

# PRESS

## Update Memo

### Policy Reference Education Subscription Service

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## Instructions

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Two other important components of PRESS may be viewed and downloaded from PRESS Online - the committee worksheets and the updated Policy Reference Manual pages. The committee worksheets show suggested changes to PRESS material (including administrative procedures and exhibits) by striking out deleted words and underscoring new words. The updated Policy Reference Manual pages contain all of the material in this PRESS issue; you can use them to update your district manuals.

This publication is designed to provide information only and is not a substitute for legal advice from the school board's legal counsel. If you have any questions, please contact Melinda Selbee, IASB General Counsel and PRESS Editor, 630/629-3776, ext. 1231, or Kimberly Small, Assistant General Counsel and Assistant PRESS Editor, 630/629-3776, ext. 1226.

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## School Board

- **2:100, Board Member Conflict of Interest.** The policy and Legal References are unchanged. A footnote is amended as a result of legislation:

Any county clerk may implement a system of Internet-based filing for economic interest statements ~~but must allow filers the option to use a standardized form~~ (5 ILCS 420/4A-108, amended by P.A. 99-108). If an Internet-based filing system is used, the clerk must post the statements, without filers' addresses or signatures, on a publicly accessible website (Id.).

- **2:150, Committees.** The policy's section on **Standing Board Committees** is amended by adding the following phrase to the descriptions of the *Parent-Teacher Advisory Committee* and the *Behavioral Interventions Committee*: "and provides information and recommendations to the Board." This phrase is added to emphasize that these committees report to the board.

Two new paragraphs are added to the first footnote:

[This text is revised and moved from another f/n.] Consult the board attorney concerning the status of two mandatory committees – the PERA (Performance Educational Reform Act) joint committee and the RIF (reduction in force) joint committee (105 ILCS 5/24A-4(b) and 5/24-12(c), respectively). These committees perform

administrative/staff work and do not need to report directly to the board. Thus, most attorneys think they can be *superintendent* committees that do not trigger OMA [the Open Meetings Act] (see f/n 10). OMA compliance will be needed for any joint committee: (1) that is treated as a *board* committee, (2) when three or more board members are present, or (3) when the board attorney advises that OMA applies (e.g., interprets either joint committee to be a distinct public body created by the legislature).

[This text is NEW.] A board must appoint or approve a Concussion Oversight Team and charge it with establishing protocols for return-to-play and return-to-learn for students who have suffered a concussion or head injury (Youth Sports Concussion Safety Act, 105 ILCS 5/22-80(d), added by P.A. 99-245; **if approved by the House and signed by the Governor, SB219 will extend the effective date to the 2016-2017 school year**). As this is administrative/staff work rather than governance work, the best practice is to have the Concussion Oversight Team be an administrative committee, but consult the board attorney for guidance. Section 22-80(d) identifies who must be on each Concussion Oversight Team. A physician, to the extent possible, must be on the Team. If the school employs an athletic trainer and/or nurse, they must be on the Team to the extent practicable. The Team must include, at a minimum, one person who is responsible for implementing and complying with the return-to-play and return-to-learn protocols adopted by the Team. Other licensed health care professionals may be appointed to serve on the Team. See 7:305, *Student Athlete Concussions and Head Injuries*.

► **2:150-AP, Administrative Procedure - Superintendent Committees.** The administrative procedure is amended as follows:

1. "Superintendent" was changed to "Superintendent or designee" throughout.
2. Each description of a committee now has language indicating that the committee reports directly to the Superintendent or designee. This language is added to emphasize that the committees are not *board* committees and, thus, should not trigger the Open Meetings Act unless three or more board members are present.
3. New committees and their descriptions are added for the PERA (Performance Educational Reform Act) joint committee and the RIF (reduction in force) joint committee.
4. A new committee, called the Concussion Oversight Team, is added to implement the Youth Sports Concussion Safety Act (105 ILCS 5/22-80(d), added by P.A. 99-245; **if approved by the House and signed**

**by the Governor, SB219 will extend the effective date to the 2016-2017 school year**). This team is described above under 2:150, *Committees*.

► **2:200, Types of School Board Meetings.** The policy is updated in response to 5 ILCS 120/2(c)(8), amended by P.A. 99-235, eff. 1-1-2016 as follows:

8. Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. 5 ILCS 120/2(c)(8), amended by P.A. 99-235, eff. 1-1-2016.

Text in the policy's second paragraph, last sentence, includes the following clarifying edit:

In addition, each Board member must complete a course of training on the Open Meetings Act as required by Section 1.05(b) or (c) of that Act.

Footnotes were updated to add Ill. Atty. Gen. Public Access Counselor (PAC) opinions.

► **2:220-E2, Exhibit - Motion to Adjourn to Closed Meeting.** The exhibit is updated in response to 5 ILCS 120/2(c)(8), amended by P.A. 99-235, eff. 1-1-2016. See the discussion above in 2:200, *Types of School Board Meetings*.

► **2:250-E2, Exhibit - Immediately Available District Public Records and Web-Posted Reports and Records.** This is the annual update of the documents required or encouraged by legislative action to be posted on the district's website. The following are added:

1. "Board policy, 7:290, Suicide and Depression Awareness and Prevention." Posting is mandated by 105 ILCS 5/2-3.163(d), added by P.A. 99-443.
2. "Information on mental health issues and local treatment resources." Posting this information was encouraged by the Ill. House of Representatives in HR 478 (5-31-2015).

## Operational Services

► **4:120-AP, Administrative Procedure - Food Services; Competitive Foods; Exemptions.** The procedure is updated to reflect the Ill. State Board of Education's final rules at 23 Ill.Admin.Code Part 305. New text includes definitions and the number of exempted fundraising days from the final rules. The final ISBE rules are stricter than the emergency rules.

► **4:170, Safety.** The policy and Legal References are updated in response to 105 ILCS 5/10-20.56, added by P.A. 99-470, eff. 1-1-2016. A new subhead, Carbon Monoxide Alarms, reads:

The Superintendent or designee shall implement a plan with the District's local fire officials to:

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

A new footnote discusses the ambiguity of new carbon monoxide alarm requirements and directs boards to contact their attorneys for guidance.

► **4:170-API, Administrative Procedure - Comprehensive Safety and Security Plan.** The procedure is updated in the following subheads:

A. **Safety and Security Related Administrative Procedures and Forms** now lists "7:290-AP, Resource Guide for Implementation of Suicide and Depression Awareness and Prevention Program."

E. **Safety Review** is updated in response to 5 ILCS 120/2(c)(8), amended by P.A. 99-235, eff. 1-1-2016. The new text reads:

The Open Meetings Act allows the Board to enter closed session to discuss security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property (5 ILCS 120/2(c)(8), amended by P.A. 99-235, eff. 1-1-2016). Consult the Board Attorney for assistance with this Open Meetings Act exception.

H. **Material to be Included in Each School EOP** has a new number in response to 105 ILCS 5/10-20.56, amended by P.A. 99-470, eff. 1-1-2016. It reads:

6. Carbon monoxide alarm or detector activation plans, protocols and procedures (105 ILCS 5/10-20.56, amended by P.A. 99-470, eff. 1-1-2016 and 430 ILCS 135/).

## Personnel

► **5:90, Abused and Neglected Child Reporting.** The policy and the footnotes are updated as follows:

1. Change from certified to licensed throughout.
2. A new optional sentence at the end of the first paragraph reads, "The Superintendent or Building Principal shall immediately coordinate any necessary notifications to the student's parent(s)/guardian(s) with DCFS, the applicable school resource officer

(SRO), and/or local law enforcement." A new footnote to this sentence explains, "The sample policy makes coordination with DCFS, the SRO, and local law enforcement a step in the process of reporting, so the local agencies and school district are better able to prevent and manage the risks school officials and parents/guardians face when a DCFS report has been made, e.g., situations where parents/guardians, upon learning a DCFS report has been made involving their child(ren), commit an act of self-harm in response to the information."

3. F/n 10, discussing the *Erin's Law Taskforce Final Report*, is updated to explain that P.A. 99-30 repealed the statute requiring submission of the Report (because the Report has been submitted).

► **5:100, Staff Development Program.** The policy, Legal References, Cross References, and the footnotes are updated. The policy is updated as follows:

1. Throughout the policy, certified is changed to licensed.
2. A new sentence is added in response to 105 ILCS 5/2-3.163, amended by P.A. 99-443. It reads, "The Superintendent shall develop protocols for administering youth suicide awareness and prevention education to staff consistent with Board policy 7:290, Suicide and Depression Awareness and Prevention."

Footnotes are amended in response to P.A.s 99-30 (ISBE clean-up), P.A. 99-245 (concussion), 99-443 (suicide awareness and prevention), P.A. 99-456, eff. 9-15-2016 (SB 100 student discipline), and 7 C.F.R. Part 210 (school nutrition program directors, managers, and staff). Four new options are added, along with their corresponding legal citations, for boards that choose to add in-services and/or trainings that the School Code requires, but are not required to be specified in board policy. They include:

[This text is NEW.]

7. Ongoing professional development for teachers, administrators, school resource officers, and staff regarding the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.
8. Annual continuing education and/or training opportunities (*professional standards*) for school nutrition program directors, managers, and staff. Each school food authority's director shall document compliance with this requirement by the end of each school year and maintain documentation for a three year period.

9. All high school coaching personnel, including the head and assistant coaches, and athletic directors must obtain online concussion certification by completing online concussion awareness training in accordance with 105 ILCS 25/1.15. Coaching personnel and athletic directors hired before 8-18-2014 must be certified by 8-19-2015; if hired on or after 8-19-2014, they must be certified before their position's start date.
10. The following individuals must complete concussion training as specified in the Youth Sports Concussion Safety Act: coaches and assistant coaches (whether volunteer or employee) of an interscholastic athletic activity; nurses serving on the Concussion Oversight Team; athletic trainers; game officials of an interscholastic athletic activity; and physicians serving on the Concussion Oversight Team. Individuals covered by this training mandate must initially complete the training by 9-1-2016.

The corresponding legal citations to these new options are listed below:

[This text is NEW.]

7. 105 ILCS 5/10-22.6(c-5), amended by P.A. 99-456, eff. 9-15-2016. School board members are also included.
8. 7 C.F.R. Part 210. Section 210.2 defines school nutrition program directors, managers, and staff. 7 C.F.R. §§210.15(b)(8) (recordkeeping requirements) and 210.30(a), (c), (d), and (e) (professional standards requirements), and 210.30(g)(requiring school food authority directors to keep records). Food service funds may be used for reasonable, allocable, and necessary training costs (7 C.F.R. §210.30(g)). The U.S. Dept. of Agriculture (USDA) has established implementation resources that contain training opportunities and resources covering the four core training areas: nutrition, operations, administration, and communications/marketing. They are available at: [professionalstandards.nal.usda.gov](http://professionalstandards.nal.usda.gov).
9. 105 ILCS 25/1.15.
10. 105 ILCS 5/22-80(h), added by P.A. 99-245, and possibly amended by SB219 (if approved by the House and signed by the Governor, SB219 will extend the effective date to the 2016-2017 school year).

Cross References are updated to reflect current policy titles.

► **5:100-AP, Administrative Procedure - Staff Development Program.** The procedure is updated to move footnote materials to an introduction. A new sub-head titled **Implementation of Staff Development Program** was added. Paragraph D is amended and paragraph F is added in response to 7 C.F.R. Parts 210 and 235 as follows:

D. The topics to be covered on days declared as Teacher Institutes (TI) must be approved by the Regional Superintendent of Schools Offices of Education (ROE) or Intermediate Service Centers (ISC), whichever is applicable, governing the schools of that region. The request for approval should be submitted to the Regional Superintendent (ROE) or Chief Administrative Officer (ISC) at least 30 days prior to the event.

F. For nutrition directors and school nutrition professionals, the annual training standards for school nutrition professionals (7 C.F.R. Parts 210 and 235).

The Legal References are updated in response to several public acts (discussed above in 5:100, *Staff Development*).

► **5:120-AP1, Administrative Procedure - Statement of Economic Interests for Employees.** This administrative procedure is amended in response to legislation as follows:

Any county clerk who uses a system of Internet-based filing of economic interest statements must: (1) provide the option to file by way of standardized form, (2) post the contents of statements, without filers' addresses or signatures, that were filed using the Internet on a publicly accessible website, and ~~(3)~~ (2) otherwise comply with 5 ILCS 420/4A-108, amended by P.A. 99-108.

► **5:185-AP, Administrative Procedure - Resource Guide for Family and Medical Leave.** The procedure is updated to alert school officials of the Genetic Information Nondiscrimination Act's (GINA) safe harbor language under the following two listed FMLA Certifications:

Health Care Provider for Employee's Serious Health Condition (App. B)

**Note:** Consult the Board Attorney to ensure that: (1) the District is using the most recent version of the Dept. of Labor's (DOL) FMLA notification and certification forms, (2) Genetic Information Nondiscrimination Act's safe harbor protections are adequately customized into these forms (the DOL did not include in its forms the specific instructions included in GINA's sample safe harbor provision), and (3) both federal and State law requirements are met.

Health Care Provider for Family Member's Serious Health Condition (App. B)

See Note, above.

## Instruction

► **6:15, School Accountability.** The policy, footnotes, and Legal References are updated in response to legislation. The policy still directs the superintendent to supervise the quality assurance components that are listed in the policy and to continuously keep the board informed. The component concerning *adequate yearly progress* is deleted and replaced with:

The Superintendent shall supervise the following quality assurance components ... :

3. Continuously assess the District's and each school's overall performance in terms of both academic success and equity. This includes, without limitation, a thorough analysis of ISBE's balanced accountability measure and each school's Multiple Measure Index and corresponding Annual Measurable Objective provided by ISBE.

A footnote explains the above changes to the policy as follows:

[This text is NEW.] P.A. 99-193 significantly revised the system of standards for school districts and schools. ISBE must establish recognition standards for student performance and school improvement for all districts and their individual schools. The recognition standard must be an outcome-based, *balanced accountability measure*. Subject to funding, the *balanced accountability measure* must focus on student performance and, beginning in the 2016-17 school year for some districts and for all districts by the 2021-22 school year, professional practice. The student performance component must focus on student outcomes and closing the achievement gaps using a *Multiple Measure Index* and *Annual Measurable Objectives*. ISBE must establish a *Multiple Measure Index* and *Annual Measurable Objectives* for each school that address the school's overall performance in terms of both *academic success* and *equity* (105 ILCS 5/2-3.25d(a), amended by P.A. 99-193). A process for assistance, remediation, and intervention exists for low-performing districts known as *priority* and *focus* districts, as those terms are defined by 105 ILCS 5/2-3.25d-5, added by P.A. 99-193 (105 ILCS 5/2-3.25e-5 and 5/2-3.25f, amended by P.A. 99-193).

The quality assurance component concerning *improvement plans* is amended as follows:

The Superintendent shall supervise the following quality assurance components ... :

4. If applicable, develop District and School Improvement Plans, present them for Board approval, submit them to the State Superintendent for verification, and supervise their

implementation. If applicable, develop a restructuring plan for any school that remains on academic watch status after a fifth annual calculation:

A footnote explains the above change to the policy as follows:

The requirements around district and school improvement plans are unknown until ISBE revises its rules following P.A. 99-193. This Public Act deleted the requirements concerning improvement plans as well as the sanctions for failing to make adequate yearly progress (105 ILCS 5/2-3.25d, amended by P.A. 99-193). 105 ILCS 5/2-3.25f continues to state that schools or districts "that fail to make reasonable efforts to implement an approved Improvement Plan may suffer loss of State funds by school district, attendance center, or program as the State Board of Education deems appropriate."

A subhead in the policy is renamed as shown: **School Choice for Students Enrolled in a School Identified for Improvement, Corrective Action, or Restructuring and Supplemental Education Services (SES)**. All text under this subhead is deleted and replaced with the following:

This section of the policy is effective only if the choice and/or supplemental educational services requirements in federal law are applicable to Illinois. When effective, school choice and supplemental education services will be offered to students as provided in Title I of the Elementary and Secondary Education Act.

A footnote explains the change as follows:

The provisions in this section are required by §1116 of No Child Left Behind (20 U.S.C. §6316; 34 C.F.R. §200.44). Districts that do not receive Title I funds should omit this section. ISBE received a waiver for school year 2015; the future status of choice depends on federal action on any applicable request(s) by ISBE for a Title I waiver. ISBE's website contains information says that "there will be no choice requirement for the 2014-2015 school year and until further notice," and "no SES requirements beginning with the 2014-15 school year," (emphasis added) at [www.isbe.net/grants/html/choice.htm](http://www.isbe.net/grants/html/choice.htm).

► **6:15-E, Exhibit - Resolution Declining Requests to Accept Non-Resident Choice Students. DELETED.** This exhibit is no longer needed as NCLB's choice provisions do not apply in Illinois until further notice from ISBE.

## 6:50, School Wellness: Background

The Healthy Hunger-Free Kids Act (HHFKA) expired on Sept. 30, 2015, but as long as appropriations exist, HHFKA continues. Since its passing, the following federal rules were created under this law and have affected **PRESS** materials (listed in chronological order of promulgation):

1. School meal standards rules, finalized in January 2012.
2. Smart snacks rules, known as competitive foods standards, proposed February 2013, and cited as Interim Final Rule June 2013 (79 Fed. Reg. 10693 (Feb. 26, 2014)). **There are not final rules as of the date of this publication**, yet ISBE's exempted fundraising days rule (23 Ill. Admin. Code §305(c), discussed above in 4:120-AP, *Food Services; Competitive Foods; Exemptions*, and below in 6:50, *School Wellness*, relies upon this federal interim final rule.
3. Professional standards rules, finalized in March 2015, eff. July 2015.
4. Local school wellness policy implementation/ school nutrition environment rules, proposed February 2015.

Although we do not update **PRESS** materials based upon proposed rules, because the federal government treats federal interim final rules as final rules, updates have now been made to reflect #2, above.

► **6:50, School Wellness.** The policy, Cross References, and footnotes are updated in response to 23 Ill. Admin. Code §305(c), discussed in the textbox **6:50, School Wellness: Background** and ISBE Learning Standards Goal 20. Text in the policy is amended as follows:

1. The first paragraph now reads: "This policy shall be interpreted consistently with Section 204 of the Child Nutrition and WIC Reauthorization Act of 2004: and the Healthy Hunger-Free Kids Act of 2010 (HHFKA). The Superintendent or designee will ensure each school building complies with this policy."
2. The text in the subhead **Goals for Nutrition Education and Nutrition Promotion** changes the term **good** nutrition to **sound** nutrition.
3. The subhead **Nutrition Guidelines for Foods Available in Schools During the School Day** is renamed, and its text is amended as follows:

Students will be offered and schools will promote nutritious food and beverage choices consistent with the current *Dietary Guidelines for Americans* and Food Guidance System published jointly by the U.S. Departments of Health and Human Services and the Department of

Agriculture (USDA). In addition, in order to promote student health and reduce childhood obesity, the Superintendent or designee shall control food sales that compete with the District's non-profit food service in compliance with the Child Nutrition Act. Food service rules shall restrict the sale of competitive foods of minimal nutritional value, as defined by the U.S. Department of Agriculture USDA, in the food service areas during the meal periods and comply with all applicable rules of the Illinois State Board of Education ISBE rules.

4. A new subhead titled **Exempted Fundraising Day (EFD) Requests** is added in response to 23 Ill. Admin. Code §305(c), discussed in the textbox, **6:50, School Wellness: Background** and reads as follows:

All food and beverages sold to students on the school campuses of participating schools during the school day must comply with the "general nutrition standards for competitive foods" specified in federal law, unless the Superintendent or designee in a participating school has granted an exempted fundraising day (EFD). To request an EFD and learn more about the District's related procedure(s), contact the Superintendent or designee. The District's procedures are subject to change. The number of EFDs is set by ISBE rule.

5. The first sentence in the **Monitoring** subhead now reads, "The Superintendent or designee shall annually provide periodic implementation data and/or reports to the Board concerning this policy's implementation sufficient to allow the Board to monitor and adjust the policy."
6. The text of the **Community Input** subhead now reads, "The Superintendent or designee will actively invite suggestions and comments concerning the development, implementation, and improvement of the school wellness policy from parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and community."

Footnotes are amended throughout to explain the changes to the text in the policy. A Cross Reference to "6:60, Curriculum Content" is added.

► **6:60, Curriculum Content.** The policy and footnotes are updated in response to legislation as follows:

1. P.A. 99-434 (eff. 1-1-2016) added one semester of civics to the high school graduation requirements. The policy now states: "and, for those students covered by P.A. 99-434 (eff. 1-1-2016 but may be delayed by subsequent legislation), one semester of civics, ..." A footnote explains that HB 800, if approved by the Senate and signed by the

Governor, will: (1) delay the effective date of P.A. 99-434 until 7-1-2016, and (2) make the civics course requirement effective for only students entering the 9th grade in the 2016-2017 school year and each year thereafter. School districts may utilize private funding available for offering civics education.

2. P.A. 99-284 added new subjects to the required consumer education course, that is, consumer debt, higher education student loans, and identity-theft security. The policy is amended to specify each of the required subjects.

► **6:160, English Language Learners.** The policy is renamed and the policy text and footnotes are updated to refer to *English Learner* throughout in response to P.A. 99-30 (ISBE clean-up bill) and recent updates to 23 Ill.Admin.Code §228.15. A third paragraph is also added to f/n 1 to discuss joint guidance from the Office for Civil Rights (OCR) at the U.S. Dept. of Education (ED) and the Civil Rights Division at the U.S. Department of Justice (DOJ). The guidance provides "assistance to school districts and all public schools in meeting their legal obligations to ensure that English learners can participate meaningfully and equally in educational programs and services."

► **6:270, Guidance and Counseling Program.** The policy is unchanged. A typo is corrected in the Legal References. A policy is added to the Cross References: "7:290 (Suicide and Depression Awareness and Prevention)."

The incomplete list of counseling services is removed from a footnote and replaced with this information:

School boards may employ counselors (105 ILCS 5/10-22.24a). 105 ILCS 5/10-22.24b, amended by P.A. 99-276, provides a non-exhaustive list of 54 school counseling services. P.A. 99-276 amended the counseling services for students in need of special education services or who have a federal Section 504 plan.

► **6:280, Grading and Promotion.** The only change in the policy is to add "designee" to this directive: "The Superintendent or designee shall establish a system of grading and reporting." The Legal References are unchanged. The following information is added to a footnote:

In House Joint Resolution 54 (2015), members of the Ill. House and Senate encouraged school districts to not use results of the PARCC test for the 2014-2015 school year through the 2017-2018 school year "as a determining factor for making decisions about a student's educational opportunities, the evaluation of educators, and the allocation of resources based on educational achievement on this assessment."

► **6:310, High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students.** The policy and Legal References are unchanged. A policy is added to the Cross References: "6:315 (High School Credit for Students in Grade 7 or 8)". The following information is added to a footnote:

Sample policy 6:315, High School Credit for Students in Grade 7 or 8, allows students enrolled in grade 7 or 8 to enroll in a course required for high school graduation (105 ILCS 5/27-22.10(a), amended by P.A. 99-189, and 23 Ill.Admin.Code §1.440(c)(3).

► **6:315, High School Credit for Students in Grade 7 or 8. RENUMBERED.** The material in this **NEW** policy is moved from 6:320, *High School Credit for Proficiency*, and amended in response to legislation. The policy's purpose is to authorize the superintendent or designee to investigate, coordinate, and implement a program to allow students in grades 7 and 8 to enroll in a course required for a high school diploma. While State law controls this policy's content, districts are not required to implement it. 105 ILCS 5/27-22.10(a), amended by P.A. 99-189, and 23 Ill.Admin.Code §1.440(c)(3).

The policy's first section is only for unit and high school districts. While the entire section is significantly changed, the section's first paragraph provides the crux:

If a program is available, students in grades 7 and 8 may enroll in a course required for a high school diploma when: (1) the course is offered by the high school that the elementary student would attend; (2) the and either of the following is satisfied: (1) the student participates in the course at the location of the high school; and (3) and the elementary student's enrollment in the course would not prevent a high school student from being able to enroll; or (2) the student participates in the course where the student attends school as long as the course is taught by a teacher who holds a professional educator license with an endorsement for the grade level and content area of the course.

P.A. 99-189 *deleted* the requirement that the high school teacher teach "in a high school of the school district where the student will attend when in high school and no high school students are enrolled in the course."

A high school board may choose the alternative in a footnote if it believes condition (2), quoted above, would be difficult to manage because its students come from multiple districts having been taught by multiple non-district teachers.

The final section is only for elementary districts. Much of this section is deleted, leaving the following paragraph:

The Superintendent or designee may investigate, coordinate, and implement If a program for is available, students in grades 7 and 8 to may enroll in a course required for a high school diploma. Students in grades 7 and 8 may enroll in who successfully complete a course required for a high school diploma at the high school that the elementary student would attend will receive academic credit if permitted by, and in accordance with, State law and the high school board the policy of in the high school the district where that the elementary student will attend high school.

- ▶ **6:320, High School Credit for Proficiency.** The policy's intention is to authorize the Superintendent or designee to establish and approve a program for granting high school credit for proficiency. The entire section on **Course Credit for High School Diploma** is deleted and moved to 6:315, *High School Credit for Students in Grade 7 or 8*. See above for an explanation. The Legal References and Cross References are also amended.
- ▶ **6:340, Student Testing and Assessment.** The policy, Legal References, and Cross References are unchanged. A footnote partially quotes House Joint Resolution 54 (2015) which is quoted under 6:280, *Grading and Promotion*, above.

## Students

- ▶ **7:50, School Admissions and Student Transfers To and From Non-District Schools.** The policy and footnotes are updated. In the policy, certified is changed to licensed. Footnote changes include (1) reference to P.A. 99-30 (ISBE clean-up bill), which repealed the Military Compact Act (105 ILCS 5/22-65) because of a new version titled Educational Opportunity for Military Children Act (105 ILCS 70/), and (2) an addition of a document addressing registration guidance from the Ill. State Board of Education (ISBE).
- ▶ **7:50-AP, Administrative Procedure - School Admissions and Student Transfers To and From Non-District Schools.** The procedure is updated for the same reasons discussed above in 7:50, *School Admissions and Student Transfers To and From Non-District Schools*.
- ▶ **7:100, Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students.** The policy, Legal References, Cross References, and footnotes are updated. Policy text is amended in the following subheads:  
**Required Health Examinations and Immunizations.** The text in the third paragraph is amended in response to 410 ILCS 315/1.10, amended by P.A. 98-480. It now reads as follows:

3. Before admission and in conjunction with required physical examinations, parents/guardians of children between the ages of 6-

months one and 6 seven years must provide a statement from a physician that their child was "risk-assessed" or screened for lead poisoning.

**Exemptions.** The text in the first paragraph is amended in response to 105 ILCS 5/27-8.1(1.10) and (8), changed by P.A. 99-249, and 77 Ill.Admin.Code §665.51. It reads as follows:

Religious or medical grounds, if the student's parents/guardians present the IDPH's Certificate of Religious Exemption form to the Superintendent or designee. When a signed statement explaining the objection; Certificate of Religious Exemption form is presented, the Superintendent or designee shall immediately inform the parents/guardians of exclusion procedures pursuant to Board policy 7:280, Communicable and Chronic Infectious Disease and State rules if there is an outbreak of one or more diseases from which the student is not protected.

Footnotes are updated in response to the discussion above, along with adding P.A. 98-690 (meningococcal conjugate vaccine). Legal References and footnotes are updated in response the policy text changes discussed. A Cross Reference is added to "7:280, Communicable and Chronic Infectious Disease."

- ▶ **7:130, Student Rights and Responsibilities.** This policy's purpose is to generally inform the school community about student rights and responsibilities. It is updated in response to legislation. The right to engage in non-disruptive prayer was deleted from the first paragraph. This right is now covered in a new paragraph that essentially quotes 105 ILCS 20/5, amended by P.A. 99-410. It states:

Students may, during the school day, during noninstructional time, voluntarily engage in individually or collectively initiated, non-disruptive prayer or religious-based meetings that, consistent with the Free Exercise and Establishment Clauses of the U.S. and Illinois Constitutions, are not sponsored, promoted, or endorsed in any manner by the school or any school employee. Noninstructional time means time set aside by a school before actual classroom instruction begins or after actual classroom instruction ends.

A footnote explains that the revised statute provides examples of religious-based meetings, e.g., prayer groups, B I B L E (Basic Instruction Before Leaving Earth) clubs, and *meet at the flagpole for prayer days*. Districts with secondary schools should also amend the Cross References by adding "7:330 (Student Use of Buildings - Equal Access)."



► **7:140, Search and Seizure.** The policy and footnotes are updated in response to significant amendments to the Right to Privacy in the School Setting Act, 105 ILCS 75/15, amended by P.A. 99-460. To align with the Act's revision, the policy now prohibits school officials from requiring or requesting a student to provide a password or other related account information. As permitted by the Act, the policy authorizes school officials to require a student to share the content of a social networking website in certain limited situations. The policy describes this authority as follows:

School officials may conduct an investigation or require a student to cooperate in an investigation if there is specific information about activity on the student's account on a social networking website that violates a school disciplinary rule or policy. In the course of an investigation, the student may be required to share the content that is reported in order to allow school officials to make a factual determination.

As explained in a footnote, the Act requires districts to provide parents/guardians with notice of the law in the "school's disciplinary rules, policies, or handbook, or communicated by similar means."

► **7:140-E, Exhibit - Letter to Parents/Guardians Regarding the Right to Privacy in the School Setting Act.** The letter is significantly revised to comply with amendments to the Right to Privacy in the School Setting Act, 105 ILCS 75/15, amended by P.A. 99-460. The letter now states that it is regarding: "When may school officials require a student to share the content from his or her account or profile on a social networking website?" See the description under 7:140, *Search and Seizure*, above.

► **7:290, Adolescent Suicide and Depression Awareness and Prevention Programs.** The policy is renamed and rewritten to comply with Ann Marie's Law, 105 ILCS 5/2-3.163(c), amended by P.A. 99-443. The statute specifies seven specific policy requirements for boards, along with a few other requirements. The rewritten policy contains these seven requirements and directs the superintendent or designee to develop and maintain a suicide and depression awareness and prevention program that is consistent with them. The footnotes contain significant discussion about these requirements, along with one optional subhead based upon the language of the prior policy. Boards that developed a relationship between their districts and the Ill. Suicide Prevention Strategic Planning Committee may wish to keep this optional language.

► **7:290-AP, Administrative Procedure - Adolescent Resource Guide for Implementation of Suicide and Crisis Intervention Depression Awareness and Prevention Program.** The procedure is renamed and

rewritten. It lists the implementation steps and resources to use in addressing the required components of Ann Marie's Law, 105 ILCS 5/2-3.163(c), amended by P.A. 99-443, and required to be included in board policy, 7:290, *Suicide Prevention and*

► **7:300, Extracurricular Athletics.** The policy, Legal References, Cross References, and footnotes are updated in response to legislation and subscriber feedback. This policy's purpose is to establish basic requirements for students to participate in school-sponsored extracurricular athletic activities. Of the listed requirements, only the following were substantively edited:

3. The student must present a current certificate of physical fitness issued by a licensed physician, an advanced practice nurse, or a physician assistant, who assures that the student's health status allows for active athletic participation. The Pre-Participation Physical Examination Form, offered by the Illinois High School Association and the Illinois Elementary School Association, is the preferred certificate of physical fitness.
5. The student must agree to follow all conduct rules and the coaches' instructions.
7. The student and his or her parent(s)/guardian(s) must complete forms required by the Illinois High School Association (IHSA) concerning its performance-enhancing substance testing program, implemented in accordance with State law, before the student may participate in an athletic competition sponsored or sanctioned by IHSA:
7. The student and his or her parent(s)/guardian(s) must: (a) comply with the eligibility rules of, and complete any forms required by, any sponsoring association (such as, the Illinois Elementary School Association, the Illinois High School Association, or the Southern Illinois Junior High School Athletic Association), and (b) complete all forms required by the District including, without limitation, signing an acknowledgment of receiving information about the Board's concussion policy 7:305, *Student Athlete Concussions and Head Injuries.*

A new provision in the policy authorizes the superintendent or designee to impose additional requirements, provided the requirement(s) comply with board policy 7:10, *Equal Educational Opportunities.*

► **7:300-E1, Exhibit - Agreement to Participate.** The form is significantly amended in response to legislation and subscriber feedback. The following list briefly describes the most significant changes:

1. The *Concussion Information Sheet* is deleted. That information must be in a form approved by the Illinois High School Association according to the

Youth Sports Concussion Safety Act, 105 ILCS 5/22-80(e), added by P.A. 99-245; **if approved by the House and signed by the Governor, SB219 will extend the effective date to the 2016-2017 school year**). For more information, see 7:305, *Student Athlete Concussions and Head Injuries*, below.

2. The *Agreement to Participate* form continues to reference Board policy 7:305, *Student Athlete Concussions and Head Injuries*, as required by 105 ILCS 5/10-20.54(b). The form now explains that a student who has suffered a concussion or head injury will not be allowed to return to play or practice until having successfully completed the school's return-to-play and return-to-learn protocols.
3. A new provision requires the student and parent/guardian to acknowledge reading the eligibility rules of any group or association sponsoring any athletic activity.
4. In the requirement to complete forms required by any association sponsoring the activity, a specific mention is included of the *IHSA Sports Medicine Acknowledgment & Consent Form, Acknowledgement and Consent*. This IHSA form contains the information on concussions described in #1 above.

► **7:305, Student Athlete Concussions and Head Injuries.** The policy, Legal References, and footnotes are updated in response to legislation. As before, the policy:

1. Directs the superintendent or designee to develop and implement a program to manage concussions and head injuries suffered by students, and
2. Describes the major components of the program to ensure legal compliance, including the requirements in the new Youth Sports Concussion Safety Act.

Three Illinois statutes in the School Code govern student concussions:

1. The Youth Sports Concussion Safety Act, 105 ILCS 5/22-80, added by P.A. 99-245; **if approved by the House and signed by the Governor, SB219 will extend the effective date to the 2016-2017 school year**. The Act contains concussion safety directives for school boards and certain identified staff members. A school district must implement Sec. 22-80 if it offers interscholastic athletic activities or interscholastic athletics under the direction of a coach (volunteer or school employee), athletic director, or band leader. A school district may need to implement its return-to-learn protocol for a student's return to the classroom after he or she is believed to have experienced a concussion, "whether or not the concussion took place while the student was participating in an interscholastic activity." 105 ILCS 5/22-80(d). For a comprehensive discussion of this Act, see the IASB publication *Checklist for Youth Sports Concussion Safety Act* at [iasb.com/law/](http://iasb.com/law/).

2. 105 ILCS 5/10-20.54 requires each school board to adopt a policy regarding student athlete concussions and head injuries that complies with the protocols, policies, and by-laws of the Illinois High School Association (IHSA). This requirement applies to elementary school districts even if they have no student athletes. See the Illinois Elementary School Association's concussion protocol at [www.iesa.org/activities/concussion.asp](http://www.iesa.org/activities/concussion.asp).
3. 105 ILCS 25/1.15, added by P.A. 98-1011, requires (1) all high school coaching personnel to complete online concussion awareness training, and (2) all student athletes to view the IHSA video about concussions.

Most of the policy's revisions are due to the Youth Sports Concussion Safety Act, 105 ILCS 5/22-80, added by P.A. 99-245. A pending bill, SB219, if enacted and signed will extend the effective date to the 2016-2017 school year to allow schools the time needed to prepare for the implementation of this comprehensive legislation. The policy directs the superintendent or designee to "prepare for the full implementation" of this Act and lists seven major elements for the Act's implementation. Please see the committee worksheets to review these elements and the other policy updates; see the policy's footnotes for reference and resource material. We will update the sample procedure (7:305-AP, *Program for Managing Student Athlete Concussions and Head Injuries*) in a future **PRESS** issue.

► **7:340, Student Records.** The policy, Legal References, and footnotes are updated in response to subscriber feedback and the Illinois Marriage and Dissolution of Marriage Act (Act), 750 ILCS 5/, amended by P.A. 99-90, eff. 1-1-2016. The Act changed the terms *custody* and *visitation* to *parental responsibility* and *parenting time*, respectively. The policy only references *custody*, and uses the former term and the new term as follows: "custody/parental responsibility." Based upon subscriber feedback, we added the following sentence, "Upon request, the District discloses school student records without consent to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by State or federal law."

Legal References contain the citation to the Act. Footnotes contain references to the above updates, along with a discussion about student data privacy best practices and resources.

► **7:340-AP1, Administrative Procedure - School Student Records.** The procedure, Legal References, and footnotes are updated in response to the following:

1. Illinois Marriage and Dissolution of Marriage Act (Act), 750 ILCS 5/, amended by P.A. 99-90, eff. 1-1-2016. Changes include the discussion above in 7:340, *Student Records*, along with a new Section K. Parenting Plans.

2. Recent updates to rule 23 Ill.Admin.Code §1.442(c), addressing the State Commendation Toward Bilit-eracy;
3. Recent updates to rule 23 Ill.Admin.Code §375.10; and
4. Subscriber feedback as discussed in 7:340, Student Records, above.

The procedure has a new introduction. “This procedure implements policy 7:340, Student Records. It contains a Table of Contents and lettered Sections.” Also, two subheads are added.

Legal References are updated as discussed above in 7:340, *Student Records*. Footnotes are amended and sometimes brought into the text of the procedure throughout for the reasons discussed above.

- ▶ 7:340-AP1, E1 Exhibit - **Notice to Parents/Guardians and Students of Their Rights Concerning a Student’s School Records**. The exhibit is updated where necessary for the reasons discussed above in 7:340-AP1, *Administrative Procedure - School Student Records*.

## Community Relations

- ▶ 8:30, **Visitors to and Conduct on School Property**. The policy and footnotes are updated. The policy text addressing prohibited conduct is amended to align with recent updates discussed in 5:50, *Drug- and Alcohol-Free Workplace; Tobacco Prohibition* (see **PRESS** Issue 89) and reads as follows:

No person on school property or at a school event (including visitors, students, and employees) shall perform any of the following acts: ...

8. Distribute, Econsume, use, possess, or be under the influence of an alcoholic beverage or illegal drug; be present when the person’s alcohol or illegal drug consumption is detectible, regardless of when and/or where the use occurred.

Footnotes are updated for these reasons and in response to the following two laws:

1. 625 ILCS 5/11-605, amended by P.A. 99-212, eff. 1-1-2016 (special speed limit);
2. 430 ILCS 66/65(b), added by P.A. 98-630 and amended by P.A. 99-29 (Concealed Carry Act). The policy’s optional provision for number 3 adds the exception for guns on school campus and now reads as follows:

~~however,~~ An individual licensed to carry a concealed firearm under the Illinois Firearm Concealed Carry Act is permitted to: (a) carry a concealed firearm within a vehicle into a parking area controlled by a school or the District and may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area, and/or (b) carry a concealed firearm in the immediate area surrounding his or her vehicle in a parking area controlled by a school or the District for the limited purpose of storing or retrieving a firearm within the vehicle’s trunk.

# Progress Report

The contents of this table frequently change.

Topics	Our Response
<p><b>Student Discipline   SB 100   P.A. 99-456</b>  <b>Effective 9-15-2016</b>, disciplinary interventions and consequences in the State of Illinois will change. The overhaul requires school officials to plan, explore, and implement disciplinary systems for their districts that “limit the number and duration of expulsions and suspension to the greatest extent practicable, and it is recommended that they use them only for legitimate educational purposes” 105 ILCS 5/10-22.6(b-5), amended by P.A. 99-456.</p>	<p>This law requires a fundamental shift in existing philosophies of student discipline. Amendments to implement this law require not only new language in policies but a lot of training, work, research, and decisions by school officials.</p> <p>We have a comprehensive review process planned to change these <b>PRESS</b> policies and their implementation materials:</p> <ol style="list-style-type: none"> <li>1. 7:190, <i>Student Discipline</i>;</li> <li>2. 7:200, <i>Suspension Procedures</i>; and</li> <li>3. 7:210, <i>Expulsion Procedures</i>.</li> </ol> <p>To allow subscribers enough time to digest the new law, the upcoming <b>PRESS</b> amendments, and work with their local counsel, our target completion date for this project is the next <b>PRESS Issue 91</b> in Jan. or Feb. 2016.</p>
<p><b>Adding Civics to the Graduation Requirements</b>  Recent legislation added one semester of civics to the list of required courses for high school graduation. The trailer bill HB 800 will delay this requirement’s effective date until 7-1-2016 and make it apply to only students entering the 9th grade in the 2016-2017 school year and each year thereafter. 105 ILCS 5/27-22(e)(5), amended by P.A. 99-434, eff. 1-1-2016; if enacted and signed by the Governor, HB 800 will extend the effective date.</p>	<p>We will amend the following material in a subsequent <b>PRESS</b> issue when the fate of HB 800 is known:</p> <ol style="list-style-type: none"> <li>1. 6:300, <i>Graduation Requirements</i>; and</li> <li>2. 6:300-E2, <i>Exhibit- State Law Graduation Requirements</i>.</li> </ol>

# Revisions to Policies, Administrative Procedures and Exhibits

Number and Title	Action The memo describes the revisions.
2:100, Board Member Conflict of Interest	Footnote is amended in response to legislation.
2:150, Committees	Policy and footnote are amended in response to legislation.
2:150-AP, Administrative Procedure - Superintendent Committees	Procedure and footnotes are amended in response to legislation.
2:200, Types of School Board Meetings	Policy and footnotes are updated in response to legislation.
2:220-E2, Exhibit - Motion to Adjourn to Closed Meeting	Exhibit is updated in response to legislation.
2:250-E2, Exhibit - Immediately Available District Public Records and Web-Posted Reports and Records	Annual update of exhibit in response to legislation.
4:120-AP, Administrative Procedure - Food Services; Competitive Foods; Exemptions	Procedure is updated in response to ISBE's final rules at 23 Ill.Admin. Code Part 305.
4:170, Safety	Policy, footnotes, and Legal References are updated in response to legislation.
4:170-AP1, Administrative Procedure - Comprehensive Safety and Security Plan	Procedure is updated in response to legislation.
5:90, Abused and Neglected Child Reporting	Policy and footnotes are updated in response to subscriber feedback and legislation.
5:100, Staff Development Program	Policy, Legal References, Cross References, and footnotes are updated in response to legislation.
5:100-AP, Administrative Procedure - Staff Development Program	Procedure and Legal References are updated in response to State legislation and federal rules.
5:120-AP1, Administrative Procedure - Statement of Economic Interests for Employees	Procedure is amended in response to legislation.
5:185-AP, Administrative Procedure - Resource Guide for Family and Medical Leave	Procedure is updated in response to federal legislation.
6:15, School Accountability	Policy, footnotes, and Legal References are updated in response to legislation.
6:15-E, Exhibit - Resolution Declining Requests to Accept Non-Resident Choice Students	<b>DELETED.</b> It is no longer needed because NCLB's choice provisions do not apply in Illinois until further notice from ISBE.
6:50, School Wellness	Policy, Cross References, and footnotes are updated in response to legislation.
6:60, Curriculum Content	Policy, Legal References, Cross References, and footnotes are updated in response to legislation.
6:160, English Language Learners	Policy is renamed. Policy and footnotes are updated in response to legislation.
6:270, Guidance and Counseling Program	A footnote is updated in response to legislation; a typo is corrected in the Legal References; and a policy is added to the Cross References.
6:280, Grading and Promotion	Policy and footnotes are updated in response to a House Joint Resolution.
6:310, High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students	Footnotes and Cross References are updated in response to legislation.
6:315, High School Credit for Students in Grade 7 or 8	<b>NEW.</b> Material relocated from 6:320, <i>High School Credit for Proficiency</i> , and amended in response to legislation.
6:320, High School Credit for Proficiency	Policy, footnotes, Legal References, Cross References are updated in response to legislation. Material from subhead <b>Course Credit for High School Diploma</b> is relocated as discussed above in 6:315, <i>High School Credit for Students in Grade 7 or 8</i> .

# Revisions to Policies, Administrative Procedures and Exhibits

*continued*

Number and Title	Action
6:340, Student Testing and Assessment	Footnotes are updated in response to a House Joint Resolution.
7:50, School Admissions and Student Transfers To and From Non-District Schools	Policy and footnotes are updated in response to legislation.
7:50-AP, Administrative Procedure - School Admissions and Student Transfers To and From Non-District Schools	Procedure is updated in response to legislation.
7:100, Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students	Policy, Legal References, Cross References, and footnotes are updated in response to legislation.
7:130, Student Rights and Responsibilities	Policy and footnotes are updated in response to legislation; districts with high schools are advised to add a policy to the Cross References.
7:140, Search and Seizure	Policy and footnotes are significantly revised in response to legislation.
7:140-E, Exhibit - Letter to Parents/Guardians Regarding the Right to Privacy in the School Setting Act	Exhibit is significantly revised in response to legislation.
7:290, <u>Adolescent Suicide and Depression Awareness and Prevention Programs</u>	Policy is renamed and rewritten in response to Ann Marie's Law.
7:290-AP, Administrative Procedure - <u>Adolescent Resource Guide for Implementation of Suicide and Crisis Intervention Depression Awareness and Prevention Program</u>	Procedure is rewritten in response to Ann Marie's Law.
7:300, Extracurricular Athletics	Policy, Legal References, Cross References, and footnotes are updated in response to legislation.
7:300-E1, Exhibit - Agreement to Participate	Exhibit is significantly amended in response to legislation and subscriber feedback.
7:305, Student Athlete Concussions and Head Injuries	Policy, Legal References, and footnotes are updated in response to legislation.
7:340, Student Records	Policy, Legal References, and footnotes are updated in response to legislation and subscriber feedback.
7:340-AP1, Administrative Procedure - School Student Records	Procedure, Legal References, and footnotes are updated in response to legislation and subscriber feedback.
7:340-AP1, E1 Exhibit - Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records	Exhibit is updated in response to legislation.
8:30, Visitors to and Conduct on School Property	Policy and footnotes are updated in response to legislation.

## Acknowledgement to PRESS Advisory Board

Before each **PRESS** issue is published, a group of distinguished individuals provides input and suggestions. We appreciate their contributions and thank them sincerely.

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