

SECTION 2 BOARD OF EDUCATION

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2.10 School District Governance

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

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

School 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 120/1.02.
105 ILCS 5/10-1, 5/10-10, 5/10-12, 5/10-16.7, and 5/10-20.5.

CROSS REF.: 1:10 (School District Legal Status), 2:20 (Powers and Duties of the School Board), 2:200 (Types of School Board Meetings), 2:220 (School Board Meeting Procedure)

2.20 Powers and Duties of the School Board

The powers and duties of the School Board generally include:

1. Formulating, adopting, and modifying School Board policies, at its sole discretion, subject only to mandatory collective bargaining agreements and State and federal law.
2. Employing a Superintendent and other personnel, making employment decisions, and dismissing personnel.
3. Directing, through policy, the Superintendent, in his or her charge of the District's administration.
4. Approving the annual budget, tax levies, major expenditures, payment of obligations, annual audit, and other aspects of the District's financial operation.
5. Entering contracts using the public bidding procedure when required.
6. Providing, constructing, controlling, supervising, and maintaining adequate physical facilities.
7. Approving the curriculum, textbooks, and educational services.
8. Evaluating the educational program and approving School Improvement and District Improvement Plans when they are required to be developed or revised.

9. Establishing and supporting student discipline policies designed to maintain an environment conducive to learning, including hearing individual student suspension or expulsion cases brought before it.
10. Establishing attendance units within the District and assigning students to the schools.
11. Establishing the school year.
12. Visiting District facilities.
13. Providing student transportation services.
14. Entering into joint agreements with other school boards to establish cooperative educational programs or provide educational facilities.
15. Complying with requirements in the Abused and Neglected Child Reporting Act. Specifically, each individual School Board member must, if an allegation is raised to the member during an open or closed School Board meeting that a student is an abused child as defined in the Act, direct or cause the School Board to direct the Superintendent or other equivalent school administrator to comply with the Act's requirements concerning the reporting of child abuse.
16. Communicating the schools' activities and operations to the community and representing the needs and desires of the community in educational matters.

LEGAL REF.: 105 ILCS 5/2-3.25d, 5/10-1 et seq., 5/17-1, and 5/27-1.115 ILCS 5/1 et seq. 325 ILCS 5/4. CROSS REF.: 1:10 (School District Legal Status), 2:10 (School District Governance), 2:80 (Board Member Oath and Conduct), 2:240 (Board Policy Development), 5:90 (Abused and Neglected Child Reporting)

School Board

2.20-E Exhibit - Waiver and Modification Request Process

Actor	Action
<p>Superintendent or designee</p>	<p>Develops a plan supporting a waiver or modification request that meets the criteria contained in 105 ILCS 5/2-3.25g.</p> <p>Based on the plan, completes ISBE’s preliminary application form.</p> <p>Districts may petition ISBE for a waiver or modification of the mandates in <u>The School Code</u> or ISBE administrative rules.</p> <p>For a waiver or modification of administrative rules or modification of <u>Code</u> mandates, the District must demonstrate that: (1) it can address the intent of the rule or mandate in a more effective, efficient, or economical manner, or (2) a waiver or modification of the rule or mandate is necessary to stimulate innovation or improve student performance.</p> <p>For a waiver of mandates in <u>The School Code</u>, a District must demonstrate the waiver is necessary to stimulate innovation or improve student performance. Waivers may not be requested from laws, rules, and regulations pertaining to special education, teacher certification, or teacher tenure and seniority.</p> <p>Identifies a date for a public hearing on the proposed waiver or modification request. If the request concerns a waiver or modification of Section 27-6 of <u>The School Code</u>, (physical education requirements) the public hearing must be held on a day <i>other than</i> on which a regular Board meeting is held.</p> <p>Publishes notice in a newspaper of general circulation within the District of the date, time, place, and general subject matter of a public hearing on the proposed waiver or modification request. This notice must be published at least 7 days before the hearing.</p> <p>Makes all arrangements for a special meeting if necessary.</p> <p>Notifies in writing all affected exclusive bargaining agents, as well as those State legislators representing the District, when a public hearing will be held on the District’s intent to seek a waiver or modification.</p>
<p>School Board</p>	<p>Holds a public hearing in an open meeting on the waiver or modification. Staff directly involved in its implementation, parents, and students must be allowed to testify. The time period for testimony must be separate from the time period set aside for public comment.</p> <p>On the hearing date or in a subsequent open meeting, deliberates on the draft plan and application supporting a waiver or modification request; decides whether to approve the plan and application as amended to include a description of the public hearing.</p> <p>A request for a waiver or modification of ISBE rules or for a modification of a mandate contained in <u>The School Code</u> must include a description of the public hearing.</p> <p>A request for waiver from a mandate contained in <u>The School Code</u> must include a description of the public hearing, including: the means of notice, the number of people in attendance, the number of people who spoke as proponents or opponents, a brief description of</p>

Actor	Action
	<p>their comments, and whether there were any written statements submitted.</p> <p>Either attests or authorizes the Superintendent to attest to compliance with all of the notification and procedural requirements.</p>
<p>Superintendent or designee</p>	<p>Within 15 days after approval by the School Board, submits the application to ISBE by certified mail, return receipt requested.</p>
<p>ISBE <i>For requests concerning a rule or a modification of <u>The School Code</u></i></p>	<p>No action is required to approve a requested waiver or modification. Disapproval of a request must occur within 45 days following its receipt.</p> <p>Files a report concerning any District appeal of requests disapproved by ISBE with the Senate and House of Representatives by March 1 and October 1 each year.</p>
<p>School Board <i>For requests concerning a rule or a modification of <u>The School Code</u></i></p>	<p>To appeal disapproval by ISBE of a request, notifies ISBE that the District is appealing the disapproval to the General Assembly.</p>
<p>ISBE <i>For requests of a waiver from a mandate in <u>The School Code</u></i></p>	<p>Reviews applications for completeness and files a report with Senate and House of Representatives by March 1 and October 1 each year.</p>
<p>General Assembly</p>	<p>No action is required to approve a waiver or appealed request. Disapproval of a request or appealed request must occur within 60 days after each house of the legislature next convenes after the report is filed by adoption of a resolution by a record vote of the majority of members elected in each house.</p>
<p>School Board</p>	<p>May seek to renew an approved waiver or modification; they may remain in effect up to 5 school years.</p>

2:30 School Board School District Elections ¹

School District elections are non-partisan, governed by the general election laws of the State, and include the election of School Board members, various public policy propositions, and advisory questions. ² School Board members are elected at the consolidated election held on the first Tuesday in April in odd-numbered years. ³ If, however, that date conflicts with the celebration of Passover, the consolidated election is postponed to the first Tuesday following the last day of Passover. ⁴ The canvass of votes is conducted by the election authority within 21 days after the election. ⁵

The School Board's election duties are:

1. The Board, by proper resolution, may place public policy propositions on the ballot. ⁶
2. The Board President, Secretary, and the member with the longest continuous service, whose nominating petition is not being challenged, compose the Education Officers Electoral Board to hear and rule on objections to candidate nominating petitions and voter petitions. ⁷
3. The Board Secretary or clerk serves as the local election official, assisted by designated representatives appointed by the Board. ⁸

LEGAL REF.: 10 ILCS 5/1-3, 5/2A-1.1 et seq., 5/10-9, 5/22-17, 5/22-18, and 5/28-1 et seq.
105 ILCS 5/9-1 et seq.

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

Revised 6/19/06

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State or federal law controls this policy's content.

² 105 ILCS 5/9-1 et seq., 10 ILCS 5/1-3, 5/2A-1.1 et seq., and 5/28-1 et seq.

³ 10 ILCS 5/2A-1.1.

⁴ 10 ILCS 5/2A-1.1a.

⁵ All local canvassing boards were abolished in 2006. The appropriate "election authority" (county clerk or election commission) canvasses the vote for school district elections (10 ILCS 5/1-8, added by P.A. 94-647, eff. 1-1-06). Any provision in The School Code to the contrary is superseded and ineffective. The election authority must canvass the vote within 21 days after the election (10 ILCS 5/22-17 and 5/22-18, as amended by P.A. 94-647). Within 28 days after the consolidated election, school boards must hold an organizational meeting to elect electing officers and fix a time and place for the regular meetings (105 ILCS 5/10-16). See policy 2:210, *Organizational School Board Meeting*.

⁶ To place a proposition on the ballot at a referendum, a school board must adopt a resolution citing the specific authorizing statute (10 ILCS 5/28-1 et seq.).

⁷ 10 ILCS 5/10-9.

⁸ 10 ILCS 5/10-1 et seq. and 5/17-22; 105 ILCS 5/9-1 et seq.

2.40 Board Member Qualifications

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

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

2.50 Board Member Term of Office

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

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

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

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

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

2.60 Board Member Removal From Office

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

Cross Ref.: 2.70

2.70 Vacancies on School Board - Filling Vacancies

Vacancy

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

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

Filling Vacancies

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

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

(1) Id. "Legal disability" is not defined, but must be interpreted consistently with other laws, e.g. laws prohibiting discrimination on the basis of a disability. A similar statute regarding the occurrence of vacancies on the State Board of Education provides guidance. It states that a vacancy occurs when: "a member if adjudicated to be a person under legal disability under the Probate Act of 1975, as amended, or a person subject to involuntary admission under the Mental Health and Developmental Disabilities Code."

2.80 Board Member Oath and Conduct

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

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

I further swear (or affirm) that:

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

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

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

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

The Board President will administer the oath in an open Board meeting; in the absence, of the President, the Vice President will administer the oath. If neither is available, the Board member with the longest service on the Board will administer the oath. ⁹

The Board adopts the Illinois Association of School Boards' "Code of Conduct for Members of School Boards." ¹⁰ A copy of the Code shall be displayed in the regular Board meeting room.

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

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

⁹ Optional - State law does not mandate how the oath is taken or administered. Use the following alternative if a board does not want anyone to administer the oath:

Each Board member who is taking office shall read the oath during an open meeting and swear or affirm to follow it as indicated in the oath.

¹⁰ Although national and state associations have developed codes of conduct, each board may find it helpful, as part of its self-evaluation process, to consider what behavior members expect from each other. The resulting ethics statement may serve as an important step in new member orientation when the statements may be reconsidered.

2.90 Board Self-Evaluation

The Board shall conduct periodic self-evaluations.

An effective program of School Board self-evaluation shall be conducted annually with a full member report to be given annually. The School Board accepts the responsibility for assessing its own operations.

Cross Ref.: 270.06

2.100 Board Member Conflict of Interest

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

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

No School Board member shall solicit or accept a gift that he or she has reason to believe is offered in an effort to influence his or her official position. The Board policy on *Limitations on Accepting Gifts, 5:130*, applies to Board members.

School Board

Ethics and Gift Ban ¹¹

Prohibited Political Activity

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

1. No employee shall intentionally perform any “political activity” during any “compensated time,” as those terms are defined herein. ¹²
2. No Board member or employee shall intentionally use any District property or resources in connection with any political activity. ¹³
3. At no time shall any Board member or employee intentionally require any other Board member or employee to perform any political activity: (a) as part of that Board member’s or employee’s duties, (b) as a condition of employment, or (c) during any compensated time off, such as, holidays, vacation, or personal time off.
4. No Board member or employee shall be required at any time to participate in any political activity in consideration for that Board member or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise; nor shall any Board member or employee be awarded additional compensation or any benefit in consideration for his or her participation in any political activity.

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

Limitations on Receiving Gifts ¹⁴

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

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

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.

¹¹ The State Officials and Employees Ethics Act (5 ILCS 430/1-1 et seq.) requires a policy on this subject matter and controls its content (5 ILCS 430/70-5). This policy contains items on which collective bargaining may be required. Any policy that impacts wages, hours, or terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. This policy concerns an area in which the law is unsettled.

The Ill. Attorney General developed a model ordinance to assist units of local government and school districts. The model ordinance provides that the local governmental entity will enforce the policy through quasi-criminal proceedings or through hiring an attorney to prosecute violators. These penal enforcement provisions present an obvious difficulty for school districts – the legislature has not specifically granted school districts the power to adopt penal ordinances and penalties. This sample policy, while based on the Attorney General’s model ordinance, does **not** contain penal provisions and penalties and it does **not** contemplate the hiring of an attorney to prosecute violators.

¹² In addition to constitutional free speech rights, 2 State laws must be considered when enforcing the State Officials and Employees Ethics Act. The first law, the Local Governmental Employees Political Rights Act, prohibits: (1) districts from inhibiting or prohibiting employees in the exercise their political rights, and (2) employees from using their employment to coerce or inhibit others in the free exercise of their political rights and from engaging in political activities while at work (50 ILCS 135/1 et seq.). The other law, the Personnel Record Review Act, prohibits districts from gathering records about an employee’s political activities unless the activities interfere with the performance of work duties or could cause the district financial liability (820 ILCS 40/9).

¹³ See also the Election Interference Prohibition Act which prohibits the use of public funds to “urge any elector to vote for or against any candidate or proposition,” (10 ILCS 5/9-25.1).

¹⁴ 5 ILCS 430/10-10 – 430/10-30.

2. Anything for which the Board member or employee, or his or her spouse or immediate family member, pays the fair market value.
3. Any: (a) contribution that is lawfully made under the Election Code, or (b) activities associated with a fund-raising event in support of a political organization or candidate.
4. Educational materials and missions.
5. Travel expenses for a meeting to discuss business.
6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other Board members or employees, or their spouses or immediate family members.
8. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are: (a) consumed on the premises from which they were purchased or prepared; or (b) catered. "Catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of a Board member or employee), if the benefits have not been offered or enhanced because of the official position or employment of the Board member or employee, and are customarily provided to others in similar circumstances.
10. Intra-governmental and inter-governmental gifts. "Intra-governmental gift" means any gift given to a Board member or employee from another Board member or employee, and "inter-governmental gift" means any gift given to a Board member or employee by an officer or employee of another governmental entity.
11. Bequests, inheritances, and other transfers at death.
12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

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

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

Enforcement

The Board President and Superintendent shall seek guidance from the Board attorney concerning compliance with and enforcement of this policy and State ethics laws. ¹⁵ The Board may, as necessary or prudent, appoint an Ethics Advisor for this task.

Written complaints alleging a violation of this policy shall be filed with the Superintendent or Board President. If attempts to correct any misunderstanding or problem do not resolve the matter, the Superintendent or Board President shall, after consulting with the Board attorney, either place the alleged violation on a Board meeting agenda for the Board's disposition or refer the complainant to Board policy 2:260, *Uniform Grievance Procedure*. A Board member who is related, either by blood or by marriage, up to the degree of first cousin, to the person who is the subject of the complaint, shall not participate in any decision-making capacity for the Board. If the Board finds it more likely than not that the allegations in a complaint are true, it shall notify the State's Attorney and/or consider disciplinary action for the employee. ¹⁶

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: ¹⁷

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.

¹⁵ This provision is consistent with IASB sample policy 2:160, *Board Attorney*.

¹⁶ The Attorney General's model ordinance includes the specific penalties from the Ethics Act (5 ILCS 430/50-5). Elsewhere the Act states that a "governmental entity **may** provide in [its] ordinance or resolution ... for penalties similar to those provided in this Act for similar conduct," (5 ILCS 430/70-10). Thus, school boards do not need to enact policy containing criminal sanctions. Rather, as provided in this sample policy, violations can be referred to the State's Attorney.

The Attorney General's guidance document provides for the unit of local government to use an Ethics Commission to manage complaints. A board that wants to use an Ethics Commission should replace this paragraph, after the first sentence, with the following:

As soon as possible after a complaint is filed, the Superintendent shall appoint a 3-member Ethics Commission. If the Superintendent is the subject of the complaint, the Board President shall perform this duty. Commission members may be any District resident, except that no person shall be appointed 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. If the Commission finds it more likely than not that the allegations in a complaint are true, it shall notify the State's Attorney and/or recommend disciplinary action for the employee.

¹⁷ 5 ILCS 430/5-15.

9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires.
11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office or for or against any referendum question.
13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate, or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

With respect to an employee whose hours are not fixed, “compensated time” includes any period of time when the employee is on premises under the control of the District and any other time when the employee is executing his or her official duties, regardless of location. **18**

“Prohibited source” means any person or entity who:

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

“Gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of a Board member or employee.

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

CROSS REF.: 5:120 (Ethics)

18 The Ethics Act prohibits employees from engaging in political activities on “compensated time” but does not define the term. “Compensated time” is easy to determine for employees with fixed working hours. Determining “compensated time” for a salaried employee who does not have obligatory hours of attendance is more difficult. For this reason, the term “compensated time” should include both the time when the employee is physically present on district premises as well as any other time when the employee is engaged in official duties.

Qualifications, Term, and Duties of Board Officers

The School Board officers are: President, Vice President, Secretary, and Treasurer. These officers are elected at the Board's organizational meeting.

President

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

1. Preside at all meetings;
2. Make all Board committee appointments, unless specifically stated otherwise;
3. Be permitted to attend and observe any meeting of a Board committee;
4. Represent the Board on other boards or agencies;
5. Serve as chairperson of the Education Officers Electoral Board which hears challenges to School Board candidate nominating petitions;
6. Sign official District documents requiring the President's signature, including Board minutes and Certificate of Tax Levy;
7. Call special meetings of the Board;
8. Review appeals of record access requests that were denied;
9. Ensure that a quorum of the Board is physically present at all Board meetings;
10. Administer the oath of office to new Board members; and
11. Serve as the Board's official spokesperson to the media.

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

The Vice President fills a vacancy in the Presidency.

Vice President

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

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

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

Secretary

The Secretary shall be a member of the Board who serves a 2-year term. The Secretary may receive reasonable compensation, not to exceed \$500 per year, as fixed by the Board at least 180 days before the beginning of the term. The Secretary shall perform or delegate the following duties:

1. Keep Board meeting minutes;
2. Prepare Board meeting agendas and provide them, along with prior meeting minutes, to Board members before the next meeting;
3. Mail meeting notification and agenda to news media who have officially requested copies;
4. Keep records of the Board's official acts, and sign them, along with the President, before submitting them annually to the Treasurer on the first Monday of April and October and on such other times as the Treasurer requests;

5. Report to the Treasurer on or before July 7, annually, such information as the Treasurer is required to include in the Treasurer's report to the Regional Superintendent;
6. Act as the local election authority for all School Board elections;
7. Arrange public inspection of the budget before adoption;
8. Publish required notices;
9. Sign official District documents requiring the Secretary's signature; and
10. Maintain Board policy, financial reports, publicity, and correspondence.

A permanent vacancy in the office of Secretary is filled by special Board election.

2.120

Board Member Development

School Board

Board Member Development ¹⁹

The School Board desires that its individual members learn, understand, and practice effective governance principles. ²⁰ The Board is responsible for Board member orientation and development. Board members have an equal opportunity to attend State and national meetings designed to familiarize members with public school issues, governance, and legislation.

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

Board Self-Evaluation

The Board will conduct periodic self-evaluations with the goal of continuous improvement. ²¹

New Board Member Orientation ²²

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

1. The Board President or Superintendent, or their designees, shall give each new Board member a copy of or online access to the Board Policy Manual, the Board's regular meeting minutes for the past year, and other helpful information including material describing the District and explaining the Board's roles and responsibilities.
2. The Board President or designee shall schedule one or more special Board meetings, or schedule time during regular meetings, for Board members to become acquainted and to review Board processes and procedures.
3. The Board President may request a veteran Board member to mentor a new member. ²³
4. All new members are encouraged to attend workshops for new members conducted by the Illinois Association of School Boards.

Candidates

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

LEGAL REF.: 5 ILCS 120/2.

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

¹⁹ This optional policy is up to the local board's discretion.

²⁰ The IASB "Foundational Principles of Effective Governance" is available online at www.iasb.com.

²¹ Boards are not required to conduct self-evaluations, but may hold a closed meeting with representatives of a State association authorized under Article 23 of The School Code for the purpose of discussing self-evaluation practices and procedures, or professional ethics (5 ILCS 120/2(B)(6)).

²² New board member orientation is a critical step in helping new board members become effective and in promoting a smooth functioning *new team*. The first paragraph should be customized to add references to the IASB policy services that the district receives (e.g., **PRESS**, **PRESS Online**, **School Board Policies Online**, and **PRESS Plus**).

²³ See 2:120-E, *Guidelines for Serving as a Mentor to a New School Board Member*.

2.125 Board Member Expenses ²⁴

No School Board member may 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. ²⁵

The Board may advance or reimburse members the actual and necessary expenses incurred while attending: ²⁶

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

Expense reimbursement is not guaranteed and Board members should seek pre-approval of expenses, except in situations when the expense is diminutive. ²⁷ A Board member must return to the District any portion of an expense advance not used. Members must submit an itemized, signed voucher to support any expense advanced or to seek expense reimbursement. The voucher must show the amount of actual expense, attaching receipts if possible. A Board member submitting a bill for a group function should record participating members' names on the receipt. Money shall not be advanced or reimbursed for: (1) the expenses of any person except the Board member, or (2) anyone's personal expenses.

The Superintendent shall review the submitted vouchers for compliance with this policy. ²⁸ If any voucher's compliance appears uncertain, the Superintendent shall notify the Board President, or Vice President if the voucher in question is from the President, as well as the Board member who submitted the voucher. The Superintendent shall include the voucher in the monthly list of bills that is presented to the Board for approval or rejection.

Registration

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

Transportation

The least expensive transportation will be used, providing that no hardship will be caused to the Board member. Board members will be reimbursed for: (See Board policy 2:110, *Qualifications, Term, and Duties of Board Officers.*)

1. Air travel at the coach or single class commercial airline rate. First class air travel will be reimbursed only if emergency circumstances warrant. The emergency circumstances must be explained on the expense voucher. Copies of airline tickets must be attached to the expense voucher.
2. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach airfare. Copies of tickets will be attached to the expense voucher 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

²⁴ State or federal law controls this policy's content.

²⁵ 105 ILCS 5/10-9, 5/10-10, and 5/22-1. The legal limit for board secretary compensation is \$500 (105 ILCS 5/10-14).

²⁶ Board members may not receive compensation for their services (Id.). The board, however, has the power to advance its members anticipated "actual and necessary expenses" incurred in attending only those meetings listed (105 ILCS 5/10-22.32). "Actual and necessary expenses" are those reasonably anticipated to be incurred on necessary travel and attendance days (105 ILCS 5/10-22.32).

²⁷ This paragraph's provisions are required by 105 ILCS 5/10-22.32, except the provisions requiring: (1) pre-approval, and (2) that participating members' names be included in a group bill.

²⁸ Nothing in this paragraph is required by law. However, the paragraph is consistent with the "IASB Principles of Effective Governance," i.e., that the board is responsible for itself.

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 voucher.
5. Taxis, airport limousines, or other local transportation costs.

Hotel/Motel Charges

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 voucher.

Meal Charges

Meal charges to the School District should represent "mid-fare" selections for the hotel/meeting facility or general area. ²⁹ Tips are included with the meal charges. Expense vouchers must explain the meal charges incurred.

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 voucher, attaching receipts if possible.

LEGAL REF.: 105 ILCS 5/10-22.32.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 2:110, (Qualifications, Term, and Duties of Board Officers) 2:120 (Board Member Development), 4:50 (Payment Procedures)

²⁹ Alternatively, a board could set a daily limit on meal costs, such as:
Board members will be reimbursed for meal costs and tips up to \$_____ per day.

2.130 Board-Superintendent Relationship

The School Board employs and evaluates the Superintendent and holds him or her responsible for the operation of the District in accordance with Board policies and State and federal law.

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

The Board considers the recommendations of the Superintendent as the District's Chief Executive Officer. The Board adopts policies necessary to provide general direction for the District and to encourage achievement of District goals. The Superintendent develops plans, programs, and procedures needed to implement the policies and directs the District's operations.

LEGAL REF.: 105 ILCS 5/10-16.7 and 5/10-21.4.

CROSS REF.: 3:40 (Superintendent)

2.140 Communications To and From the Board

Staff members, parents, and community members should submit questions or communications for the School Board's consideration to the Superintendent. The Superintendent shall provide the Board with a summary of these questions or communications and provide, as appropriate, his or her feedback regarding the matter. If contacted individually, Board members will refer the person to the appropriate level of authority, except in unusual situations. Board members' questions or communications to staff or about programs will be channeled through the Superintendent's office. Board members will not take private action that might compromise the Board or District. There is no expectation of privacy for any communication sent to the Board or its members individually, whether sent by letter, email, or other means.

Board Member Use of Electronic Mail

Email to, by, and among Board members, in their capacity as Board members, shall not be used for the purpose of discussing District business. Email among Board members shall be limited to: (1) disseminating information, and (2) messages not involving deliberation, debate, or decision-making. Email may contain:

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

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

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

2.150 Committees

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

Special Board Committees

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

Standing Board Committees

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

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

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

LEGAL REF.: 5 ILCS 120/1 et seq.
 105 ILCS 5/10-20.14 and 10/1 et seq.
 23 Ill.Admin.Code Part 226.

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

2.160 School Attorney

The School Board may select an attorney to serve as legal advisor to the Board and the Superintendent.

The school attorney serves on a retainer or other fee arrangement as the School Board and attorney determines in advance.

The attorney will:

1. Serve as counselor to the Board at regular meetings and at special meetings when requested by the Superintendent or School Board President;
2. Represent the District in any legal matter as requested by the School Board;
3. Provide written opinions on legal questions as requested by the Superintendent or School Board President;
4. Approve, prepare, or supervise the preparation of legal documents and instruments and perform such other legal duties as the School Board may request; and
5. Be available for telephone consultation.

The School Board shall retain the right to consult or employ other attorneys on matters of special concern and to terminate the service of any attorney.

2.190 Mailing Lists for Receiving Board Material

The Superintendent shall maintain a mailing list of the names and addresses each year of persons who file a written request to be on such a list. Those persons shall be mailed copies of the following, provided they have pre-paid the subscription fee, pro-rated if subscribing less than one year:

1. Board Agenda
2. Budgets
3. Audits
4. Official Board Minutes which will be mailed within 10 days after approval.

The subscription fee will be set annually to cover reproduction and mailing costs. The subscription period shall be the same as the District's fiscal year.

2.200 Types of School Board Meetings

General

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

Regular Meetings

The School Board announces the time and place for its regular meetings at the beginning of each fiscal year. The Superintendent shall prepare and make available the calendar of regular School Board meetings. Meeting dates may be changed with 10 days' notice in accordance with State law.

A meeting agenda shall be posted at the District's main office and the Board's meeting room, or other location where the meeting is to be held, at least 48 hours before the meeting. Items not specifically on the agenda may still be considered during the meeting.

Closed Meetings

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

1. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity. 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. The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired. 5 ILCS 120/2(c)(5).
6. The setting of a price for sale or lease of property owned by the public body. 5 ILCS 120/2(c)(6).
7. The sale or purchase of securities, investments, or investment contracts. 5 ILCS 120/2(c)(7).
8. Security procedures and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. 5 ILCS 120/2(c)(8).
9. Student disciplinary cases. 5 ILCS 120/2(c)(9).
10. The placement of individual students in special education programs and other matters relating to individual students. 5 ILCS 120/2(c)(10).

11. Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting. 5 ILCS 120/2(c)(11).
12. The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member. 5 ILCS 120/2(c)(12).
13. Self-evaluation, practices and procedures, or professional ethics, when meeting with a representative of a statewide association of which the public body is a member. 5 ILCS 120/2(c)(16).

2.210 Organizational School Board Meeting

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

At the organizational meeting the following shall occur:

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

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

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

2.220 School Board Meeting Procedure

Agenda

The Board President is responsible for focusing the Board meeting agendas on appropriate content. The Superintendent shall prepare agendas in consultation with the Board President. The President shall designate a portion of the agenda as a consent agenda for those items that usually do not require discussion or explanation before School Board action. Any Board member may request the withdrawal of any item under the consent agenda for independent consideration.

Items submitted by School Board members to the Superintendent or the President shall be placed on the agenda. District residents may suggest inclusions for the agenda. Items not specifically on the agenda may still be discussed during the meeting.

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

The Board President shall determine the order of business at regular School 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 School 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. ³⁰ The sequence for casting votes shall be rotated.

On all questions involving the expenditure of money and on all questions involving the closing of a meeting to the public, a roll call vote shall be taken and entered in the Board’s minutes.

Minutes

The Board Secretary shall keep written minutes of all School 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. School Board members recorded as either present or absent;
3. A summary of the discussion on all matters proposed, deliberated, or decided, and a record of any votes taken;
4. On all matters requiring a roll call vote, a record of who voted “yea” and “nay”;
5. If the meeting is adjourned to another date, the time and place of the adjourned meeting;
6. The vote of each member present when a vote is taken to hold a closed meeting or portion of a meeting, and the reason for the closed meeting with a citation to the specific exception contained in the Open Meetings Act authorizing the closed meeting;
7. A record of all motions, the members making the motion and the second; and
8. The type of meeting, including any notices and, if a reconvened meeting, the original meeting’s date.

The minutes shall be submitted to the School Board for approval or modification at its next regularly scheduled open meeting.

³⁰ In most situations, the failure of a member to vote has the effect of acquiescence or concurrence with the majority of votes cast. *Prosser v. Village of Fox Lake*, 438 N.E.2d 134 (1982). Exceptions include when a statute requires the “affirmative vote” of a majority or extra-majority (e.g., the statutory exceptions listed in the footnote above).

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

The School Board's meeting minutes must be submitted to the Board's Treasurer on the first Monday of April and October, and at other times as the Treasurer may require.

The official minutes are in the custody of the Board Secretary. Open meeting minutes are available for inspection during regular office hours within 7 days after the Board's approval; they may be inspected in the District's main office, in the presence of the Secretary, the Superintendent or designee, or any School Board member. Minutes from closed meetings are likewise available, but only if the School Board has released them for public inspection. The minutes shall not be removed from the Superintendent's office except by vote of the School Board or by court order.

The Board's open meeting minutes shall be posted on the District website within 7 days after the Board approves them; the minutes will remain posted for at least 60 days.

Verbatim Record of Closed Meetings

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

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

Individual Board members may listen to verbatim recordings when that action is germane to their responsibilities. 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 School Board constitutes a quorum.

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

Rules of Order

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

Broadcasting and Recording Board Meetings

Any person may record or broadcast an open School Board meeting. Requests for special needs, such as seating, writing surfaces, lighting, and access to electrical power, should be directed to the Superintendent at least 2 hours before the meeting.

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

LEGAL REF.: 5 ILCS 120/2a, 120/2.02, 120/2.05, and 120/2.06.
105 ILCS 5/10-6, 5/10-7, 5/10-12, and 5/10-16.
Prosser v. Village of Fox Lake, 438 N.E.2d 134 (1982).

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

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

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

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

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

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

School Board governance requires written policies. Written policies ensure legal compliance, establish board processes, articulate District ends, delegate authority, and define operating limits. Board policies also provide the process for monitoring progress toward district ends.

Policy Development

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

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

The Superintendent is responsible for: (1) providing relevant policy information and data to the Board, (2) notifying those who will be affected by a proposed policy and

obtaining their advice and suggestions, and (3) having policy recommendations drafted into written form for Board deliberation. The Superintendent shall seek the counsel of the school attorney when appropriate.

Policy Adoption and Dissemination

Policies or policy revisions will not be adopted at the Board meeting at which they are first introduced, except when appropriate for a consent agenda because no Board discussion is required, or to meet emergency conditions of special events. Further Board consideration will be given at a subsequent meeting(s) and after the opportunity for community input.

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

Board Policy Review and Evaluation

The School Board will monitor its policies and consider whether any modifications are required. The Board may use an annual policy review calendar.

Superintendent Implementation

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

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

Suspension of Policies

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

2.240 Board Policy Development

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

Policy Development

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

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

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

Policy Adoption and Dissemination

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

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

Board Policy Review and Monitoring

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

Superintendent Implementation

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

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

Suspension of Policies

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

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

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

2.250 Access to District's Public Records

The District's "public records" are those documents, tapes, photographs, letters, and any other recorded information or material, regardless of physical form or characteristic, that were prepared, used, received, or possessed by, or under the control of, the District, a school, a school official, or an employee. Public records shall be preserved and cataloged, including e-mail messages, if they: (1) are evidence of the District's organization, function, policies, procedures, or activities, or (2) contain informational data appropriate for preservation. Public records that are required to be preserved and cataloged may be destroyed when authorized by the Local Records Commission.

The Superintendent or designee shall respond to requests made under the Illinois Freedom of Information Act from anyone desiring access to and/or copying of a District's public record. The Superintendent or designee shall approve the request, unless:

1. The requested material is:
 - a. Not a "public record" as defined in this policy;
 - b. Exempt from inspection and copying by the Freedom of Information Act or any other State or federal law; or
 - c. Not required to be preserved or cataloged; or
2. Complying with the request would be unduly burdensome.

When responding to a request for a record containing both exempt and non-exempt material, the Superintendent or designee shall delete exempt information from the record before complying with the request. The Board President or Superintendent shall report to the Board at each regular meeting any Freedom of Information Act requests as well as the status of the response.

The Superintendent shall implement this policy with administrative procedures. The Board sets copy fees periodically.

Cross Ref.: 5.150 (personnel records), 7.340 (student records)

2.260 School Board **Uniform Grievance Procedure** ³¹

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

1. Title II of the Americans with Disabilities Act;
2. Title IX of the Education Amendments of 1972;
3. Section 504 of the Rehabilitation Act of 1973;
4. Individuals With Disabilities Education Act, 20 U.S.C. §1400 *et seq.*;
5. Title VI of the Civil Rights Act, 42 U.S.C. §2000d *et seq.*;
6. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e *et seq.*;
7. Sexual harassment (Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972);
8. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children; **32**
9. Curriculum, instructional materials, and/or programs;
10. Victims' Economic Security and Safety Act, 820 ILCS 180;
11. Illinois Equal Pay Act of 2003, 820 ILCS 112;
12. Provision of services to homeless students; or
13. Illinois Whistleblower Act, 740 ILCS 174/1 *et seq.* **33**

The Complaint Manager will attempt to resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of a complaint filed hereunder shall not be

³¹ State or federal law requires this subject matter be covered by policy. State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

A grievance procedure is required by many civil rights acts and implementing regulations, including those listed. This policy consolidates all board grievance procedures into one policy, except those contained in collective bargaining agreements. The following policies refer to the uniform grievance procedure: Board policies, 5:10, *Equal Employment Opportunity*; 5:20, *General Personnel - Sexual Harassment*; 6:260, *Complaints About Curriculum; Instructional Materials, and Programs*; 7:10, *Equal Educational Opportunities*; 7:20, *Students - Sexual Harassment*; 8:70, *Accommodating Individuals with Disabilities*; and 8:110, *Public Suggestions and Complaints*.

Employee grievance procedures are a mandatory subject of bargaining and cannot be changed without the employee exclusive representative's consent. This policy is in addition to, and not a substitute for, the employee grievance procedure contained in a collective bargaining agreement.

³² Parents/guardians of educationally disadvantaged children may sue a district for misuse of funds allocated by State law for the benefit of such children. *Noyola v. Board of Education*, 671 N.E.2d 802 (Ill.App.1, 1996).

³³ The Illinois Whistleblower Act, 740 ILCS 174 *et seq.*, as amended by P.A. 95-128, includes school districts in the definition of employer. It protects employees from employer retaliation for disclosing information to a government or law enforcement agency. Section 15 of the Whistleblower Act also contains language prohibiting employers from retaliating against employees who disclose information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding where the employee has reasonable cause to believe that the information reveals a violation of a State or federal law, rule or regulation. The Public Act also amends the Illinois Whistleblower Reward and Protection Act (740 ILCS 175/1 *et seq.*). Its definition of "State" includes school districts. A strict interpretation of this language appears to allow school boards to collect civil penalties and civil action costs for violation of Section 3. School boards should thoroughly investigate the ramifications of this Public Act in consultation with their attorney and liability insurance carriers.

impaired by the person's pursuit of other remedies. 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. All deadlines may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, "school business days" means days on which the District's main office is open.

Filing a Complaint

A person (hereinafter Complainant) who wishes to avail him or herself of this grievance procedure may do so by filing a complaint with any District Complaint Manager. The Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same gender. The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with a student's parent(s)/guardian(s). The Complaint Manager shall assist the Complainant as needed.

Investigation

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. ³⁴ 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 (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

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

Within 30 school business days of the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Superintendent. The Complaint Manager may request an extension of time. If a complaint of sexual harassment contains allegations involving the Superintendent, the written report shall be filed with the Board, which will make a decision in accordance with Section 3 of this policy. The Superintendent will keep the Board informed of all complaints.

Decision and Appeal

Within 5 school business days after receiving the Complaint Manager's report, the Superintendent shall mail his or her written decision to the Complainant by U.S. mail, first class, as well as the Complaint Manager.

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

³⁴ The Ill. sex equity regulations require districts to have "specific timelines for completion of each step and rendering of a written decision, and shall provide for final appeal of grievance decisions made at the system level to the system's governing board" (23 Ill.Admin.Code §200.40). To avoid arguments over these timelines, this sample policy provides that the failure to strictly follow the timelines does not prejudice any party. The grievance procedure is worthless if complaints are not thoroughly and promptly investigated.

Within 5 school business days of the Board’s decision, the Superintendent shall inform the Complainant of the Board’s action. **35**

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

Appointing Complaint Managers

The Superintendent shall appoint at least 2 Complaint Managers, one of each gender. The District’s Nondiscrimination Coordinator, if any, may be appointed a Complaint Manager. The Superintendent shall insert into this policy the names, addresses, and telephone numbers of current Complaint Managers. **36**

Complaint Managers:

Name	Name
Darrell Gummert	Leslie Carder
Address	Address
600 South Locust	7215 Old Hwy 50
Flora, IL 62839	Flora, IL 62839
Telephone 618-662-8316	Telephone 618-662-2226

35 ISBE is authorized “[t]o hear and determine all controversies arising under the school laws of the State, coming to it by appeal from a regional superintendent of schools,” (105 ILCS 5/2-3.8, 5/3-10).

36 Title IX regulations require districts to identify the name, address, and telephone number of the person who is responsible for coordinating the district’s compliance efforts. A policy should not be adopted with a person’s name in it; rather, the identifying information can be added and amended as necessary.

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.
Americans With Disabilities Act, 42 U.S.C. §12101 et seq.
Equal Pay Act, 29 U.S.C. §206(d).
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
Individuals With Disabilities Education Act, 20 U.S.C. §1400 et seq.
McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.
Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.
Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.
105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-22.5, 5/22-19, 5/24-4, 5/27.1, and 45/1-15.
Illinois Whistleblower Act, 740 ILCS 174/1 et seq.
775 ILCS 5/1-101.
Victims' Economic Security and Safety Act, 820 ILCS 180, 56 Ill.Admin.Code Part 280.
Equal Pay Act of 2003, 820 ILCS 112.
23 Ill.Admin.Code §§1.240 and 200-40.

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