, some specific examples are provided. **The failure of any user to follow the terms of the *Authorization for Electronic Network Access* will result in the loss of privileges, disciplinary action, and/or appropriate legal action.** The signatures at the end of this document are legally binding and indicate the parties who signed have read the terms and conditions carefully and understand their significance.

### Terms and Conditions

**Acceptable Use** - Access to P.A.E.C.'s electronic network must be: (a) for the purpose of education or research, and be consistent with the educational objectives of P.A.E.C. and its member districts, or (b) for a legitimate school business use.

**No Expectation of Privacy** - The user has no expectation of privacy in any material that is stored, transmitted, or received via the Internet, P.A.E.C.'s network or P.A.E.C.'s computers.

**Privileges** - The use of P.A.E.C.'s electronic networks is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. The Executive Director or designee will make all decisions regarding whether or not a user has violated the terms of access privileges and may deny, revoke, or suspend access at any time. His or her decision is final.

**Unacceptable Use** - The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are:

- a. Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any State or federal law;
- b. Unauthorized downloading of software, regardless of whether it is copyrighted or de-virused;
- c. Downloading copyrighted material for other than personal use;
- d. Using the network for private financial or commercial gain;
- e. Wastefully using resources, such as file space;
- f. Hacking or gaining unauthorized access to files, resources or entities;
- g. Invading the privacy of individuals, that includes the unauthorized disclosure, dissemination, and use of information about anyone that is of a personal nature including a photograph;

- h. Using another user's account or password;
- i. Posting material authored or created by another without his/her consent;
- j. Posting anonymous messages;
- k. Using the network for commercial or private advertising;
- l. Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material.

This includes using the network to engage in bullying as defined by State law; and

- m. Using the network while access privileges are suspended or revoked.

**Network Etiquette** - You are expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:

- a. Be polite. Do not become abusive in your messages to others.
- b. Use appropriate language. Do not swear, or use vulgarities or any other inappropriate language.
- c. Do not reveal the personal information, including the addresses or telephone numbers, of students or colleagues.
- d. Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all e-mail. E-mail messages relating to or in support of illegal activities may be reported to the authorities.
- e. Do not use the network in any way that would disrupt its use by other users.
- f. Consider all communications and information accessible via the network to be private property.

**No Warranties** - P.A.E.C. makes no warranties of any kind, whether expressed or implied, for the service it is providing. P.A.E.C. will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed-deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the Internet is at the users own risk. P.A.E.C. specifically denies any responsibility for the accuracy or quality of information obtained through its services.

**Indemnification** - The user agrees to indemnify P.A.E.C. for any losses, costs, or damages, including reasonable attorney fees, incurred by P.A.E.C. relating to, or arising out of, any violation of this *Authorization*.

**Security** - Network security is a high priority. If you can identify a security problem on the Internet, you must notify the Executive Director or Program Principal. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual's account without written permission from that individual. Attempts to log-on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.

**Vandalism** - Vandalism will result in cancellation of privileges and other disciplinary action.

Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, or any other network. This includes, but is not limited to, the uploading or creation of computer viruses.

**Telephone Charges** - P.A.E.C. assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/or equipment or line costs.

**Copyright Web Publishing Rules** - Copyright law and Board policy prohibit the re-publishing of text or graphics found on the Web or on P.A.E.C. Web sites or file servers, without explicit written permission.

- a. For each re-publication (on a Web site or file server) of a graphic or a text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the Web address of the original source.
- b. Students and staff engaged in producing Web pages must provide library media specialists with e-mail or hard copy permissions before the Web pages are published. Printed evidence of the status of "public domain" documents must be provided.
- c. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the Web site displaying the material may not be considered a source of permission.
- d. The "fair use" rules governing student reports in classrooms are less stringent and permit limited use of graphics and text.
- e. Student work may only be published if there is written permission from both the parent/guardian  
and student.

**Use of Electronic Mail - P.A.E.C.'s** electronic mail (e-mail) system, and its constituent software, hardware, and data files, are owned and controlled by P.A.E.C. P.A.E.C. provides e-mail to aid students and staff members in fulfilling their duties and responsibilities, and as an education tool.

- a. P.A.E.C. reserves the right to access and disclose the contents of any account on its system, without prior notice or permission from the account's user. Unauthorized access by any student or staff member to an e-mail account is strictly prohibited.
- b. Each person should use the same degree of care in drafting an e-mail as would be put into a written memorandum or document. Nothing should be transmitted in an e-mail that would be inappropriate in a letter or memorandum.
- c. E-mail transmitted via P.A.E.C.'s Internet gateway carry with them an identification of the user's Internet "domain." This domain name is a registered domain name and identifies the author as being with P.A.E.C. Great care should be taken, therefore, in the composition of such messages and how such messages might reflect on the

name and reputation of P.A.E.C. Users will be held personally responsible for the content of any and all e-mails transmitted to external recipients.

- d. Any e-mail received from an unknown sender via the Internet should either be immediately deleted or forwarded to the system administrator. Downloading any file attached to any Internetbased message is prohibited unless the user is certain of that message's authenticity and the nature of the file so transmitted.
- e. Use of P.A.E.C.'s e-mail system constitutes consent to these rules.

### Internet Safety

Internet access is limited to only those "acceptable uses" as detailed in these procedures. Internet safety is almost assured if users will not engage in "unacceptable uses," as detailed in this *Authorization*, and otherwise follow this *Authorization*.

Staff members shall supervise students while students are using P.A.E.C. Internet access to ensure that the students abide by the Terms and Conditions for Internet access contained in this *Authorization*.

Each P.A.E.C. computer with Internet access has a filtering device that blocks entry to visual depictions that are: (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by the Children's Internet Protection Act and as determined by the Executive Director or designee.

The Executive Director or designee and Program Principals shall monitor student Internet access.

LEGAL REF.:No Child Left Behind Act, 20 U.S.C. §6777.

Children's Internet Protection Act, 47 U.S.C. §254(h) and (l).

Enhances Education Through Technology, 20 U.S.C §6751 et seq.

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

105 ILCS 5/27-23.7, 10/1 et seq.

720 ILCS 135/0.01.

### **Authorization for Electronic Network Access Form**

*Submit to Program Principal.*

Students and their parents/guardians need only sign this *Authorization for Electronic Network Access* once while the student is attending a P.A.E.C. program.

Staff members need only sign this *Authorization for Electronic Network Access* once while employed by P.A.E.C.

Please check the appropriate box:  Staff member

- Parent/Guardian of student
- Student \*
- Other: \_\_\_\_\_

I understand and will abide by the above *Authorization for Electronic Network Access*. I understand that P.A.E.C. and/or its agents may access and monitor my use of the Internet, including my e-mail and downloaded material, without prior notice to me. I further understand that should I commit any violation of the policies and rules regarding permissible network use, my access privileges may be revoked, and school disciplinary action and/or appropriate legal action may be taken. In consideration for using P.A.E.C.'s electronic network connection and having access to public networks, I hereby release P.A.E.C. and its Governing Board members, employees, and agents from any claims and damages arising from my use of, or inability to use the Internet.

\_\_\_\_\_  
User Name (*please print*)

\_\_\_\_\_  
User Signature

\_\_\_\_\_  
Date

**\* Students are required to have a parent/guardian read and agree to the following:**

I have read this *Authorization for Electronic Network Access*. I understand that access is designed for educational purposes and that P.A.E.C. has taken precautions to eliminate controversial material. However, I also recognize it is impossible for P.A.E.C. to restrict access to all controversial and inappropriate materials. I will hold harmless P.A.E.C., its employees, agents, or Governing Board members, for any harm caused by materials or software obtained via the network. I accept full responsibility for supervision if and when my child's use is not in a school setting. I have discussed the terms of this *Authorization* with my child. I hereby request that my child be allowed access to P.A.E.C.'s Internet.

\_\_\_\_\_  
Parent/Guardian Name (*please print*)

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

DATED: October 11, 2011

## **6:240 Field Trips and Recreational Class Trips**

Field trips are permissible when the experiences are a part of the school curriculum and/or contribute to the Cooperative's educational objectives.

All field trips must have the Executive Director or designee's prior approval. The Executive Director or designee shall analyze the following factors to determine whether to approve a field trip: educational value, student safety, parent concerns, heightened security alerts, cost, and liability concerns. On all field trips, a bus fee set by the Executive Director or designee may be charged to help defray the transportation costs.

Parents/guardians of students: (1) shall be given the opportunity to consent to their child's participation in any field trip,; and (2) are responsible for all entrance fees, food, lodging, or other costs, except that the Cooperative will pay such costs for students who qualify for free or reduced school lunches. All non-participating students shall be provided an alternative experience. Any field trip may be cancelled without notice due to an unforeseen event or condition.

Privately arranged trips, including those led by Cooperative staff members, shall not be represented as or construed to be sponsored by the Cooperative or school. The Cooperative does not provide liability protection for privately arranged trips and is not responsible for any damages arising from them.

### Recreational Class Trips

Recreational class trips are permissible provided they do not interfere with the Cooperative's educational goals. The provisions in this Policy concerning field trips are also applicable to recreational class trips, except those regarding educational value.

LEGAL REF.:

105 ILCS 5/29-3.1.

CROSS REF.: 7:10 (Equal Educational Opportunities), 7:270 (Administering Medicines to Students)

Adopted: July 26, 2023

## **Proviso Area for Exceptional Children (P.A.E.C.)**

## **6:250 Community Resource Persons and Volunteers**

The Board encourages the use of resource persons and volunteers to: (1) increase students' educational attainment; (2) provide enrichment experiences for students; (3) increase the effective utilization of staff time and skills; (4) give more individual attention to students; and (5) promote greater community involvement.

Resource persons and volunteers may be used:

1. For non-teaching duties not requiring instructional judgment or evaluation of students;
2. For supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media (such as computers, video, and audio), detention and discipline areas, and school-sponsored extracurricular activities;
3. To assist with academic programs under a licensed teacher's immediate supervision;
4. As a guest lecturer or resource person under a licensed teacher's direction and with the Administration's approval; or
5. As supervisors, chaperones, or sponsors for non-academic school activities.

The Executive Director shall establish procedures for securing and screening resource persons and volunteers. A person who is a *sex offender*, as defined by the Sex Offender Registration Act, or a *violent offender against youth*, as defined in the Child Murderer and Violent Offender Against Youth Registration Act, or has otherwise been convicted of a felony, is prohibited from being a resource person or volunteer. All volunteer coaches must comply with the requirement to report hazing in policy 5:90, *Abused and Neglected Child Reporting*.

LEGAL REF.:

105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.

720 ILCS 5/12C-50.1.

730 ILCS 152/101 et seq., Sex Offender Community Notification Law.

730 ILCS 154/75 et seq., Murderer and Violent Offender Against Youth Community Notification Law.

730 ILCS 154/101 et seq., Murderer and Violent Offender Against Youth Registration Act.

CROSS REF.: 4:170 (Safety), 5:90 (Abused and Neglected Child Reporting), 5:280 (Duties and Qualifications), 8:30 (Visitors to and Conduct on School Property), 8:95 (Parental Involvement)

ADOPTED: October 11, 2011

REVISED: February 11, 2014; December 20, 2018; February 22, 2023

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **6:255 Assemblies and Ceremonies**

Assemblies must be approved by the Executive Director or designee and be consistent with the Cooperative's educational objectives.

While P.A.E.C. respects an individual's brief, quiet, personal religious observance(s), it shall not endorse or otherwise promote invocations, benedictions, and group prayers at any school assembly, ceremony, or other school-sponsored activity.

LEGAL REF.:

Lee v. Weisman, 505 U.S. 577 (1992).

Santa Fe Independent Sch. Dist. v. Doe, 530 U.S. 290 (2000).

Kennedy v. Bremerton Sch. Dist., 142 S.Ct. 2407 (2022).

Jones v. Clear Creek Independent Sch. Dist., 930 F.2d 416 (5th Cir. 1991), *cert. granted, judgement vacated*, 505 U.S. 1215 (1992), *remand*, 977 F.2d 963, *reh'g denied*, 983 F.2d 234 (5th Cir. 1992), and *cert. denied*, 508 U.S. 967 (1993).

CROSS REF.: 6:70 (Teaching About Religion), 6:80 (Teaching About Controversial Issues)

Adopted: February 22, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**



## **6:260 Complaints About Curriculum, Instructional Materials, and Programs**

Parents/guardians have the right to inspect any instructional material used as part of their child's educational curriculum pursuant to Governing Board policy 7:15, *Student and Family Privacy Rights*.

Parents/guardians, employees, and community members who believe that curriculum, instructional materials, or programs violate rights guaranteed by any law or Board policy may file a complaint using Board policy 2:260, *Uniform Grievance Procedure*.

Parents/guardians, employees, and community members with other suggestions or complaints about curriculum, instructional materials, or programs should complete a *Curriculum Objection Form*. A parent/guardian may request that his/her child be exempt from using a particular instructional material or program by completing a *Curriculum Objection Form*. The Executive Director or designee shall establish criteria for the review of objections and inform the parent/guardian, employee, or community member, as applicable, of the Cooperative's decision.

LEGAL REF.:

20 U.S.C. §1232h, Protection of Pupil Rights Amendment.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 7:15 (Student and Family Privacy Rights), 8:110 (Public Suggestions and Concerns)

Adopted: February 22, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **6:280 Grading and Promotion**

The Executive Director or designee shall establish a system of grading and reporting academic achievement to students and their parents/guardians, which system of reporting may be modified to meet an individual student's needs as specified in his/her IEP.

Every teacher shall maintain an evaluation record for each student in the teacher's classroom. A Cooperative administrator cannot change the final grade assigned by the teacher without notifying the teacher. Reasons for changing a student's final grade include:

- A miscalculation of test scores,
- A technical error in assigning a particular grade or score,
- The teacher agrees to allow the student to do extra work that may impact the grade,
- An inappropriate grading system used to determine the grade, or
- An inappropriate grade based on an appropriate grading system.

Should a grade change be made, the administrator making the change must sign the changed record. LEGAL REF.:105 ILCS 5/2-3.64a-5, 5/10-20.9a, 5/10-21.8, and 5/27-27.

CROSS REF.:6:340 (Student Testing and Assessment Program), 7:50 (School Admissions/Eligibility for Services)

ADOPTED:April 16, 2015

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **6:290 Homework**

Homework is part of the Cooperative's instructional program and has the overarching goal of increasing student achievement. Homework is assigned to further a student's educational development and is an application or adaptation of a classroom experience. The Executive Director shall provide guidance to ensure that homework:

1. Is used to reinforce and apply previously covered concepts, principles, and skills;
2. Is not assigned for disciplinary purposes;
3. Serves as a communication link between the school and parents/guardians;
4. Encourages independent thought, self-direction, and self-discipline; and
5. Is of appropriate frequency and length, and does not become excessive, according to the teacher's best professional judgment.

Recognizing the importance of parental involvement in homework, the Executive Director or designee shall ensure that parents/guardians are informed of, (1) whom to contact with questions or concerns about homework assignments, and (2) methods to facilitate homework completion.

### Missed Homework

Students absent for a valid cause may make up missed homework in a reasonable timeframe per policy 7:70, *Attendance and Truancy*.

CROSS REF.: 7:70 (Attendance and Truancy)

Adopted: July 20, 2022

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **6:340 Student Testing and Assessment Program**

The P.A.E.C. student assessment program provides information for determining individual student achievement and instructional needs, curriculum and instruction effectiveness, and school performance measured against Cooperative and member district student learning objectives and statewide norms.

The Executive Director or designee shall manage the student assessment program that, at a minimum:

1. Administers to students all standardized assessments required by the Ill. State Board of Education (ISBE) and/or any other appropriate assessment methods and instruments, including norm and criterion-referenced achievement tests, aptitude tests, proficiency tests, and teacherdeveloped tests.
2. Informs students of the timelines and procedures applicable to their participation in every State assessment.
3. Be uniformly applied to all students who are required to be tested, including: (a) students in a State approved transitional bilingual education or transitional program, and (b) students who have an Individualized Educational Plan (IEP), subject to any modifications that may be required by an individual student's IEP.
4. Provides each student's parents/guardians with the results or scores of each State assessment and an evaluation of the student's progress. See policy 6:280, *Grading and Promotion*.
5. Utilizes professional testing practices.

Overall student assessment data on tests required by State law will be aggregated by the member districts and reported, along with other information, on the member district's annual report card. All reliable assessments administered by the Cooperative and scored by entities outside of the Cooperative must be (1) reported to ISBE on its form by the 30<sup>th</sup> day of each school year, and (2) made publicly available to

parents/guardians of students. Board policy 7:340, *Student Records*, and its implementing procedures govern recordkeeping and access issues.

LEGAL REF.:

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

105 ILCS 10/, Illinois School Student Records Act.

105 ILCS 5/2-3.63, 5/2-3.64a-5, 5/2-3.64a-10, 5/2-3.64a-15, 5/2-3.107, 5/2-3.153, 5/10-17a, 5/22-82, and 5/27-1.

23 Ill. Admin. Code §§1.30(b) and 375.10.

CROSS REF.: 6:280 (Grading and Promotion), 7:340 (Student Records)

Adopted: February 22, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **SECTION 7 - STUDENTS**

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 7:10 Equal Educational Opportunities

Equal educational and extracurricular opportunities shall be available for all students without regard to color, race, nationality, religion, sex, sexual orientation, ancestry, age, disability, gender identity, status of being homeless, immigration status, order of protection status, actual or potential marital or parental status, including pregnancy or other protected group status. Further, the Cooperative will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status, except that the Cooperative remains viewpoint neutral when granting access to school facilities under Board policy 8:20, *Community Use of School Facilities*. Any student may file a discrimination grievance by using Board policy 2:260, *Uniform Grievance Procedure*.

### Sex Equity

No student shall, based on sex, sexual orientation, or gender identity be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities.

Any student may file a sex equity complaint by using Board policy 2:260, *Uniform Grievance*

*Procedure*. A student may appeal the Board's resolution of the complaint to the Regional Superintendent (pursuant to 105 ILCS 5/3-10) and, thereafter, to the State Superintendent of Education (pursuant to 105 ILCS 5/2-3.8).

### Administrative Implementation

The Executive Director is directed to develop and implement complaint procedures consistent with this Policy and Board Policy 2:260 *Uniform Grievance Procedure*. Additionally, the Executive Director shall appoint a Nondiscrimination Coordinator, who also serves as the Cooperative's Title IX Coordinator. The Executive Director and Building Principal shall use reasonable measures to inform staff members and students of this policy and related grievance procedures.

### **Nondiscrimination Coordinator:**

Michael James

1000 Van Buren St., Maywood, IL

60153 mjames@paec803.org 708-

450-2100

### LEGAL REF.:

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

29 U.S.C. §791 et seq., Rehabilitation Act of 1973.

42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.

Good News Club v. Milford Central Sch., 533 U.S. 98 (2001).

Ill. Constitution, Art. I, §18.

105 ILCS 5/3.25b, 5/3.25d(b), 5/10-20.12, 5/10-20.60, 5/10-20.63, 5/10-22.5, and 5/27-1.

775 ILCS 5/1-101 et seq., Illinois Human Rights

Act. 775 ILCS 35/5, Religious Freedom

Restoration Act. 23 Ill.Admin.Code §1.240 and

Part 200.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment

Grievance Procedure), 6:65 (Student Social and Emotional Development), 7:20 (Harassment of

Students Prohibited), 7:130 (Student Rights and Responsibilities), 7:160 (Student Appearance),

7:165 (School Uniforms), 7:180 (Prevention of and Response to Bullying, Intimidation, and

Harassment), 7:185 (Teen Dating Violence Prohibited), 7:250 (Student Support Services), 7:330

(Student Use of Buildings - Equal Access), 7:340 (Student Records), 8:20 (Community Use of School

Facilities)

Adopted: February 16, 2022

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **7:10-E Exhibit - Equal Educational Opportunities Within the School Community**

The P.A.E.C. welcomes diversity in its schools. Policy 7:10, *Equal Educational Opportunities* cites the many civil rights laws that guarantee equal education opportunities to all students. In addition, the policies below address the equal educational opportunities, health, safety, and general welfare of students within the P.A.E.C.. These policies are not a complete list, and depending on the factual context, another policy not specifically listed may apply:

1. 2:260, *Uniform Grievance Procedure*, contains the process for an individual to seek resolution of a complaint. A student may use this policy to complain about bullying. The P.A.E.C. Complaint Manager shall address the complaint promptly and equitably.
2. 6:65, *Student Social and Emotional Development*, requires that social and emotional learning be incorporated into P.A.E.C.'s curriculum and other educational programs.
3. 7:10, *Equal Educational Opportunities*, requires that equal educational and extracurricular opportunities be available to all students without regard to, among other protected statuses, sex, sexual orientation, and gender identity.
4. 7:20, *Harassment of Students Prohibited*, prohibits any person from harassing, intimidating, or bullying a student based on an actual or perceived characteristic that is identified in the policy including, among other protected statuses, sex, sexual orientation, and gender identity.
5. 7:130, *Student Rights and Responsibilities*, recognizes that all students are entitled to rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting.
6. 7:160, *Student Appearance*, prohibits students from dressing or grooming in such a way as to disrupt the educational process, interfere with a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency.
7. 7:165, *Student Uniforms*, encourages students to wear school uniforms in order to maintain and promote orderly school functions, school safety, and a positive learning environment, if adopted.
8. 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the comprehensive structure for P.A.E.C.'s bullying prevention program.
9. 7:250, *Student Support Services*, directs the Executive Director to develop protocols for responding to students' social, emotional, or mental health needs that impact learning.

10. 7:330, *Student Use of Buildings - Equal Access*, grants student-initiated groups or clubs the free use of school premises for their meetings, under specified conditions.

11. 7:340, *Student Records*, contains the comprehensive structure for managing school student records, keeping them confidential, and providing access as allowed or required.

DATED : February 22, 2023

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **7:15 Student and Family Privacy Rights**

#### Surveys

All surveys requesting personal information from students, as well as any other instrument used to collect personal information from students, must advance or relate to the Cooperative's educational objectives, or assist students' career choices. This applies to all surveys, regardless of whether the student answering the questions can be identified or who created the survey.

#### Surveys Created by a Third Party

Before a school official or staff member administers or distributes a survey or evaluation created by a third party to a student, the student's parent(s)/guardian(s) may inspect the survey or evaluation, upon their request and within a reasonable time of their request.

This section applies to every survey: (1) that is created by a person or entity other than a Cooperative official, staff member, or student, (2) regardless of whether the student answering the questions can be identified, and (3) regardless of the subject matter of the questions.

#### Surveys Requesting Personal Information

School officials and staff members shall not request, nor disclose, the identity of any student who completes any survey or evaluation (created by any person or entity, including the Cooperative) containing one or more of the following items:

1. Political affiliations or beliefs of the student or the student's parent/guardian.
2. Mental or psychological problems of the student or the student's family.
3. Behavior or attitudes about sex.
4. Illegal, anti-social, self-incriminating, or demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those with lawyers, physicians, and ministers.



7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian.
8. Income other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

The student's parent(s)/guardian(s) may:

1. Inspect the survey or evaluation upon, and within a reasonable time of, their request, and/or
2. Refuse to allow their child to participate in the activity described above. The school shall not penalize any student whose parent(s)/guardian(s) exercised this option.

### Instructional Material

A student's parent(s)/guardian(s) may inspect, upon their request, any instructional material used as part of their child's educational curriculum within a reasonable time of their request.

The term "instructional material" means instructional content that is provided to a student, regardless of its format, printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

### Physical Exams or Screenings

No school official or staff member shall subject a student to a non-emergency, invasive physical examination or screening as a condition of school attendance. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

The above paragraph does not apply to any physical examination or screening that:

1. Is permitted or required by an applicable State law, including physical examinations or screenings that are permitted without parental notification.
2. Is administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. §1400 et seq.).
3. Is otherwise authorized by Board policy.

### Prohibition on Selling or Marketing Students' Personal Information

No school official or staff member shall market or sell personal information concerning students (or otherwise provide that information to others for that purpose). The term "personal information" means individually identifiable information including: (1) a student or parent's first and last name, (2) a home or other physical address (including street name and the name of the city or town), (3) a telephone number, (4) a Social Security identification number or (5) driver's license number or State identification card.

Unless otherwise prohibited by law, the above paragraph does not apply: (1) if the student's parent(s)/guardian(s) have consented; or (2) to the collection, disclosure or, use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as the following:

1. College or other postsecondary education recruitment, or military recruitment.
2. Book clubs, magazines, and programs providing access to low-cost literary products.
3. Curriculum and instructional materials used by elementary schools and secondary schools.
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments.
5. The sale by students of products or services to raise funds for school-related or educationrelated activities.
6. Student recognition programs.

Under no circumstances may a school official or staff member provide a student's "personal information" to a business organization or financial institution that issues credit or debit cards.

#### Notification of Rights and Procedures

The Executive Director or designee shall notify students' parents/guardians of:

1. This policy as well as its availability upon request from the general administration office.
2. How to opt their child out of participation in activities as provided in this policy.
3. The approximate dates during the school year when a survey requesting personal information, as described above, is scheduled or expected to be scheduled.
4. How to request access to any survey or other material described in this policy.

This notification shall be given to parents/guardians at least annually, at the beginning of the school year, and within a reasonable period after any substantive change in this policy.

#### Transfer of Rights

The rights provided to parents/guardians in this policy transfer to the student when the student turns 18 years old, or is an emancipated minor.

LEGAL REF.:

20 U.S.C. §1232h, Protection of Pupil Rights Act.

105 ILCS 5/10-20.38.

325 ILCS 17/, Children's Privacy Protection and Parental Empowerment Act.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 6:210 (Instructional Materials),  
6:260

(Complaints About Curriculum, Instructional Materials, and Programs), 7:130 (Student  
Conduct)

Adopted: July 20, 2022

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **7:20 Harassment of Students Prohibited**

No person, including a Cooperative employee or agent, or student, shall harass, intimidate, or bully a student on the basis of actual or perceived: race; color; national origin; military status; unfavorable discharge status from military service; sex; sexual orientation; gender identity; gender-related identity or expression; ancestry; age; religion; physical or mental disability; order of protection status; status of being homeless; actual or potential marital or parental status, including pregnancy; association with a person or group with one or more of the aforementioned actual or perceived characteristics; or any other distinguishing characteristic. P.A.E.C. will not tolerate harassing, intimidating conduct, or bullying whether verbal, physical, sexual, or visual, that affects the tangible benefits of education, that unreasonably interferes with a student's educational performance, or that creates an intimidating, hostile, or offensive educational environment. Examples of prohibited conduct include name-calling, using derogatory slurs, stalking, sexual violence, causing psychological harm, threatening or causing physical harm, threatened or actual destruction of property, or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above.

### Sexual Harassment Prohibited

The Cooperative shall provide an educational environment free of verbal, physical, or other conduct or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law. See policies 2:265, *Title IX Sexual Harassment Grievance Procedure*, and 2:260, *Uniform Grievance Procedure*.

### Making a Report or Complaint

Students are encouraged to promptly report claims or incidences of bullying, intimidation, harassment, sexual harassment, or any other prohibited conduct to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, a Complaint Manager, or any employee with whom the student is comfortable speaking. A student may choose to report to an employee of the student's same gender.

Reports under this policy will be considered a report under Board policy 2:260, *Uniform Grievance*

*Procedure*, and/or Board policy 2:265, *Title IX Sexual Harassment Grievance Procedure*. The Nondiscrimination Coordinator and/or Complaint Manager shall process and review the report according to the appropriate grievance procedure.

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

### **Nondiscrimination Coordinator:**

Michael James

1000 Van Buren St., Maywood, IL  
60153 mjames@paec803.org 708-  
450-2100

### **Complaint Manager:**

Dr. Sherry Reynolds-Whitaker

1000 Van Buren St., Maywood, IL 60153  
swhitaker@paec803.org

708-450-2158

708-450-2158

The Executive Director shall use reasonable measures to inform staff members and students of this policy by including:

1. For students, age-appropriate information about the contents of this policy in the Cooperative's student handbook(s), on the Cooperative's website, and, if applicable, in any other areas where policies, rules, and standards of conduct are otherwise posted in each school.
2. For staff members, this policy in the appropriate employee handbook(s), if applicable, and/or in any other areas where policies, rules, and standards of conduct are otherwise made available to staff.

### Investigation Process

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

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

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

For any other alleged student harassment that does not require action under policy 2:265, *Title IX*

*Sexual Harassment Grievance Procedure*, the Nondiscrimination Coordinator or a Complaint

Manager or designee shall consider whether an investigation under policies 2:260, *Uniform Grievance Procedure*, and/or 7:190, *Student Behavior*, should be initiated, regardless of whether a written report or complaint is filed.

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

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

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

### Enforcement

Any Cooperative employee who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action up to and including discharge. Any third party who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be addressed in accordance with the authority of the Governing Board in the context of the relationship of the third party to the Cooperative, e.g., vendor, parent, invitee, etc. Any Cooperative student who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the behavior policy. Any person making a knowingly false accusation regarding prohibited conduct will likewise be subject to disciplinary action.

### Retaliation Prohibited

Retaliation against any person for bringing complaints or providing information about harassment is prohibited (see policies 2:260, *Uniform Grievance Procedure*, and 2:265, *Title IX Sexual Harassment Grievance Procedure*).

Students should report allegations of retaliation to the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager.

### LEGAL REF.:

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

105 ILCS 5/10-20.12, 5/10-22.5, 5/10-23.13, 5/27-1, and 5/27-23.7.

775 ILCS 5/1-101 et seq., Illinois Human Rights Act.

23 Ill.Admin.Code §1.240 and Part 200.

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

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

Gebser v. Lago Vista Independent Sch. Dist., 524 U.S. 274 (1998).

West v. Derby Unified Sch. Dist. No. 260, 206 F.3d 1358 (10th Cir. 2000).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance

Procedure), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:20

(Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 7:10 (Equal Educational

Opportunities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185

(Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:240 (Conduct Code for Participants in Extracurricular Activities)

ADOPTED: October 11, 2011

REVISED: July 10, 2012; April 16, 2015; March 15, 2018; April 16, 2020, December 17, 2020; February 16, 2022

### **Proviso Area for Exceptional Children (P.A.E.C.)**

#### **7:30 Student Assignment**

Students shall be assigned in accordance with their IEPs and District Procedures.

LEGAL REF.:

105 ILCS 5/10-21.3, 5/10-21.3a, and 5/10-22.5.

CROSS REF.: 4:170 (Safety), 6:30 (Organization of Instruction)

Adopted: February 16, 2022

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **7:50 School Admissions/Eligibility for Services**

Special education services shall be available to identified children with disabilities between the ages of three (3) and twenty-one (21) years who are enrolled in the Member Districts. The special education student who becomes twenty-two (22) years of age during the school year shall be allowed to finish the school year.

Unless otherwise determined by a student's IEP team, the student who has successfully completed a secondary program shall be granted a diploma by the student's resident school district and all eligibility for public school education, including special education and related services, is terminated.

### Certificate of Completion

A student receiving special education services through the cooperative may also be eligible to receive a certificate of completion from the student's resident district and to participate in the graduation ceremony of the student's high school graduation class.

#### LEGAL REF.:

8 U.S.C. §1101, Illegal Immigrant and Immigrant Responsibility Act of 1996.

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

20 U.S.C. §1400 et seq., Individuals With Disabilities Education Improvement Act.

29 U.S.C. §794, Rehabilitation Act of 1973, Section 504.

42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.

105 ILCS 5/2-3.13a, 5/10-20.12, 5/10-20.59, 5/10-22.5a, 5/14-1.02, 5/14-1.03a, 5/26-1, 5/26-2, 5/278.1.

105 ILCS 10/8.1, Ill. School Student Records Act.

105 ILCS 45/, Education for Homeless Children Act.

105 ILCS 70/, Educational Opportunity for Military Children Act.

325 ILCS 50/, Missing Children Records Act.

325 ILCS 55/, Missing Children Registration Law.

410 ILCS 315/2, Communicable Disease Prevention Act.

20 Ill.Admin.Code Part 1290, Missing Person Birth Records and School Registration.

23 Ill.Admin.Code Part 226, Special Education.

23 Ill.Admin.Code Part 375, Student Records.

CROSS REF.: 4:110 (Transportation), 6:30 (Organization of Instruction), 7:60 (Residence), 7:70



(Attendance and Truancy), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 7:340 (Student Records)

Adopted: February 22, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 7:60 Residence

In accordance with the general residency provisions set forth in Section 5/10-20.12a and 5/10-20.12b of the School Code, and as a prerequisite for admission to P.A.E.C. programs or the provisions of P.A.E.C. services, the Member Districts may require proof of residence within a P.A.E.C. member district and legal custody. In addition to proof of residence and legal custody, the criteria for determining student residency include the specific provisions set forth in Sections 5/14-1.11 and 5/14.11a of the School Code regarding students with disabilities. In the event that proof of residence and legal custody result in a determination of residency inconsistent with the specific provisions regarding students with disabilities, Sections 5/14-1.11 and 5/14.11a of the School Code shall control.

A student whose family moves from a P.A.E.C. member district to another Illinois school district, including another P.A.E.C. member district, during the school year will be permitted to attend his/her current P.A.E.C. program for the remainder of the year without payment of tuition provided the new district of residence or the parent(s)/guardian(s) pays P.A.E.C. the cost of tuition and provides transportation. In the event of a change in residency from one P.A.E.C. member district to another, the P.A.E.C. Administration shall attempt to schedule one or more meetings with the parent(s)/guardian(s) and the new and former P.A.E.C. member districts of residence to facilitate enrollment in the new district of residence and determine responsibility for the tuition and transportation costs of the program. In the event that the P.A.E.C. member districts are unable to agree regarding the transfer of financial responsibility for the student, the matter will be submitted to the P.A.E.C. Governing Board. The Governing Board shall apportion financial responsibility for the cost of tuition and transportation between the member districts. Such final decision may be retroactive to the date of change in residency, as determined by the Governing Board in its discretion, and may be enforced by the Governing Board against a member district under the Articles of Joint Agreement as in the case of any P.A.E.C. unpaid billing.

### Residence of Students with Disabilities

The residence of a child with a disability is determined in accordance with 105 ILCS 5/14-1.11, 5.141.11a, and 5/14-1.11b.

### Tuition for Nonresident Students

Nonresident students who attend P.A.E.C. programs shall be charged tuition at a rate of 110% of the per capita costs for the preceding school year of the P.A.E.C. program that the student is attending. The admittance of the student is subject to the pre-approval of the P.A.E.C. Governing Board, except as may be otherwise required by law.

### Homeless Children

Each child of a homeless individual and each homeless youth have equal access to the same free, appropriate public education, as provided to other children and youths, including a public pre-school education. A homeless child may attend: (1) the school that the child attended when permanently housed; (2) the last school in which the student was enrolled; or (3) the school attended by nonhomeless students in the

attendance area in which the homeless student is actually living at the time of enrollment. A "homeless child" is defined as provided in State and federal law.

The Executive Director or designee shall periodically review and revise rules or procedures that may act as barriers to the enrollment of homeless children or youths. In reviewing and revising such procedures, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

Transportation shall be provided in accordance with State and federal law. The Executive Director or designee shall give special attention to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.

### Determining a Student's Residence Status

Whenever the Executive Director or designee receives information believed to be reliable that questions the residency of a student enrolled or to be enrolled in P.A.E.C. programs or services, the Executive Director or designee shall advise the relevant member district(s) in writing regarding the need for an investigation. If a student has not begun attendance in a P.A.E.C. program where residency is questioned, the Executive Director or designee shall generally deny attendance pending determination of the student's residency. However, students who are considered homeless under the *Education for Homeless Children Act*, 105 ILCS 45/1, et seq., shall be enrolled immediately.

#### LEGAL REF.:

42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.

105 ILCS 5/10-20.12a, 5/10-20.12b, 5/10-22.5, 5/10-22.5a, 5/14-1.11, 5/14-1.11a, and 5/14-1.11b.

105 ILCS 45/, Education for Homeless Children Act.

105 ILCS 70/, Educational Opportunity for Military Children Act.

23 Ill.Admin.Code §1.240.

Israel S. by Owens v. Bd. of Educ. of Oak Park and River Forest High Sch. Dist. 200, 235 Ill.App.3d 652 (5th Dist. 1992).

Joel R. v. Board of Education of Manheim School District 83, 292 Ill.App.3d 607 (1st Dist. 1997).

Kraut v. Rachford, 51 Ill.App.3d 206 (1st Dist. 1977).

ADOPTED: October 11, 2011

REVISED: July 10, 2012; March 16, 2017; February 16, 2022; January 17, 2024

## Proviso Area for Exceptional Children (P.A.E.C.)

### 7:70 Attendance and Truancy

#### Compulsory School Attendance

This policy applies to individuals who have custody or control of a child: (a) between the ages of six (on or before September 1) and 17 years (unless the child has graduated from high school), or (b) who is enrolled in any of grades kindergarten through 12 in the public school regardless of age. Subject to specific requirements in State law, the following children are not required to attend public school: (1) any child attending a private school (including a home school) or parochial school, (2) any child who is physically or mentally unable to attend school (including a pregnant student suffering medical complications as certified by her physician), (3) any child lawfully and necessarily employed, (4) any child over 12 and under 14 years of age while in confirmation classes, (5) any child absent because of religious reasons, including to observe a religious holiday, for religious instruction, or because his or her religion forbids secular activity on a particular day(s) or time of day, and (6) any child 16 years of age or older who is employed and is enrolled in a graduation incentives program.

The parent/guardian of a student who is enrolled must authorize all absences from school and notify the school in advance or at the time of the student's absence. A valid cause for absence includes illness (including mental or behavioral health of the student), observance of a religious holiday, death in the immediate family, attendance at a civic event, family emergency, other situations beyond the control of the student as determined by the Board, other circumstances that cause reasonable concern to the parent/guardian for the student's mental, emotional, or physical health or safety, or other reason as approved by the Executive Director or designee. Students absent for a valid cause may make up missed homework and classwork assignments in a reasonable timeframe.

#### Absenteeism and Truancy Program

The Executive Director or designee shall manage an absenteeism and truancy program in accordance with the School Code and Board policy. The program shall include but not be limited to:

1. A protocol for excusing a student in grades 6 through 12 from attendance to sound *Taps* at a military honors funeral held in Illinois for a deceased veteran.
2. A protocol for excusing a student from attendance on a particular day(s) or at a particular time of day when his/her parent/guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support postings.
3. A process to telephone, within two hours after the first class, the parents/guardians of students in grade 8 or below who are absent without prior parent/guardian notification.
4. A process to identify and track students who are truants, chronic or habitual truants, or truant minors as defined in 105 ILCS 5/26-2a.

5. A description of diagnostic procedures for identifying the cause(s) of a student's unexcused absenteeism, including interviews with the student, his or her parent(s)/guardian(s), and staff members or other people who may have information about the reasons for the student's attendance problem.
6. The identification of supportive services that may be offered to truant, chronically truant, or chronically absent students, including parent-teacher conferences, student and/or family counseling, or information about community agency services.
7. A process for the collection and review of chronic absence data and to:
  - a. Determine what systems of support and resources are needed to engage chronically absent students and their families, and
  - b. Encourage the habit of daily attendance and promote success.
8. Reasonable efforts to provide ongoing professional development to teachers, administrators,  
Board members, school resource officers, and staff on the appropriate and available supportive services for the promotion of student attendance and engagement.
9. A process to request the assistance and resources of outside agencies, such as, the juvenile officer of the local police department or the truant office of the appropriate Regional Office of Education, if truancy continues after supportive services have been offered.
10. A protocol for cooperating with non-P.A.E.C. agencies including County or municipal authorities, the Regional Superintendent, truant officers, the Community Truancy Review Board, and a comprehensive community based youth service agency. Any disclosure of school student records must be consistent with Board policy 7:340, *Student Records*, as well as State and federal law concerning school student records.
11. An acknowledgement that no punitive action, including out-of-school suspensions, expulsions, or court action, shall be taken against a truant minor for his or her truancy unless available supportive services and other school resources have been provided to the student.
12. The criteria to determine whether a student's non-attendance is due to extraordinary circumstances shall include economic or medical necessity or family hardship and such other criteria that the Executive Director believes qualifies.
13. A process for a 17-year-old resident to participate in the Cooperative's various programs and resources for truants. The student must provide documentation of his/her dropout status for the previous six months.
14. A process for the temporary exclusion of a student 17 years of age or older for failing to meet minimum attendance standards according to provisions in State law. A parent/guardian has the right to appeal a decision to exclude a student.

### Monitoring

Pursuant to State law and policy 2:240, *Board Policy Development*, the Board updates this policy at least once every two years. The Executive Director or designee shall assist the Board with its update.

LEGAL REF.:

105 ILCS 5/22-92 and 5/26-1 through 5/26-3, 5/26-5 through 5/26-16, and 5/26-18.

705 ILCS 405/3-33.5, Juvenile Court Act of 1987.

23 Ill.Admin.Code §§1.242 and 1.290.

CROSS REF.: 5:100 (Staff Development Program), 6:150 (Home and Hospital Instruction), 7:10

(Equal Educational Opportunities), 7:50 (School Admissions/Eligibility for Services), 7:60 (Residence), 7:80 (Release Time for Religious Instruction/Observance), 7:190 (Student Behavior), 7:340 (Student Records)

Adopted: January 17, 2024

### **Proviso Area for Exceptional Children (P.A.E.C.)**

#### **7:80 Release Time for Religious Instruction/Observance**

A student shall be released from school, as an excused absence, because of religious reasons, including to observe a religious holiday, for religious instruction, or because the student's religion forbids secular activity on a particular day(s) or time of day. The student's parent/guardian must give written notice to the Building Principal at least five calendar days before the student's anticipated absence(s).

The Executive Director or designee shall develop and distribute to teachers appropriate procedures regarding student absences for religious reasons, including how teachers are notified of a student's impending absence, and the State law requirement that teachers provide the student with an equivalent opportunity to make up any examination, study, or work requirement.

LEGAL REF.:

105 ILCS 5/26-1 and 5/26-2b.

775 ILCS 35/, Religious Freedom Restoration Act.

CROSS REF.: 7:70 (Attendance and Truancy)

Adopted: February 16, 2022

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **7:90 Release During School Hours**

Teachers may not release students from class at other than the regular dismissal times without prior approval of the Principal or his/her designee.

For safety and security reasons, a prior written or oral consent of a student's custodial parent/guardian is required before a student is released during school hours: (1) at any time before the regular dismissal time or at any time before school is otherwise officially closed, and/or (2) to any person other than a custodial parent/guardian.

### Release Time for Religious Instruction/Observance

A student shall be released from school, as an excused absence, to observe a religious holiday or for religious instruction. The student's parent/guardian must give written notice to the Principal at least 5 calendar days before the student's anticipated absence(s). This notice shall satisfy P.A.E.C.'s requirement for a written excuse when the student returns to school.

### Early Dismissal Announcement

The Executive Director or designee shall make reasonable efforts to issue an announcement whenever it is necessary to close school early due to inclement weather or other reason.

CROSS REF.: 4:170 (Safety)

ADOPTED: October 11, 2011

REVISED: July 10, 2012; June 18, 2020

Adopted: June 18, 2020

## **Proviso Area for Exceptional Children (P.A.E.C.)**

## **7:100 Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students**

### Required Health Examinations and Immunizations

A student's parents/guardians shall present proof that the student received a health examination, with proof of the immunizations against, and screenings for, preventable communicable diseases, as required by the Illinois Department of Public Health (IDPH), within one year prior to:

1. Entering kindergarten or the first grade;
2. Entering the sixth and ninth grades; and
3. Enrolling in an Illinois school, regardless of the student's grade (including nursery school, special education, Head Start programs operated by elementary or

secondary schools, and students transferring into Illinois from out-of-state or out-of-country).

Proof of immunization against meningococcal disease is required for students in grades 6 and 12.

As required by State law:

1. Health examinations must be performed by a physician licensed to practice medicine in all of its branches, an advanced practice registered nurse, or a physician assistant who has been delegated the performance of health examinations by a supervising physician.
2. A diabetes screening is a required part of each health examination; diabetes testing is not required.
3. An age-appropriate developmental screening and an age-appropriate social and emotional screening are required parts of each health examination. A student will not be excluded from school due to his or her parent/guardian's failure to obtain a developmental screening or a social and emotional screening.
4. Before admission and in conjunction with required physical examinations, parents/guardians of children between the ages of one and seven years must provide a statement from a physician that their child was risk-assessed or screened for lead poisoning.
5. The IDPH will provide all students entering sixth grade and their parents/guardians information about the link between human papillomavirus (HPV) and HPV-related cancers and the availability of the HPV vaccine.
6. The District will provide informational materials regarding influenza, influenza vaccinations, meningococcal disease, and meningococcal vaccinations developed, provided, or approved by the IDPH when it provides information on immunizations, infectious diseases, medications, or other school health issues to students' parents/guardians.

Unless an exemption or extension applies, the failure to comply with the above requirements by October 15 of the current school year will result in the student's exclusion from school until the required health forms are presented to the Cooperative. New students who register after October 15 of the current school year shall have 30 days following registration to comply with the health examination and immunization regulations. If a medical reason prevents a student from receiving a required immunization by October 15, the student must present, by October 15, an immunization schedule and a statement of the medical reasons causing the delay. The schedule and statement of medical reasons must be signed by the physician, advanced practice registered nurse, physician assistant, or local health department responsible for administering the immunizations.

A student transferring from out-of-state who does not have the required proof of immunizations by October 15 may attend classes only if he or she has proof that an appointment for the required vaccinations is scheduled with a party authorized to submit proof of the required vaccinations. If the required proof of vaccination is not submitted



within 30 days after the student is permitted to attend classes, the student may no longer attend classes until proof of the vaccinations is properly submitted.

### Eye Examination

Parents/guardians are encouraged to have their children undergo an eye examination whenever health examinations are required.

Parents/guardians of students entering kindergarten or an Illinois school for the first time shall present proof before October 15 of the current school year that the student received an eye examination within one year prior to entry of kindergarten or the school. A physician licensed to practice medicine in all of its branches, or a licensed optometrist, must perform the required eye examination.

If a student fails to present proof by October 15, the school may hold the student's report card until the student presents proof: (1) of a completed eye examination, or (2) that an eye examination will take place within 60 days after October 15. The Executive Director or designee shall ensure that parents/guardians are notified of this eye examination requirement in compliance with the rules of the IDPH. Schools shall not exclude a student from attending school due to failure to obtain an eye examination.

### Dental Examination

All children in kindergarten and the second, sixth, and ninth grades must present proof of having been examined by a licensed dentist before May 15 of the current school year in accordance with rules adopted by the IDPH.

If a child in the second, sixth, or ninth grade fails to present proof by May 15, the school may hold the child's report card until the child presents proof: (1) of a completed dental examination, or (2) that a dental examination will take place within 60 days after May 15. The Superintendent or designee shall ensure that parents/guardians are notified of this dental examination requirement at least 60 days before May 15 of each school year.

### Exemptions

In accordance with rules adopted by the IDPH, a student will be exempted from this policy's requirements for:

1. Religious grounds, if the student's parents/guardians present the IDPH's Certificate of Religious Exemption form to the Superintendent or designee. When a Certificate of Religious Exemption form is presented, the Superintendent or designee shall immediately inform the parents/guardians of exclusion procedures pursuant to Board policy 7:280, *Communicable and Chronic Infectious Disease*, and State rules if there is an outbreak of one or more diseases from which the student is not protected.

2. Health examination or immunization requirements on medical grounds, if the examining physician, advanced practice registered nurse, or physician assistant provides written verification.
3. Eye examination requirement, if the student's parents/guardians show an undue burden or lack of access to a physician licensed to practice medicine in all of its branches who provides eye examinations or a licensed optometrist.
4. Dental examination requirement, if the student's parents/guardians show an undue burden or a lack of access to a dentist.

### Homeless Child

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce immunization and health records normally required for enrollment.

#### LEGAL REF.:

42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.

105 ILCS 5/27-8.1 and 45/1-20.

410 ILCS 45/7.1, Lead Poisoning Prevention Act.

410 ILCS 315/2e, Communicable Disease Prevention Act.

23 Ill.Admin.Code §1.530.

77 Ill. Admin.Code Part 664, Socio-Emotional and Developmental Screening.

77 Ill.Admin.Code Part 665, Child and Student Health Examination and Immunization.

77 Ill.Admin.Code Part 690, Control of Communicable Diseases.

CROSS REF.: 6:30 (Organization of Instruction), 7:50 (School Admissions/Eligibility for Admissions, 7:70 (Attendance and Truancy), 7:280 (Communicable and Chronic Infectious Disease)

Adopted: February 22, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **7:102 Student Welfare - Accidents and Injuries**

The safety of every student is a matter of serious concern at all times. School buildings and grounds should be regularly inspected for health, fire and safety hazards. The school staff should be alert to hazardous practices or situations; especially when students are moving about within the building or on the grounds. Rules and expectations should be developed which will help reduce the chances for accidents.

Procedures should be established for caring for a student who has suffered an accident ranging from those requiring simple cleansing to those for which professional assistance is required. A copy of these procedures shall be readily available in every classroom and distributed each year to every parent or guardian. All staff members shall be expected to understand and follow such procedures. For any but minor occurrences, the parent should be contacted.

A written report of any accident involving a student shall be sent immediately to the Principal's office by the person having supervision or responsibility for the student at the time of the accident. A copy of the report will also be sent to the Executive Director. Such report shall include the date and time of the accident, the student's full name, a description of the accident, and the date of the report and signature of the individual completing the report.

ADOPTED:October 11, 2011

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 7:130 Student Conduct

All students are entitled to enjoy the rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting. Students should exercise these rights reasonably and avoid violating the rights of others. Students who violate the rights of others or violate P.A.E.C. policies or rules will be subject to disciplinary measures.

Students may, during the school day, during noninstructional time, voluntarily engage in individually or collectively initiated, non-disruptive prayer or religious-based meetings that, consistent with the Free Exercise and Establishment Clauses of the U.S. and Illinois Constitutions, are not sponsored, promoted, or endorsed in any manner by the school or any school employee. *Noninstructional time* means time set aside by a school before actual classroom instruction begins or after actual classroom instruction ends.

LEGAL REF.:

20 U.S.C. §7904.

105 ILCS 20/5.

23 Ill.Admin.Code §1.210.

Tinker v. Des Moines Independent School District, 89 S.Ct. 733 (1969).

CROSS REF.: 7:140 (Search and Seizure), 7:150 (Agency and Police Interviews), 7:160 (Student Appearance), 7:190 (Student Behavior)

ADOPTED: April 21, 2016

REVIEWED: June 18, 2020

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## 7:140 Search and Seizure

In order to maintain order and security in the schools, school authorities are authorized to conduct reasonable searches of school property and equipment, as well as of students and student's personal effects when a reasonable suspicion exists that a student has violated the law, local ordinances, or P.A.E.C. policies or rules. "School authorities" includes school liaison police officers.

### Students and Their Personal Effects

School authorities may search a student and/or the student's personal effects (including, but not limited to, purses, wallets, knapsacks, book bags, lunch boxes, notebooks, and outer clothing) when there is a reasonable suspicion that the particular student has violated or is violating either the law or the Member District's or P.A.E.C.'s policies or rules.

When feasible, the search should be conducted:

1. outside the view of others, including other students,
2. in the presence of an Administrator, psychologist, social worker, teacher, or other certified personnel; and
3. by an individual of the same sex as the student.

As soon as practicable, a written report shall be completed by the school authority who conducted the search and submitted to the Executive Director. The parent(s)/guardian(s) of a student searched shall be notified of the search as soon as practicable.

### School Property and Equipment as well as Personal Effects Left There By Students

School authorities may inspect and/or search school property and/or equipment owned or controlled by P.A.E.C. such as, lockers, desks, and parking lots, as well as any personal effects left in these places or areas by a student, without notice to or the consent of the student. Students have no reasonable expectation of privacy in these places or areas or in their personal effects left there.

The Executive Director or designee may request the assistance of law enforcement officials to conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs.

### Seizure of Property

If a search produces evidence that the student has violated or is violating either the law or P.A.E.C.'s policies or rules, such evidence may be seized and impounded by school authorities, and disciplinary action may be taken. When appropriate, such evidence may be transferred to law enforcement authorities.

### Notification Regarding Student Accounts or Profiles on Social Networking Websites

The Executive Director or designee shall notify students and their parents/guardians of each of the following in accordance with the Right to Privacy in the School Setting Act, 105 ILCS 75/:

1. School officials may not request or require a student or his or her parent/guardian to provide a password or other related account information to gain access to the student's account or profile on a social networking website.
2. School officials may conduct an investigation or require a student to cooperate in an investigation if there is specific information about activity on the student's account on a social networking website that violates a school disciplinary rule or policy. In the course of an investigation, the student may be required to share the content that is reported in order to allow school officials to make a factual determination.

LEGAL REF.:

105 ILCS 5/10-20.14, 5/10-22.6, and 5/10-22.10a.

Right to Privacy in the School Setting Act, 105 ILCS 75/.

Cornfield v. Consolidated High School Dist. No. 230, 991 F.2d 1316 (7th Cir. 1993).

People v. Dilworth, 169 Ill.2d 195 (1996), *cert. denied*, 116 S.Ct. 1692 (1996).

People v. Pruitt, 278 Ill.App.3d 194 (1st Dist. 1996), *app. denied*, 667 N.E. 2d 1061 (Ill.App.1, 1996). T.L.O. v. New Jersey, 469 U.S. 325 (1985).

Vernonia School Dist. 47J v. Acton, 515 U.S. 646 (1995).

Safford Unified School Dist. No. 1 v. Redding, 557 U.S. 364 (2009).

CROSS REF.: 7:130 (Student Conduct), 7:150 (Agency and Police Interviews), 7:190 (Student Behavior)

ADOPTED: February 12, 2013

REVISED: September 18, 2014; April 21, 2016; April 15, 2021

**Proviso Area for Exceptional Children (P.A.E.C.)**

**7:150 Agency and Police Interviews**

The Executive Director shall develop procedures to manage requests by agency officials or police officers to interview students at school. Procedures will:

1. Recognize individual student rights and privacy,
2. Recognize the potential impact an interview may have on an individual student,
3. Minimize potential disruption,
4. Foster a cooperative relationship with public agencies and law enforcement, and
5. Comply with State law including, but not limited to, ensuring that before a law enforcement officer, school resource officer, or other school security person detains and questions on school grounds a student under 18 years of age who is suspected of committing a criminal act, the Executive Director or designee will:
  - a. Notify or attempt to notify the student's parent/guardian and document the time and manner in writing;
  - b. Make reasonable efforts to ensure the student's parent/guardian is present during questioning or, if they are not present, ensure that school employees (including, but not limited to, a school social worker, psychologist, nurse, counselor, or any other mental health professional) are present during the questioning; and

- c. If practicable, make reasonable efforts to ensure a trained law enforcement officer to promote safe interactions and communications with the student is present during questioning.

LEGAL REF.:

105 ILCS 5/10-20.64, 5/22-88.

55 ILCS 80/, Children's Advocacy Center Act.

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

720 ILCS 5/31-1 et seq., Interference with Public Officers Act.

725 ILCS 120/, Rights of Crime Victims and Witnesses Act.

CROSS REF.: 5:90 (Abused and Neglected Child Reporting), 7:130 (Student Conduct), 7:140 (Search and Seizure), 7:190 (Student Behavior)

ADOPTED:October 11, 2011

REVISED:August 18, 2016; April 16, 2020; February 16, 2022

### **Proviso Area for Exceptional Children (P.A.E.C.)**

#### **7:160 Student Appearance**

A student's appearance, including dress and hygiene, must not disrupt the educational process or compromise standards of health and safety. The Cooperative does not prohibit hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists. The Cooperative also does not prohibit the right of a student to wear or accessorize the student's graduation attire with items associated with the student's cultural, ethnic, or religious identity or other characteristic or category protected under the Ill. Human Rights Act, 775 ILCS 5/1-103(Q). Students who disrupt the educational process or compromise standards of health and safety must modify their appearance. Procedures for guiding student appearance will be developed by the Executive Director or designee and included in the *Student Handbook(s)*.

LEGAL REF.:

105 ILCS 5/2-3.25 and 5/10-22.25b.

Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503 (1969).

CROSS REF.: 7:10 (Equal Educational Opportunities), 7:130 (Student Conduct), 7:165 (School Uniforms), 7:190 (Student Behavior)

Adopted: January 17, 2024

## **Proviso Area for Exceptional Children (P.A.E.C.)**



## **7:165 School Uniforms**

P.A.E.C. students are expected to wear school uniforms, as described in the Student Handbook, to school on all school attendance days, in order to maintain and promote orderly school functions, student safety, and a positive learning environment. The Building Principal is authorized to designate days on which this uniform policy is relaxed.

No student shall be denied attendance at school, penalized, or otherwise subject to compliance measures for failing to wear a uniform because of:

1. Financial hardship;
2. Hairstyles, including hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists;
3. Graduation attire or accessories to graduation attire associated with the student's cultural, ethnic, or religious identity or other characteristic or category protected under the Ill. Human Rights Act, 775 ILCS 5/1-103(Q); or
4. Religious objection by the student's parent/guardian to the student's compliance with this policy or the applicable uniform, if they have provided the Executive Director with a signed statement detailing their objection.

Any student eligible for reduced or free lunches, or for a waiver of student fees, is eligible for financial assistance toward the purchase of school uniforms. The Executive Director or designee shall develop a process for informing parents/guardians of the availability of financial assistance and a method to process financial requests.

No student shall be suspended or expelled from school, or receive a lowered academic grade, because of failing to comply with this policy.

LEGAL REF:

105 ILCS 5/2-3.25 and 5/10-22.25b.

CROSS REF: 7:160 (Student Appearance), 7:190 (Student Behavior)

Adopted: January 17, 2024

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **7:170 Vandalism**

The Governing Board will seek restitution from students and their parents/guardians for vandalism or other student acts that cause damage to school property.

LEGAL REF.:

740 ILCS 115/.

CROSS REF.:7:130 (Student Conduct), 7:190 (Student Behavior)

Adopted: October 17, 2019

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 7:180 Prevention of and Response to Bullying, Intimidation, and Harassment

Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors and providing all students equal access to a safe, non-hostile learning environment are important Cooperative goals.

Bullying is contrary to State law and the policy of the Cooperative. In accordance with State law and every two years, the Cooperative shall conduct a review and re-evaluation of this policy, make any necessary and appropriate revisions, and file the policy with the Illinois State Board of Education.

Bullying on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic **is prohibited** in each of the following situations:

1. During any school-sponsored education program or activity.
2. While in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities.
3. Through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.
4. Through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by the Cooperative or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This item (4) applies only in cases in which a school administrator or teacher receives a report that bullying through this means has occurred and it does not require the Cooperative or staff members to monitor any nonschool-related activity, function, or program.

### Definitions from 105 ILCS 5/27-23.7

*Bullying* includes *cyberbullying* and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing the student or students in reasonable fear of harm to the student's or students' person or property;
2. Causing a substantially detrimental effect on the student's or students' physical or mental health;
3. Substantially interfering with the student's or students' academic performance; or

4. Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying as defined above may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. The foregoing list is meant to be illustrative and non-exhaustive.

*Bullying* may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

*Cyberbullying* means bullying through the use of technology or any electronic communication,

including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. *Cyberbullying* includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of *bullying*. *Cyberbullying* also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of *bullying*.

*Restorative measures* means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school, and (vii) increase student accountability if the incident of bullying is based on religion, race, ethnicity, or any other category that is identified in the Ill. Human Rights Act.

*School personnel* means persons employed by, on contract with, or who volunteer in the Cooperative, including without limitation school and Cooperative administrators, teachers, school social workers, school psychologists, school nurses, cafeteria workers, custodians, and school resource officers.

## Bullying Prevention and Response Plan

The Executive Director or designee shall develop and maintain a bullying prevention and response plan that advances the Cooperative's goal of providing all students with a safe learning environment free of bullying and harassment. This plan must be consistent with the following requirements:

1. The Cooperative uses the definition of *bullying* as provided in this policy or if more recently amended, 105 ILCS 5/27-23.7(b).
2. Bullying is contrary to State law and the policy of this Cooperative. However, nothing in this policy or the Cooperative's bullying prevention and response plan is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the U.S. Constitution or under Section 3 of Article I of the Illinois Constitution. Neither this policy nor the Cooperative's bullying prevention and response plan shall be interpreted to prevent a victim of bullying from seeking redress under any other Cooperative policy or available law.
3. Students are encouraged to immediately report bullying. A report may be made orally or in writing to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, a Complaint Manager, or any staff member with whom the student is comfortable speaking. Anyone, including staff members and parents/guardians, who has information about actual or threatened bullying is encouraged to report it to the Cooperative named officials or any staff member. The Cooperative named officials and all staff members are available for help with a bully or to make a report about bullying. Anonymous reports are also accepted and the Executive Director is authorized to develop and disseminate a procedure for making anonymous reports; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

### **Nondiscrimination Coordinator:**

Michael James

1000 Van Buren St., Maywood, IL 60153

1000 Van Buren St., Maywood, IL

60153 mjames@paec803.org 708-

450-2100

### **Complaint Manager:**

Dr. Sherry Reynolds-Whitaker

1000 Van Buren St., Maywood, IL

60153 swhitaker@paec803.org

708-450-2158

## **Anonymous Reporting call: 708-450-2156**

4. Consistent with federal and State laws and rules governing student privacy rights, the Executive Director or designee shall promptly inform parent(s)/guardian(s) of all students involved in an alleged incident of bullying and discuss, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.
5. The Executive Director or designee shall promptly investigate and address reports of bullying, by, among other things:
  - a. Making all reasonable efforts to complete the investigation within 10 school days after the date the report of the incident of bullying was received and taking into consideration additional relevant information received during the course of the investigation about the reported incident of bullying.
  - b. Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
  - c. Notifying the Building Principal or school administrator or designee of the report of the incident of bullying as soon as possible after the report is received.
  - d. Consistent with federal and State laws and rules governing student privacy rights, providing parents and guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

The Executive Director or designee shall develop and cause to be implemented a process that investigates whether a reported act of bullying is within the permissible scope of the Cooperative's jurisdiction and shall require that the Cooperative provide the victim with information regarding services that are available within the Cooperative and community, such as counseling, support services, and other programs.

6. The Executive Director or designee shall use interventions to address bullying, which may include, but are not limited to, school social work services, restorative measures, socialemotional skill building, counseling, school psychological services, and community-based services.
7. A reprisal or retaliation against any person who reports an act of bullying **is prohibited**. Any person's act of reprisal or retaliation will be subject to disciplinary action, up to and including discharge with regard to employees, or suspension and/or expulsion with regard to students.
8. A student will not be punished for reporting bullying or supplying information, even if the

Cooperative's investigation concludes that no bullying occurred. However, a person who is found to have falsely accused another of bullying, as a means of retaliation, as a means of bullying, or provided false information will be treated as either: (a) *bullying*, (b) student discipline up to and including suspension and/or expulsion, and/or (c) both (a) and (b) for purposes of determining any consequences or other appropriate remedial actions.

9. The Cooperative's bullying prevention and response plan is based on the engagement of a range of school stakeholders, including students and parents/guardians.
10. The Superintendent or designee shall post this policy on the Cooperative's website, if any, and include it in the student handbook, and, where applicable, post it where other policies, rules, and standards of conduct are currently posted. The policy must be distributed annually to parents/guardians, students, and school personnel (including new employees when hired), and must also be provided periodically throughout the school year to students and faculty.
11. Pursuant to State law and policy 2:240, *Board Policy Development*, the Board monitors this policy every two years by conducting a review and re-evaluation of this policy to make any necessary and appropriate revisions. The Superintendent or designee shall assist the Board with its re-evaluation and assessment of this policy's outcomes and effectiveness. Updates to this policy will reflect any necessary and appropriate revisions. This process shall include, without limitation:
  - a. The frequency of victimization;
  - b. Student, staff, and family observations of safety at a school;
  - c. Identification of areas of a school where bullying occurs;
  - d. The types of bullying utilized; and
  - e. Bystander intervention or participation.

The evaluation process may use relevant data and information that the Cooperative already collects for other purposes. Acceptable documentation to satisfy the re-evaluated policy submission include one of the following:

- 1) An updated version of the policy with the amendment/modification date included in the reference portion of the policy;
- 2) If no revisions are deemed necessary, a copy of board minutes indicating that the policy was re-evaluated and no changes were deemed to be necessary; or
- 3) A signed statement from the Board President indicating that the Board reevaluated the policy and no changes to it were necessary.

The Executive Director or designee must post the information developed as a result of the policy re-evaluation on the Cooperative's website, or if a website is not available, the information must be provided to school administrators, Board

members, school personnel, parents/guardians, and students. Reviews and re-evaluations in years they are due must be submitted to ISBE by September 30.

12. The Executive Director or designee shall ensure that the bullying prevention and response plan is consistent with the full implementation of other Cooperative policies, including without limitation, the following:
  - a. 2:260, *Uniform Grievance Procedure*. A student may use this policy to complain about bullying.
  - b. 2:265, *Title IX Sexual Harassment Grievance Procedure*. Any person may use this policy to complain about sexual harassment in violation of Title IX of the Education Amendments of 1972.
  - c. 6:65, *Student Social and Emotional Development*. Student social and emotional development is incorporated into the Cooperative's educational program as required by State law.
  - d. 6:235, *Access to Electronic Networks*. This policy states that the use of the Cooperative's electronic networks is limited to: (1) support of education and/or research, or (2) a legitimate business use.
  - e. 7:20, *Harassment of Students Prohibited*. This policy prohibits *any* person from harassing, intimidating, or bullying a student based on an identified actual or perceived characteristic (the list of characteristics in 7:20 is the same as the list in this policy).
  - f. 7:185, *Teen Dating Violence Prohibited*. This policy prohibits teen dating violence on school property, at school sponsored activities, and in vehicles used for school-provided transportation.
  - g. 7:190, *Student Behavior*. This policy prohibits, and provides consequences for, hazing, bullying, or other aggressive behaviors, or urging other students to engage in such conduct.
  - h. 7:310, *Restrictions on Publications; Elementary Schools*, and 7:315, *Restrictions on Publications; High Schools*. These policies prohibit students from and provide consequences for: (1) accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and (2) creating and/or distributing written, printed, or electronic material, including photographic material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members.

LEGAL REF.:

105 ILCS 5/10-20.14, 5/10-22.6(b-20), 5/24-24, and 5/27-23.7.

405 ILCS 49/, Children's Mental Health Act.

775 ILCS 5/1-103, Ill. Human Rights Act.



23 Ill.Admin.Code §§1.240, 1.280, and 1.295.

CROSS REF.: 2:240 (Board Policy Development), 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 4:170 (Safety), 5:230 (Maintaining Student Discipline), 6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:285 (Anaphylaxis Prevention, Response, and Management Program), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools)

Adopted: February 22, 2023

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **7:185 Teen Dating Violence Prohibited**

Engaging in teen dating violence that takes place at school, on school property, at school-sponsored activities, or in vehicles used for school-provided transportation is prohibited. For purposes of this policy, the term *teen dating violence* occurs whenever a student uses or threatens to use physical, mental, or emotional abuse to control an individual in the dating relationship; or uses or threatens to use sexual violence in the dating relationship.

The Executive Director or designee shall develop and maintain a program to respond to incidents of teen dating violence that:

1. Fully implements and enforces each of the following Board policies:
  - a. 2:260, *Uniform Grievance Procedure*. This policy provides a method for any student, parent/guardian, employee, or community member to file a complaint if he or she believes that the Governing Board, its employees, or its agents have violated his or her rights under the State or federal Constitution, State or federal statute, Board policy, or various enumerated bases.
  - b. 2:265, *Title IX Sexual Harassment Grievance Procedure*. This policy prohibits any person from engaging in sexual harassment in violation of Title IX of the Education Amendments of 1972. Prohibited conduct includes but is not limited to sexual assault, dating violence, domestic violence, and stalking.

- c. 7:20, *Harassment of Students Prohibited*. This policy prohibits any person from harassing, intimidating, or bullying a student based on the student's actual or perceived characteristics of sex; sexual orientation; gender identity; and gender-related identity or expression (this policy includes more protected statuses).
  - d. 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*. This policy prohibits students from engaging in bullying, intimidation, and harassment at school, school-related events and electronically. Prohibited conduct includes threats, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying.
2. Encourages anyone with information about incidents of teen dating violence to report them to any of the following individuals:
    - a. Any school staff member. School staff shall respond to incidents of teen dating violence by following the Cooperative's established procedures for the prevention, identification, investigation, and response to bullying and school violence.
    - b. The Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, or a Complaint Manager identified in Policy 7:20, *Harassment of Students Prohibited*.
  3. Incorporates age-appropriate instruction in grades 7 through 12, in accordance with the Cooperative's comprehensive health education program in Board Policy 6:60, *Curriculum Content*. This includes incorporating student social and emotional development into the Cooperative's educational program as required by State law and in alignment with Board Policy 6:65, *Student Social and Emotional Development*.
  4. Incorporates education for school staff, as recommended by the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, , or a Complaint Manager.
  5. Notifies students and parents/guardians of this policy.

Incorporated by Reference:7:180-AP1, (Prevention, Identification, Investigation, and Response to Bullying)

LEGAL REF.:

105 ILCS 110/3.10.

CROSS REF.: 2:240 (Board Policy Development), 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 5:100 (Staff Development Program), 5:230

(Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Behavior), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities)

Adopted: December 17, 2020

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 7:190 Student Behavior

The goals and objectives of this policy are to provide effective discipline practices that: (1) ensure the safety and dignity of students and staff; (2) maintain a positive, weapons-free, and drug-free learning environment; (3) keep school property and the property of others secure; (4) address the causes of a student's misbehavior and provide opportunities for all individuals involved in an incident to participate in its resolution; and (5) teach students positive behavioral skills to become independent, self-disciplined citizens in the school community and society.

### When and Where Conduct Rules Apply

A student is subject to disciplinary action for engaging in *prohibited student conduct*, as described in the section with that name below, whenever the student's conduct is reasonably related to school or school activities, including, but not limited to:

1. On, or within sight of, school grounds before, during, or after school hours or at any time;
2. Off school grounds at a school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school;
3. Traveling to or from school or a school activity, function, or event; or
4. Anywhere, if the conduct interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including, but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property.

### Prohibited Student Conduct

The school administration is authorized to discipline students for gross disobedience or misconduct, including but not limited to:

1. Using, possessing, distributing, purchasing, or selling tobacco or nicotine materials, including without limitation, electronic cigarettes.
2. Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who are under the influence of an alcoholic beverage are not permitted to attend school or school functions and are treated as though they had alcohol in their possession.
3. Using, possessing, distributing, purchasing, selling, or offering for sale:
  - a. Any illegal drug or controlled substance, or cannabis (including marijuana, hashish, and medical cannabis unless the student is authorized to be administered a medical cannabis infused product under *Ashley's Law*).
  - b. Any anabolic steroid unless it is being administered in accordance with a physician's or licensed practitioner's prescription.
  - c. Any performance-enhancing substance on the Illinois High School Association's most current banned substance list unless administered in accordance with a physician's or licensed practitioner's prescription.

- d. Any prescription drug when not prescribed for the student by a physician or licensed practitioner, or when used in a manner inconsistent with the prescription or prescribing physician's or licensed practitioner's instructions. The use or possession of medical cannabis, even by a student for whom medical cannabis has been prescribed, is prohibited unless the student is authorized to be administered a medical cannabis infused product under *Ashley's Law*.
- e. Any inhalant, regardless of whether it contains an illegal drug or controlled substance: (a) that a student believes is, or represents to be capable of, causing intoxication, hallucination, excitement, or dulling of the brain or nervous system; or (b) about which the student engaged in behavior that would lead a reasonable person to believe that the student intended the inhalant to cause intoxication, hallucination, excitement, or dulling of the brain or nervous system. The prohibition in this section does not apply to a student's use of asthma or other legally prescribed inhalant medications.
- f. Any substance inhaled, injected, smoked, consumed, or otherwise ingested or absorbed with the intention of causing a physiological or psychological change in the body, including without limitation, pure caffeine in tablet or powdered form.
- g. *Look-alike* or counterfeit drugs, including a substance that is not prohibited by this policy, but one: (a) that a student believes to be, or represents to be, an illegal drug, controlled substance, or other substance that is prohibited by this policy; or (b) about which a student engaged in behavior that would lead a reasonable person to believe that the student expressly or impliedly represented to be an illegal drug, controlled substance, or other substance that is prohibited by this policy.
- h. Drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or controlled substances into the body; and (b) grow, process, store, or conceal cannabis or controlled substances.

Students who are under the influence of any prohibited substance are not permitted to attend school or school functions and are treated as though they had the prohibited substance, as applicable, in their possession.

- 4. Using, possessing, controlling, or transferring a *weapon* as that term is defined in the **Weapons** section of this policy, or violating the **Weapons** section of this policy.
- 5. Using or possessing a cellular telephone, electronic signaling device, two-way radio, video recording device, and/or other telecommunication device, unless authorized and approved by the Building Principal.
- 6. Using or possessing a laser pointer unless under a staff member's direct supervision and in the context of instruction.
- 7. Disobeying rules of student conduct or directives from staff members or school officials. Examples of disobeying staff directives include refusing a Cooperative staff member's request to stop, present school identification, or submit to a search.

8. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, using a writing service and/or generative artificial intelligence technology in place of original work unless specifically authorized by staff, wrongfully giving or receiving help during an academic examination, altering report cards, and wrongfully obtaining test copies or scores.
9. Engaging in hazing or any kind of bullying or aggressive behavior that does physical or psychological harm to a staff person or another student, or urging other students to engage in such conduct. Prohibited conduct specifically includes, without limitation, any use of violence, intimidation, force, noise, coercion, threats, stalking, harassment, sexual harassment, public humiliation, theft or destruction of property, retaliation, hazing, bullying, bullying using a school computer or a school computer network, or other comparable conduct.
10. Engaging in any sexual activity, including without limitation, offensive touching, sexual harassment, indecent exposure (including mooning), and sexual assault. This does not include the non-disruptive: (a) expression of gender or sexual orientation or preference, or (b) display of affection during non-instructional time.
11. Teen dating violence, as described in Board policy 7:185, *Teen Dating Violence Prohibited*.
12. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property.
13. Entering school property or a school facility without proper authorization.
14. In the absence of a reasonable belief that an emergency exists, calling emergency responders (such as calling 911); signaling or setting off alarms or signals indicating the presence of an emergency; or indicating the presence of a bomb or explosive device on school grounds, school bus, or at any school activity.
15. Being absent without a recognized excuse; State law and School Board policy regarding truancy control will be used with chronic and habitual truants.
16. Being involved with any public school fraternity, sorority, or secret society, by: (a) being a member; (b) promising to join; (c) pledging to become a member; or (d) soliciting any other person to join, promise to join, or be pledged to become a member.
17. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia.
18. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, vandalism, and hazing.
19. Making an explicit threat on an Internet website against a school employee, a student, or any school-related personnel if the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school.

20. Operating an unmanned aircraft system (UAS) or drone for any purpose on school grounds or at any school event unless granted permission by the Executive Director or designee.
21. Engaging in any activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property.

For purposes of this policy, the term *possession* includes having control, custody, or care, currently or in the past, of an object or substance, including situations in which the item is: (a) on the student's person; (b) contained in another item belonging to, or under the control of, the student, such as in the student's clothing, backpack, or automobile; (c) in a school's student locker, desk, or other school property; or (d) at any location on school property or at a school-sponsored event.

Efforts, including the use of positive interventions and supports, shall be made to deter students, while at school or a school-related event, from engaging in aggressive behavior that may reasonably produce physical or psychological harm to someone else. The Executive Director or designee shall ensure that the parent/guardian of a student who engages in aggressive behavior is notified of the incident. The failure to provide such notification does not limit the Board's authority to impose discipline, including suspension or expulsion, for such behavior.

No disciplinary action shall be taken against any student that is based totally or in part on the refusal of the student's parent/guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student.

### Disciplinary Measures

School officials shall limit the number and duration of expulsions and out-of-school suspensions to the greatest extent practicable, and, where practicable and reasonable, shall consider forms of nonexclusionary discipline before using out-of-school suspensions or expulsions. School personnel shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties.

Potential disciplinary measures include, without limitation, any of the following:

1. Notifying parent(s)/guardian(s).
2. Disciplinary conference.
3. Withholding of privileges.
4. Temporary removal from the classroom.
5. Return of property or restitution for lost, stolen, or damaged property.
6. In-school suspension. The Building Principal or designee shall ensure that the student is properly supervised.
7. After-school study or Saturday study provided the student's parent/guardian has been notified. If transportation arrangements cannot be agreed upon, an alternative

disciplinary measure must be used. The student must be supervised by the detaining teacher or the Building Principal or designee.

8. Community service with local public and nonprofit agencies that enhances community efforts to meet human, educational, environmental, or public safety needs. The Cooperative will not provide transportation. School administration shall use this option only as an alternative to another disciplinary measure, giving the student and/or parent/guardian the choice.
9. Seizure of contraband; confiscation and temporary retention of personal property that was used to violate this policy or school disciplinary rules.
10. Suspension of bus riding privileges in accordance with Board policy 7:220, *Bus Conduct*.
11. Out-of-school suspension from school and all school activities in accordance with Board policy 7:200, *Suspension Procedures*. A student who has been suspended shall also be restricted from being on school grounds and at school activities.
12. Expulsion from school and all school activities for a definite time period not to exceed two calendar years in accordance with Board policy 7:210, *Expulsion Procedures*. A student who has been expelled shall also be restricted from being on school grounds and at school activities.
13. Transfer to an alternative program if the student is expelled or otherwise qualifies for the transfer under State law. The transfer shall be in the manner provided in Article 13A or 13B of the School Code.
14. Notifying juvenile authorities or other law enforcement whenever the conduct involves criminal activity, including but not limited to, illegal drugs (controlled substances), *look-alikes*, alcohol, or weapons or in other circumstances as authorized by the reciprocal reporting agreement between the Cooperative and local law enforcement agencies.

The above list of disciplinary measures is a range of options that will not always be applicable in every case. In some circumstances, it may not be possible to avoid suspending or expelling a student because behavioral interventions, other than a suspension and expulsion, will not be appropriate and available, and the only reasonable and practical way to resolve the threat and/or address the disruption is a suspension or expulsion.

Corporal punishment is prohibited. Corporal punishment is defined as slapping, paddling, or prolonged maintenance of students in physically painful positions, or intentional infliction of bodily harm. Corporal punishment does not include reasonable force as needed to maintain safety for students, staff, or other persons, or for the purpose of self-defense or defense of property.

#### Isolated Time Out, Time Out, and Physical Restraint

Neither isolated time out, time out, nor physical restraint shall be used to discipline or punish a student. These methods are only authorized for use as permitted in 105 ILCS



5/10-20.33, State Board of Education rules (23 Ill.Admin.Code §§ 1.280, 1.285), and the Cooperative's procedure(s).

### Weapons

A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of at least one calendar year but not more than two calendar years:

1. A firearm, meaning any gun, rifle, shotgun, or weapon as defined by Section 921 of Title 18 of the United States Code (18 U.S.C. § 921), firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act (430 ILCS 65/), or firearm as defined in Section 24-1 of the Criminal Code of 2012 (720 ILCS 5/24-1).
2. A knife, brass knuckles, or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including *look-alikes* of any firearm as defined above.

The expulsion requirement under either paragraph 1 or 2 above may be modified by the Executive Director and the Executive Director's determination may be modified by the Board on a case-by-case basis. The Executive Director or designee may grant an exception to this policy, upon the prior request of an adult supervisor, for students in theatre, cooking, ROTC, martial arts, and similar programs, whether or not school-sponsored, provided the item is not equipped, nor intended, to do bodily harm.

This policy's prohibitions concerning weapons apply regardless of whether: (1) a student is licensed to carry a concealed firearm, or (2) the Board permits visitors, who are licensed to carry a concealed firearm, to store a firearm in a locked vehicle in a school parking area.

### Re-Engagement of Returning Students

The Executive Director or designee shall maintain a process to facilitate the re-engagement of students who are returning from an out-of-school suspension, expulsion, or an alternative school setting. The goal of re-engagement shall be to support the student's ability to be successful in school following a period of exclusionary discipline and shall include the opportunity for students who have been suspended to complete or make up work for equivalent academic credit.

### Required Notices

A school staff member shall immediately notify the office of the Building Principal in the event that he or she: (1) observes any person in possession of a firearm on or around school grounds; however, such action may be delayed if immediate notice would endanger students under his or her supervision, (2) observes or has reason to suspect that any person on school grounds is or was involved in a drug-related incident, or (3) observes a battery committed against any staff member or is subject to a battery.

*School grounds* includes modes of transportation to school activities and any public way within 1000 feet of the school, as well as school property itself.

Upon receiving a report of (1), above, the Building Principal or designee shall immediately notify local law enforcement. In addition, upon receiving a report on any of the above (1)-(3), the Building Principal or designee shall notify the Executive Director or designee and, if a student is reportedly in possession of a firearm, also any involved student's parent/guardian.

Upon receiving a report on any of the above (1)-(3), the Executive Director or designee shall immediately notify local law enforcement. The Executive Director or designee shall also report incidents involving battery against staff members to the Ill. State Board of Education through its webbased School Incident Reporting System as they occur during the year and no later than August 1 for the preceding school year.

### Delegation of Authority

Each teacher, and any other school personnel when students are under his or her charge, is authorized to impose any disciplinary measure, other than suspension, expulsion, corporal punishment, or in-school suspension, that is appropriate and in accordance with the policies and rules on student discipline. Teachers, other certificated [licensed] educational employees, and other persons providing a related service for or with respect to a student, may use reasonable force as needed to maintain safety for other students, school personnel, or other persons, or for the purpose of self-defense or defense of property. Teachers may temporarily remove students from a classroom for disruptive behavior.

The Executive Director, Building Principal, or Assistant Building Principal, is authorized to impose the same disciplinary measures as teachers and may suspend students guilty of gross disobedience or misconduct from school (including all school functions) and from riding the school bus, up to 10 consecutive school days, provided the appropriate procedures are followed. The Board may suspend a student from riding the bus in excess of 10 school days for safety reasons.

### Student Handbook

The Executive Director, with input from the parent-teacher advisory committee, shall prepare disciplinary rules implementing the Cooperative's disciplinary policies. These disciplinary rules shall be presented annually to the Board for its review and approval.

A student handbook, including the Cooperative's disciplinary policies and rules, shall be distributed to the students' parents/guardians within 15 days of the beginning of the school year or a student's enrollment.

Incorporated by Reference: 7:190-AP4 (Use of Isolated Time Out, Time Out, and Physical Restraint)

LEGAL REF.:

20 U.S.C. §7971, Pro-Children Act of 2004.

20 U.S.C. §7961 et seq., Gun Free Schools Act.

105 ILCS 5/10-20.5b, 5/10-20.14, 5/10-20.28, 5/10-20.36, 5/10-21.7, 5/10-21.10, 5/10-22.6, 5/1027.1A, 5/10-27.1B, 5/22-33, 5/24-24, 5/26-12, 5/27-23.7, and 5/31-3.

105 ILCS 110/3.10, Critical Health Problems and Comprehensive Health Education Act.

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

410 ILCS 647/, Powdered Caffeine Control and Education Act.

430 ILCS 66/, Firearm Concealed Carry Act.

23 Ill.Admin.Code §§ 1.280, 1.285.

CROSS REF.: 2:150 (Board Committees), 2:240 (Board Policy Development), 5:230 (Maintaining Student Discipline), 7:70 (Attendance and Truancy), 7:130 (Student Rights and

Responsibilities), 7:140 (Search and Seizure), 7:150 (Agency and Police Interviews), 7:160 (Student

Appearance), 7:170 (Vandalism), 7:180 (Prevention of and Response to Bullying, Intimidation, and

Harassment ), 7:185 (Teen Dating Violence Prohibited), 7:200 (Suspension Procedures), 7:220 (Bus

Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in

Extracurricular Activities), 7:270 (Administering Medicines to Students), 7:310

(Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools), 8:30 (Visitors to and Conduct on School Property)

Adopted: January 17, 2024

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **7:192 Behavioral Interventions**

#### I. Purpose

The purpose of this policy is to establish and incorporate procedures and methods consistent with generally accepted practice in the field of behavioral interventions. Procedures are designed so that behavioral interventions are used in consideration of the student's physical freedom, social interaction, and are administered in a manner that respects human dignity and personal privacy. Behavioral intervention procedures are designed to provide a safe environment conducive for all individuals in the educational environment. Positive behavioral intervention procedures will be given the highest priority and will accompany the use of restrictive behavioral intervention procedures when they are necessary for more serious behavioral concerns.

Restrictive behavioral interventions are designed for students who exhibit behavioral problems of serious nature. Restrictive behavior intervention procedures will not be employed until there have been sufficient determination that the use of less restrictive procedures were or would be ineffective or harmful to the student. The use of restrictive procedures should be considered temporary in most cases and approached with utmost caution and restraint. When restrictive procedures are necessary, there will be assessment, increased planning, documentation, and supervision in order to maintain professional and ethical standards of intervention.

## II. Parent-Teacher Advisory Committee

1. The P.A.E.C. Governing Board will establish and maintain an Advisory Committee to develop, implement, and monitor procedures on the use of behavioral interventions for students with disabilities.
2. The membership of the committee shall be comprised of parents of students with disabilities, other parents, teachers, administrators, advocates for persons with disabilities, and individuals with knowledge and expertise in the development and implementation of behavioral interventions for persons with disabilities.
3. The committee shall review the State Board of Education's guidelines on the use of behavioral interventions and use them as a non-binding reference.

## III. Information to Parents/Guardians

P.A.E.C. will furnish a copy of this Policy and the behavioral intervention procedures to parents/guardians of all students with individual education plans (IEP's) within 15 days after their adoption or amendment by, or presentation to, the Governing Board or at the time an IEP is first implemented for a student; all students shall be informed annually of the existence of this Policy and the procedures. At the annual IEP review, a copy of this Policy shall be given to the parents/guardians. The Policy and procedures shall be explained. A copy of the procedures shall be available, upon request of the parents/guardians.

## Use of Isolated Time Out and Physical Restraint as Behavioral Interventions

P.A.E.C. retains the power to use reasonable force as needed to maintain safety of students, school personnel, or other persons or for the defense of property. P.A.E.C. acknowledges that there may be instances in which a student with disabilities requires the use of isolated time out and/or physical restraint as behavioral interventions to ensure the safety of the student or others.

### I. Definitions

For purposes of this Policy, the terms isolated time out and physical restraint are defined as follows:

- A. Isolated time out means the confinement of a student in a time-out room or some other enclosure, whether within or outside the classroom, from which the student's egress is restricted.

- B. Physical restraint means holding a student or otherwise restricting his or her movements. Physical restraint includes only the use of specific planned techniques and does not include momentary periods of physical restriction by direct person to person contact without the aid of material or mechanical devices, accomplished with limited force and designed to:
1. Prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property; or
  2. Remove a disruptive student who is unwilling to leave the area voluntarily.

## II. Circumstances under Which Isolated Time Out or Physical Restraint May Be Applied

Isolated time out and physical restraint, as defined herein, are permitted only as behavioral interventions as a means of maintaining a safe and orderly environment for learning and only to the extent that their use is necessary to preserve the safety of students and others. Neither isolated time out nor physical restraint shall be used to administer discipline to (i.e., punish) individual students. Both isolated time out and physical restraint are considered restrictive interventions and should only be used in emergency situations or when less restrictive interventions have been attempted and failed.

Isolated time out and physical restraint will only be used as behavioral interventions with a student with disabilities in an emergency situation or pursuant to a behavioral intervention plan (BIP) that is part of his/her IEP. Any BIP that includes the use of isolated time out and physical restraint must be developed by the student's IEP team, including the student's parent(s), at a duly convened IEP meeting and in accordance with the needs of the student.

This Policy does not apply to the restriction of a student's movement when that restriction is for a purpose other than the maintenance of a safe and orderly environment, such as the appropriate use of a safety belt in motor vehicles.

## III. Training Requirements

- A. Orientation regarding the use of isolated time out, including, but not limited to the written procedures required by this Policy and procedures, shall be provided to staff members.
- B. Physical restraint shall be applied only by staff members who have received systematic training that complies with 23 Ill.Admin.Code §1.285(h)(2)(B) and has been provided and/or approved by P.A.E.C. and who have received a certificate of completion or other evidence of participation.
- C. A staff member who applies physical restraint shall only use techniques in which he/she has received the training described in subsection B, above within the preceding two years, as indicated by the written evidence of participation.
- D. A staff member may provide training to others in a particular method of physical restraint only if he/she has received written evidence of completing training in that

technique that meets the requirements in subsection B, above within the preceding one year.

LEGAL REF.:Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. §1412, 1413, and 1415.

Gun-Free Schools Act, 20 U.S.C. §3351 et seq.

34 C.F.R. §§300.101, 300.530-300.536.

105 ILCS 5/10-22.6, 5/14-8.05, 5/24-24.

23 Ill.Admin.Code §1.280, §1.285, and §226.400.

Honig v. Doe, 108 S.Ct. 592 (1988).

CROSS REF.:2:150 (Committees), 6:120 (Education of Children with Disabilities), 7:15 (Student and Family Privacy Rights), 7:192-AP1 (Behavioral Intervention Procedures)

ADOPTED:October 11, 2011

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **7:192-AP1 Administrative Procedure - Behavioral Intervention Procedures**

P.A.E.C.'s discipline procedures are used for all students, unless an IEP team has determined through the process of a Functional Behavior Analysis (FBA) and implementation of a Behavioral Intervention Plan (BIP) that additional/different behavioral interventions and/or disciplinary consequences are required. These behavioral interventions should be thoroughly explained in the BIP, which is developed by the IEP team as part of the IEP process.

P.A.E.C. emphasizes the use of positive behavioral interventions with students with disabilities to develop and strengthen desirable behaviors and reduce identified inappropriate behaviors.

Behavioral interventions shall be used by taking into consideration the student's physical freedom and social interaction, and shall be administered in a manner that respects human dignity and personal privacy and that ensures a student's right to placement in the least restrictive environment.

### Generally Accepted Behavioral Intervention Methods

In accordance with Section 5/14-8.05 of the School Code *of Illinois* and the ISBE's *Behavioral*

*Interventions in Schools: Guidelines for Development of District Policies for Students with Disabilities (June, 1996)*, behavioral interventions for students with disabilities are classified under four distinct categories of generally-accepted behavior intervention methods.

#### A. Nonrestrictive Interventions

The non-exhaustive list of nonrestrictive interventions below may be used with any student without the development of a written behavioral intervention plan (BIP) and/or inclusion in the student's IEP.

- Allowing student to escape task (e.g., allowing the student to remove themselves from a task for a period of time in order to regain their composure)
- Calling/notifying parent
- Differential reinforcement (e.g. a varying reinforcement schedule that is used to shape appropriate behavior)
- Direct instruction
- Environmental/activity modification (e.g. change the delivery and/or assessment piece of an activity/task in order to tap and/or obtain an assessment of what the student's needs/skills are)
- Modeling (e.g. provide the student with appropriate examples of desirable skills/behavior)
- Peer involvement (e.g. provide peer models and/or interaction to assist with the acquisition of appropriate skills for behavior/task)
- Planned ignoring (e.g. staff/adult ignoring of an inappropriate behavior that is not dangerous to the student or others)
- Positive practice/overcorrection\* (e.g. having a student practice repeatedly an appropriate behavior/task)
- Positive reinforcement (individual or group) (e.g. providing positive verbal feedback and/or positive physical cuing/rewards to assist the student in learning an appropriate behavior/skill)
- Prompting (e.g. providing the student a verbal or non-verbal cue to perform/initiate a specific task/skill)
- Proximity control (e.g. using adult physical presence to prompt appropriate and/or discourage inappropriate behaviors/tasks)
- Redirecting student (physically)\* (e.g. direct a student physically through hand over hand assistance and/or blocking of multiple exits to direct the student toward one doorway)
- Redirecting student (verbal, non-verbal signal) (e.g. using verbal statements and/or non-verbal gestures to assist the student in changing their current behavior to a more appropriate behavior)
- Shaping (e.g. using adult modeling to assist a student in performing a desired behavior at the point in which the student begins having difficulty in order to teach the necessary skills to finish the task/activity)
- Teaching alternative behaviors (e.g. teaching behaviors to a student which results in the same desired outcome as the previously targeted behavior)
- Teaching self-reinforcement (e.g. teaching the student ways in which they could provide themselves positive feedback/rewards for performing a desired task/skill)
- Token economy (e.g. using physical tokens/rewards to reinforce/reward positive behavior/skills)

\*October 11, 2011



## **7:200 Suspension Procedures**

### In-School Suspension

The Executive Director or designee is authorized to maintain an in-school suspension program. The program shall include, at a minimum, each of the following:

1. Before assigning a student to in-school suspension, the charges will be explained and the student will be given an opportunity to respond to the charges.
2. Students are supervised by licensed school personnel.
3. Students are given the opportunity to complete classroom work during the in-school suspension for equivalent academic credit.

### Out-of-School Suspension

The Executive Director or designee shall implement suspension procedures that provide, at a minimum, for each of the following:

1. A conference during which the charges will be explained and the student will be given an opportunity to respond to the charges before he or she may be suspended.
2. A pre-suspension conference is not required, and the student can be immediately suspended when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.
3. An attempted phone call to the student's parent(s)/guardian(s).
4. A written notice of the suspension to the parent(s)/guardian(s) and the student, which shall:
  - a. Provide notice to the parent(s)/guardian(s) of their child's right to a review of the suspension;
  - b. Include information about an opportunity to make up work missed during the suspension for equivalent academic credit;
  - c. Detail the specific act of gross disobedience or misconduct resulting in the decision to suspend;
  - d. Provide rationale or an explanation of how the chosen number of suspension days will address the threat or disruption posed by the student or his or her act of gross disobedience or misconduct; and
  - e. Depending upon the length of the out-of-school suspension, include the following applicable information:
    - i. For a suspension of 3 school days or less, an explanation that the student's continuing presence in school would either pose:
      - a) A threat to school safety, or
      - b) A disruption to other students' learning opportunities.
    - ii. For a suspension of 4 or more school days, an explanation:

- a) That other appropriate and available behavioral and disciplinary interventions have been exhausted,
  - b) As to whether school officials attempted other interventions or determined that no other interventions were available for the student, and
  - c) That the student's continuing presence in school would either:
    - i) Pose a threat to the safety of other students, staff, or members of the school community, or
    - ii) Substantially disrupt, impede, or interfere with the operation of the school.
  - iii. For a suspension of 5 or more school days, the information listed in section 4.e.ii., above, along with documentation by the Executive Director or designee determining what, if any, appropriate and available support services will be provided to the student during the length of his or her suspension.
5. A summary of the notice, including the reason for the suspension and the suspension length, must be given to the Board by the Executive Director or designee.
6. Upon request of the parent(s)/guardian(s), a review of the suspension shall be conducted by the Board or a hearing officer appointed by the Board. At the review, the student's parent(s)/guardian(s) may appear and discuss the suspension with the Board or its hearing officer and may be represented by counsel. Whenever there is evidence that mental illness may be the cause for the suspension, the Executive Director or designee shall invite a representative from a local mental health agency to consult with the Board. After presentation of the evidence or receipt of the hearing officer's report, the Board shall take such action as it finds appropriate. If the suspension is upheld, the Board's written suspension decision shall specifically detail items (a) and (e) in number 4, above.

LEGAL REF.:

Goss v. Lopez, 419 U.S. 565 (1975).

105 ILCS 5/10-20.14, 5/10-22.6.

23 Ill.Admin.Code §1.280.

CROSS REF.: 5:100 (Staff Development), 7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior), 7:220 (Bus Conduct)

Adopted: February 16, 2022

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **7:220 Bus Conduct**

All students must follow the Cooperative's *School Bus Safety Rules*.

### School Bus Suspensions

The Executive Director, or any designee as permitted in the School Code, is authorized to suspend a student from riding the school bus for up to 10 consecutive school days for engaging in gross disobedience or misconduct, including but not limited to, the following:

1. Prohibited student conduct as defined in Board policy 7:190, *Student Behavior*.
2. Willful injury or threat of injury to a bus driver or to another rider.
3. Willful and/or repeated defacement of the bus.
4. Repeated use of profanity.
5. Repeated willful disobedience of a directive from a bus driver or other supervisor.
6. Such other behavior as the Executive Director or designee deems to threaten the safe operation of the bus and/or its occupants.

If a student is suspended from riding the bus for gross disobedience or misconduct on a bus, the Board may suspend the student from riding the school bus for a period in excess of 10 days for safety reasons. The Cooperative's regular suspension procedures shall be used to suspend a student's privilege to ride a school bus.

### Academic Credit for Missed Classes During School Bus Suspension

A student suspended from riding the bus who does not have alternate transportation to school shall have the opportunity to complete or make up work for equivalent academic credit. It shall be the responsibility of the student's parent or guardian to notify the school that the student does not have alternate transportation.

### Electronic Recordings on School Buses

Electronic visual and audio recordings may be used on school buses to monitor conduct and to promote and maintain a safe environment for students and employees when transportation is provided for any school related activity. Notice of electronic recordings shall be displayed on the exterior of the vehicle's entrance door and front interior bulkhead in compliance with State law and the rules of the Illinois Department of Transportation, Division of Traffic Safety.

Students are prohibited from tampering with electronic recording devices. Students who violate this policy shall be disciplined in accordance with the Board's discipline policy and shall reimburse the Cooperative for any necessary repairs or replacement.

LEGAL REF.:

Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99.

105 ILCS 5/10-20.14, 5/10-22.6, and 10/.

720 ILCS 5/14-3(m).

23 Ill.Admin.Code Part 375, Student Records.

CROSS REF.: 4:110 (Transportation), 4:170 (Safety), 7:130 (Student Conduct), 7:170 (Vandalism),

7:190 (Student Behavior), 7:200 (Suspension Procedures), 7:230 (Misconduct by Students with Disabilities), 7:340 (Student Records)

Adopted: October 20, 2021

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **7:230 Misconduct by Students with Disabilities**

### Behavioral Interventions

Behavioral interventions shall be used with students with disabilities to promote and strengthen desirable behaviors and reduce identified inappropriate behaviors. The Board will establish and maintain a committee to develop, implement, and monitor procedures on the use of behavioral interventions for children with disabilities.

### Discipline of Special Education Students

The P.A.E.C. and Member Districts shall comply with the Individuals With Disabilities Education Improvement Act of 2004 and the Illinois State Board of Education's *Special Education* rules when disciplining special education students. No special education student shall be expelled if the student's particular act of gross disobedience or misconduct is a manifestation of his or her disability.

#### LEGAL REF.:

Individuals With Disabilities Education Improvement Act of 2004, 20 U.S.C. §§1412, 1413, and 1415.

Gun-Free Schools Act, 20 U.S.C. §7151 et seq.

34 C.F.R. §§300.101, 300.530 - 300.536.

105 ILCS 5/10-22.6 and 5/14-8.05.

23 Ill.Admin.Code §226.400.

Honig v. Doe, 108 S.Ct. 592 (1988).

CROSS REF.: 2:150 (Board Committees), 6:120 (Education of Children with Disabilities), 7:130

(Student Conduct), 7:190 (Student Behavior), 7:200 (Suspension Procedures), 7:220

(Bus Conduct) Adopted: October 20, 2021

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **7:240 Conduct Code for Participants in Extracurricular Activities**

The Executive Director or designee, using input from coaches and sponsors of extracurricular activities, shall develop a conduct code for all participants in extracurricular activities consistent with Board policy. The conduct code shall: (1) require participants in extracurricular activities to conduct themselves as good citizens and exemplars of their school at all times, including after school, on days when school is not in session, and whether on or off school property; (2) emphasize that hazing and bullying activities are strictly prohibited; and (3) notify participants that failure to abide by it could result in discipline, up to and including removal from the activity. Participants

who violate the conduct code will be allowed to give an explanation before being progressively disciplined. The conduct code shall be reviewed by the Building Principal periodically at his or her discretion and presented to the Board.

Participants in extracurricular activities must abide by the conduct code for the activity and Board policy 7:190, *Student Behavior*. All coaches and sponsors of extracurricular activities shall annually review the conduct code with participants and provide participants with a copy. In addition, coaches and sponsors of interscholastic athletic programs shall provide instruction on steroid abuse prevention to students in grades 7 through 12 participating in these programs.

#### Performance Enhancing Drug Testing of High School Student Athletes

The Illinois High School Association (IHSA) prohibits participants in an athletic activity sponsored or sanctioned by IHSA from ingesting or otherwise using any performance enhancing substance on its banned substance list, without a written prescription and medical documentation provided by a licensed physician who evaluated the student-athlete for a legitimate medical condition. IHSA administers a performance-enhancing substance testing program. Under this program, student athletes are subject to random drug testing for the presence in their bodies of performance-enhancing substances on the IHSA's banned substance list. In addition to being penalized by IHSA, a student may be disciplined according to Board policy 7:190, *Student Behavior*.

LEGAL REF.:

Mahanoy Area Sch. Dist. v. B.L., 141 S.Ct. 2038 (2021).

Bd. of Educ. of Independent Sch. Dist. No. 92 v. Earls, 536 U.S. 822 (2002).

Vernonia Sch. Dist. 475 v. Acton, 515 U.S. 646 (1995).

Clements v. Bd. of Educ. of Decatur, 133 Ill.App.3d 531 (4th Dist. 1985).

Kevin Jordan v. O'Fallon THSD 203, 302 Ill.App.3d 1070 (5th Dist. 1999).

Todd v. Rush County Schs., 133 F.3d 984 (7th Cir. 1998).

105 ILCS 5/24-24, 5/27-23.3, and 25/2.

CROSS REF.: 5:280 (Duties and Qualifications), 6:190 (Extracurricular and Co-Curricular Activities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:190 (Student Behavior)

ADOPTED:October 11, 2011

REVISED:July 10, 2012; April 16, 2015; August 18, 2016; February 16, 2022

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 7:250 Student Support Services

P.A.E.C. provides a liaison to facilitate the enrollment and transfer of records of students in the legal custody of the Ill. Dept. of Children and Family Services when enrolling in or changing schools.

The following student support services may be provided by the Cooperative:

1. Health services supervised by a qualified school nurse. The Executive Director or designee may implement procedures to further a healthy school environment and prevent or reduce the spread of disease.
2. Educational and psychological testing services and the services of a school psychologist as needed. In all cases, written permission to administer a psychological examination must be obtained from a student's parent(s)/guardian(s). The results will be given to the parent(s)/guardian(s), with interpretation, as well as to the appropriate professional staff.
3. The services of a school social worker. A student's parent/guardian must consent to regular or continuing services from a social worker.

The Executive Director or designee shall develop protocols for responding to students with social, emotional, or mental health needs that impact learning ability. The Cooperative, however, assumes no liability for preventing, identifying, or treating such needs.

### Erin's Law Counseling Options, Assistance, and Intervention

The Executive Director or designee will ensure to identify counseling options for students who are affected by sexual abuse and grooming behaviors, along with Cooperative and community-based options for victims of sexual abuse and grooming behaviors to obtain assistance and intervention. Community-based options must include a Children's Advocacy Center and sexual assault crisis center(s) that serve the Cooperative, if any.

This policy shall be implemented in a manner consistent with State and federal laws, including the Individuals with Disabilities Education Act, 42 U.S.C. §12101 et seq.

#### LEGAL REF.:

105 ILCS 5/10-23.13(b), 5/10-20.59, and 5/21B-25(G).

405 ILCS 49/, Children's Mental Health Act.

740 ILCS 110/, Mental Health and Developmental Disabilities Confidentiality Act.

CROSS REF.: 6:65 (Student Social and Emotional Development), 7:100 (Health, Eye, and Dental

Examinations; Immunizations; and Exclusion of Students), 7:280 (Communicable and Chronic Infectious Disease), 7:340 (Student Records)

Adopted: February 22, 2023

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **7:260 Exemption from Physical Education**

In order to be excused from participation in physical education, a student must present an appropriate excuse from his or her parent/guardian or from a person licensed under the Medical Practice Act. The excuse may be based on medical or religious prohibitions. An excuse because of medical reasons must include a signed statement from a person licensed under the Medical Practice Act that corroborates the medical reason for the request. An excuse based on religious reasons must include a signed statement from a member of the clergy that corroborates the religious reason for the request. Upon written notice from a student's parent/guardian, a student will be excused from engaging in the physical activity components of physical education during a period of religious fasting.

Special activities in physical education will be provided for students whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act, prevents their participation in the physical education courses.

State law prohibits a school board from honoring parental excuses based upon a student's participation in athletic training, activities, or competitions conducted outside the auspices of the Cooperative.

A student who is eligible for special education may be excused from physical education courses in either of the following situations:

1. 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
2. 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 Executive Director or designee.

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

Students in grades 7 and 8 may submit a written request to the Building Principal to be excused from physical education courses because of his or her ongoing participation in an interscholastic or extracurricular athletic program. The Building Principal will evaluate requests on a case-by-case basis.

The Executive Director or designee shall maintain records showing that the criteria set forth in this policy were applied to the student's individual circumstances, as appropriate.



Students who have been excused from physical education shall return to the course as soon as practical. The following considerations will be used to determine when a student shall return to a physical education course:

1. The time of year when the student's participation ceases; and
2. The student's class schedule.

LEGAL REF.:

105 ILCS 5/27-6.

225 ILCS 60/, Medical Practice Act.

23 Ill.Admin.Code §1.420(p) and §1.425(d), (e).

Adopted: February 16, 2022

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 7:270 Administering Medicines to Students

Students should not take medication during school hours or during school-related activities unless it is necessary for a student's health and well-being. When a student's licensed health care provider and parent/guardian believe that it is necessary for the student to take a medication during school hours or school-related activities, the parent/guardian must request that the school dispense the medication to the child and otherwise follow the Cooperative's procedures on dispensing medication.

No P.A.E.C. employee shall administer to any student, or supervise a student's self-administration of, any prescription or non-prescription medication until a completed and signed *School Medication Authorization Form (SMA Form)* is submitted by the student's parent/guardian. No student shall possess or consume any prescription or non-prescription medication on school grounds or at a school-related function other than as provided for in this policy and its implementing procedures.

Nothing in this policy shall prohibit any school employee from providing emergency assistance to students, including administering medication.

The Executive Director or designee shall include this policy in the Student Handbook and shall provide a copy to the parents/guardians of students.

### Self-Administration of Medication

A student may possess and self-administer an epinephrine injector, e.g., EpiPen®, and/or asthma medication prescribed for use at the student's discretion, provided the student's parent/guardian has completed and signed an *SMA Form*. The Executive Director or designee will ensure an Emergency Action Plan is developed for each self-administering student.

A student may self-administer medication required under a *qualifying plan*, provided the student's parent/guardian has completed and signed an *SMA Form*. A qualifying plan means: (1) an asthma action plan, (2) an Individual Health Care Action Plan, (3) an allergy emergency action plan, (4) a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or (5) a plan pursuant to the federal Individuals with Disabilities Education Act.

The Cooperative shall incur no liability, except for willful and wanton conduct, as a result of any injury arising from a student's self-administration of medication, including asthma medication or epinephrine injectors, or medication required under a qualifying plan. A student's parent/guardian must indemnify and hold harmless the Cooperative and its employees and agents, against any claims, except a claim based on willful and wanton conduct, arising out of a student's self-administration of an epinephrine injector, asthma medication, and/or a medication required under a qualifying plan.

### Cooperative Supply of Undesignated Epinephrine Injectors

The Executive Director or designee shall implement 105 ILCS 5/22-30(f) and maintain a supply of undesignated epinephrine injectors in the name of the Cooperative and provide or administer them as necessary according to State law. *Undesignated epinephrine injector* means an epinephrine injector prescribed in the name of the Cooperative or one of its schools. A school nurse or trained personnel, as defined in State law, may administer an undesignated epinephrine injector to a person when they, in good faith, believe a person is having an anaphylactic reaction. Each building administrator and/or his or her corresponding school nurse shall maintain the names of trained personnel who have received a statement of certification pursuant to State law.

### Cooperative Supply of Undesignated Opioid Antagonists

The Executive Director or designee shall implement 105 ILCS 5/22-30(f) and maintain a supply of undesignated opioid antagonists and provide or administer them as necessary according to State law. *Opioid antagonist* means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration. *Undesignated opioid antagonist* is not defined by the School Code; for purposes of this policy it means an opioid antagonist prescribed in the name of the Cooperative or one of its schools or obtained by the Cooperative without a prescription. A school nurse or trained personnel, as defined in State law, may administer an undesignated opioid antagonist to a person when they, in good faith, believe a person is having an opioid overdose. Each building administrator and/or his or her corresponding school nurse shall maintain the names of trained personnel who have received a statement of certification pursuant to State law. See the website for the Ill. Dept. of Human Services for information about opioid prevention, abuse, public awareness, and a toll-free number to provide information and referral services for persons with questions concerning substance abuse treatment.

### Administration of Medical Cannabis

The Compassionate Use of Medical Cannabis Program Act allows a *medical cannabis infused product* to be administered to a student by one or more of the following individuals:

1. A parent/guardian of a student who is a minor who registers with the Ill. Dept. of Public Health (IDPH) as a *designated caregiver* to administer medical cannabis to their child. A designated caregiver may also be another individual other than the student's parent/guardian. Any designated caregiver must be at least 21 years old and is allowed to administer a *medical cannabis infused product* to a child who is a student on the premises of his or her school or on his or her school bus if:
  - a. Both the student and the designated caregiver possess valid registry identification cards issued by IDPH;
  - b. Copies of the registry identification cards are provided to the Cooperative;
  - c. That student's parent/guardian completed, signed, and submitted a *School Medication*

*Authorization Form - Medical Cannabis; and*

- d. After administering the product to the student, the designated caregiver immediately removes it from school premises or the school bus.
2. A properly trained school nurse or administrator, who shall be allowed to administer the *medical cannabis infused product* to the student on the premises of the child's school, at a schoolsponsored activity, or before/after normal school activities, including while the student is in before-school or after-school care on school-operated property or while being transported on a school bus.
3. The student him or herself when the self-administration takes place under the direct supervision of a school nurse or administrator.

*Medical cannabis infused product* (product) includes oils, ointments, foods, and other products that contain usable cannabis but are not smoked or vaped. Smoking and/or vaping medical cannabis is prohibited.

The product may not be administered in a manner that, in the opinion of the Cooperative or school, would create a disruption to the educational environment or cause exposure of the product to other students. A school employee shall not be required to administer the product.

Discipline of a student for being administered a product by a designated caregiver, or by a school nurse or administrator, or who self-administers a product under the direct supervision of a school nurse or administrator pursuant to this policy is prohibited. The Cooperative may not deny a student attendance at a school solely because he or she requires administration of the product during school hours.

Void Policy

The **Cooperative Supply of Undesignated Epinephrine Injectors** section of the policy is void whenever the Executive Director or designee is, for whatever reason, unable to: (1) obtain for the Cooperative a prescription for undesignated epinephrine injectors from a physician or advanced practice nurse licensed to practice medicine in all its branches, or (2) fill the Cooperative's prescription for undesignated school epinephrine injectors.

The **Cooperative Supply of Undesignated Opioid Antagonists** section of the policy is void whenever the Executive Director or designee is unable to obtain a supply of opioid antagonists due to a shortage, in which case the Cooperative shall make reasonable efforts to maintain a supply.

The **Administration of Medical Cannabis** section of the policy is void and the Cooperative reserves the right not to implement it if the Cooperative or school is in danger of losing federal funding.

## Administration of Undesignated Medication

Upon any administration of an undesignated medication permitted by State law, the Executive Director or designee(s) must ensure all notifications required by State law and administrative procedures occur.

## Undesignated Medication Disclaimers

Upon implementation of this policy, the protections from liability and hold harmless provisions applicable under State law apply.

No one, including without limitation, parents/guardians of students, should rely on the Cooperative for the availability of undesignated medication. This policy does not guarantee the availability of undesignated medications. Students and their parents/guardians should consult their own physician regarding these medication(s).

### LEGAL REF.:

105 ILCS 5/10-20.14b, 5/10-22.21b, 5/22-30, and 5/22-33.

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

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

720 ILCS 550/, Cannabis Control Act.

23 Ill.Admin.Code §1.540.

CROSS REF.: 7:285 (Anaphylaxis Prevention, Response, and Management Program)

Adopted: January 17, 2024

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **7:270-AP Administrative Procedure - Dispensing Medication**

#### **Actor**

#### **Action**

Ask the child's physician, dentist, or other health care provider who has authority to prescribe medications if a medication, either prescription or nonprescription, must be administered during the school day. *Medications* includes an epinephrine auto-injector (*EpiPen*®) and asthma inhaler medication.

**For a student with diabetes:** The parent(s)/guardian(s) are responsible to share the health care provider's instructions. When the student is at school, the student's diabetes will be managed according to a diabetes care plan, if one exists, and not this

Procedure. See Care of Students with Diabetes Act, 105 ILCS 5/10-22.21b, added by P.A. 96-1485.

If so, ask the health care provider to complete a "School Medicine Authorization Form." **This form must be completed and given to the school before the school will store or dispense any medication and before your child may possess asthma medication or an epinephrine auto-injector.**

If a student is on a medication indefinitely, the parent/guardian must file a new "School Medication Authorization Form" every year.

Bring the medication to the school office. If the medicine is for asthma or is an epinephrine auto-injector, a student may keep possession of it for immediate use at the student's discretion: (1) while in school, (2) while at a schoolsponsored activity, (3) while under the supervision of school personnel, or (4) before or after normal school activities, such as while in before-school or afterschool care on school-operated property (105 ILCS 5/22-30, amended by P.A. Parents/Guardians 96-1460).

For asthma inhalers, provide the prescription label. Bring other prescription medications to the school in the original package or appropriately labeled container. The container shall display:

Student's name

Prescription number

Medication name and dosage

Administration route and/or other direction

Dates to be taken

Licensed prescriber's name

Pharmacy name, address, and phone number

Bring non-prescription medications to school in the manufacturer's original container with the label indicating the ingredients and the student's name affixed.

For each field trip, submit a written request to the Building Principal for the student to receive needed medication during the field trip.

At the end of the treatment regime, remove any unused medication from the school .

Provide a copy of these procedures, as well as a "School Medication Authorization Form," to inquiring parents/guardians.

	<p>Whenever a parent/guardian brings medication for a student to the office, <del>summon the school nurse.</del></p>
<p>School Office Personnel If the</p>	<p>school nurse is unavailable, accept the medication, provided the parent/guardian submits a completed "School Medication Authorization Form" and the medication is packaged in the appropriate container.</p> <p>Put the medication in the appropriate locked drawer or cabinet. Tell the school nurse about the medication as soon as possible.</p> <p>Ensure that a parent/guardian who brings medication for his or her child <del>has complied with the parent/guardian's responsibilities as</del> described in this administrative procedure.</p>
<p>keep possession of medication for asthma or an epinephrine auto-injector. School Nurse Medications requiring refrigeration should be refrigerated in a secure area. (certificated school nurse or nurse's office or non-certificated nurse, or licensed nurse, or practical nurse) supervising the student in self-administration.</p>	<p>In conjunction with the licensed prescriber and parent/guardian, identify circumstances, if any, in which the student may self-administer the medication and/or carry the medication. A student will be permitted to carry and selfadminister medication for asthma or an epinephrine auto-injector.</p> <p>Store the medication in a locked drawer or cabinet. A student may keep possession of medication for asthma or an epinephrine auto-injector. School Nurse Medications requiring refrigeration should be refrigerated in a secure area.</p> <p>Plan with the student the time(s) the student should come to the nurse's office to receive medications. registered professional Document each dose of the medication in the student's individual health record. Documentation shall include date, time, dosage, route, and the signature of the person administering the medication or supervising the student in self-administration.</p> <p>Assess effectiveness and side effects as required by the licensed prescriber. Provide written feedback to the licensed prescriber and the parent/guardian as requested by the licensed prescriber.</p> <p>Document whenever the medication is not administered as ordered along with the reasons.</p> <p>If the parent/guardian does not pick up the medication by the end of the school year, discard the medication in the presence of an administrator.</p>
	<p>Supervise the use of these procedures.</p> <p>Perform any duties described for school office personnel, as needed.</p> <p>Perform any duties described for school nurses, as needed, or delegate those duties to appropriate staff members/administrators. No staff member shall be required to administer medications to</p>

students, except school nurses, noncertificated registered professional nurses (RNs) or licensed practical nurses (LPNs), and administrators.

Make arrangements, in conjunction with the parent/guardian, supervising teachers, and/or bus drivers for the student to receive needed medication while on a field trip. Unless these arrangements can be made, the student must forego the field trip.

1. Obtain written request/permission for the administration of medication on Building Principal the field trip from the parent/guardian of the student.
2. Identify a staff member supervising the field trip who will volunteer to administer medication to the student.
3. If self-administration has been requested, confirm that a determination has been made by the student's IEP team that the student may selfadminister medication.
4. Require that the staff member volunteering to administer the medication provides written documentation to the school nurse including the date and time the medication was provided, the dosage, and the circumstances, if relevant.
5. Determine whether the student may attend the field trip. Administration of medication on field trips is at the discretion of P.A.E.C., except as provided in the student's IEP.

LEGAL REF.:105 ILCS 5/10-20.14b, 5/10-22.21b, and 5/22-30.

DATED: October 11, 2011

### **Proviso Area for Exceptional Children (P.A.E.C.)**

#### **7:270-E Exhibit - School Medication Authorization Form**

*To be completed by the child's parent(s)/guardian(s). A new form must be completed every school year. Keep in the school nurse's office or, in the absence of a school nurse, the Building Principal's office.*



Student's Name:		Birth Da
Address:		
Home Phone:	Emergency Phone:	
School:	Grade:	Teacher:

*To be completed by the student's physician, physician assistant, dentist, optometrist, podiatrist or advanced practice RN (Note: for asthma inhalers only, use the "Asthma Inhalers" section below):*

Physician's Printed Name:			
Office Address:			
Office Phone:		Emergency Phone:	
Medication name:			
Purpose:			
Dosage:		Frequency:	
Time medication is to be administered or under what circumstances:			
Prescription date:		Order date:	Discontinuation date:
Diagnosis requiring medication:			
Is it necessary for this medication to be administered during the school day ?			<input type="checkbox"/> Yes <input type="checkbox"/> No
Expected side effects, if any:			
Actions to be taken if the student has side effects and/or an adverse reaction to the medication:			

Time interval for re-evaluation:			
Other medications student is receiving:			
	Physician's signature		Date

Asthma Inhalers

*A written statement from the student's physician, physician assistant, dentist, optometrist, podiatrist, or advanced practice RN is not required for a student to carry and self-administer an asthma inhaler. Parent(s)/guardian(s) must attach the prescription label here, which must indicate the name of medication, the prescribed dosage, and the time at which/circumstances under which the medication is to be administered.*

***For only parents/guardians of students who need to carry asthma medication or an epinephrine auto-injector:***

I authorize P.A.E.C. and its employees and agents, to allow my child or ward to carry and self-

administer his or her asthma inhaler and/or use his or her epinephrine auto-injector: (1) while in school, (2) while at a school-sponsored activity, (3) while under the supervision of school personnel, or (4) before or after normal school activities, such as while in before-school or after-school care on schooloperated property. I hereby acknowledge that P.A.E.C., its officials, employees and agents will incur no liability except for willful and wonton conduct, as a result of any injury arising from the selfadministration of medication or use of an epinephrine auto-injector by my child or ward regardless of whether authorization was given by me or by my child's physician, physician's assistant, dentist, optometrist, podiatrist, or advanced practice register nurse. **I hereby agree to indemnify and hold harmless P.A.E.C., its officials, employees and agents against any claims, except a claim based on willful and wonton conduct, arising out of the self-administration of medication or use of an epinephrine auto-injector by my child or ward regardless of whether authorization was given by me or my child's physician, physician's assistant, dentist, optometrist, podiatrist, or advanced practice register nurse.** (105 ILCS 5/22-30).

\_\_\_\_\_

Parent/Guardian printed name

\_\_\_\_\_

Date:

\_\_\_\_\_

Parent/Guardian Signature

***For all parents/guardians:***

By signing below, I agree that I am primarily responsible for administering medication to my child. However, in the event that I am unable to do so or in the event of a medical emergency, I hereby authorize P.A.E.C. and its employees and agents, in my behalf, to administer or to attempt to administer to my child or ward (or to allow my child or ward to *self-administer* pursuant to State law, while under the supervision of the employees and agents of P.A.E.C.), lawfully prescribed medication in the manner described above.

**I acknowledge that it may be necessary for the administration of medications to my child or ward to be performed by an individual other than a school nurse and specifically consent to such practices, and I agree to indemnify and hold harmless P.A.E.C. and its employees and agents against any claims, except a claim based**

**on willful and wanton conduct, arising out of the administration or self-administration of medication by my child or ward.**

Parent/Guardian printed name			
Address (if different from Student's above):			
Phone:		Emergency Phon	
Parent/Guardian signature			

DATED: October 11, 2011

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 7:275 Orders to Forgo Life-Sustaining Treatment

Written orders from parents/guardians to forgo life-sustaining treatment for their child must be signed by the student's physician and given to the Executive Director. This policy shall be interpreted in accordance with the Illinois Health Care Surrogate Act. 755 ILCS 40/.

Whenever an order to forgo life-sustaining treatment is received, the Executive Director shall convene a multi-disciplinary team that includes:

1. The student, when appropriate;
2. The student's parents/guardians;
3. Other medical professionals, e.g., licensed physician, physician's assistant, or nurse practitioner;
4. Local first responders for the building in which the student is assigned to attend school;
5. The school nurse;
6. Clergy, if requested by the student or his or her parents/guardians;
7. Other individuals to provide support to the student or his or her parents/guardians; and
8. School personnel designated by the Executive Director.

The team shall determine guidelines to be used by school staff members in the event the child suffers a life-threatening episode at school or a school event. The Superintendent or designee will ensure minutes are taken that summarize the decisions and guidelines made during multi-disciplinary meetings and obtain signatures of the child's parents/guardians on the minutes of each multidisciplinary meeting. The Superintendent or designee will monitor the effectiveness of the guidelines established during the multi-disciplinary meetings at times the multi-disciplinary team determines are necessary.

Cooperative personnel shall convey orders to forgo life-sustaining treatment to the appropriate emergency or healthcare provider.

LEGAL REF.:

Health Care Surrogate Act, 755 ILCS 40/.

Cruzan v. Director, Missouri Dept. of Health, 497 U.S. 261 (1990).

In re C.A., a minor, 236 Ill.App.3d 594 (1st Dist. 1992).

Adopted: July 26, 2023

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## 7:280 Communicable and Chronic Infectious Disease

A student with or carrying a communicable and/or chronic infectious disease has all rights, privileges, and services provided by law and the Governing Board's policies. The

Executive Director or designee will develop procedures to safeguard these rights while managing health and safety concerns.

LEGAL REF.:

105 ILCS 5/10-21.11.

23 Ill.Admin.Code §§ 1.610 and 226.300.

77 Ill.Admin.Code Part 690.

20 U.S.C. §1400 et seq., Individuals With Disabilities Education Improvement Act of 2004.

29 U.S.C. §794(a), Rehabilitation Act of 1973, Section 504.

Adopted: October 20, 2021

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 7:280-AP Administrative Procedure - Managing Students with Communicable or Infectious Diseases

When a student with an IEP has a communicable or infectious disease, Policy 6:120 (*Education of Students with Disabilities*), and its administrative procedures must also be followed and will control whenever there is a conflict with these procedures.

Rules and guidance from the ISBE and IDPH should be consulted and supersede these procedures

(see *Management of Chronic Infectious Diseases in Schoolchildren*, revised 2003 by the ISBE and IDPH, [http://www.isbe.net/spec-ed/pdfs/chronic\\_diseases.pdf](http://www.isbe.net/spec-ed/pdfs/chronic_diseases.pdf) and *Communicable Disease Guide* revised 2002, IDPH).

### Managing Students with Communicable or Infectious Diseases

Actor	Action
Parents/Guardians	Notifies the Building Principal where their child is enrolled if their child has a communicative or infectious disease. A communicative or infectious disease includes Acquired Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC), and Human Immunodeficiency Virus (HIV).
Department of Public Health or Local Health Authority	Gives prompt (within 3 working days) and confidential notice of a child's identity to the Building Principal of the school in which the child is enrolled whenever a Local Health Authority child is reported as having AIDS or AIDS-related complex (ARC) or as having been exposed to Human Immune Deficiency Virus (HIV).
	<p>Upon having knowledge of a known or suspected case or carrier of a communicable disease:</p> <ul style="list-style-type: none"> <li>a. Notifies the local health authority as required by 77 Ill.Admin.Code §690.200.</li> <li>b. Notifies the Executive Director. May, as necessary, disclose the infected child's identity to the school nurse, the applicable classroom teachers, Principal or and those persons who, by federal or State law, are required to decide designee the placement or educational program of the child.</li> <li>c. Notifies others, as necessary, provided the child's identity is not revealed.</li> <li>d. Temporarily excludes a student from school attendance according to 77 Ill.Admin.Code §690.</li> </ul> <p>Keeps the school open where a student with a communicable disease attended, except in the event of an emergency.</p>

Observes all rules of the IDPH regarding communicable and chronic infectious disease. See the Legal References for a list of these rules.

P.A.E.C. staff Collects and maintains the student's medical information in a manner that ensures the strictest confidentiality and in accordance with federal and State laws regarding student records.

Confirms that all required and appropriate notices are made.

Executive Director Convenes the Communicable and Chronic Infectious Disease Review Team. or designee This Executive Director committee is composed of P.A.E.C.'s medical advisor, a school nurse, the Principal, and the Executive Director or designee.

	Arranges a meeting with the student's parent(s)/guardian(s), personal physician, local health authorities, as well as persons with knowledge of the placement options available. The purpose of the meeting is to:
Review Team	<p>a. Determine when an excluded student will return to school. This determination shall be based on whether the student poses a high risk of transmission of a communicable and chronic infectious disease to other Communicable students and staff. A student suspected of being infected with a disease and Chronic for which isolation is required shall be refused admittance while acute Infectious Disease symptoms are present.</p> <p>b. Perform a pre-placement evaluation. See <i>Placement of School Children with Acquired Immunodeficiency Syndrome (AIDS)</i>, published by the U.S. Dept. of Education Office for Civil Rights.</p> <p>c. Make a placement decision based on the pre-placement</p>
	<p>evaluation. The placement decision shall include any needed related services.</p> <p>Reports the meeting results to the Executive Director.</p>
Executive Director or designee	<p>Notifies the student's parents/guardians when an excluded student can return to school and of the placement decision. If the student will not attend school, every reasonable effort shall be made to provide the student with an adequate or alternative education. State regulations and P.A.E.C. policy regarding homebound instruction shall apply.</p>

At least annually while a student has a contagious or infectious disease,

Communicable arranges a meeting with the student's parent(s)/guardian(s), personal and Chronic physician, local health authorities, as well as persons with knowledge of the

Infectious Disease placement options available, to review the student's education placement and  
 Review Team  
 the provision of related services.

Managing a Student with a Communicable or Infectious Disease Who Demonstrates Behavior that Could Result In Infecting Other Students or Staff Members

**Actor                      Action**

	Notifies the Principal if a student with a communicable or infectious disease
Parents/Guardians or any staff member	shows a lack of control of bodily secretions, has open sores that cannot be covered, or demonstrates behavior (e.g., biting) that could result in direct member inoculation of potentially infected body fluids into the bloodstream.
Principal	Immediately notifies the Executive Director of the above.
Executive Director or designee	Upon being notified that a student is demonstrating behavior that could spread his or her disease, convenes the Communicable and Chronic Infectious Disease Review Team. If appropriate, notifies parents of students of possible exposure if their student may have been exposed to a communicable or infectious disease due to behaviors exhibited by a student having such a disease.

Arranges a meeting with the student's parent(s)/guardian(s), personal

Arranges a meeting with the student's parent(s)/guardian(s), personal physician, local health authorities, as well as persons with knowledge of the placement options available. The purpose of this meeting is to:

a. Determine whether the student's temporary removal from the classroom is appropriate because the student poses a high risk of transmitting a communicable and chronic infectious disease or whether another response exists to reduce the risk of transmission. A student suspected Communicable of being infected with a disease for which isolation is required shall be and Chronic refused admittance while acute symptoms are present.

Infectious Disease

Review Team

b. Perform a pre-placement evaluation if the student will continue to attend school.

c. Make a placement decision based on the pre-placement evaluation. The placement decision shall include any needed related services. If the student will continue to attend school, determine the student's appropriate educational placement. The team shall also



	determine if the student needs related services or placement outside the regular classroom. Reports the meeting's results to the Executive Director.
	Notifies the student's parent(s)/guardian(s) whether the student will attend school. If the student will not attend school or participate in school activities with Executive Director other students, every reasonable effort shall be made to provide the student or Designee with an adequate alternative education; however, an individual student's IEP will control. State regulations and school policy regarding homebound instruction apply.
Communicable Infectious Disease	At least once a month while a student is removed from normal school attendance, arranges a meeting with the student's parent(s)/guardian(s), and Chronic personal physician, local health authorities, as well as persons with knowledge of the placement options available, to review the removal and to determine Review Team whether the condition precipitating the removal has changed.

General Post-Evaluation Procedures

**Actor**

**Action**

May appeal their child's exclusion from school or educational placement to the

Parents/Guardians	Governing Board within 10 days of being notified of the action.
Parents/Guardians	When their child returns to school after an absence due to a communicable and chronic infectious disease, present a certificate from a physician licensed in Illinois stating that the child qualifies for re-admission to school under the rules of the IDPH that regulate periods of incubation, communicability, quarantine, and reporting.

LEGAL REF.:105 ILCS 5/10-21.11 and 10/1 et seq.

410 ILCS 315/0.01 et seq.

23 Ill.Admin.Code Part 226.

77 Ill.Admin.Code Parts 665, 690, 693, 695, 696, and 697.

34 C.F.R. §104.34 and 104.35.

Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g.

Rehabilitation Act of 1973, Section 504, 29 U.S.C. §701 et seq.

CROSS REF.:2:150 (Committees), 5:40 (Communicable and Chronic Infectious Disease)

DATED: October 11, 2011

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 7:285 Anaphylaxis Prevention, Response, and Management Program

School attendance may increase a student's risk of exposure to allergens that could trigger anaphylaxis. Students at risk for anaphylaxis benefit from a Board policy that coordinates a planned response in the event of an anaphylactic emergency.

Anaphylaxis is a severe systemic allergic reaction from exposure to allergens that is rapid in onset and can cause death. Common allergens include animal dander, fish, latex, milk, shellfish, tree nuts, eggs, insect venom, medications, peanuts, soy, and wheat. A severe allergic reaction usually occurs quickly; death has been reported to occur within minutes. An anaphylactic reaction can also occur up to one to two hours after exposure to the allergen.

While it is not possible for P.A.E.C. to completely eliminate the risks of an anaphylactic emergency when a student is at school, an Anaphylaxis Prevention, Response, and Management Program using a cooperative effort among students' families, staff members, students, health care providers, emergency medical services, and the community helps P.A.E.C. reduce these risks and provide accommodations and proper treatment for anaphylactic reactions.

The Executive Director or designee shall develop and implement an Anaphylaxis Prevention, Response, and Management Program for the prevention and treatment of anaphylaxis that:

1. Fully implements the Ill. State Board of Education (ISBE)'s model policy required by the School Code that: (a) relates to the care and response to a person having an anaphylaxis reaction, (b) addresses the use of epinephrine in a school setting, (c) provides a full food allergy and prevention of allergen exposure plan, and (d) aligns with 105 ILCS 5/22-30 and 23 Ill.Admin.Code §1.540.
2. Ensures staff members receive appropriate training, including: (a) an in-service training program for staff who work with students that is conducted by a person with expertise in anaphylactic reactions and management, and (b) training required by law for those staff members acting as *trained personnel*, as provided in 105 ILCS 5/22-30 and 23 Ill.Admin.Code §1.540.
3. Implements and maintains a supply of undesignated epinephrine in the name of P.A.E.C., in accordance with policy 7:270, *Administering Medicines to Students*.
4. Follows and references the applicable best practices specific to the Cooperative's needs in the Centers for Disease Control and Prevention's *Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs* and the *National Association of School Nurses Allergies and Anaphylaxis Resources/Checklists*.
5. Provides annual notice to the parents/guardians of all students to make them aware of this policy.
6. Complies with State and federal law and is in alignment with Board policies.

## Monitoring

Pursuant to State law and policy 2:240, *Board Policy Development*, the Board reviews and makes any necessary updates to this policy at least once every three years. The Executive Director or designee shall assist the Board with its review and any necessary updates.

### LEGAL REF.:

105 ILCS 5/2-3.190, 5/10-22.39, and 5/22-30.

23 Ill.Admin.Code §1.540.

*Anaphylaxis Response Policy for Illinois Schools*, published by ISBE.

CROSS REF.: 4:110 (Transportation), 4:120 (Food Services), 4:170 (Safety), 5:100 (Staff Development Program), 6:120 (Education of Children with Disabilities), 6:240 (Field Trips and Recreational Class Trips), 7:180 (Prevention of and Response to Bullying, Intimidation and Harassment), 7:250 (Student Support Services), 7:270 (Administering Medicines to Students)

Adopted: January 17, 2024

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 7:290 Suicide and Depression Awareness and Prevention

Youth suicide impacts the safety of the school environment. It also affects the school community, diminishing the ability of surviving students to learn and the school's ability to educate. Suicide and depression awareness and prevention are important Board goals.

### Suicide and Depression Awareness and Prevention Program

The Executive Director or designee shall develop, implement, and maintain a suicide and depression awareness and prevention program (Program) that advances the Board's goals of increasing awareness and prevention of depression and suicide. This program must be consistent with the requirements of *Ann Marie's Law* listed below; each listed requirement, 1-6, corresponds with the list of required policy components in the School Code Section 5/2-3.166(c)(2)-(7). The Program shall include:

1. Protocols for administering youth suicide awareness and prevention education to students and staff.
  - a. For students, implementation will incorporate 105 ILCS 5/2-3.139 and 105 ILCS 5/27-7 (requiring education for students to develop a sound mind and a healthy body).
  - b. For staff, implementation will incorporate Board policy 5:100, *Staff Development Program*, and teacher's institutes under 105 ILCS 5/3-14.8 (requiring coverage of the warning signs of suicidal behavior).
2. Procedures for methods of suicide prevention with the goal of early identification and referral of students possibly at risk of suicide. Implementation will incorporate:
  - a. The training required by 105 ILCS 5/10-22.39 for all Cooperative staff who work with students to identify the warning signs of suicidal behavior in youth along with appropriate intervention and referral techniques, including methods of prevention, procedures for early identification, and referral of students at risk of suicide; and
  - b. Ill. State Board of Education (ISBE)-recommended guidelines and educational materials for staff training and professional development, along with ISBE-recommended resources for students containing age-appropriate educational materials on youth suicide and awareness, if available pursuant to *Ann Marie's Law* on ISBE's website.
3. Methods of intervention, including procedures that address an emotional or mental health safety plan for use during the school day and at school-sponsored events for a student identified as being at increased risk of suicide including those students who: (A) suffer from a mental health disorder; (B) suffer from a substance abuse disorder; (C) engage in self-harm or have previously attempted suicide; (D) reside in an out-of-home placement; (E) are experiencing homelessness; (F) are lesbian, gay, bisexual, transgender, or questioning (LGBTQ); (G) are bereaved by suicide;

or (H) have a medical condition or certain types of disabilities. Implementation will incorporate paragraph number 2, above, along with Board policies:

- a. 6:65, *Student Social and Emotional Development*, implementing the goals and benchmarks of the Ill. Learning Standards and 405 ILCS 49/15(b) (requiring student social and emotional development in the District's educational program);
  - b. 6:120, *Education of Children with Disabilities*, implementing special education requirements for the District;
  - c. 7:10, *Equal Educational Opportunities*, and its implementing administrative procedure and exhibit, implementing supports for equal educational opportunities for students who are LGBTQ;
  - d. 7:50, *School Admissions and Student Transfers To and From Non-District Schools*, implementing State law requirements related to students who are in foster care;
  - e. 7:250, *Student Support Services*, implementing the Children's Mental Health Act, 405 ILCS 49/ (requiring protocols for responding to students with social, emotional, or mental health issues that impact learning ability); and
  - f. State and/or federal resources that address emotional or mental health safety plans for students who are possibly at an increased risk for suicide, if available on the ISBE's website pursuant to *Ann Marie's Law*.
4. Methods of responding to a student or staff suicide or suicide attempt. Implementation of this requirement shall incorporate building-level Student Support Committee(s) established through Board policy 7:250, *Student Support Services*.
  5. Reporting procedures. Implementation of this requirement shall incorporate Board policy 6:270, *Guidance and Counseling Program*, and Board policy 7:250, *Student Support Services*, in addition to other State and/or federal resources that address reporting procedures.
  6. A process to incorporate ISBE-recommended resources on youth suicide awareness and prevention programs, including current contact information for such programs in the Cooperative's Suicide and Depression Awareness and Prevention Program.

#### Illinois Suicide Prevention Strategic Planning Committee

The Executive Director or designee shall attempt to develop a relationship between the Cooperative and the Illinois Suicide Prevention Strategic Planning Committee, the Illinois Suicide Prevention Coalition Alliance, and/or a community mental health agency. The purpose of the relationship is to discuss how to incorporate the goals and objectives of the Illinois Suicide Prevention Strategic Plan into the Cooperative's Suicide Prevention and Depression Awareness Program.

## Monitoring

The Board will review and update this policy pursuant to *Ann Marie's Law* and Board policy 2:240, *Board Policy Development*.

## Information to Staff, Parents/Guardians, and Students

The Executive Director or designee shall inform each school cooperative employee about this policy and ensure its posting on the Cooperative's website. The Executive Director or designee shall provide a copy of this policy to the parent or legal guardian of each student enrolled in the

Cooperative. Student identification (ID) cards, the Cooperative's website, and student handbooks and planners will contain the support information as required by State law.

## Implementation

This policy shall be implemented in a manner consistent with State and federal laws, including the

Student Confidential Reporting Act, 5 ILCS 860/, Children's Mental Health Act, 405 ILCS 49/, Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/, and the Individuals with Disabilities Education Act, 42 U.S.C. §12101 et seq.

The Cooperative, Board, and its staff are protected from liability by the Local Governmental and Governmental Employees Tort Immunity Act. Services provided pursuant to this policy: (1) do not replace the care of a physician licensed to practice medicine in all of its branches or a licensed medical practitioner or professional trained in suicide prevention, assessments and counseling services, (2) are strictly limited to the available resources within the Cooperative, (3) do not extend beyond the school day and/or school-sponsored events, and (4) cannot guarantee or ensure the safety of a student or the student body.

## LEGAL REF.:

42 U.S.C. §1201 et seq., Individuals with Disabilities Education Act.

105 ILCS 5/2-3.166, 105 ILCS 5/2-3.139, 5/3-14.8, 5/10-20.76, 5/10-20.81, 5/10-22.24a, 5/1022.24b, 5/10-22.39, 5/14-1.01 et seq., 5/14-7.02, and 5/14-7.02b, 5/27-7.

5 ILCS 860/, Student Confidential Reporting Act.

405 ILCS 49/, Children's Mental Health Act.

740 ILCS 110/, Mental Health and Developmental Disabilities Confidentiality Act.

745 ILCS 10/, Local Governmental and Governmental Tort Immunity Act.

CROSS REF.: 2:240 (Board Policy Development), 5:100 (Staff Development Program), 6:65 (Student Social and Emotional Development), 6:120 (Education of Children with Disabilities), 7:180

(Prevention of and Response to Bullying, Intimidation, and Harassment), 7:250 (Student Support Services)

Adopted: January 17, 2024

**Proviso Area for Exceptional Children (P.A.E.C.)**



## 7:305 Student Athlete Concussions and Head Injuries

The Superintendent or designee shall develop and implement a program to manage concussions and head injuries suffered by students. The program shall:

1. Fully implement the Youth Sports Concussion Safety Act (YSCSA), that provides, without limitation, each of the following:
  - a. The Board must appoint or approve member(s) of a Concussion Oversight Team for the District.
  - b. The Concussion Oversight Team shall establish each of the following based on peerreviewed scientific evidence consistent with guidelines from the Centers for Disease Control and Prevention:
    - i. A return-to-play protocol governing a student's return to interscholastic athletics practice or competition following a force of impact believed to have caused a concussion. The Superintendent or designee shall supervise an athletic trainer or other person responsible for compliance with the return-to-play protocol.
    - ii. A return-to-learn protocol governing a student's return to the classroom following a force of impact believed to have caused a concussion. The Superintendent or designee shall supervise the person responsible for compliance with the return-tolearn protocol.
  - c. Each student and the student's parent/guardian shall be required to sign a concussion information receipt form each school year before participating in an interscholastic athletic activity.
  - d. A student shall be removed from an interscholastic athletic practice or competition immediately if any of the following individuals believes that the student sustained a concussion during the practice and/or competition: a coach, a physician, a game official, an athletic trainer, the student's parent/guardian, the student, or any other person deemed appropriate under the return-to-play protocol.
  - e. A student who was removed from interscholastic athletic practice or competition shall be allowed to return only after all statutory prerequisites are completed, including without limitation, the return-to-play and return-to-learn protocols developed by the Concussion Oversight Team. An athletic team coach or assistant coach may not authorize a student's return-to-play or return-to-learn.
  - f. The following individuals must complete concussion training as specified in the YSCSA: all coaches or assistant coaches (whether volunteer or a district employee) of interscholastic athletic activities; nurses, licensed healthcare professionals or non-licensed healthcare professionals who serve on the Concussion Oversight Team (whether or not they serve on a volunteer basis); athletic trainers; game officials of interscholastic athletic activities; and physicians who serve on the Concussion Oversight Team.

- g. The Board shall approve school-specific emergency action plans for interscholastic athletic activities to address the serious injuries and acute medical conditions in which a student's condition may deteriorate rapidly.
2. Comply with the concussion protocols, policies, and by-laws of the Illinois High School Association (IHSA), including its *Protocol for Implementation of NFHS Sports Playing Rules for Concussions*, which includes its *Return to Play (RTP) Policy*. These specifically require that:
  - a. A student athlete who exhibits signs, symptoms, or behaviors consistent with a concussion in a practice or game shall be removed from participation or competition at that time.
  - b. A student athlete who has been removed from an interscholastic contest for a possible concussion or head injury may not return to that contest unless cleared to do so by a physician licensed to practice medicine in all its branches in Illinois or a certified athletic trainer.
  - c. If not cleared to return to that contest, a student athlete may not return to play or practice  
  
until the student athlete has provided his or her school with written clearance from a physician licensed to practice medicine in all its branches in Illinois, advanced practice registered nurse, physician assistant or a certified athletic trainer working in conjunction with a physician licensed to practice medicine in all its branches in Illinois.
3. Require that all high school coaching personnel, including the head and assistant coaches, and athletic directors obtain online concussion certification by completing online concussion awareness training in accordance with 105 ILCS 25/1.15.
4. Require all student athletes to view the IHSA video about concussions.
5. Inform student athletes and their parent(s)/guardian(s) about this policy in the *Agreement to Participate* or other written instrument that a student athlete and his or her parent/guardian must sign before the student is allowed to participate in a practice or interscholastic competition.
6. Provide coaches and student athletes and their parent(s)/guardian(s) with educational materials from the IHSA regarding the nature and risk of concussions and head injuries, including the risks inherent in continuing to play after a concussion or head injury.
7. Include a requirement for staff members to notify the parent/guardian of a student who exhibits symptoms consistent with that of a concussion.
8. Include a requirement for staff members to distribute the Ill. Dept. of Public Health concussion brochure to any student or the parent/guardian of a student who may have sustained a concussion, regardless of whether or not the concussion occurred while the student was participating in an interscholastic athletic activity, if available.
9. Include a requirement for certified athletic trainers to complete and submit a monthly report to the IHSA on student-athletes who have sustained a concussion during: 1) a school-sponsored activity overseen by the athletic trainer; or 2) a school-sponsored event of which the athletic director is made aware.

LEGAL REF.:

105 ILCS 5/22-80.

105 ILCS 25/1.15, Interscholastic Athletic Organization Act.

20 ILCS 2310/2310-307, Civil Administrative Code of Illinois.

CROSS REF.: 4:170 (Safety), 5:100 (Staff Development Program), 7:300 (Extracurricular Athletics)

Adopted: July 26, 2023

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **7:310 Restrictions on Publications; Elementary Schools**

#### School-Sponsored Publications and Web Sites

School-sponsored publications, productions, and web sites are part of the curriculum and are not a public forum for general student use. School authorities may edit or delete material that is inconsistent with the Cooperative's educational mission.

All school-sponsored communications shall comply with the ethics and rules of responsible journalism. Text that is libelous, obscene, vulgar, lewd, invades the privacy of others, conflicts with the basic educational mission of the school, is socially inappropriate, is inappropriate due to the maturity of the students, or is materially disruptive to the educational process will not be tolerated.

The author's name will accompany personal opinions and editorial statements. An opportunity for the expression of differing opinions from those published/produced will be provided within the same media.

#### Non-School Sponsored Publications and Web Sites Accessed or Distributed At School

For purposes of this section and the following section, a *publication* includes, without limitation: (1) written or electronic print material, and (2) audio-visual material, on any medium including electromagnetic media (e.g., images, digital files flash memory, etc.), or combinations of these whether off-line (e.g., a printed book, digital files, etc.) or online (e.g., any website, social networking site, database for information retrieval, etc.), or (3) information or material on electronic devices (e.g., text or voice messages delivered by cell phones, tablets, and other hand-held devices).

Creating, distributing, and/or accessing non-school sponsored publications shall occur at a time and place and in a manner that will not cause disruption, be coercive, or result in the perception that the distribution or the publication is endorsed by the Cooperative.

Students are prohibited from accessing and/or distributing, at school any written or electronic material, including material from the Internet that:

1. Will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities;
2. Violates the rights of others, including but not limited to material that is libelous, invades the privacy of others, or infringes on a copyright;
3. Is socially inappropriate or inappropriate due to maturity level of the students, including but not limited to material that is obscene, pornographic, or pervasively lewd and vulgar, or contains indecent and vulgar language;
4. Is primarily intended for the immediate solicitation of funds; or
5. Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. Nothing herein shall be interpreted to prevent the inclusion of material from outside sources or the citation to such sources as long as the material to be distributed or accessed is primarily prepared by students.

The distribution of non-school-sponsored written material shall occur at a time and place and in a manner that will not cause disruption, be coercive, or result in the perception that the distribution or the material is endorsed by the Cooperative.

Accessing or distributing "at school" includes accessing or distributing on school property or at school-related activities. A student engages in gross disobedience and misconduct and may be disciplined for: (1) accessing or distributing forbidden material, or (2) for writing, creating, or publishing such material intending for it to be accessed or distributed at school.

#### Student-Created or Distributed Written or Electronic Material Including Blogs

A student engages in gross disobedience and misconduct and may be disciplined for creating and/or distributing written or electronic material, including Internet material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members.

#### Bullying and Cyberbullying

The Executive Director or designee shall treat behavior that is *bullying* and/or *cyberbullying* according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy.

LEGAL REF.:

105 ILCS 5/27-23.7.

Hazelwood v. Kuhlmeier, 484 U.S. 260 (1988).

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).

Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

CROSS REF.: 6:235 (Access to Electronic Networks), 8:25 (Advertising and Distributing Materials in School Provided by Non-School Related Entities)

Adopted: February 16, 2022

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **7:315 Restrictions on Publications; High Schools**

#### Definitions

*Libel* means the willful or negligent publication of provably false and unprivileged statements of fact that do demonstrable harm to a living person's reputation.

*Obscene* means lewd; impure; indecent; calculated to shock the moral sense of humans by a disregard of chastity or modesty. Objectionable or offensive to accepted standards of decency.

*School official* means a Building Principal or designee.

*School-sponsored media* means any material that is prepared, substantially written, published, or broadcast by a student journalist, distributed or generally made available to members of the student body, and prepared under the direction of a student media advisor. It does not include media intended for distribution or transmission solely in the classroom in which the media is produced.

*Slander* means the speaking of false statements of fact that seriously harm a living person's reputation.

*Student journalist* means a public high school student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

*Student media adviser* means an individual employed, appointed, or designated by the Cooperative to supervise or provide instruction relating to school-sponsored media.

#### School-Sponsored Media

School-sponsored publications, productions, and websites are governed by the Speech Rights of Student Journalists Act and Board policies, and student journalists are responsible for determining the news, opinion, feature, and advertising content of those publications, productions, and websites. Student journalists must:

1. Make decisions based upon news value and guided by the Code of Ethics provided by the Society of Professional Journalists, National Scholastic Press Association, Journalism Education Association, or other relevant group;

2. Produce media based upon professional standards of accuracy, objectivity, and fairness;
3. Review material to improve sentence structure, grammar, spelling, and punctuation;
4. Check and verify all facts and verify the accuracy of all quotations;
5. In the use of personal opinions, editorial statements, and/or letters to the editor, provide opportunity and space for the expression of differing opinions within the same media to align with the Cooperative's media literacy curriculum mandate in 105 ILCS 5/27-20.08; and
6. Include an author's name with any personal opinions and editorial statements, if appropriate.

Student journalists may not create, produce, or distribute school-sponsored media that:

1. Is libelous, slanderous, or obscene;
2. Constitutes an unwarranted invasion of privacy;
3. Violates federal or State law, including the Constitutional rights of third parties; or
4. Incites students to:
  - a. Commit an unlawful act;
  - b. Violate any of the Cooperative's policies; or
  - c. Materially and substantially disrupt the orderly operation of the school.

The Cooperative will not engage in prior restraint of material prepared by student journalists for school-sponsored media, unless the material fits into one of the four prohibited categories listed above, in which case the Executive Director or designee and/or student media adviser may review, edit, and delete such media material before publication or distribution of the media.

No expression made by students in the exercise of freedom of speech or freedom of the press under this policy shall be deemed to be an expression of the Cooperative or an expression of Board policy.

#### Non-School Sponsored Publications Accessed or Distributed On Campus

For purposes of this section and the following section, a *publication* includes, without limitation: (1) written or electronic print material, (2) audio-visual material on any medium including electromagnetic media (e.g., images, digital files, flash memory, etc.), or combinations of these whether off-line (e.g., a printed book, digital files, etc.) or online (e.g., any website, social networking site, database for information retrieval, etc.), or (3) information or material on electronic devices (e.g., text or voice messages delivered by cell phones, tablets, and other hand-held devices).

Creating, distributing, and/or accessing non-school sponsored publications shall occur at a time and place and in a manner that will not cause disruption, be coercive, or result in the perception that the distribution or the publication is endorsed by the Cooperative.

Students are prohibited from creating, distributing, and/or accessing at school any publication that:

1. Will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities;
2. Violates the rights of others, including but not limited to material that is libelous, slanderous or obscene, invades the privacy of others, or infringes on a copyright;
3. Is socially inappropriate or inappropriate due to maturity level of the students, including but not limited to material that is obscene, pornographic, or pervasively lewd and vulgar, contains indecent and vulgar language, or *sexting* as defined by School Board policy and Student Handbooks;
4. Is reasonably viewed as promoting illegal drug use;
5. Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. However, material from outside sources or the citation to such sources may be allowed, as long as the material to be distributed or accessed is primarily prepared by students; or
6. Incites students to violate any Board policies.

Accessing or distributing *on-campus* includes accessing or distributing on school property or at school-related activities. A student engages in gross disobedience and misconduct and may be disciplined for: (1) accessing or distributing forbidden material, or (2) for writing, creating, or publishing such material intending for it to be accessed or distributed at school.

#### Non-School Sponsored Publications Accessed or Distributed Off-Campus

A student engages in gross disobedience and misconduct and may be disciplined for creating and/or distributing a publication that: (1) causes a substantial disruption or a foreseeable risk of a substantial disruption to school operations, or (2) interferes with the rights of other students or staff members.

#### Bullying and Cyberbullying

The Director or designee shall treat behavior that is *bullying* and/or *cyberbullying* according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy.

LEGAL REF.:

105 ILCS 5/27-20.08 and 5/27-23.7.

105 ILCS 80/, Speech Rights of Student Journalists Act.

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).

Hazelwood v. Kuhlmeier, 484 U.S. 260 (1988).

Morse v. Frederick, 551 U.S. 393 (2007).

Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

CROSS REF.: 1:30 (Mission Statement), 6:65 (Student Social and Emotional Development), 6:235

(Access to Electronic Networks), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:25 (Advertising and Distributing Materials in Schools Provided by Non-School Related Entities)

Adopted: February 16, 2022

**Proviso Area for Exceptional Children (P.A.E.C.)**



## 7:330 Student Use of Buildings - Equal Access

Student groups or clubs that are not school sponsored are granted free use of school premises for a meeting or series of meetings under the following conditions:

1. The meeting is held during those non-instructional times identified by the Executive Director or designee for non-curricular student groups, clubs, or organizations to meet. *Non-instructional time* means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends. *Non-curricular student groups* are those student groups, clubs, or organizations that do not directly relate to the curriculum.
2. All non-curriculum related student groups that are not Cooperative sponsored receive substantially the same treatment.
3. The meeting is student-initiated, meaning that the request is made by a student.
4. Attendance at the meeting is voluntary.
5. The school will not sponsor the meeting.
6. School employees are present at religious meetings only in a non-participatory capacity.
7. The meeting and/or any activities during the meeting do not materially or substantially interfere with the orderly conduct of educational activities.
8. Non-school persons do not direct, conduct, control, or regularly attend the meetings.
9. The school retains its authority to maintain order and discipline.
10. A school staff member or other responsible adult is present in a supervisory capacity.
11. The Executive Director or designee approves the meeting or series of meetings.

The Executive Director or designee shall develop administrative procedures to implement this policy.

LEGAL REF.:

20 U.S.C. §4071 et seq., Equal Access Act.

Bd. of Ed. of Westside Community Sch. Dist. v. Mergens, 496 U.S. 226 (1990).

Gernetzke v. Kenosha Unified Sch. Dist. No. 1, 274 F.3d 464 (7th Cir. 2001), *cert. denied*, 535 U.S. 1017.

CROSS REF.: 7:10 (Equal Educational Opportunities), 8:20 (Community Use of School Facilities) Adopted: July 26, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 7:340 Student Records

P.A.E.C. shall comply with the requirements of the Family Educational Rights and Privacy Act, Illinois

School Student Records Act, Mental Health and Developmental Disabilities Confidentiality Act, and Local Records Act, and their respective implementing rules and regulations with respect to the maintenance, release, and destruction of school student records and challenges to the contents of such records.

P.A.E.C. student records are confidential. Information from them shall not be released other than as provided by law. A school student record is any writing or other recorded information concerning a student and by which a student may be identified individually that is maintained by a school or at its direction by a school employee, regardless of how or where the information is stored, except as provided in State or federal law.

State and federal law grants students, parents/guardians, and when applicable, the Ill. Dept. of

Children and Family Services' Office of Education and Transition Services, certain rights, including the right to inspect, copy, and/or challenge school student records. A student or the student's parent/guardian may request, in writing, that scores received on college entrance examinations be included on the student's academic transcript. The information contained in student records shall be kept current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child. The Cooperative may release directory information as permitted by law, but a parent/guardian shall have the right to opt-out of the release of directory information regarding his or her child. The Cooperative will comply with State or federal law with regard to release of a student's school records, including, where applicable, without notice to, or the consent of, the student's parent/guardian or eligible student. Upon request, the Cooperative discloses school student records without parent consent to the official records custodian of another school in which a student has enrolled or intends to enroll, as well as to any other person as specifically required or permitted by State or federal law.

The Executive Director shall fully implement this policy and designate an *official records custodian* for each school who shall maintain and protect the confidentiality of school student records, inform staff members of this policy, and inform students and their parents/guardians of their rights regarding school student records.

### Student Biometric Information Collection

The Executive Director or designee may recommend a student biometric information collection system solely for the purpose of identification and fraud prevention. Such recommendation shall be consistent with budget requirements and in compliance with State law. Biometric information means any information that is collected through an identification process for individuals based on their unique behavioral or physiological characteristics, including fingerprint, hand geometry, voice, or facial recognition or iris or retinal scans.

Before collecting student biometric information, P.A.E.C. shall obtain written permission from the person having legal custody/parental responsibility of the student or the student (if over the age of 18). Upon a student's 18<sup>th</sup> birthday, P.A.E.C. shall obtain written permission from the student to collect student biometric information. Failure to provide written consent to collect biometric information shall not be the basis for refusal of any services otherwise available to a student.

All collected biometric information shall be stored and transmitted in a manner that protects it from disclosure. Sale, lease, or other disclosure of biometric information to another person or entity is strictly prohibited, except (1) if prior written consent is provided by the person having legal custody of the student or the student (if over the age of 18), or (2) pursuant to court order.

P.A.E.C. will discontinue use of a student's biometric information and destroy all collected biometric information within 30 days after: (1) the student graduates or withdraws from P.A.E.C., or (2) P.A.E.C. receives a written request to discontinue use of biometric information from the person having legal custody/parental responsibility of the student or the student (if over the age of 18). Requests to discontinue using a student's biometric information shall be forwarded to the Executive Director or designee.

The Executive Director or designee shall develop procedures to implement this Policy consistent with State and federal law.

#### LEGAL REF.:

20 U.S.C. §1232g, Family Educational Rights and Privacy Act; 34 C.F.R. Part 99.

50 ILCS 205/7, Local Records Act.

105 ILCS 5/10-20.12b, 5/10-20.40, and 5/14-1.01 et seq.

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

105 ILCS 85/, Student Online Personal Protection Act.

325 ILCS 17/, Children's Privacy Protection and Parental Empowerment Act.

750 ILCS 5/602.11, Ill. Marriage and Dissolution of Marriage Act.

23 Ill.Admin.Code Parts 226 and 375.

Owasso I.S.D. No. I-011 v. Falvo, 534 U.S. 426 (2002).

Chicago Tribune Co. v. Chicago Bd. of Ed., 332 Ill.App.3d 60 (1st Dist. 2002).

CROSS REF.: 5:100 (Staff Development Program), 5:130 (Responsibilities Concerning Internal Information), 7:15 (Student and Family Privacy Rights), 7:220 (Bus Conduct), 7:345 (Use of Educational Technologies; Student Data Privacy and Security)

Adopted: February 22, 2023

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **7:345 Use of Educational Technologies; Student Data Privacy and Security**

Educational technologies used in the Cooperative shall further the objectives of the Cooperative's educational program, as set forth in Board policy 6:10, *Educational Philosophy and Objectives*, align with the curriculum criteria in policy 6:40, *Curriculum Development*, and/or support efficient

Cooperative operations. The Executive Director shall ensure that the use of educational technologies in the Cooperative meets the above criteria.

The Cooperative and/or vendors under its control may need to collect and maintain data that personally identifies students in order to use certain educational technologies for the benefit of student learning or Cooperative operations.

Federal and State law govern the protection of student data, including school student records and/or *covered information*. The sale, rental, lease, or trading of any school student records or covered information by the Cooperative is prohibited. Protecting such information is important for legal compliance, Cooperative operations, and maintaining the trust of Cooperative stakeholders, including parents, students and staff.

#### Definitions

*Covered information* means personally identifiable information (PII) or information linked to PII in any media or format that is not publicly available and is any of the following: (1) created by or provided to an operator by a student or the student's parent/guardian in the course of the student's or parent/guardian's use of the operator's site, service or application; (2) created by or provided to an operator by an employee or agent of the Cooperative; or (3) gathered by an operator through the operation of its site, service, or application.

*Operators* are entities (such as educational technology vendors) that operate Internet websites, online services, online applications, or mobile applications that are designed, marketed, and primarily used for K-12 school purposes.

*Breach* means the unauthorized acquisition of computerized data that compromises the security, confidentiality or integrity of covered information maintained by an operator or the Cooperative .

#### Operator Contracts

The Executive Director or designee designates which Cooperative employees are authorized to enter into written agreements with operators for those contracts that do not require separate Board approval. Contracts between the Board and operators shall be

entered into in accordance with State law and Board policy 4:60, *Purchases and Contracts*, and shall include any specific provisions required by State law.

### Security Standards

The Executive Director or designee shall ensure the Cooperative implements and maintains reasonable security procedures and practices that otherwise meet or exceed industry standards designed to protect covered information from unauthorized access, destruction, use, modification, or disclosure. In the event the Cooperative receives notice from an operator of a breach or has determined a breach has occurred, the Executive Director or designee shall also ensure that the Cooperative provides any breach notifications required by State law.

#### LEGAL REF.:

20 U.S.C. §1232g, Family and Educational Rights and Privacy Act; 34 C.F.R. Part 99.

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

105 ILCS 85/, Student Online Personal Protection Act.

23 Ill. Admin. Code Part 380.

CROSS REF.: 4:15 (Identity Protection), 4:60 (Purchases and Contracts), 6:235 (Access to Electronic Networks), 7:340 (Student Records)

Adopted: February 16, 2022

**Proviso Area for Exceptional Children (P.A.E.C.)**

**SECTION 8 - COMMUNITY RELATIONS**

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **8:10 Connection with the Community**

### Public Relations

The Board President is the official spokesperson for the Governing Board. The Executive Director is the Cooperative's chief spokesperson. The Executive Director or designee shall plan and implement a Cooperative public relations program that will:

1. Develop community understanding of school operation.
2. Gather community attitudes and desires for the Cooperative.
3. Secure adequate financial support for a sound educational program.
4. Help the community feel a more direct responsibility for the quality of education provided by their schools.
5. Earn the community's good will, respect, and confidence.
6. Promote a genuine spirit of cooperation between the school and the community.
7. Keep the news media accurately informed.
8. Coordinate with the Cooperative Safety Coordinator to provide accurate and timely information to the appropriate individuals during an emergency.

The public relations program should include:

1. Regular news releases concerning P.A.E.C. programs, policies, activities, and special event management for distribution by, for example, posting on the Cooperative website, using social media platforms, e.g., Facebook, Twitter, etc., or sending to the news media.
2. News conferences and interviews, as requested or needed. The Board President and Executive Director will coordinate their respective media relations efforts. Individuals may speak for the Cooperative only with prior approval from the Executive Director.
3. Publications having a high quality of editorial content and effective format. All publications shall identify the Cooperative, school, department program, or classroom and shall include the name of the Executive Director, the Principal, and/or the author and the publication date.
4. Other efforts that highlight the Cooperative's programs and activities.

CROSS REF.: 2:110 (Qualifications, Term, and Duties of Board Officers)

Adopted: June 18, 2020

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **8:20 Community Use of School Facilities**

P.A.E.C. facilities are available to community organizations during non-school hours when such use does not: (1) interfere with any school function or affect the safety of students or employees, or (2) affect the property or liability of the Cooperative. The use

of P.A.E.C. facilities for school purposes has precedence over all other uses. The Cooperative reserves the right to cancel previously scheduled use of facilities by community organizations and other groups. The use of P.A.E.C'S facilities requires the prior approval of the Executive Director or designee and is subject to applicable procedures.

Persons on school premises must abide by the Cooperative's conduct rules at all times.

Student groups, school-related organizations, government agencies, and non-profit organizations are granted the use of P.A.E.C's facilities at no costs during regularly staffed hours. Facilities and grounds will not be made available to individuals for personal or social reasons or to business enterprises for commercial gain. All non-school sponsored groups, before using the facilities during non-regularly staffed hours, must provide a certificate of insurance naming the Cooperative as an *additional* insured or otherwise show proof of insurance. Fees and costs shall apply during non-regularly staffed hours and to other organizations granted use of facilities at any time. A fee schedule and other terms of use shall be prepared by the Executive Director and be subject to annual approval by the Board.

LEGAL REF.:

20 U.S.C. §7905, Boy Scouts of America Equal Access Act.

10 ILCS 5/11-4.1, Election Code.

105 ILCS 5/10-20.41, 5/10-22.10, and 5/29-3.5.

Good News Club v. Milford Central School, 533 U.S. 98 (2001).

Lamb's Chapel v. Center Moriches Union Free School District, 508 U.S. 384 (1993).

Rosenberger v. Rector and Visitors of Univ. of Va., 515 U.S. 819 (1995).

CROSS REF.: 7:330 (Student Use of Building - Equal Access), 8:25 (Advertising and Distributing Materials in Schools Provided by Non-School Related Entities), 8:30 (Visitors to and Conduct on School Property)

Adopted: June 21, 2023

## **Proviso Area for Exceptional Children (P.A.E.C.)**

### **8:25 Advertising and Distributing Materials in Schools Provided by Non-School Related Entities**

- A. Advertising and Posting or Distributing Materials or Literature in P.A.E.C. Schools or on P.A.E.C. Grounds

P.A.E.C. has not established an open forum for the distribution of advertising, material or literature by non-school related individuals or entities. No advertising, material or



literature shall be posted or distributed by a non-school related individual, group, company, or community-based organization that would: (1) disrupt the educational process, (2) violate the rights or invade the privacy of others, (3) infringe on a trademark or copyright, (4) be defamatory, obscene, vulgar, or indecent, or (5) advance or oppose religion or related interests except as set forth in Section D below, (6) advance or oppose a political agenda, interest or candidate except as set forth in Section D below. In all respects, it is the intent of the Governing Board that the content of any advertising, material or literature distributed by non-school related individuals or entities be limited and in accordance with this Policy, be neither controversial nor disruptive, and be appropriate to the mission of P.A.E.C. and P.A.E.C.'s pedagogical concerns.

#### B. Community, Educational, Charitable, or Recreational Organizations

Also subject to Section A above, community, educational, charitable, recreational, or similar groups may, under procedures established by the Executive Director, advertise events pertinent to students' interests or involvement. This may include displaying posters in areas reserved for community posters, having flyers distributed to students, or being included in the school's or Cooperative's website where appropriate. All material and literature must be student-oriented and have the sponsoring organization's name prominently displayed.

#### C. Commercial Companies and Political Candidates or Parties

Commercial companies and political candidates or organizations are prohibited from advertising, posting, or distributing materials in P.A.E.C. schools, on P.A.E.C. grounds, or on P.A.E.C.'s websites.

#### D. Religion or Political Materials

Material that advances or opposes religion or related interests, or advances or opposes a political agenda, interest, or candidate, will not be accepted for posting or distribution, except when used as part of the curriculum.

#### LEGAL REF.:

Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384 (1993).

Berger v. Rensselaer Central Sch. Corp., 982 F.2d 1160 (7th Cir. 1993), *cert. denied*, 113 S.Ct. 2344 (1993).

Sherman v. Community Consolidated Sch. Dist. 21, 8 F.3d 1160 (7th Cir. 1993), *cert. denied*, 8 F.3d 1160 (1994).

Hedges v. Wauconda Community Unit Sch. Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

Victory Through Jesus Sports Ministry v. Lee's Summit R-7 Sch. Dist., 640 F.3d 329 (8th Cir. 2011), *cert. denied*, 565 U.S. 1036 (2011).

DiLoreto v. Downey Unified Sch. Dist., 196 F.3d 958 (9th Cir. 1999).

CROSS REF.: 7:325 (Student Fundraising Activities), 7:330 (Student Use of Buildings - Equal Access)

Adopted: July 26, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## 8:30 Visitors to and Conduct on School Property

The following definitions apply to this Policy:

**School property** - P.A.E.C. and school buildings, grounds, and parking areas; vehicles used for school purposes; and any location used for a Governing Board meeting, school athletic event, or other school-sponsored or school-sanctioned events or activities.

**Visitor** - Any person other than a student enrolled in a P.A.E.C. program or P.A.E.C. employee.

All visitors to P.A.E.C. property are required to report to the Principal's office and receive permission to remain on the property. All visitors must sign a visitors' log, show identification, and wear a visitor's badge. When leaving the building, visitors must return their badge. On those occasions when large groups of parents/guardians, friends, and/or community members are invited onto school property or when community members are attending Board meetings, visitors are not required to sign in but must follow school officials' instructions. Persons on school property without permission will be directed to leave and may be subject to criminal prosecution.

Except as provided in the next paragraph, any person wishing to confer with a staff member should contact that staff member to make an appointment. Conferences with teachers are held, to the extent possible, outside school hours or during the teacher's conference/preparation period.

The Cooperative expects mutual respect, civility, and orderly conduct among all people on P.A.E.C. property or at a P.A.E.C. event. No person on P.A.E.C. property or at a P.A.E.C. event (including visitors, students, and employees) shall perform any of the following acts:

1. Strike, injure, threaten, harass, or intimidate a staff member, Governing Board member, sports official or coach, or any other person.
2. Behave in an unsportsmanlike manner, or use vulgar or obscene language.
3. Unless specifically permitted by State law, possess a weapon, any object that can reasonably be considered a weapon or looks like a weapon, or any dangerous device.
4. Damage or threaten to damage another's property.
5. Damage or deface P.A.E.C. property.
6. Violate any Illinois law, or town or county ordinance.
7. Smoke or otherwise use tobacco products.
8. Distribute, consume, use, possess, or be impaired by or under the influence of an alcoholic beverage, cannabis, other lawful product, or illegal drug.
9. Be present when the person's alcoholic beverage, cannabis, other lawful product, or illegal drug consumption is detectable, regardless of when and/or where the use occurred.

10. Use or possess medical cannabis, unless he or she has complied with policy 7:270, *Administering Medicines to Students*, implementing *Ashley's Law*.
11. Impede, delay, disrupt, or otherwise interfere with any P.A.E.C. activity or function (including using cellular phones in a disruptive manner).
12. Enter upon any portion of P.A.E.C. premises at any time for purposes other than those that are lawful and authorized by the Governing Board.
13. Operate a motor vehicle: (a) in a risky manner, (b) in excess of 20 miles per hour, or (c) in violation of an authorized Cooperative employee's directive.
14. Engage in any risky behavior, including roller-blading, roller-skating, or skateboarding.
15. Violate other P.A.E.C. policies or regulations, or a directive from an authorized security officer or P.A.E.C. employee.
16. Engage in any conduct that interferes with, disrupts, or adversely affects the Cooperative or a  
P.A.E.C. function.

#### Convicted Child Sex Offender

State law prohibits a child sex offender from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present, unless the offender meets either of the following two exceptions:

1. The offender is a parent/guardian of a student attending a P.A.E.C. program who has notified the Principal of his or her presence at P.A.E.C. for the purpose of: (i) attending a conference with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion, or
2. The offender received permission to be present from the Governing Board, Executive Director, or Executive Director's designee. If permission is granted, the Executive Director or Governing Board President shall provide the details of the offender's upcoming visit to the Principal.

In all cases, the Executive Director, or designee who is a certified employee, shall supervise a child sex offender whenever the offender is in a child's vicinity.

#### Exclusive Bargaining Representative Agent

**Please refer to the applicable collective bargaining agreement(s).**

**For employees whose collective bargaining agreement does not address this subject:**

Upon notifying the Building Principal's office, authorized agents of an exclusive bargaining representative will be provided reasonable access to employees in the bargaining unit they represent in accordance with State law. Such access shall be conducted in a manner that will not impede the normal operations of P.A.E.C.

### Enforcement

Any staff member may request identification from any person on P.A.E.C. property; refusal to provide such information is a criminal act. The Principal or designee shall remove any person who refuses to provide requested identification.

Any person who engages in conduct prohibited by this policy may be ejected from or denied admission to P.A.E.C. property in accordance with State law. The person also may be subject to being denied admission to P.A.E.C. athletic or extracurricular events for up to one calendar year in accordance with the procedures below.

### Procedures to Deny Future Admission to Athletic or Extracurricular P.A.E.C. Events

Before any person may be denied admission to athletic or extracurricular P.A.E.C. events, the person has a right to a hearing before the Governing Board. The Executive Director may refuse the person admission pending such hearing. The Executive Director or designee must provide the person with a hearing notice, delivered or sent by certified mail with return receipt requested, at least 10 days before the Governing Board hearing date. The hearing notice must contain:

1. The date, time, and place of the Governing Board hearing,
2. A description of the prohibited conduct,
3. The proposed time period that admission to P.A.E.C. events will be denied, and
4. Instructions on how to waive a hearing.

### LEGAL REF.:

Nuding v. Cerro Gordo Community Unit School Dist., 313 Ill. App.3d 344 (4th Dist. 2000).

20 U.S.C. §7971 et seq., Pro-Children Act of 2001.

105 ILCS 5/10-20.5, 10-20.5b, 5/10-22.10, 5/22-33, 5/24-25, and 5/27-23.7(a).

115 ILCS 5/3(c), Ill. Educational Labor Relations Act.

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

410 ILCS 705/, Cannabis Tax and Regulation Act.

430 ILCS 66/, Firearm Concealed Carry Act.

720 ILCS 5/11-9.3, 5/21-1, 5/21-1.2, 5/21-3, 5/21-5, 5/21-5.5, 5/21-9, and 5/21-11.

CROSS REF.: 2:200 (Types of Board Meetings), 2:230 (Public Participation at Board Meetings and

Petitions to the Board), 4:170 (Safety), 5:50, (Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition), 6:250 (Community Resource Persons and Volunteers), 7:190 (Student Behavior), 7:270 (Administering Medicines to Students), 8:20 (Community Use of School Facilities), 8:32 (Observations and Evaluations of Students with Disabilities)

Adopted: January 17, 2024

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **8:32 Observations and Evaluations of Students with Disabilities**

The parents/guardians of Member District students with disabilities are encouraged to visit P.A.E.C. classes as observers.

The parents/guardians of Member District students with disabilities, qualified professionals retained by or on behalf of the parents/guardians and independent educational evaluators shall be permitted reasonable visits to any P.A.E.C. schools, facilities, buildings, or programs as provided in this Policy and Administrative Procedure *6:120-AP2, (Access to Classrooms and Personnel)*.

The parents/guardians of students attending P.A.E.C. programs shall be permitted reasonable visits to observe their child or their child's current or proposed educational placement, services, or program.

An independent educational evaluator or qualified professional retained by or on behalf of the parent/guardian shall be permitted reasonable visits to observe and/or to conduct an evaluation of a student or the student's current or proposed educational placement, services, or program. If an evaluation includes interviews with P.A.E.C. personnel, the interviews must be scheduled in advance of the visit with the Principal or other Administrator. The Principal or Administrator may limit interviews to only P.A.E.C. personnel who have information relevant to the student's current or proposed educational placement, services, or program.

LEGAL REF.:105 ILCS 5/14-8.02(g-5).

CROSS REF.:6:120 (education of Children with Disabilities), 8:30 (Visitors To and Conduct On School Property)

ADOPTED:October 11, 2011

### **Proviso Area for Exceptional Children (P.A.E.C.)**

## **8:32-E Exhibit - Request to Access Classroom(s) or Personnel for Special Education Evaluation and/or Observation Purposes**

Student name:DOB:

School attending:Grade:

The following information must be completed by individuals requesting to access a school building, facility, and/or educational programs or to interview P.A.E.C. personnel or the student named above for the purpose of assessing the student's special education needs. Please complete this form and return it to the Principal or Executive Director. He or she will contact you to coordinate your visit:

**Parent/Guardian** *(Complete this section if the person making the request is the parent/guardian.)*

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_

I am the parent/guardian of the above-named student and wish to observe my child in the following classroom/settings:

for the purpose of:

I am the parent/guardian of the above-named student and wish to observe the following classroom/settings which have been recommended for my child:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

for the purpose of:

\_\_\_\_\_  
\_\_\_\_\_

*Observations are limited to one (1) hour or one (1) class period per school quarter.*

**Independent Educational Evaluator or Qualified Professional on Behalf of the Parent/Guardian** *(Complete this section if the person making the request is not the parent/guardian.)*

Name: \_\_\_\_\_ Agency/Company: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ Email address: \_\_\_\_\_  
\_\_\_\_\_ Address: \_\_\_\_\_

My professional training and/or licensure or certification, if applicable, is (check all that apply):



- Teacher, certified in the areas of: Illinois certification? Y N
- Clinical Psychologist  School Psychologist
- Licensed Clinical Social Worker  Licensed Social Worker
- School Social Worker Occupational Therapist
- Physical Therapist  Speech/Language Pathologist
- Audiologist  Psychiatrist
- Registered Nurse  Certified School Nurse
- Assistive Technology Specialist
- Other qualified professional (list credentials):

I have been requested by the above named student's parent/guardian to conduct an evaluation of the student for the purpose of:

*Evaluations are limited to three (3) hours per school year, unless a longer duration of time is necessary as determined by the student's IEP team.*

As part of this evaluation, I am requesting the following for the length of time noted: *(check all that apply):*

Observation of student in the following classroom(s)/setting(s):

Duration: \_\_\_\_\_

Opportunity to interview the following personnel believed to work with the student or who work in program proposed for the student by the IEP team:

<u>Staff Person Name/Position</u>	<b>D</b>

Opportunity to interview the student. Duration:

I am requesting more than one hour or one class period for my evaluation for the following reason(s):

\_\_\_\_\_

Student records, as noted in the attached, signed Authorization to Release Student Record Information.

**Acknowledgement** *(To be completed by the person making the access request.)*

I understand that P.A.E.C. will allow me reasonable access to the school, school facilities, or educational programs or individual(s) I have requested as related to the purpose of my visit. I have been provided with a copy of 6:120-AP2, *Access to Classrooms and Personnel*, and agree to comply with its terms and conditions. I further understand that during my visit, I must honor all students' confidentiality rights and refrain from any re-disclosure of any information regarding other students that is obtained during my visit.

\_\_\_\_\_

Individual Requesting Access Signature

\_\_\_\_\_

Date

**Parent/Guardian Verification** *(Must be completed whenever an independent evaluator or other qualified professional on behalf of the parent/guardian requests access.)*

I, , am the parent/guardian of the above-named student, and I confirm that I have requested an evaluation of my child by the individual named herein, for the stated purpose(s). If requested above, I consent to my child being observed and interviewed by the named evaluator as part of this evaluation understanding that P.A.E.C. has not conducted a background check on the evaluator. I have no reason to believe the evaluator poses a safety risk to my child or others. I further understand and agree that it is my responsibility to notify P.A.E.C. in writing if I end my working relationship with the named evaluator prior to the completion of the tasks outlined herein and that P.A.E.C. otherwise will work with the evaluator to provide reasonable access to the school, school building, school facility, personnel, or my child at mutually agreed upon times and in a manner that is least disruptive to the school setting or my child's academic program.

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Parent/Guardian Signature

---

Date

ADOPTED: October 11, 2011

### **Proviso Area for Exceptional Children (P.A.E.C.)**

#### **8:70 Accommodating Individuals with Disabilities**

Individuals with disabilities shall be provided an opportunity to participate in all P.A.E.C.-sponsored services, programs, or activities and will not be subject to illegal discrimination. When appropriate, the Cooperative may provide to persons with disabilities aids, benefits, or services that are separate or different from, but as effective as, those provided to others.

To the extent required by law, the Cooperative will provide auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

Each service, program, website, or activity operated in existing facilities shall be readily accessible to, and useable by, individuals with disabilities. New construction and alterations to facilities existing before January 26, 1992, will be accessible when viewed in their entirety.

The Executive Director is designated the Title II Coordinator and shall:

1. Oversee the Cooperative's compliance efforts, recommend necessary modifications to the School Board, and maintain the Cooperative's final Title II self-evaluation document, update it to the extent necessary, and keep it available for public inspection for at least three years after its completion date.
2. Institute plans to make information regarding Title II's protection available to any interested party.

Individuals with disabilities should notify the Executive Director or Principal if they have a disability that will require special assistance or services and, if so, what services are required. This notification should occur as far in advance as possible of the P.A.E.C.-sponsored function, program, or meeting.

Individuals with disabilities may allege a violation of this Policy or federal law by reporting it to the Executive Director, or by filing a grievance under the Uniform Grievance Procedure.

#### LEGAL REF.:

Americans with Disabilities Act, 42 U.S.C. §§12101 et seq. and 12131et seq.; 28 C.F.R. Part 35.

Rehabilitation Act of 1973 §104, 29 U.S.C. §794 (2006).

105 ILCS 5/10-20.51.

410 ILCS 25/, Environmental Barriers Act.

71 Ill.Admin.Code Part 400, Illinois Accessibility Code.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 4:150 (Facility Management and Building Programs)

Adopted: June 21, 2023

### **Proviso Area for Exceptional Children (P.A.E.C.)**

#### **8:80 Gifts to the Cooperative**

The Governing Board appreciates gifts from any education foundation, other entities, or individuals. All gifts must adhere to each of the following:

1. Be accepted by the Board or, if less than \$500.00 in value, the Executive Director or designee. Individuals should obtain a pre-acceptance commitment before identifying the Cooperative, any school, or school program or activity as a beneficiary in any fundraising attempt, including without limitation, any Internet fundraising attempt.
2. Be given without a stated purpose or with a purpose deemed by the party with authority to accept the gift to be compatible with the Board's educational objectives and policies.
3. Be consistent with the Cooperative's mandate to provide equal educational and extracurricular opportunities to all students in the Cooperative as provided in Board policy 7:10, *Equal Educational Opportunities*. State and federal laws require the Cooperative to provide equal treatment for members of both sexes to educational

programing, extracurricular activities, and athletics. This includes the distribution of athletic benefits and opportunities.

4. Permit the Cooperative to maintain resource equity among its learning centers.
5. Be viewpoint neutral. The Executive Director or designee shall manage a process for the review and approval of donations involving the incorporation of messages into or placing messages upon school property.
6. Comply with all laws applicable to the Cooperative including, without limitation, the Americans with Disabilities Act, the Prevailing Wage Act, the Health/Life Safety Code for Public Schools, and all applicable procurement and bidding requirements.

The Cooperative will provide equal treatment to all individuals and entities seeking to donate money or a gift. Upon acceptance, all gifts become the Cooperative's property. The acceptance of a gift is not an endorsement by the Board, Cooperative, or school of any product, service, activity, or program.

The method of recognition is determined by the party accepting the gift.

#### LEGAL REF.:

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

105 ILCS 5/16-1.

23 Ill.Admin.Code §200.40.

CROSS REF.: 4:60 (Purchases and Contracts), 4:150 (Facility Management and Building Programs),

6:10 (Educational Philosophy and Objectives), 6:210 (Instructional Materials), 7:10 (Equal Educational Opportunities)

ADOPTED:December 17, 2015

REVIEWED: June 18, 2020

### **Proviso Area for Exceptional Children (P.A.E.C.)**

#### **8:95 Parental Involvement**

In order to assure collaborative relationships between students' families and the Cooperative, and to enable parents/guardians to become active partners in their children's education, the Executive Director shall develop administrative procedures to:

1. Keep parents/guardians thoroughly informed about their child's school and education.
2. Encourage parents/guardians to be involved in their child's school and education.

3. Establish effective two-way communication between parents/guardians and the Cooperative.
4. Seek input from parents/guardians on significant school-related issues.
5. Inform parents/guardians on how they can assist their children's learning.

The Executive Director shall periodically report to the Governing Board on the implementation of this Policy.

LEGAL REF.:

105 ILCS 5/10-20.5.

CROSS REF.:6:250 (Community Resource Persons and Volunteers), 8:10 (Connection with the Community)

Adopted: July 26, 2023

**Proviso Area for Exceptional Children (P.A.E.C.)**

## **8:110 Public Suggestions and Concerns**

The Board is interested in receiving suggestions and concerns from members of the community. Any individual may make a suggestion or express a concern by contacting P.A.E.C. or Member District's office. Community members who e-mail the Cooperative or any Cooperative employee or board member are expected to abide by the standards in Board policy 6:235, *Access to Electronic Networks*, and should, to the extent possible, limit their communications to relevant individuals. All suggestions and/or concerns will be referred to the appropriate level staff member or administrator who is most able to respond in a timely manner. Each suggestion or concern shall be considered on its merit.

### LEGAL REF.:

115 ILCS 5/14(c-5), Ill. Educational Labor Relations Act.

CROSS REF.: 2:140 (Communications To and From the Board), 2:230 (Public Participation at Board Meetings and Petitions to the Board), 2:260 (Uniform Grievance Procedure), 3:30 (Chain of Command), 6:235 (Access to Electronic Networks), 6:260 (Complaints about Curriculum, Instructional Materials and Programs), 8:10 (Connection with the Community)

Adopted: June 18, 2020

**Proviso Area for Exceptional Children (P.A.E.C.)**

