

**BOARD OF EDUCATION POLICY MANUAL
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General Personnel

Equal Employment Opportunity and Minority Recruitment

The School District shall provide equal employment opportunities to all persons regardless of their race, color, creed, religion, national origin, sex, sexual orientation, age, ancestry, marital status, arrest record, military status, order of protection status, or unfavorable military discharge, citizenship status provided the individual is authorized to work in the United States, use of lawful products while not at work, being a victim of domestic or sexual violence, genetic information, physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation, and other legally protected categories.

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 initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws, rules or regulations, provided the employee or applicant did not make a knowingly false accusation nor provide knowingly false information.

Administrative Implementation

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

Nondiscrimination Coordinator:

Dr. Douglas W. Rudig

Name

8201 W. Fullerton Avenue

Address

Elmwood Park, IL 60707

708-583-5831

Telephone

Complaint Manager:

Dr. Douglas W. Rudig

Name

8201 W. Fullerton Avenue

Address

Elmwood Park, IL 60707

708-583-5831

Telephone

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

Minority Recruitment

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

ADOPTED: August 19, 1998

REVISED

FIRST READING: February 16, 2010

REVISED

SECOND READING: March 17, 2010

REVISED ADOPTED: March 17, 2010

General Personnel

Sexual Harassment

The School District shall provide employees an employment environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting sexual harassment as defined and otherwise prohibited by State and federal law.

District employees shall not make sexual advances or request sexual favors or engage in any 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 verbal or physical conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct which has the effect of humiliation, embarrassment or discomfort. Sexual harassment will be evaluated in light of all the circumstances.

A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

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

Employees should report claims of sexual harassment to the Nondiscrimination Coordinator and/or use the *Uniform Grievance Procedure*, Board policy 2:260. Employees may choose to report to a person of the employee's same sex. Initiating a complaint of sexual harassment shall not adversely affect the complainant's employment, compensation, or work assignments.

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

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

Nondiscrimination Coordinator:

Name _____

Address _____

Telephone No. _____

Complaint Managers:

Name _____

Address _____

Telephone No. _____

The Superintendent shall also use reasonable measures to inform staff members and applicants of this policy, which shall include reprinting this policy in the appropriate handbooks.

LEGAL REF.: Title VII of the Civil Rights Act, 42 U.S.C. § 2000e et seq., 29 C.F.R. § 1604.11.
Title IX of the Education Amendments, 20 U.S.C. § 1681 et seq.
Meritor Savings Bank v. Vinson, 106 S.Ct. 2399 (1986).
Harris v. Forklift Systems, 114 S.Ct. 367 (1993).
775 ILCS 5/2-102(D) et seq.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10, 7:20

ADOPTED: August 19, 1998

General Personnel

Hiring Process and Criteria

The District hires the most qualified personnel consistent with budget and staffing requirements and in compliance with School Board policy on equal employment opportunity and minority recruitment. The Superintendent is responsible for recruiting personnel and making hiring recommendations to the Board. If the Superintendent's recommendation is rejected, the Superintendent must submit another. No individual will be employed who has been convicted of a criminal offense listed in Section 5/21-23a of The School Code. No substitute teacher will be employed without first presenting his or her certificate of authorization from the Regional Superintendent.

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

Job Descriptions

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

Investigations

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

The Superintendent or designee may ensure that an applicant's credit history or report from a consumer reporting agency is used only when a satisfactory credit history is an established bona fide occupational requirement of a particular position.

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

The District retains the right to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in Section 5/21-23a of The School Code or who falsifies, or omits facts from, his or her employment application or other employment documents.

Physical Examinations

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

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

Orientation Program

The District's staff will provide an orientation program for new employees to acquaint them with the District's policies and procedures, the school's rules and regulations, and the responsibilities of their position.

CROSS REF.: 3:50 (Administrative Personnel Other Than the Superintendent), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:40 (Communicable and Chronic Infectious Disease), 5:280 (Educational Support Personnel - Duties and Qualifications)

ADOPTED: August 19, 1998

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REVISED ADOPTION: March 16, 2011

General Personnel

Administrative Procedure - Interview Questions

The anti-discrimination laws affect all steps of the employee hiring process. Knowledge of the characteristics on which these laws prohibit inquiry is especially critical when conducting interviews. Sloppy interview practices can result in the appearance of illegal discrimination or even actual discrimination.

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

Protected Status	Do not ask	Permissible to ask
Race and color	What race are your parents?	
Alienage, ancestry, national origin, nationality, and citizen status (provided the individual is authorized to work in the U.S.)	In what country were you born? In what country were your parents born? Are you a naturalized citizen?	Are you legally authorized to work in the United States? What languages do you read, speak, or write fluently?
Marital status	Are you married? Single? Divorced? Engaged? Are you living with someone? Would your spouse move with you if you got this position? What is your maiden name?	
Gender, including parent and pregnancy status	What are your future family plans? Are you pregnant? Do you have children? What are their ages? Do you have child care?	Is there anything that would interfere with regular work attendance? Are you available to work overtime?
Sexual orientation, including actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity	Do you have a spouse or partner – which?	How do you feel about supervising a diverse workplace?
Religion or creed	What religious holidays do you celebrate?	What days are you available to work?

Protected Status	Do not ask	Permissible to ask
Age	When do you plan to retire? How would you feel about working for someone younger than you?	What are your long-term career goals?
Military status	Will you miss work because you are a member of a U.S. Reserve unit, such as, Army Reserve or Marine Corps Reserve, or a member of a National Guard unit?	How does your military training or experience prepare you for this job?
Unfavorable discharge from military service	Under what circumstances were you discharged from the service?	
Arrest record	Have you ever been arrested? Spent time in jail?	Have you ever been convicted of a crime? Have you ever been employed under a different name?
Use of lawful products during non-working hours	Do you smoke or use tobacco products during non-working hours? Do you consume alcoholic beverages during non-working hours?	Have you been disciplined by an employer for violating its rules forbidding the use of alcohol or tobacco products?
Genetic information	What were the results of any diagnostic, predictive, or pre-symptomatic genetic testing that you've had?	See section on <i>disability</i> below.
Whether applicant has ever filed a claim or received benefits under the Illinois Workers' Compensation Act or Workers' Occupational Diseases Act	Have you ever filed a claim or received benefits under the Illinois Worker's Compensation Act or Workers' Occupational Disease Act?	
Credit history/report, unless the Employee Credit Privacy Act permits a satisfactory credit history to be a job requirement, such as, the position's duties include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more. 820 ILCS 70/, added by P.A. 96-1426.	Unless the Employee Credit Privacy Act permits a satisfactory credit history to be a job requirement for a specific position, do not ask: Do you have a good credit score? Have you been denied a credit card within last 5 years? Have you ever filed bankruptcy?	How long have you lived at your current address?

Disability

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

Protected Status	Do not ask	Permissible to ask, provided all applicants are asked
Disability	<p>Have you had any recent illnesses or operations?</p> <p>Do you have AIDS?</p> <p>Do you have asthma?</p> <p>Do you have a disability which would interfere with your ability to perform the job?</p> <p>How many days were you sick last year?</p> <p>Have you ever filed for Workers' Compensation?</p> <p>Have you ever been injured on the job?</p> <p>How much alcohol do you drink each week?</p> <p>Have you ever been treated for alcohol problems?</p> <p>Have you ever been treated for mental health problems?</p> <p>What prescription drugs are you currently taking?</p>	<p>Can you perform the functions of this job (essential and/or marginal), with or without reasonable accommodation?</p> <p>Please describe/demonstrate how you would perform these functions (essential and/or marginal).</p> <p>Have you ever been disciplined (oral or written reprimand, suspension or termination) for attendance violations or problems?</p> <p>Are you a current user of illegal drugs?</p> <p>Do you have the required licenses to perform this job?</p>

General Personnel

Administrative Procedure - Investigations

Immigration Investigation

All newly hired employees must complete section one of the Immigration and Naturalization Service Form I-9 no later than 3 business days following their first working day (Immigration Reform and Control Act, 8 U.S.C. §1324a, 8 C.F.R. §274a.2). If an individual is unable to provide the required documents to complete it, the individual may present a receipt for the application of the required documents within 3 days of the hire. The individual must then present the required documents within 90 days of the hire. The Superintendent or designee completes section two of the Form I-9 and confirms the employee's information.

If the Employment Eligibility Verification System (E-Verify) is used to complete Form I-9, the Superintendent or designee will review the Ill. Dept. of Labor's website and its E-Verify factsheet, available at: www.state.il.us/Agency/idol/Forms/PDFs/everify.pdf. See, the Ill. Dept. of Labor Right to Privacy in the Workplace Act, 820 ILCS 55/12, amended by P.A. 96-623.

The completed Form I-9 shall be maintained in a file separate from other personnel records in order to prevent unauthorized review of personnel files. The Form I-9 shall be retained for a period of 3 years after the date of hire or one year after individual employment is terminated, whichever is later.

Criminal History Records Check

Note: These requirements are in 105 ILCS 5/10-21.9, amended by P.A. 96-1452 and 105 ILCS 5/21-9, amended by HB 5983, eff. 1-1-2011. See also the Sex Offender Community Notification Law (730 ILCS 152/101 *et seq.*); Child Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105); policy 4:170, *Safety*; and administrative procedure 4:170-AP2, *Criminal Offender Notification Laws*. A detailed "Guide to Understanding Criminal Background Check Information" is available at: www.isp.state.il.us/docs/5-727.pdf. **Important:** 20 ILCS 2630/5(h)(2)(A) outlines how an individual may petition to have an arrest record expunged by the arresting authority and the records of the arrest sealed by the circuit court clerk. It also details offenses for which an individual cannot have his or her conviction sealed.

The following individuals are responsible for the actions listed:

Applicant - Each applicant for employment in any position (except bus driver and substitute teacher) must provide a written authorization for a fingerprint-based criminal history records check at the time he or she submits the application.

Applicant for Substitute Teacher - Each applicant for any substitute teacher position must provide his or her certificate of authorization from the Regional Superintendent of Schools or Suburban Cook County Intermediate Service Center (P.A. 96-893), whichever is appropriate. See 105 ILCS 5/21-9(c), amended by HB 5863, eff. 1-1-2011.

Student Teacher - Each student teacher must provide payment of the costs of and a written authorization for his or her higher educational institution to perform a fingerprint-based criminal history records check and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database prior to participating in any field experiences in the District. See 105 ILCS 5/10-21.9(g), amended by P.A. 96-1452.

Applicant for Bus Driver - Each applicant for a bus driver position must complete the application required by the Secretary of State for a school bus driver permit (obtained from the District) and submit it to the District along with the necessary fingerprint submission as required by the Department of State Police to conduct a fingerprint-based criminal history records check. The Superintendent or designee will conduct a pre-employment interview with prospective school bus driver candidates, distribute school bus driver applications and medical forms, and submit the applicant's fingerprint cards to the Department of State Police. The Superintendent or designee will certify in writing to the Secretary of State that all pre-employment conditions have been successfully completed, including the successful completion of a criminal history records check as required by State law. The applicant must present the certification to the Secretary of State at the time of submitting the school bus driver permit application. See 625 ILCS 5/6-106.1, amended by P.A. 96-962 and P.A. 96-1182 and 105 ILCS 5/10-21.9(g), amended by P.A. 96-1452.

Superintendent - Note: *Add any additional steps to efficiently receive a fingerprint-based criminal history records check.*

1. Fingerprint-Based Criminal History Records Check:

The Superintendent or designee completes the required forms in order to request a fingerprint-based criminal history records check from an appropriate police or live scan agency. For substitute teachers, the Superintendent ensures that the certificate of authorization from the Regional Superintendent of Schools or Suburban Cook County Intermediate Service Center, whichever is appropriate, is on file in the District (105 ILCS 5/21-9(c), amended by HB 5863, eff. 1-1-2011). For student teachers, the Superintendent works with the higher education institution where the student teacher is enrolled to obtain or ensure that the student teacher completes the required forms to request a fingerprint-based criminal history records check (105 ILCS 5/10-21.9(g), amended by P.A. 96-1452, see policy 5:260, *Student Teachers*).

This may include submitting the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers to the Department of State Police on the forms prescribed by it.

The Superintendent or designee will provide the applicant with a copy of the conviction record obtained from the Department of State Police. Required by 105 ILCS 5/10-21.9(b).

2. Check of the statewide offender databases. The Superintendent or designee performs a check for each applicant of:
- a. The Statewide Sex Offender Database (a/k/a Sex Offender Registry), www.isp.state.il.us/sor, as authorized by the Sex Offender Community Notification Law (730 ILCS 152/101 et seq.), and
 - b. The Statewide Child Murderer and Violent Offender Against Youth Registry (www.isp.state.il.us/cmvo/), as authorized by the Child Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105).

The Superintendent or designee notifies an applicant if the applicant is identified in the database as a sex offender. Required by 105 ILCS 5/10-21.9 (a-5), (a-6) and (b).

State Police and FBI - The Department of State Police and FBI furnish records of convictions (until expunged), pursuant to a fingerprint-based criminal history records check, to the School Board President or for a student teacher, the Superintendent and the higher education institution where the student teacher is enrolled. **Note:** The State Police and FBI must "furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board...". See 105 ILCS 5/10-21.9(a) and (g), amended by P.A. 96-1452.

Board President - The School Code requires the Board President to keep a conviction record confidential. The information may only be shared between the Board President, the Superintendent or designee, Regional Superintendent (if the check was requested by the District), State Superintendent of Schools, State Teacher Certification Board, any other person necessary to the hiring decision, or for clarification purposes, the Department of State Police and/or Statewide Sex Offender Database. See 105 ILCS 5/10-21.9(b), amended by P.A. 96-1452.

Regional Superintendent/Suburban Cook County Intermediate Service Center - Whenever an applicant is seeking employment in more than one District as either a substitute or part-time teacher or educational support personnel employee, the Superintendent or designee may require the applicant to authorize the Regional Superintendent or Suburban Cook County Intermediate Service Center, whichever is appropriate, to conduct the check. The Regional Superintendent or Suburban Cook County Intermediate Service Center, whichever is appropriate, also performs a check of the Statewide Sex Offender Database (www.isp.state.il.us/sor) as authorized by the Sex Offender Community Notification Law (730 ILCS 152/115) and the Violent Offender Against Youth Database (www.isp.state.il.us/cmvo/) as authorized by the Child Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105). See 105 ILCS 5/10-21.9 (a-5), (a-6) and (b).

Contractors - The above requirements for fingerprint-based criminal history records check apply to every employee or agent of any contractor if the employee or agent has direct, daily contact with students. **Note:** The provisions in 105 ILCS 5/10-21.9(f) apply to contractor's employees who have "direct, daily contact with students." Thus, districts must: (1) seek a fingerprint-based criminal history records check for all such employees, or (2) include a provision in the contract with the contractor that the contractor will obtain the fingerprint-based criminal history records check and submit it to the district. All contracts should require the contractor to purchase insurance to cover misconduct by their employees and/or an indemnification clause. Additionally, a district should check its own insurance coverage to determine whether employees of contractors are covered. See also policy 4:170, *Safety*, for the responsibilities of contractors.

District - The School District complies with 105 ILCS 5/10-21.9 and 5/21-23a. It will not knowingly employ a person, or allow a person work or student teach on school grounds, who:

1. Has been convicted of committing or attempting to commit any one or more of the following offenses:
 - a. Attempted first-degree murder or first-degree murder or any Class X felony.
 - b. Sex offenses as defined in Sections 11-6 and 11-9 through 11-9.5, inclusive, Sections 11-14 through 11-21, inclusive, Sections 11-23 (if punished as a Class 3 felony), 11-24, 11-25, and 11-26, and Sections 12-4.9, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-32, and 12-33 of the Criminal Code of 1961.
 - c. Those defined in the Cannabis Control Act, 720 ILCS 550/., except 720 ILCS 550/4(a), 550/4(b), and 550/5(a).
 - d. Those defined in the Illinois Controlled Substances Act, 720 ILCS 570/100 *et seq.*
 - e. Those defined in the Methamphetamine Control and Community Protection Act, 720 ILCS 646/.
 - f. Any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in Illinois, would have been punishable as one or more of the foregoing offenses.
2. Has been found to be the perpetrator of sexual or physical abuse of any minor less than 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

Reporting New Hires

The Superintendent or designee shall timely file an IRS Form W-4 or IDES New Hire Reporting Form for each newly hired employee with the Illinois Department of Employment Security. See 820 ILCS 405/1801.1.

GENERAL PERSONNEL

Nepotism

School District No. 401 prohibits the placement of employees within the same line of supervision where one relative is responsible for supervising the job performance or work activities of another relative.

A "relative" for purposes of this policy includes father, mother, brother, sister, spouse, domestic partner, son, daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or any relative by blood or marriage residing in the same household.

This policy shall apply to any person who is employed as a full-time, part-time, or temporary employee of School District No. 401.

The employment of relatives shall be permitted. However, no employee shall participate in the process of review, recommendation, and/or decision-making in any matter concerning hiring opportunities, salary, promotion, demotion, transfer, lay off, recall, work assignments, performance evaluation, reward, discipline, suspension or discharge of a relative as herein defined.

ADOPTION: June 22, 2005

General Personnel

Communicable and Chronic Infectious Disease

The Superintendent shall develop and implement procedures for dealing with known or suspected cases of a communicable and chronic infectious disease involving a District employee consistent with State and federal law, rules of the Illinois Department of Public Health, and School Board policies.

An employee with a communicable or chronic infectious disease shall be evaluated by the District's Communicable and Chronic Infectious Disease Review Team. The employee's medical records shall be held in strictest confidence by the Team, except to the extent allowed by law.

Employees with a communicable or chronic infectious disease will be permitted to retain their positions whenever, after reasonable accommodations and without undue hardship, there is no substantial risk of transmission of the disease to others, provided an employee is able to continue to perform the position's essential functions. Employees who cannot retain their positions shall remain subject to the Board's employment policies including sick leave, physical examinations, temporary and permanent disability, and termination. Determining whether an employee with a communicable or chronic infectious disease may retain his or her position will be made in accordance with established procedures.

The recommendation of whether the employee's placement is appropriate shall be made on a case-by-case basis by the District's Communicable and Chronic Infectious Disease Review Team.

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. § 12101 et seq.
Rehabilitation Act of 1973, 29 U.S.C. § 791.
820 ILCS 40/1 et seq.
20 ILCS 2305/6.
105 ILCS 5/24-5.
Rules and Regulations for the Control of Communicable Diseases, issued by the
Illinois Department of Public Health.

CROSS REF.: 2:150, 5:30, 5:180

ADOPTED: August 19, 1998

General Personnel

Administrative Procedure - Communicable and Chronic Infectious Disease

The following procedures will be implemented when a District employee has been diagnosed by a physician to have a communicable and chronic infectious disease. A copy of the procedures will be available upon request.

- I. Evaluation of the employee's condition
 - A. The employee who has or is suspected of having a communicable and chronic infectious disease will inform the Superintendent immediately.
 - B. The Superintendent will inform the Communicable and Chronic Infectious Disease Review Team within 3 days.
 - C. The Communicable and Chronic Infectious Disease Review Team will meet within 3 days for the purpose:
 1. to meet with the employee or a member of the employee's family to review the status of the employee's health;
 2. to evaluate the employee and submit a written report with recommendations to the Superintendent.
 - D. The School Board will receive a report, both written and verbal, of the Communicable and Chronic Infectious Disease Review Team's evaluation from the Superintendent
 - E. The employee or a member of the employee's family will receive a report, both written and verbal, of the Communicable and Chronic Infectious Disease Review Team's evaluation from the Superintendent.
 - F. The employee may be required to submit to a physical examination, given by a physician chosen by the District, and paid for by the District.
- II. Monitoring employee's condition
 - A. The employee's health condition will be reviewed on a schedule determined by the Communicable and Chronic Infectious Disease Review Team. The team's employee status report will be given to the Superintendent.
 - B. Each status report will indicate an employment recommendation for the employee:
 1. continued employment at the same position
 2. continued employment but transfer to another position
 3. temporary exclusion from the work place
 4. dismissal

C. Employee dismissal

1. An employee on contractual continued service shall be dismissed in accordance with The School Code of Illinois, para. 24-12.
2. Other employees being considered for dismissal for reasons relating to a communicable and chronic infectious disease shall receive a written notice of the specific charges for dismissal from the Board of Education.
 - a. The employee, within 10 days and in writing, may request that a hearing with the Board of Education be scheduled.
 - b. If the employee requests no hearing, the decision of the Board of Education shall be final.
 - c. Any hearing before the Board of Education, a committee of the Board, or a Board-appointed hearing officer shall be held no later than 30 days after notice of the dismissal is given to the employee.
 - d. The Board, within 30 days, shall make a decision as to whether the employee's dismissal should be upheld or overturned. The Board's decision is final.

III. Employee health/medical records

- A. The Communicable and Chronic Infectious Disease Review Team shall establish medical records for the employee. These records shall be a part of the employee's personnel records.
- B. The employee's medical records shall be held in strictest confidence and shared only with those persons the Communicable and Chronic Infectious Disease Review Team designates as need-to-know.

General Personnel

Administrative Procedure - Universal Precautions

School personnel are advised to observe certain precautions in order to prevent direct and indirect transmission of infectious diseases. Although the AIDS virus (human immunodeficiency virus or HIV) has not been shown to be transmitted through casual contact, this agent can be present in blood or certain other body fluids. While body fluids such as saliva, sputum, urine, vomitus, and feces pose no risk of transmitting the HIV unless they contain visible blood, these excretions are certainly involved in the spread of other communicable diseases and should not be handled carelessly. The following precautions are recommended by the Centers for Disease Control for handling body fluids in schools and other settings.

1. Rubber gloves are available to and worn by personnel in cleaning up blood and body fluid spills.
2. Good hand washing, using soap and running water, after exposure to body fluids (including routine use of the toilet) should be taught and observed.
3. Open lesions on students and staff should be covered, if possible.
4. Soiled surfaces should be promptly cleaned with disinfectants such as household bleach mixed one part bleach to ten parts water, mixed fresh daily.
5. All disposable materials, including gloves, should be disposed of in a sealed plastic bag. Body fluids may be disposed of through the normal sewage system.

There is very little risk of transmission of the HIV in the traditional school setting, and that risk is reduced even further by following these guidelines concerning routine hygiene. It is essential that schools be prepared to treat children infected with HIV in as normal a way as possible while minimizing exposure of other children to infected blood and body fluids. Given their weakened immune status, children infected with the HIV may also need special consideration. The Cook County Department of Public Health will work with school personnel, parents, and physicians in developing a logical course of action in the event that either a student or employee of a suburban Cook County school is identified as being infected with the HIV.

General Personnel

Drug- and Alcohol-Free Workplace

All District workplaces are drug- and alcohol-free workplaces. All employees shall be prohibited from:

1. unlawful manufacture, dispensing, distribution, possession, use, or being under the influence of a controlled substance while on District premises or while performing work for the District.
2. distribution, consumption, use, possession, or being under the influence of alcohol while on District premises or while performing work for the District.

For purposes of this policy a controlled substance is one which 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.

As a condition of employment, each employee shall:

1. abide by the terms of the District 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 District premises or while performing work for the District, no later than 5 days after such a conviction.

In order to make employees aware of dangers of drug and alcohol abuse, the District will:

1. provide each employee with a copy of the District Drug- and Alcohol-Free Workplace policy;
2. post notice of the District Drug- and Alcohol-Free Workplace policy in a place where other information for employees is posted;
3. make available materials from local, state, and national anti-drug and alcohol-abuse organizations;
4. enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees;
5. inform employees of available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs.

District Action Upon Violation of Policy

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

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

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate State or federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction.

LEGAL REF.: Drug-Free School and Communities Act Amendments of 1989, 20 U.S.C. § 3171 et seq.
 Controlled Substances Act, 21 U.S.C. § 812; 21 C.F.R. 1308.11 - 1308.15.
 Drug-Free Workplace Act of 1988, 41 U.S.C. § 701 et seq.
 Americans With Disabilities Act, 42 U.S.C. § 12114.
 Drug-Free Workplace Act, 30 ILCS 580/1 et seq.

ADOPTED: August 19, 1998

General Personnel

Expenses

Please refer to the following collective bargaining agreements:

**“Agreement between the Board of Education and the Elmwood Park Education Team;” and the
“Elmwood Park Custodian’s Association Agreement.”**

For employees not covered by these agreements:

The Board of Education shall reimburse employees for expenses necessary for the performance of their duties which have been approved by the Superintendent. If the anticipated expense amount exceeds budgeted amounts, prior Board approval is required.

Employees must submit to the Superintendent an itemized, signed voucher showing the amount of actual expenses, attaching receipts to the voucher if possible. Expense vouchers shall be presented to the Board of Education in its regular bill process.

ADOPTED: August 19, 1998

General Personnel

Court Duty

Please refer to the following collective bargaining agreements:

**“Agreement between the Board of Education and the Elmwood Park Education Team;” and the
“Elmwood Park Custodian’s Association Agreement.”**

For employees not covered by these agreements:

The District will pay full salary during the time an employee is on jury duty or, pursuant to a subpoena, serves as a witness or has a deposition taken in any school-related matter pending in court.

The District will deduct the court duty remuneration, less mileage and meal expenses, from the employee's compensation.

An employee should give at least 5 days' prior notice of pending jury duty to the District.

LEGAL REF.: 105 ILCS 5/10-20.7.

ADOPTED: August 19, 1998

General Personnel

Abused and Neglected Child Reporting

A District employee who has reasonable cause to suspect that a student may be an abused or neglected child shall report such a case to the Illinois Department of Children and Family Services. The employee shall notify the Superintendent or Building Principal that a report has been made. Any employee hired after July 1, 1986, shall sign a statement to the effect that the employee has knowledge and understanding of the reporting requirements of the Act.

LEGAL REF.: 325 ILCS 5/1 and 5/4 et seq.

CROSS REF.: 7:150 (Agency and Police Interviews)

ADOPTED: August 19, 1998

General Personnel

Staff Development Program

The District will provide staff development opportunities through:

1. planned in-service programs, courses, seminars, and workshops offered within the District;
2. visits to other classrooms and schools, and attendance at conferences, workshops, and other meetings;
3. leaves of absence for advanced training and internships.

With the Superintendent or designee's approval, staff members may be released with full pay to attend conventions, professional meetings and workshops, visit exemplary programs, and participate in other professional growth activities. At the time of approval, the Superintendent will indicate which expenses, if any, will be reimbursed by the District. After participation, a written report must be submitted to the Superintendent summarizing the activity's highlights.

With the Superintendent or designee's approval, staff members may be released with full pay to serve as speakers, consultants, or resource persons outside the District. The staff member accepting such assignments may not accept any fee or honorarium other than a reasonable fee for preparation done outside of the working day. The employee or the institution receiving the services is responsible for travel, lodging, and meal expenses and for substitute costs if any are incurred.

Teachers are required to annually furnish evidence of professional growth in accordance with the Superintendent's procedures.

LEGAL REF.: 105 ILCS 5/2-3.60 and 5/10-22.39.

ADOPTED: August 19, 1998

General Personnel

Administrative Procedure - Staff Development Program 1

All District-sponsored staff development programs, including in-services, shall be approved by the Superintendent. Staff development opportunities exist through the following:

- A. Planned in-service programs, courses, seminars, and workshops are offered within the District. Every staff member is encouraged to suggest topics, formats, and speakers for in-service meetings. Suggestions should be given to the Superintendent or any member of the advisory committee if one exists.
- B. Visits to other classrooms and schools, as well as attendance at conferences, workshops, and other meetings may be requested.

With the Superintendent's approval, staff members may be released with full pay to:

- Attend professional conventions and meetings, visit exemplary programs, as well as participate in other professional growth activities. At the time of approval, the Superintendent will indicate which expenses, if any, will be reimbursed by the District. After participation, a written report must be submitted to the Superintendent summarizing the activity's highlights.
 - Serve as speakers, consultants, or resource persons outside the District. The staff member accepting such assignments may not accept any fee or honorarium other than a reasonable fee for preparation done outside of the working day. The employee or the institution receiving the services is responsible for travel, lodging, meal expenses, and for substitute costs if any are incurred.
 - Attend training and staff development programs sponsored by an Educational Service Center (105 ILCS 5/2-3.62), the Illinois State Board of Education, a Regional Office of Education, the Illinois Association of School Boards, or any other professionally-sponsored education program. At the time of approval, the Superintendent will indicate which expenses, if any, will be reimbursed by the District. After participation, a written report must be submitted to the Superintendent summarizing the activity's highlights.
- C. Leaves of absence for advanced training and internships are governed by School Board policy and/or collective bargaining agreements, if any.
- D. The topics to be covered on days declared as Teacher Institutes (TI) must be approved by the Regional Superintendent of Schools governing the schools of that region. The request for approval should be submitted to the Regional Superintendent at least 30 days prior to the event.
- E. Many opportunities for on-going professional development opportunities exist. Staff members are encouraged to discuss their plans for identifying and optimizing these opportunities with their supervisors.

The footnotes should be removed before the material is used.

¹ This administrative procedure is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that differ from this procedure. When a procedure's subject matter is superseded by a bargaining agreement, the procedure can state, "Please refer to the Professional Agreement between the Classroom Teachers' Association and the School Board."

Boards may set and enforce professional growth requirements (105 ILCS 5/24-5). Failure to meet professional growth requirements is considered remediable. (Morris v. ISBE, 555 N.E.2d 725 (Ill.App.3, 1990).

LEGAL REF.: 105 ILCS 5/2-3.48, 5/2-3.53, 5/2-3.56, 5/2-3.59, 5/2-3.60, 5/3-11, 5/3-14.8, 5/10-20.35, 5/10-22.39, and 5/10-23.12.
23 Ill.Admin.Code §226.800, 525.110.
77 Ill.Admin.Code §527.800.

General Personnel

Recognition For Service

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

ADOPTED: August 19, 1998

General Personnel

Ethics

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

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

1. Superintendent
2. Assistant Superintendent
3. Business Manager
4. Building Principal
5. Head of any department
6. Any employee responsible for negotiating contracts, including collective bargaining agreement, in the amount of \$1,000 or greater
7. Hearing officer
8. Any employee having supervisory authority for 20 or more employees
9. Any employee in a position that requires an administrative or a chief school business official endorsement

Prohibited Political Activities

Prohibitions

- (a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the School District in connection with any prohibited political activity.
- (b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation, or personal time off).
- (c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer 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 officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

- (d) Nothing in this Policy prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Policy.
- (e) No person in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

Definitions

For purposes of this Policy, the following terms shall be given these definitions:

“Campaign for elective office” means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

“Candidate” means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10ILCS 5/1-3).

“Collective bargaining” has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

“Compensated time” means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Policy, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, “compensated time” includes any period of time when the officer is on premises under the control of the School District and any other time when the officer or employee is executing his or her official duties, regardless of location.

“Compensatory time off” means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

“Contribution” has the same meaning as that term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

“Employee” means a person employed by the School District, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

“Leave of absence” means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid by the employer.

“Officer” means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

“Political activity” means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

“Political organization” means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

“Prohibited 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.

Enforcement

Complaints alleging violations of this Policy may be filed with and considered by the School District's Ethics Commission, as constituted pursuant to the Policy on the Ban on Receipt of Gifts.

Officers or employees violating this Policy may be subjected to appropriate discipline, including but not limited to the following: reprimand or notice to remedy; directive to cease and desist the violative action; dismissal or suspension from employment; and notification to appropriate law enforcement officials.

Outside Employment and Conflict of Interest

No District employee shall be directly or indirectly interested in any contract, work, or business of the District, or in the sale of any article by or to the District, except when the employee is the author or developer of instructional materials listed with the State Board of Education and adopted for use by the Board. An employee having an interest in instructional materials must file an annual statement with the Board Secretary.

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District.

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

LEGAL REF.: U.S. Constitution, First Amendment.
5 ILCS 420/4A-101.
50 ILCS 135/1 *et seq.*
105 ILCS 5/22-5 and 5/24-22.
Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).
5 ILCS 430/1-1 *et seq.*

CROSS REF.: Policy on the Ban on Receipt of Gifts

ADOPTED: May 19, 2004

General Personnel

BAN ON RECEIPT OF GIFTS

No part-time, full-time, or contractual employees, including teachers, support staff or administrative staff, and no school board members or other appointed or elected officials (hereinafter referred to as “covered individual(s)”) shall accept any gift or gratuity from any person or entity who:

1. is seeking official action from the District;
2. does business or seeks to do business with the District;
3. conducts activities regulated by the District;
4. has an interest that may be substantially affected by the District; or
5. is a registered lobbyist.

Further, no spouse or immediate family member living with the covered individual shall accept any gift or gratuity from the above listed prohibited sources.

“Gift” and “gratuity” as used in this policy covers any gratuity, discount, entertainment, hospitality, loan, forbearance, or anything else having monetary value, including cash, food, drinks, or honoraria.

Exceptions

However, a gift or gratuity is exempt from this provision under the following circumstances:

1. the covered individual pays market value for the item;
2. a lawful political contribution or attendance at a political fundraising event;
3. gifts from relatives;
4. gifts based on personal friendship, unless the covered individual has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the covered individual and not because of the personal friendship;
5. food, refreshments, lodging, transportation, and other benefits resulting from outside employment or other outside activities that are not connected to the duty of the covered individual, if the benefits have not been offered or enhanced because of the official position or employment of the covered individual and are customarily provided to others in similar circumstances.

6. bequests, inheritances, and other transfers at death;
7. opportunities, benefits, and services that are available on the same conditions as for the general public;
8. food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are consumed on the premises from which they were purchased, prepared or catered;
9. any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100;
10. educational materials and missions;
11. travel expenses for a meeting to discuss State business;
12. intra-governmental and inter-governmental gifts. "Intra-governmental gift" means any gift given to a covered individual from another member, officer, or employee of the same State agency; and "inter-governmental gift" means any gift given to a covered individual by a member, officer, or employee of another State agency, of a federal agency, or of any governmental entity.

To determine whether a gift is provided on the basis of personal friendship, the covered individual shall consider the following circumstances:

1. the history of the relationship between the two parties, including any previous exchange of gifts;
2. whether the covered individual has actual knowledge that the individual giving the gift personally paid, or sought a tax deduction or business reimbursement, for the gift; and
3. whether the covered individual has actual knowledge of the gift giver giving the same or similar gifts to other covered individuals.

Ethics Commission

There is hereby created the Ethics Commission of the School District. The Ethics Commission shall consist of three (3) members: the President of the Board of Education, who shall serve as Chairman; another member of the Board; and a resident of the School District who is not a member of the Board, but who may be an administrator, teacher, other employee, parent, or volunteer. Appointments of the two (2) members other than the Chairman shall be made by the Board President with the approval of the Board. Appointments shall be made annually for one year terms within 30 days after the Board's organizational or regular April meeting. When the Commission considers complaints against the Board President or the Board President is unable to attend Commission meetings, the Vice President of the Board shall serve as Commission Chairman instead of the President.

When the Commission considers a complaint against an appointed member or the appointed member is unable to attend Commission meetings, the Chairman shall appoint a temporary replacement member with the same qualification as the member who is temporarily replaced. Commission Members shall serve without additional compensation, but may receive reimbursements for the reasonable expenses actually incurred in the performance of their duties.

The Ethics Commission shall consider complaints of violations of this policy and shall have all the other powers and duties provided by law, including the power to promulgate rules governing the performance of its duties and the exercise of its powers. The District staff shall serve as the staff of the Commission under the direction of the Chairman, but subject to the supervision of the Board.

Enforcement

In addition to any penalties for violations of the Gift Ban provisions of the *State Officials and Employees Ethics Act*, violations of this policy may result in appropriate discipline, including, but not limited to the following: reprimand or notice to remedy; a directive to cease and desist the violative action; a directive to return an item, refund money, provide restitution for services, or make a donation to charity of an amount equal to the gift; dismissal or suspension from employment; and notification to appropriate law enforcement officials.

ETHICS OFFICER

The Superintendent or designee shall be the District ethics officer. The ethics officer's duties shall include:

1. Reviewing statements of economic interest and disclosure forms of any District employee or board member required to file such documents, prior to filing with the County Clerk; and
2. Providing guidance to District employees and board members in the interpretation and implementation of the Board's policies on Ban on Receipt of Gifts and Prohibited Political Activities.

3.

LEGAL REF.: 5 ILCS 430/10-10 *et seq.*

ADOPTED: May 19, 2004

General Personnel

Administrative Procedure - Email Retention ¹

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

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

Non-Record Messages

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

1. Personal correspondence not received or created in the course of District or school business, such as, “What’s for dinner?” or “I’ll be glad to drive to the meeting.”
2. Notices concerning meetings or workshops, dates, discussion topics, and material to prepare for or to be discussed during a meeting.
3. Publications or promotional material from vendors and similar materials that are available to anyone.
4. Correspondence containing recommendations or opinions that are preliminary to a decision.
5. Informal correspondence to parents/guardians concerning school activities or an individual student’s progress or assignments provided the messages do not contain notice of final or official action.
6. Draft material.

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

The footnotes should be removed before the material is used.

¹ The process for managing email storage and disposition is generally a local matter subject to the Local Records Act (50 ILCS 205/1 *et seq.*; governs which documents must be kept until destroyed pursuant to an approved record retention schedule); the Freedom of Information Act (5 ILCS 140/1 *et seq.*; governs the disclosure of public records; and Federal Rules of Civil Procedure, Rules 16 and 26, prohibits the destruction of material during a discovery hold). See administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*. For guidance on Board member use and retention of email, see 2:140-E, *Guidance for Board Member Communications, Including Email Use*.

Official Record Messages

Email messages are “official record messages” if they are evidence of the District’s organization, function, policies, procedures, or activities or contain informational data appropriate for preservation. Examples include:

1. Policy documents or contract related documents.
2. Correspondence, e.g., letters, memos, emails from individuals, companies, or organizations requesting information about the District or school policies or practices and the responses to these requests.
3. Project reports.
4. Correspondence dealing with significant aspects of District administration or a school executive office, including messages containing information concerning policies, programs, fiscal and personnel matters, and contracts.

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

General Personnel

Solicitations By or From Staff

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

ADOPTED: August 19, 1998

General Personnel

Personnel Records

The District maintains a complete personnel record for every current employee and former employee. The employees' personnel records shall be maintained in the District's administrative office, under the Superintendent's direct supervision. An employee will be given access to his or her personnel records according to guidelines developed by the Superintendent.

LEGAL REF.: 820 ILCS 40/1 et seq.
23 Ill. Admin. Code § 1.660.

CROSS REF.: 2:250 (district records), 7:340 (Student Records)

ADOPTED: August 19, 1998

General Personnel

Administrative Procedure - Personnel Records

Applicant Records

Records for a successful employment applicant are maintained with the individual's employment records. Records for an unsuccessful employment applicant are maintained for no less than 5 years from the application date. ¹ Applicant records include the following if received by the District:

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

Personnel Records

Personnel records for all employees include:

- Pre-employment records, including verification of past employment
- Dates of employment
- Valid certificate and/or evidence of required credentials for services being performed
- Criminal background investigation history and report
- Form I-9 required under the Immigration Reform and Control Act ²
- Records maintained pursuant to Internal Revenue Service regulations
- Payroll information and deductions, including all records required to be kept by 5:35-AP2, *Employee Records Required by the Fair Labor Standards Act* (29 C.F.R. §§516.2 and 516.3)
- Records maintained for the Illinois Teachers' Retirement System or the Illinois Municipal Retirement System
- Credit release information
- Sick leave, leaves of absence, personal leave, and vacation data (where appropriate)
- Salary schedule data
- Relevant health and medical records, including the verification of freedom from tuberculosis required by The School Code (105 ILCS 5/24-5) ³

The footnotes should be removed before the material is used.

¹ Equal Employment Opportunity Commission regulations require employers to retain all personnel records, including applications, for at least one year from the date the record was made or any personnel action was taken, whichever is later (29 C.F.R. §1602.14). A longer retention period allows the district to gather data that may be used to defend a discrimination complaint.

² The Department of Homeland Security (DHS) (formerly Immigration and Naturalization Service (INS)) amended the I-9 form by: (1) reformatting and reorganizing the form to ensure consistency with standard DHS practices, and (2) eliminating five of the listed documents in List A that can be used to establish identity and employment eligibility. DHS also updated its Handbook for Employers as a companion to the new version of the Form I-9 at: <http://www.uscis.gov/files/nativedocuments/m-274.pdf>.

Consult with the board attorney regarding the district's rights and responsibilities under all Illinois laws pertaining to Form I-9 and *E-Verify*. *E-Verify* (formerly known as the Basic Pilot/Employment Eligibility Verification Program) is an Internet based system operated by the DHS in partnership with the Social Security Administration (SSA) that allows participating employers to electronically verify the employment eligibility of their newly hired employees. In September of 2007, DHS asked a court to declare illegal an Illinois law prohibiting employers from enrolling in the DHS's *E-Verify* program. Illinois agreed not to enforce that law until the lawsuit ends; however, several other State laws regarding use of *E-Verify* by employers that are not subject to the DHS lawsuit exist. More information about the *E-Verify* issue as it pertains to Illinois may be obtained at the DHS website at: http://www.dhs.gov/ximgtn/programs/ge_1199120920203.shtm or http://www.uscis.gov/files/pressrelease/Illinois_Everify_31dec07.pdf.

Supervisory evaluations
Promotions
Awards received
Personnel documents that have been or are intended to be used in determining an employee's qualification for promotion, transfer, discharge, or disciplinary action except as provided in 820 ILCS 40/10 ⁴
Disciplinary actions and accompanying records
Notice of discharge and accompanying records
Letter of resignation or retirement
Notification that an employee is the subject of a Dept. of Children and Family Services (DCFS) investigation pursuant to the Abused and Neglected Child Reporting Act and any report to DCFS made or caused to be made by a District employee concerning another employee; this record will be deleted if DCFS informs the District that the allegations were unfounded ⁵
Any additional information the District deems to be relevant

In addition to the above, personnel records for all professional personnel include:

Valid certificate for services being performed
Copies of official transcripts required by The School Code (105 ILCS 5/24-23)
Transcripts of graduate work completed
Verification of past teaching experience, if any
Record of in-service work completed

Employment records will be maintained permanently for all District employees and former employees unless the Local Records Commission's approval is obtained to dispose of them.

Restrictions on Information that May Be Kept

The District will not gather or keep a record of an employee's associations, political activities, publications, communications, or non-employment activities, unless the employee submits the information in writing or authorizes the District in writing to keep or gather such records. However, the District may gather or keep records in an employee's personnel file concerning activities occurring on the District's premises or during the employee's working hours that: (1) interfere with the performance of the employee's duties or activities, or those of other employees, regardless of when and where occurring, (2) constitute criminal conduct or may reasonably be expected to harm the District's property, operations or educational process, or programs, or (3) could, by the employee's actions, cause the District financial liability. ⁶

³ The Americans with Disabilities Act requires that employment health and medical records be kept separately from the regular personnel file (42 U.S.C. §12112(d)(3)).

⁴ This item restates what the Personnel Record Review Act requires employers to disclose to employees (820 ILCS 40/2). The Act restricts an employer's ability to use record information during a proceeding in court or before a hearing officer that was not included in the personnel record (820 ILCS 40/4). Thus, this item becomes a statement of what must be kept in an employee's personnel record.

⁵ 820 ILCS 40/13; 325 ILCS 5/4 and 5/7.4, as amended by P.A. 95-908; see the last section of this procedure for additional requirements. According to the Abused and Neglected Child Reporting Act: (1) DCFS must notify the employer of an individual who is the subject of a formal child abuse or neglect investigation if his or her employment results in frequent contact with children (325 ILCS 5/7.4(b)(4)); and (2) when a report is made by a school district employee involving the conduct of an individual employed by the district, the appropriate Child Protective Service Unit must send a copy of its final finding report to the district superintendent (325 ILCS 5/7.4(c-5), as amended by P.A. 95-908).

⁶ 820 ILCS 40/9.

Access to Employee Records and Correction Requests ⁷

An employee is granted access to his or her personnel records according to provisions in the Personnel Record Review Act, 820 ILCS 40/0.01 *et seq.*, and any relevant provisions in an applicable collective bargaining agreement. According to the Review Act, an employee is granted access to his or her personnel records at least 2 times in a calendar year at reasonable intervals. Unless otherwise indicated in an applicable bargaining agreement, access to the employee's personnel records will be according to the following guidelines:

1. The employee must submit a written inspection request to the Superintendent or the Superintendent's designee.
2. The Superintendent or designee will provide the employee the opportunity for inspection within 7 working days after the request. If such deadline cannot reasonably be met, the District will have an additional 7 days to comply.
3. The employee will inspect the personnel record at the District's administrative office during normal working hours or at another time mutually convenient to the employee and the Superintendent or designee.
4. Inspection of personnel records will be conducted under the supervision of an administrative staff member.
5. Neither an employee nor his or her designated representative will have access to records that are treated as exceptions in the Illinois Personnel Record Review Act discussed below.
6. The employee may copy material maintained in his or her personnel record. Payment for record copying will be based on the District's actual costs of duplication.
7. The employee may not remove any part of his or her personnel records from his or her file or may not remove any part of his or her personnel records from the District's administrative office.
8. Should the employee demonstrate his or her inability to inspect his or her personnel records in person, the District will mail a copy of the specific record(s) upon written request.
9. Should the employee be involved in a current grievance against the District or involved in any other contemplated proceedings against the District, the employee may designate in writing a representative who has the authority to inspect the personnel records under the same rights as the employee.
10. If the employee disagrees with any information contained in the personnel record, a removal or correction of that information may be mutually agreed upon by the District and employee. If agreement cannot be reached, the employee may submit a written statement explaining his or her position. The District will attach the employee's statement to the disputed portion of the personnel record and the statement will be included whenever that disputed record is released to a third party as long as the disputed record is part of the employee's personnel file. Inclusion of any written statement attached to the disputed record in an employee's personnel file without any further comment or action by the District will not imply or create any presumption that the District agrees with the statement's contents.

Requests by Third Parties ⁸

Before the District divulges disciplinary reports, letters of reprimand, or records of other disciplinary action to a third party, to a party who is a part of the employer's organization, or to a party who is a

The footnotes should be removed before the material is used.

⁷ This section's provisions are from the Personnel Record Review Act (820 ILCS 40/1 *et seq.*); the limitations on the employee's right to review personnel records are at the employer's option.

⁸ 820 ILCS 40/7 and 40/8.

part of a labor organization representing the employee, the District will provide the employee with a written notice. The written notice to the employee will be mailed to the employee's last known address and will be mailed on or before the day the information is divulged to any of the aforementioned parties.

No such written notice will be required if the employee has specifically waived written notice as part of a written, signed employment application with another employer; the disclosure is ordered to a party in a legal action or arbitration; or information is requested by a government agency as a result of a claim or complaint by an employee, or as a result of a criminal investigation by such agency.

Before releasing personnel records to a third party or allowing them to be copied, the District will review the requested records and, delete disciplinary reports, letters of reprimand, or other records of disciplinary action that are more than 4 years old, unless the release is ordered to a party in a legal action or arbitration.

Restriction on Employee Access

Section 10 of the Illinois Personnel Record Review Act provides that the right of the employee or the employee's designated representative to inspect his or her personnel records does not extend to:

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

Complying with Requirements in the Abused and Neglected Child Reporting Act⁹

The Superintendent will execute the requirements in the Abused and Neglected Child Reporting Act whenever a District employee makes a report to DCFS involving another District employee's conduct. This includes performing the following tasks:

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

The footnotes should be removed before the material is used.

⁹ This section contains the requirements in 325 ILCS 5/4, as amended by P.A. 95-908, and 820 ILCS 40/13.

3. Delete the record of such a report if DCFS informs the District that the allegation was unfounded.

LEGAL REF.: 325 ILCS 5/4 and 5/7.4.
820 ILCS 40/1 et seq.
23 Ill.Admin.Code §1.660.

General Personnel

Release Of Credit Information

The School District will only confirm employment when requested for credit information about a District employee.

An employee wanting employment and salary or wage information released must request so in writing and an administrator must sign the released materials.

ADOPTED: August 19, 1998

General Personnel

Temporary Illness or Temporary Incapacity

Temporary illness or temporary incapacity is an illness or other capacity of ill-being which renders an employee physically or mentally unable to perform assigned duties. During such a period, the employee can use accumulated sick leave benefits. However, income received from other sources (worker's compensation, District-paid insurance programs, etc.) will be deducted from the District's compensation liability to the employee. The Board of Education's intent is that in no case will the employee who is temporarily disabled receive more than 100 percent of gross salary.

Those insurance plans privately purchased by the employee and to which the District does not contribute, are not applicable to this policy.

After 90 consecutive school days in a school term of illness or incapacity, or exhaustion of sick leave, whichever is greater, such illness or incapacity shall be considered a permanent disability and the Board of Education may begin dismissal proceedings subject to the provisions of The School Code and the Americans with Disabilities Act.

LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. § 12102.
105 ILCS 5/10-22.4, 5/24-12, and 5/24-13.
Elder v. Board of Education, 208 N.E.2d 423 (1st Dist. Ill. 1965).
Board of Education v. Ill. State Board of Education, 507 N.E.2d 134 (1st Dist. Ill. 1987).

CROSS REF.: 5:185, 5:250, 5:330

ADOPTED: August 19, 1998

General Personnel

Family and Medical Leave

Please refer to the “Agreement between the Board of Education and the Elmwood Park Education Team.”

For employees not covered by this agreement:

Leave Description

Eligible employees may use unpaid family and medical leave, guaranteed by the federal Family and Medical Leave Act, for up to a combined total of 12 weeks each year, beginning September 1 and ending August 31 of the next year.

Other available paid vacation, personal, or family leave will be substituted for family and medical leave necessitated by birth, adoption/foster care placement, or a family member's serious health condition. Other available paid vacation, personal, or sick leave will be substituted for family and medical leave necessitated by a family member's or employee's own serious health condition. Any substitution required by this policy will count against the employee's family and medical leave entitlement. The District will pay family leave or sick leave only under circumstances permitted by the applicable leave plan. Use of family and medical 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 family and medical leave shall not serve to extend such other unpaid leave.

Family and medical leave is available in one or more of the following instances:

1. the birth and first-year care of a son or daughter;
2. the adoption or foster placement of a child;
3. the serious health condition of an employee's spouse, parent, or child; and
4. the employee's own serious health condition.

Employees may take an intermittent or reduced-hour family and medical leave when the reason for the leave is 3 or 4, above, with certain limitations provided by law.

Within 15 calendar days after the Superintendent makes a request, an employee must support a request for a family and medical leave when the reason for the leave is 3 or 4, above, with a certificate completed by the employee's or family member's health care provider. Failure to provide the certification may result in a denial of the leave request.

If both spouses are employed by the District, they may together take only 12-weeks for family and medical leaves when the reason for the leave is 1 or 2, above, or to care for a sick parent.

Eligibility

To be eligible for family and medical leave, an employee must either:

1. Have been employed by the District for at least 12 months (the 12 months need not be consecutive) and have been employed for at least 1,250 hours of service during the 12-month period immediately before the beginning of the leave, or
2. Be a full-time classroom teacher.

Notice

If possible, employees must provide at least 30 days' notice to the District of the date when a leave is to begin. If 30 days' notice is not practicable, the notice must be given within 2 business days of when the need becomes known to the employee. Employees shall provide at least verbal notice sufficient to make the District aware that he or she needs a family and medical leave, and the anticipated timing and duration of the leave. Failure to give the required notice may result in a delay in granting the requested leave until at least 30 days after the date the employee provides notice.

Continuation of Health Benefits

During a family and medical leave, employees are entitled to continuation of health benefits that would have been provided if they were working.

Return to Work

An employee returning from a family and medical leave will be given an equivalent position to his or her position before the leave, subject to the District's reassignment policies and practices.

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

Implementing Procedures

The Superintendent shall develop procedures to implement this policy consistent with the federal Family and Medical Leave Act.

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

CROSS REF.: 5:180, 5:250, 5:330

ADOPTED: August 19, 1998

Professional Personnel

Teacher Qualifications

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

1. Each teacher must:
 - a. Have a valid Illinois certificate that legally qualifies the teacher for the duties for which the teacher is employed. The staff member shall be responsible for securing and maintaining a valid certificate and shall have their certificate registered in the region of the District's central office no later than the end of the first week of school, each school year.
 - b. Provide the District Office with a complete transcript of credits earned in institutions of higher education and, annually by September 1, provide the District Office with a transcript of any credits earned since the date the last transcript was filed.
 - c. Notify the Superintendent of any change in the teacher's transcript.
2. All teachers with primary responsibility for instructing students in the core academic subject areas (science, the arts, reading or language arts, English, history, civics and government, economics, geography, foreign language, and mathematics) must be *highly qualified* for those assignments as determined by State and federal law.

The Superintendent or designee shall:

1. Monitor compliance with State and federal law requirements that teachers be appropriately certified and *highly qualified* for their assignments;
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; and
3. Ensure parents/guardians of students in schools receiving Title I funds are notified: (a) of their right to request their students' classroom teachers' professional qualifications, and (b) whenever their child is assigned to, or has been taught for 4 or more consecutive weeks by, a teacher who is not *highly qualified*.

REVISED FIRST READING: March 18, 2009

REVISED SECOND READING: April 15, 2009

REVISED ADOPTION: April 15, 2009

Professional Personnel

Administrative Procedure - Plan to Ensure That All Teachers Who Teach Core Academic Subjects Are *Highly Qualified* ¹

Actor	Requirements and Actions That Must Be Completed
<p>Superintendent or designee</p>	<p>Identify all core academic subjects and non-core subjects.</p> <p>For core academic subjects, recommend for hiring only teachers who are <i>highly qualified</i>, as defined by Title I of the Elementary and Secondary Education Act and its implementing regulations, State law, and School Board policy 5:190, <i>Teacher Qualifications</i>.</p> <p>Identify any teacher currently employed teaching a core subject who is not <i>highly qualified</i>.</p> <p>Inform the Building Principal of any teacher in his or her building teaching a core subject who is not <i>highly qualified</i>.</p> <p>Notify each teacher teaching a core subject and who is not <i>highly qualified</i> that federal law requires that all elementary and secondary teachers be <i>highly qualified</i>.</p> <p>Complete a roadmap for each not <i>highly qualified</i> teacher describing the specific activities that are appropriate to get the individual to <i>highly qualified</i> status within 2 years, benchmarks, proposed completion dates, resources necessary, date of completion, and a District contact person. These documents must be kept on file at the District office for ROE Teacher Audits and ISBE random audits. http://www.isbe.net/certification/pdf/RMNQT_form.pdf.</p> <p>Consult with Building Principals and other administrative staff members about methods to ensure that core-subject teachers are <i>highly qualified</i>, such as through incentives for voluntary transfers, professional development, recruiting programs, or other effective strategies.</p> <p>Appoint a committee to devise methods to: (1) ensure that core subjects are only taught by <i>highly qualified</i> teachers, and (2) assist teachers to become <i>highly qualified</i>.</p> <p>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.</p>

The footnotes should be removed before the material is used.

¹ NCLBA requires that all schools receiving Title I funds have a plan to ensure that all core-subject teachers are *highly qualified* by (20 U.S.C. §6319(a)(3); 34 C.F.R. §200.57(b)). This sample procedure must be augmented in alignment with a district's specific conditions.

Professional Personnel

Exhibit - Notice to Parents of Their Right to Request Their Child's Classroom Teachers' Qualifications

On District letterhead

Date

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

Dear Parents/Guardians:

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

- Whether the teacher has met State certification requirements;
- Whether the teacher is teaching under an emergency permit or other provisional status by which State licensing criteria have been waived;
- The teacher's college major;
- Whether the teacher has any advanced degrees and, if so, the subject of the degrees; and
- Whether any instructional aides or paraprofessionals provide services to your child and, if so, their qualifications.

If you would like to receive any of this information, please contact the school office.

Sincerely,

Superintendent

Professional Personnel

Exhibit - Notice to Parents When Their Child Is Assigned To or Has Been Taught for at Least Four Straight Weeks By a Teacher Who Is Not *Highly Qualified*

On District letterhead

Date

Re: Your Child Is Assigned To or Has Been Taught for at Least Four Straight Weeks By a Teacher Who Is Not *Highly Qualified* as Defined by Federal Law

Dear Parents/Guardians:

All teachers with primary responsibility for instructing students in the core academic subject areas (science, the arts, reading or language arts, English, history, civics and government, economics, geography, foreign language, and mathematics) must be *highly qualified* for those assignments as determined by State and federal law.

The teacher listed below has taught your student’s class for the last four consecutive weeks. While the District is unable to verify that the teacher meets the federal law’s definition of *highly qualified*, our observations of his/her classroom indicate that he/she is providing a satisfactory educational program and experience.

If you have any questions concerning this notice, please contact the school office.

Teacher: _____

Subject: _____

Sincerely,

Superintendent

Professional Personnel

Terms and Conditions of Employment and Dismissal

Salary, Voluntary Transfers, Involuntary Transfers, Reduction in Force

Please refer to the "Agreement between the Board of Education and the Elmwood Park Education Team."

Duty-Free Lunch

Teachers employed for at least 4 hours per day shall receive a duty-free lunch equivalent to the student lunch period, or 30 minutes, whichever is longer.

Holidays

Teachers shall be paid for, but shall not be required to work on, legal school holidays.

School Year

Teachers shall work according to the school calendar adopted by the Board of Education, which shall have a minimum of 176 student attendance days and a minimum of 180 teacher work days, including teacher institute days.

School Day

Teachers are required to work the school day adopted by the Board of Education.

Evaluation

The District's teacher evaluation system will be conducted under the plan filed with the Illinois State Board of Education.

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

LEGAL REF.: 105 ILCS 5/10-19, 5/18-8, 5/24-2, 5/24-8, 5/24-9, 5/24-21, 5/24A-4, and 5/24A-5.
Metzl v. Leininger, 57 F.3d 618 (7th Cir. 1995).

CROSS REF.: 5:290

ADOPTED: August 19, 1998

Professional Personnel

Resignations and Retirement

Tenured teachers may resign at any time with consent of the Board of Education or by written notice sent to the Board of Education Secretary at least 30 days before the intended date of resignation. No teacher may resign during the school term in order to accept another teaching position without the consent of the Board of Education.

Probationary teachers may resign during their contract period only with the Board of Education's consent.

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

ADOPTED: August 19, 1998

Professional Personnel

Substitute Teachers

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

A substitute teacher must hold a valid teaching or substitute certificate and present a certificate of authorization from the Regional Superintendent showing that he or she is approved to substitute teach. Substitute teachers with a substitute certificate may teach only when an appropriate, fully-certificated teacher is unavailable.

A substitute teacher may teach only for a period not to exceed 90 paid school days or 450 paid school hours in any one school district in any one school term. However, a teacher holding an early childhood, elementary, high school, or special certificate may substitute teach for a period not to exceed 120 paid school days or 600 paid school hours in any one school district in any one school term, unless the subject area is one where the Regional Superintendent has certified that a personnel shortage exists.

The School Board establishes a daily rate of pay for substitute teachers. Substitute teachers receive only monetary compensation for time worked and no other benefits.

ADOPTED: August 19, 1998

REVISED FIRST READING: January 26, 2011

REVISED SECOND READING: February 16, 2011

REVISION ADOPTED: February 16, 2011

Professional Personnel

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.

When a student's behavior is unacceptable, the teacher should first discuss the matter with the student. 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 which 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.

CROSS REF.: 7:190

ADOPTED: August 19, 1998

Professional Personnel

Suspension

Suspension Without Pay

The Board of Education may suspend without pay (1) a professional employee (administrator or teacher) pending a dismissal hearing, or (2) a teacher as a disciplinary measure for up to 10 employment days for misconduct that is detrimental to the School District. Administrative staff members may not be suspended without pay as a disciplinary measure.

Misconduct includes any failure to follow any oral or written directive, order or Board of Education policy or that of any supervisor. Misconduct also includes any act or failure to act that constitutes a violation or an attempt to violate any law or local ordinance which relates to the employee's duties. The Superintendent is authorized to establish rules and regulations designed to implement this policy.

At the request of the professional employee within 5 calendar days of receipt of a pre-suspension notification, the Board or Board-appointed hearing examiner will conduct a pre-suspension hearing. The Board or its designee shall notify the teacher of the alleged charges and the date and time of the hearing. At the pre-suspension hearing, the teacher or his/her representative may present evidence.

Suspension With Pay

The Board of Education or Superintendent may suspend a professional employee with pay (1) during an investigation into allegations of disobedience or misconduct whenever the employee's continued presence in his or her position would not be in the School District's best interests, (2) as a disciplinary measure for up to 10 employment days for misconduct that is detrimental to the School District, or (3) pending a Board hearing to suspend a teacher without pay.

The Superintendent shall meet with the professional employee to present the allegations, and give the professional employee an opportunity to refute the charges. The professional employee will be told the dates and times the suspension will begin and end. No suspension with pay shall exceed 10 school or working days in length.

LEGAL REF.: 105 ILCS 5/24-12.
Auer v. Robbins, 117 S.Ct. 905 (1997); 29 C.F.R. § 541.3.
Cleveland Board of Education v. Loudermill, 105 S.Ct. 1487, (1985), on remand
763 F.2d 202.
Jones v. Board of Education of Township High School District No. 211, 651 F.
Supp. 760 (N.D. Ill. 1986).
Barszcz v. Board of Trustees of Community College District No. 504, Cook
County, 400 F.Supp. 675 (N.D. Ill. 1975).
Spinelli v. Immanuel Lutheran Evangelical Congregation, Inc., 515 N.E.2d 1222
(1987).
Kamrath v. Board of Education of School District 150, 515 N.E.2d 1222 (1987).
Massie v. East St. Louis School District No. 189, 561 N.E.2d 246 (5th Dist. 1990).
Kearns v. Board of Education of North Palos Elementary School District No. 117,
392 N.E.2d 148 (1st Dist. 1979).

ADOPTED: August 19, 1998

Professional Personnel

Leaves of Absence

Sick and Bereavement Leave, Professional Leave, Personal Leave, Other Leave, Family and Medical Leave, Maternity Leave,

Please refer to the “Agreement between the Board of Education and the “Elmwood Park Education Team.”

Leaves For Service in the Military and General Assembly

Leaves for service in the military and General Assembly shall be granted in accordance with State and federal law. A professional staff member hired to replace one in military service or in the General Assembly does not acquire tenure.

Leave For Employment in Department of Defense

The Board of Education may grant teachers a leave of absence to accept employment in a Department of Defense overseas school.

School Visitation Leave

An eligible professional staff member is entitled to 8 hours during any school year, no more than 4 hours of which may be taken on any given day, to attend school conferences or classroom activities related to the teacher's child, if the conference or activity cannot be scheduled during non-work hours.

Professional staff members must first use all accrued vacation leave, personal leave, compensatory leave, and any other leave that may be granted to the professional staff member, except sick and disability leave.

The Superintendent shall develop administrative procedures implementing this policy consistent with the School Visitation Rights Act.

LEGAL REF.: 105 ILCS 5/24-6, 5/24-6.1, 5/24-6.2, 5/24-6.3, 5/24-13, and 5/24-13.1.
820 ILCS 147/15.

CROSS REF.: 5:180, 5:185, 5:330

ADOPTED: August 19, 1998

Professional Personnel

Student Teachers

Opportunities will be provided students from college and university approved teacher-training programs to do student teaching in the District. The Superintendent or a designee shall be responsible for screening qualifications and for their orientation, assignment and training program.

Student teachers will be assigned to supervising teachers whose qualifications are acceptable to the student's college or university.

LEGAL REF.: 105 ILCS 5/10-22.34.

ADOPTED: August 19, 1998

Educational Support Personnel

Employment At-Will, Compensation, and Assignment

Employment At-Will

Unless otherwise specifically provided, District employment is at-will, meaning that employment may be terminated by the District or employee at any time for any reason or no reason at all. A dismissal for reduction in force requires 30 days notice before the employee is removed or dismissed. For the purposes of reduction in force, educational support personnel are granted seniority and recall rights within their respective categories of position. Nothing in Board of Education policy is intended or should be construed as altering the employment at-will relationship.

Compensation and Assignment

The Board of Education will determine salary and wages for educational support personnel. Increments are dependent on evidence of continuing satisfactory performance. Educational support personnel are paid every 2 weeks. The Superintendent is authorized to make assignments and transfers of educational support personnel.

LEGAL REF.: 105 ILCS 5/10-22.34 and 5/10-23.5.
Duldulao v. St. Mary of Nazareth Hospital, 483 N.E. 2d 956 (Ill. App. 1 Dist. 1985).
Kaiser v. Dixon, 468 N.E. 2d 822 (Ill. App. 2d Dist. 1984).
Molitor v. Chicago Title & Trust Co., 59 N.E. 2d 695 (Ill. App. 1 Dist. 1945).

CROSS REF.: 5:290

ADOPTED: August 19, 1998

Educational Support Personnel

Duties and Qualifications

All support staff: (1) must meet qualifications specified in job descriptions, (2) must be able to perform the essential tasks listed and/or assigned, and (3) are subject to School Board policies as they may be changed from time-to-time at the Board's sole discretion.

Paraprofessionals and Teacher Aides

"Paraprofessionals" and "teacher aides" are noncertificated personnel with instructional duties; the terms are synonymous. Service as a paraprofessional or teacher aide requires a "statement of approval" issued by the Illinois State Board of Education (ISBE). A paraprofessional or teacher aide first employed in a program for students with disabilities on or before June 30, 2005, shall be subject to this requirement as of July 1, 2007.

A paraprofessional or teacher aide in a targeted assistance program that is paid with federal funds under Title I, Part A, or in a school-wide program that is supported with such funds, shall hold a "statement of approval," issued by the ISBE, for this purpose.

Individuals with only non-instructional duties (e.g., providing technical support for computers, providing personal care services, or performing clerical duties) are not paraprofessionals or teacher aides and the requirements in this section do not apply. In addition, individuals who are completing their clinical experiences and/or student teaching do not need to comply with this section, provided they otherwise qualify for instructional duties under ISBE rules.

Noncertificated Personnel Working with Students Performing Non-Instructional Duties

Noncertificated 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
3. For non-teaching duties not requiring instructional judgment or student evaluation.

Nothing in this policy prevents a noncertificated person from serving as a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval.

Coaches and Athletic Trainers

Athletic coaches and trainers shall have the qualifications required by any association in which the School District maintains a membership. Regardless of whether the athletic activity is regulated by an association, all coaches must have completed a course on coaching principles and sport's first aid. The Superintendent or designee shall ensure that all coaches have completed appropriate training programs. Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law.

Bus Drivers

All school bus drivers must have a valid school bus driver permit. New bus drivers and bus drivers who are returning from a lapse in their employment are subject to the requirements contained in Board policy 5:30, *Hiring Process and Criteria* and Board policy 5:285, *Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers*.

REVISED FIRST READING: March 18, 2009

REVISED SECOND READING: April 15, 2009

REVISED ADOPTION: April 15, 2009

Educational Support Personnel

Drug and Alcohol Testing For School Bus and Commercial Vehicle Drivers

The District shall adhere to federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers.

This program shall comply with the requirements of the Code of Federal Regulations, Title 49 § 382 *et seq.* The Superintendent or designee shall adopt and enact regulations consistent with the federal regulations, defining the circumstances and procedures for the testing.

This policy shall not be implemented, and no administrative procedures will be needed, until it is reasonably foreseeable that the District will hire staff for a position(s) requiring a commercial driver's license.

LEGAL REF.: 49 U.S.C. § 2717, Alcohol and Controlled Substances Testing (Omnibus Transportation Employee Testing Act of 1991).
49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs), 382 (Controlled Substance and Alcohol Use and Testing), and 395 (Hours of Service of Drivers).

CROSS REF.: 4:110, 5:30, 5:280

ADOPTED: August 19, 1998

Educational Support Personnel

Employment Termination and Suspensions

Resignation and Retirement

An employee is requested to provide 2 weeks' notice of a resignation. A resignation notice cannot be revoked once given. An employee planning to retire should notify his or her supervisor at least 2 months before the retirement date.

Non-RIF Dismissal

The District may terminate an at-will employee at any time. The Superintendent or supervisor may recommend an employee's discharge subject to the Board of Education's approval.

Reduction in Personnel, Layoff and Recall

Please refer to the "Elmwood Park Custodian's Association Agreement."

For employees not covered by this agreement:

The Board of Education shall use a seniority list to determine the order of dismissal if it reduces educational support personnel or discontinues some type of educational support service. The seniority list, categorized by positions, shall show the length of continuing service of each full-time educational support employee. The employee with the shorter length of continuing service ~~within the~~ respective category of position shall be dismissed first.

Written notice will be given the employee by certified mail, return receipt requested, at least 30 days before the employee is removed or dismissed, together with a statement of honorable dismissal and the reason therefor.

Any vacancies for the following school term or within one calendar year from the beginning of the following school term, shall be offered to the employees so removed or dismissed from that category of position provided they are qualified to hold such positions.

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 third business day following the last day of employment.

Suspension

Except as provided below, the Superintendent is authorized to suspend an employee without pay as a disciplinary measure, during an investigation into allegations of misconduct, or pending a dismissal hearing whenever, in the Superintendent's judgment, the employee's presence is detrimental to the District. A disciplinary suspension shall be with pay (1) when the employee is exempt from the overtime provisions of the federal wage and hour laws, or (2) until an employee with an employment

contract for a definite term is provided a notice and hearing according to the suspension policy for professional employees.

LEGAL REF.: 105 ILCS 5/10-23.5 and 5/10-22.34.

CROSS REF.: 5:240 (suspension policy for professional employees)

ADOPTED: August 19, 1998

Educational Support Personnel

Schedules and Employment Year

Twelve-Month Employees

Please refer to the “Elmwood Park Custodian’s Association Agreement.”

For employees not covered by this agreement:

Twelve-month employees work daily (Monday through Friday) except holidays and earned vacation time.

Custodians and maintenance personnel work a 40-hour week, with the individual time schedule developed by the supervisor and subject to individual building needs. Custodians assume the additional responsibility for building checks as outlined in their job description.

Administrative office personnel work a 40-hour week with the individual time schedule developed by the supervisor and subject to the District's needs.

Ten-Month Employees

Ten-month employees work 10 working days before and after the school calendar.

On days when school sessions are canceled due to emergency situations and certificated personnel are not required to report for work, ten-month employees will not be required to work.

School secretaries work a 40-hour week, with the individual time schedule developed by the Building Principal. During the school calendar year, there may occur certain modifications of the school secretaries' work schedule, subject to building needs as determined by the Building Principal.

School Year Employees

School year employees work the school calendar year unless otherwise specified. Classroom aides work a schedule subject to building needs as determined by the Building Principal.

Hourly Employees

Work as needed and approved by immediate supervisor.

Supervisory Staff

The work day and work year for supervisory staff shall be similar to other personnel except that supervisory personnel are employed for specific tasks and such personnel 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 work.

Break Period

Please refer to the “Elmwood Park Custodian’s Association Agreement.”

For employees not covered by this agreement:

Employees who work at least 7.5 continuous hours shall receive a 30 minute duty-free meal break which begins within the first 5 hours of the employee's work day.

LEGAL REF.: 105 ILCS 5/10-20.14a, 5/10-22.34, and 5/10-23.5.

ADOPTED: August 19, 1998

Educational Support Personnel

Compensatory Time-Off

A non-exempt employee works overtime whenever the employee works more than 40 hours during a single work week. Employees may be given 1-1/2 hours of compensatory time-off in lieu of cash payment for each hour of overtime worked. Overtime will not be allowed without prior authorization from the employee's immediate supervisor.

Regular employees may accumulate a maximum of 240 hours of compensatory time, which represents compensation for 160 hours of overtime. Employees whose work regularly includes public safety, emergency response, or seasonal activities may accumulate a maximum of 480 hours of compensatory time, which represents compensation for 320 hours of overtime.

An employee who has accrued the maximum number of compensatory hours will be paid for any additional overtime hours worked, at the rate of one and one-half times the employee's regular hourly rate of pay.

An employee who has accrued compensatory time shall be permitted to use such time in at least half-day components if such requests do not unduly disrupt the operations of the District. All requests for compensatory time must be approved by 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.

LEGAL REF.: Fair Labor Standards Act, 29 U.S.C. § 201 et seq.; 29 C.F.R. § 785.

ADOPTED: August 19, 1998

Educational Support Personnel

Evaluation

Each educational support staff member's job performance shall be evaluated by his/her direct supervisor. The evaluation process includes scheduled annual evaluations, on forms applicable to the job classification, and day-to-day appraisals. Evaluations should be completed before the annual salary review. Supervisors should consider the employee's work quality, promptness, attendance, reliability, conduct, judgment, and cooperativeness.

Supervisors shall provide a copy of the completed evaluation to the employee and shall provide an opportunity to discuss it. The original should be signed by the employee and filed with the Superintendent.

As appropriate, supervisors should discuss job performance issues that require attention with employees.

ADOPTED: August 19, 1998

Educational Support Personnel

Sick Days, Vacation, Holidays, and Leaves

Twelve-Month Employees

Sick Days

Full or part-time educational support personnel who work at least 600 hours per year receive 10 paid sick leave days per year. Part-time employees will receive sick day pay equivalent to their regular work day. Unused sick leave shall accumulate to a maximum of 180 days, including the leave of the current year.

Sick leave includes personal illness, or as may be deemed necessary in other cases, quarantine at home, or serious illness, or death in the immediate family. The Superintendent and/or a designee shall monitor the use of sick leave.

After 3 days absence for personal illness, or as it may be deemed necessary in other cases, the employee may be required to furnish a physician's or a spiritual adviser's certificate of treatment as a basis for pay.

Vacation and Holidays

Please refer to the “Elmwood Park Custodian’s Association Agreement” or the “Classified Employee Benefits Document.”

Other Leaves

Educational support personnel receive the following leaves on the same terms and conditions granted professional personnel in the Board Policy 5:250, *Leaves of Absence*:

1. Leaves for Service in the Military and General Assembly.
2. School Visitation Leave.
3. Leaves for Victims of Domestic or Sexual Violence.

CROSS REF.: 5:180, 5:185, 5:250

ADOPTED: August 19, 1998

REVISED FIRST READING: September 23, 2009

REVISED SECOND READING: October 21, 2009

ADOPTED: October 21, 2009

Educational Support Personnel

Classification of Instructional Aides

The use of instructional aides is an important component of our educational system. These instructional aides are utilized within a variety of contexts and therefore assume varying levels of responsibilities.

Instructional aides are utilized within the areas of regulation education as well as specialized areas such as special education, bilingual, and at risk programs. In addition, instructional aides are utilized to assist in the process of integrating technology into our curriculum K-12. Reading paraprofessionals also play an integral role in our supplemental reading program by providing individualized assistance to students.

As a result of the above distinctions, the following categories are being created in order to provide a system of classification for hiring, Reduction in Force, and recall purposes:

- Regular Education Instructional Aides
- Reading Paraprofessionals
- Library Aides
- Special Education Aides
- Bilingual Aides

The above categories pertain only to those employees as instructional aides. Additional categories of instructional aides may need to be included over a period of time as the need arises and shall be presented to the Board by the Superintendent.

The intent of this new system of categories is to provide an equitable framework.

First Reading: June 30, 1999

Second Reading: August 18, 1999

ADOPTED: August 18, 1999