

ATTACHMENT NO. IX-E: First Reading and Approval of Policies

Suggested Motion: Move to approve changes to Board Policies 2:260 and 7:10.

Recommended Action: Approve the motion.

On February 17 and 18, 2011, the Regional Office of Education conducted a Technical Assistance Visit to the district office. As a result, one of the items identified in their probe document was that the language indicated in the following policies be added.

2:260

7:10

The Policy Committee recommends approval of the suggested changes to the above policies.

## **Board of Education**

*All persons within the district between the ages of 5 and 21 are accorded the right and opportunity to a free and equal education.*

### **Uniform Grievance Procedure**

A student, parent/guardian, employee, or community member should notify a District employee, following the channel of authority as set forth in the District's organizational chart, if he or she believes that the Board of Education, its employees, or agents have violated his or her rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy, or have a complaint regarding any one of the following:

1. Title II of the Americans with Disabilities Act
2. Title IX of the Education Amendments of 1972
3. Section 504 of the Rehabilitation Act of 1973
4. Title VI of the Civil Rights Act, 42 U.S.C. § 2000d et seq.
5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. § 200e et seq.
6. Sexual harassment (Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972)
7. Bullying, 105 ILCS 5/27-23.7
8. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
9. Curriculum, instructional materials, and/or programs
10. Victims' Economic Security and Safety Act, 820 ILCS 180
11. Illinois Equal Pay Act of 2003, 820 ILCS 112
12. Provision of services to homeless students
13. Illinois Whistleblower Act, 740 ILCS 174/
14. Misuse of genetic information (Illinois Genetic Information Privacy Act (GIPA), 410 ILCS 513/and Titles I and II of the Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. §2000ff et seq.)
15. Employee Credit Privacy Act, 820 ILCS 70/.

The District employee will attempt to resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. All deadlines under this procedure may be extended by the District Employee as he or she deems appropriate. As used in this policy, "school business days" means days on which the District's main office is open.

#### **1. Filing a Complaint**

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

## 2. Investigation

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

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

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

## 3. Decision and Appeal

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

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

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

### Appointing Nondiscrimination Coordinator and Complaint Managers

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

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

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

### Complaint Manager

Name: Jacob Hubert, Assistant Principal

Address: 17823 Poplar Grove Road, Poplar Grove, IL 61065

Telephone: (815) 765-3311

**Complaint Manager/Nondiscrimination Coordinator:**

Name: Kim Moore, Director of Special Education

Address: 6248 North Boone School Road, Poplar Grove, IL 61065

Telephone: (815) 765-3322

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.  
Americans With Disabilities Act, 42 U.S.C. §12101 et seq.  
Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.  
Equal Pay Act, 29 U.S.C. §206(d).  
Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.  
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.  
McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.  
Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.  
Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.,  
Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.  
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.  
105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.  
Illinois Genetic Information Privacy Act, 410 ILCS 513/.  
Illinois Whistleblower Act, 740 ILCS 174/.  
Illinois Human Rights Act, 775 ILCS 5/.  
Victims' Economic Security and Safety Act, 826 ILCS 180, 56 Ill.Admin.Code Part 280.  
Equal Pay Act of 2003, 820 ILCS 112.  
Employee Credit Privacy Act, 820 ILCS 70/.  
23 Ill.Admin.Code §§1.240 and 200-40.

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

ADOPTED: November 6, 2001

AMENDED: June 20, 2011

## Students

### Equal Educational Opportunities

~~Equal educational and extracurricular opportunities shall be available for all students~~ *All persons within the district between the ages of 5 and 21 are accorded the right and opportunity to a free and equal education* without regard to color, race, nationality, religion, sex, sexual orientation, ancestry, age, physical or mental disability, gender identity, status of being homeless, order of protection status, actual or potential marital or parental status, including pregnancy. Further, the District will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status, except that the District remains viewpoint neutral when granting access to school facilities under Board policy 8:20, *Community Use of School Facilities*. Any student may file a discrimination grievance by using Board Policy 2:260, Uniform Grievance Procedure.

### Sex Equity

No student shall, on the basis of sex, sexual orientation, or gender identity be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities.

Any student may file a sex equity complaint by using Board Policy 2:260, *Uniform Grievance Procedure*. A student may appeal the Board's resolution of the complaint to the Regional Superintendent (pursuant to 105 ILCS 5/3-10) and, thereafter, to the State Superintendent of Education (pursuant to 105 ILCS 5/2-3.8).

### Administrative Implementation

The Superintendent shall be the District's Nondiscrimination Coordinator. The Superintendent and Building Principal shall use reasonable measures to inform staff members and students of this policy and grievance procedure.

LEGAL REF.:	<p>42 U.S.C. §11431 <u>et seq.</u>, McKinney Homeless Assistance Act.          20 U.S.C. §1681 <u>et seq.</u>, 34 C.F.R. Part 106 Title IX of the Educational Amendments.          29 U.S.C. §791 <u>et seq.</u>, Rehabilitation Act of 1973.          775 ILCS 35/5, Religious Freedom Restoration Act.  <u>Ill. Constitution</u>, Art. I, §18.  <u>Good News Club v. Milford Central School</u>, 121 S. Ct. 2093 (2001).          105 ILCS 5/3.25b, 3.25d(b), 10-20.12, 10-22.5, and 27-1.          775 ILCS 5/1-101 <u>et seq.</u>, Illinois Human Rights Act.          23 Ill.Admin.Code §1.240 and Part 200.</p>
CROSS REF.:	<p>2:260 (Uniform Grievance Procedure), 6:220 (Instructional Materials Selection and Adoption), 7:20 (Harassment of Students Prohibited), 7:130 (Student Rights and Responsibilities), 7:330 (Student Use of Buildings - Equal Access), 8:20 (Community Use of School Facilities)</p>
ADOPTED:	<p>November 6, 2001</p>
AMENDED:	<p>June 20, 2011</p>