

**FISHER COMMUNITY UNIT SCHOOL DISTRICT #1
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; 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; pregnancy, childbirth, or related medical conditions; credit history, unless a satisfactory credit history is an established bona fide occupational requirement of a particular position; or other legally protected categories. No one will be penalized solely for his or her status as a registered qualifying patient or a registered designated caregiver for purposes of the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/.

Persons who believe they have not received equal employment opportunities should report their claims to the Nondiscrimination Coordinator and/or a Complaint Manager for the Uniform Grievance Procedure. These individuals are listed below. No employee or applicant will be discriminated or retaliated against because he or she: (1) requested, attempted to request, used, or attempted to use a reasonable accommodation as allowed by the Illinois Human Rights Act, or (2) initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws, rules or regulations, provided the employee or applicant did not make a knowingly false accusation nor provide knowingly false information.

Administrative Implementation

The 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:

Barbara Thompson, Superintendent

Name

801 S Fifth St, Fisher 61843

Address

bthompson@fisher.k12.il.us

Email

(217)897-6125

Telephone

Complaint Managers:James Moxley, Principal

Name

801 S Fifth Street, Fisher 61843

Address

jmxley@fisher.k12.il.us

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Becky Miller, Teacher

Name

211 W Division Street, Fisher 61843

Address

bmiller@fisher.k12.il.us

Email

(217)897-1225

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.

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.
 Americans With Disabilities Act, Title I, 42 U.S.C. §12111 et seq.
 Civil Rights Act of 1991, 29 U.S.C. §§621 et seq., 42 U.S.C. §1981 et seq., §2000e et seq., and §12101 et seq.
 Equal Employment Opportunities Act (Title VII of the Civil Rights Act of 1964), 42 U.S.C. §2000e et seq., 29 C.F.R. Part 1601.
 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.
 Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
 Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.
 Pregnancy Discrimination Act, 42 U.S.C. §2000e(k).
 Title IX of the Education Amendments, 20 U.S.C. §1681 et seq., 34 C.F.R. Part 106.
 Uniformed Services Employment and Reemployment Rights Act (1994), 38 U.S.C. §§4301 et seq.
 Ill. Constitution, Art. I, §§17, 18, and 19.
 105 ILCS 5/10-20.7, 5/10-20.7a, 5/10-21.1, 5/10-22.4, 5/10-23.5, 5/22-19, 5/24-4, 5/24-4.1, and 5/24-7.
 Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/40.
 Genetic Information Protection Act, 410 ILCS 513/25.
 Ill. Whistleblower Act, 740 ILCS 174/.

Ill. Human Rights Act, 775 ILCS 5/1-103, 5/2-102, 5/2-103, and 5/6-101.
Religious Freedom Restoration Act, 775 ILCS 35/5.
Employee Credit Privacy Act, 820 ILCS 70/.
Job Opportunities for Qualified Applicants Act, 820 ILCS 820 ILCS 75/.
Ill. Equal Pay Act of 2003, 820 ILCS 112/.
Victims' Economic Security and Safety Act, 820 ILCS 180/30.
23 Ill.Admin.Code §1.230.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria, 5:40 (Communicable and Chronic Infectious Disease), 5:50 (Drug- and Alcohol-Free Workplace; Tobacco Prohibition), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:250 (Leaves of Absence), 5:270 (Employment, At-Will, Compensation, and Assignment), 5:300, (Schedules and Employment Year), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 7:10 (Equal Educational Opportunities), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)

ADOPTED: July 18, 2002

AMENDED: January 20, 2009

AMENDED: June 20, 2011
AMENDED: April 21, 2014

AMENDED: June 18, 2012
AMENDED: January 20, 2015

General Personnel

Administrative Procedure – Workplace Accommodations for Nursing Mothers

The School District accommodates mothers who choose to continue breastfeeding after returning to work. An employee who is a nursing mother may take reasonable unpaid breaks each day to express breast milk or breastfeed her infant. The employee's supervisor shall help the employee arrange a break schedule accommodating the nursing mother while minimizing disruption. The break time must, if possible, run concurrently with any break time already provided to the employee.

Each Building Principal or chief administrator in another District building shall identify a private room or space where, if a request is made, an employee may express milk or breastfeed her infant. The private space must: (1) be in close proximity to the work area and be other than a bathroom, and (2) be free from intrusion from coworkers and the public, and (3) include an electrical outlet for the use of an electric breast pump.

Supervisors should consider ways to accommodate an employee's needs with minimal disruption of the school environment. If possible, supervisors will ensure that employees are aware of these workplace accommodations prior to maternity leave.

ADOPTED: June 20, 2011

General Personnel

Workplace Harassment Prohibited

The School District expects the workplace environment to be productive, respectful, and free of unlawful harassment. District employees shall not engage in harassment or abusive conduct on the basis of an individual's race, religion, national origin, sex, sexual orientation, age, citizenship status, disability, or other protected status identified in Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. Harassment of students, including, but not limited to, sexual harassment, is prohibited by Board policy 7:20, *Harassment of Students Prohibited*.

Sexual Harassment Prohibited

The School District shall provide a workplace environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law.

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct that has the effect of humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated in light of all the circumstances.

Making a Complaint; Enforcement

A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding harassment will likewise be subject to disciplinary action, up to and including discharge. An employee's employment, compensation, or work assignment shall not be adversely affected by complaining or providing information about harassment. Retaliation against employees for bringing bona fide complaints or providing information about harassment is prohibited (see Board policy 2:260, *Uniform Grievance Procedure*).

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

Employees should report claims of harassment to the Nondiscrimination Coordinator and/or use the Board policy 2:260, *Uniform Grievance Procedure*. Employees may choose to report to a person of the employee's same sex. There are no express time limits for initiating complaints and grievances under this policy; however, every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available.

Whom to Contact with a Report or Complaint

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

Complaint Managers:

Name

Name

Address

Address

Telephone

Telephone

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.; 34 C.F.R. §1604.11.
 Ill. Human Rights Act, 775 ILCS 5/2-101(E), 5/2-102(D), 5/5-102, and 5/5-102.2.
 56 Ill. Admin.Code Parts 2500, 2510, 5210, and 5220.
Burlington Industries v. Ellerth, 118 S.Ct. 2257 (1998).
Crawford v. Metro. Gov't of Nashville & Davidson County, 129 S. Ct. 846 (2009).
Faragher v. City of Boca Raton, 118 S.Ct. 2275 (1998).
Franklin v. Gwinnett Co. Public Schools, 112 S.Ct. 1028 (1992).
Harris v. Forklift Systems, 114 S.Ct. 367 (1993).
Jackson v. Birmingham Board of Education, 125 S.Ct. 1497 (2005).
Meritor Savings Bank v. Vinson, 106 S.Ct. 2399 (1986).
Oncale v. Sundown Offshore Services, 118 S.Ct. 998 (1998).
Porter v. Erie Foods International, Inc., 576 F.3d 629 (7th Cir. 2009).
Sangamon County Sheriff's Dept. v. Ill. Human Rights Com'n, 908 N.E.2d 39 (Ill., 2009).
Vance v. Ball State University, 133 S. Ct. 2434 (2013).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 7:20 (Harassment of Students Prohibited)

ADOPTED: July 18, 2002

AMENDED: June 20, 2011

AMENDED: November 18, 2013

General Personnel

Administrative Resource - Sample Questions for Conducting the Internal Sexual Harassment in the Workplace Investigation

State and federal law prohibit sexual harassment. For the purpose of this procedure, sexual harassment includes harassment on the basis of sexual orientation, which means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity. The person charged with conducting the internal sexual harassment investigation must ascertain whether the sexual conduct is unwelcome and whether it affects a term or condition of employment (29 C.F.R. §1604.11(a)). The questions that follow are designed to help the investigator uncover this evidence. They are not all-inclusive and the exact questions must be designed for the specific allegations in each case.

Is the conduct complained of unwelcome sexual conduct?

Unwelcome sexual conduct is that verbal or physical sexual conduct which the employee did not solicit or incite and that which the employee regarded as undesirable or offensive. It is difficult to discern because the line between welcome and unwelcome sexual conduct is often quite fuzzy. The EEOC evaluates the issue of welcomeness in sexual harassment cases on a case-by-case basis. It looks at the record as a whole, considering the totality of the circumstances. The wise investigator will do the same.

Below are sample questions that can be used to formulate actual questions for this part of the investigation.

1. Who is the alleged sexual harasser? What is his/her name? Is he/she a co-worker or a supervisor?
2. Is the sexual conduct complained of physical, verbal, and/or committed using an electronic device, such as, through email, text message, or a social networking website?
3. If physical, describe with specificity the nature of the physical conduct. Describe all locations on the complainant's body that were touched and indicate when, how often, how he/she was approached, who witnessed the physical conduct, and where was the complainant when the conduct took place? Did the physical conduct involve an injury to or destruction of the complainant's possession(s) and, if so, what was the property, what was the nature of the injury, when did it happen, and where is the property now?
4. If the unwelcome conduct was verbal, what was stated, when, how often, where were the parties when the statements were made, and who witnessed the statements being made?
5. If the conduct was committed using an electronic device (e.g., through email, text message, or social networking website) what was stated, where, when, how often, who saw it?
6. Did the complainant retain any evidence of the offensive conduct such as a picture, email message, text message, or video or audio recording?
7. Was medical treatment required? If so, when was he/she treated, how often, by whom, where was he/she treated, and what was the diagnosis?

8. If medical treatment was not required, was a complaint or protest made to anyone employed by the District or to anyone else? If so, to whom did he/she complain, when was the complaint made, what was stated therein, and were there any witnesses to this or these complaints?
9. What was the complainant's response to the conduct? Did he/she tell him/her to stop? Did he/she complain to others about his/her behavior? Did he/she ask co-workers, supervisors or managers to make the harassment stop? If so, obtain all relevant details.
10. Did the complainant engage in any conduct with the alleged harasser that could have encouraged his/her behavior? If so, what was the conduct, when and where did it occur, how often and who witnessed it?
11. Did the complainant and the alleged harasser have a prior consensual relationship? If so, how long did it last and when did that relationship end?
12. Did the complainant make the alleged harasser aware at the point when the sexual advances became unwelcome? If so, when, how was this done, what was communicated to the alleged harasser, and were there any witnesses?
13. Did the complainant complain about the harassment to the alleged harasser, his/her supervisors, other managers or others? If so, when were the complaints made, what was said, who was present, and what was the response to each complaint?
14. If no complaints about the alleged harassment were made, why not?
15. What other actions, if any, did the complainant take to indicate to the alleged harasser that his/her conduct was unwelcome?
16. Did the complainant engage in any conduct which elicited the unwelcome conduct of the alleged harasser? For example, how did he/she demean him or herself in the workplace, how did he/she dress, did he/she use sexual and provocative language, did he/she engage in sexually provocative conduct, and was this conduct directed towards the alleged harasser?
17. If they lack knowledge about the harassment, did co-workers, supervisors or managers notice any changes in charging party's behavior at work or in the alleged harasser's treatment of the charging party?
18. Has the alleged harasser been accused of sexual harassment by other employees? If so, when, and were the allegations investigated? If so, what was the result of the investigation, and what was management's response, i.e., what remedy was imposed?

Did the work environment become hostile?

To ascertain whether unwelcome sexual conduct creates an unlawful *hostile environment*, the major inquiry is whether the conduct "unreasonably interferes with an individual's performance" or creates "an intimidating, hostile, or offensive working environment." (29 C.F.R. §1601.11(a)(3)). Thus, trivial or annoying conduct such as sexual flirtation or innuendo or vulgar language would probably not establish a hostile environment. The challenged conduct must substantially affect the work environment of a reasonable person for a violation to be found.

Consider the following additional questions for this part of the inquiry:

1. What effect, if any, did the alleged harassment have upon the complainant's ability to perform his/her job?
2. What effect, if any, did the alleged harassment have upon the complainant's mental or physical health or well-being?
3. What was the sexual character of the work environment before the complainant entered the environment? Were sexual comments and actions common? If so, what types, when did they occur? Who was involved? Were supervisors involved or just co-workers?
4. Did the character of the workplace change after complainant joined the workplace? If so, how? What was complainant's behavior? How did the accused and other co-workers or supervisors respond to complainant's behavior?
5. Was the complaint of verbal or physical behavior directed at persons other than complainant? If so, who were they? What conduct was directed towards them, when, how frequently, who was present, where did it occur and who witnessed it? How did these persons react to the physical or verbal conduct?
6. Did the alleged harasser single out the charging party? If so, how, when, where, and why?
7. Did others join in perpetrating the harassment? If so, who? What was done; when, where, who witnessed the conduct, and were others harassed too?
8. If the complaint of conduct was verbal, what were the remarks? Were they hostile and derogatory? What was the frequency and context of the comments? Were the parties in or out of the workplace when the comments were made?
9. Was the alleged harassment observed by supervisors, managers, or other co-workers? If so, by whom, when, where, and what was observed?
10. Was the alleged harassment observed by former employees or others outside the workplace? If so, by whom, when, where, and what was seen?

Was the harassment committed by a supervisor?

The employer will always be held responsible for acts of sexual harassment committed by the employee's supervisor, meaning someone who was authorized by the employer to have authority over the complainant's terms and conditions of employment. To investigate sexual harassment committed by the complainant's supervisor, include questions such as the following:

1. What sexual conduct is the supervisor accused of? When, where, how often did it occur, and who observed?
2. Was the supervisor authorized to grant or deny tangible job benefits to the complainant? If so, what was the scope of that authority and what documents evidence it? If not, were his/her recommendations concerning the complainant's terms and conditions of employment typically or routinely followed?

Was the harassment *quid pro quo* (do this for that)?

An employer will always be held responsible for acts of *quid pro quo* sexual harassment, meaning that tangible job benefits were either (1) conditioned on submitting to sexual favors, or (2) denied because of the complainant's rejection of a sexual advance or request for sexual favors.

1. How was the complainant's employment affected by the alleged harassment? Was he/she denied a salary increase, a promotion, a job transfer, etc.? If so, when?
2. Was the complainant treated differently from similarly situated employees in regard to the denied salary increase, promotion, job transfer, etc.? If so, who was treated differently by this same supervisor?
3. What other management employees were involved in decisions to grant or deny the tangible job benefit(s) to the complainant? Did they have knowledge of the sexual conduct?

ADOPTED: November 18, 2013

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 5/21B-80 of the School Code.

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 Educator Preparation and Licensure 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.

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 5/21B-80 of the School Code or who falsifies, or omits facts from, his or her employment application or other employment documents.

The Superintendent shall ensure that the District does not engage in any investigation or inquiry prohibited by law and complies with each of the following:

1. The District uses an applicant's credit history or report from a consumer reporting agency only when a satisfactory credit history is an established bona fide occupational requirement of a particular position.
2. The District does not ask an applicant or applicant's previous employers about claim(s) made or benefit(s) received under the Workers' Compensation Act.

3. The District does not request of an applicant or employee access in any manner to his or her social networking website, including a request for passwords to such sites.
4. The District provides equal employment opportunities to all persons. See policy 5:10, *Equal Employment Opportunity and Minority Recruitment*.

Physical Examinations

Each new employee must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease. The physical fitness examination must be performed by a physician licensed in Illinois, or any other state, to practice medicine and surgery in any of its branches, 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 performed no more than 90 days before submitting evidence of it to the District.

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. Before beginning employment, each employee must sign the *Acknowledgement of Mandated Reporter Status* form as provided in policy 5:90, *Abused and Neglected Child Reporting*.

- LEGAL REF.: 105 ILCS 5/10-21.9 and 5/24-5.
Employee Credit Privacy Act, 820 ILCS 70/.
Right to Privacy in the Workplace Act, 820 ILCS 55/.
Americans with Disabilities Act, 42 U.S.C. §12112, 29 C.F.R. Part 1630.
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
105 ILCS 5/10-16.7, 5/10-20.7, 5/10-21.4, 5/10-21.9, 5/21B-10, 5/21B-80, 5/10-22.34, 5/10-22.34b, 5/22-6.5, and 5/24-1 et seq.
820 ILCS 55/ and 70/.
Duldulao v. St. Mary of Nazareth Hospital, 483 N.E.2d 956 (Ill.App.1, 1985), *aff'd in part and remanded* 505 N.E.2d 314 (Ill., 1987).
Kaiser v. Dixon, 468 N.E.2d 822 (Ill.App.2, 1984).
Molitor v. Chicago Title & Trust Co., 59 N.E.2d 695 (Ill.App.1, 1945).
- CROSS REF.: 3:50 (Administrative Personnel Other Than the Superintendent), 4:175 (Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notifications), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:40 (Communicable and Chronic Infectious Disease), 5:90 (Abused and Neglected Child Reporting), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:220 (Substitute Teachers), 5:280 (Educational Support Personnel - Duties and Qualifications)
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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. The District, if challenged, must explain why it asked for the information – a very difficult task 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,	Do you have a spouse or partner – which?	How do you feel about supervising a diverse workplace?

Protected Status	Do not ask	Permissible to ask
or gender-related identity		
Religion or creed	What religious holidays do you celebrate?	What days are you available to work?
Age	When do you plan to retire? When do you plan to collect your pension?	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 Conviction that is not on the School Code's list of disqualifying convictions	Have you ever been arrested? Spent time in jail?	Have you ever been convicted of attempting to commit, conspiring to commit, soliciting, or committing any crime in the following list? (1) any sex offense or narcotics offense, as defined in Section Sec. 21B-80 of the School Code, (2) first degree murder or a Class X felony, or (3) any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses.
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	See section on <i>disability</i> below.

The Job Opportunities for Qualified Applicants Act, 820 ILCS 75/, added by P.A. 98-774, eff. 1-1-2015, prohibits an employer from asking about a criminal record until the employer determines that the applicant is qualified for the position; however, this does not apply when employers are required to exclude applicants with certain criminal convictions from employment. Thus, school employers should limit their requests for criminal convictions to job-disqualifying convictions.

Protected Status	Do not ask	Permissible to ask
	diagnostic, predictive, or pre-symptomatic genetic testing that you've had?	
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.	Unless specifically permitted, 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?
Victim of domestic violence or being protected under an order of protection	Have you ever requested a restraining order or order of protection against your spouse or other person?	

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	Have you had any recent illnesses or operations? Do you have AIDS? Do you have asthma? Do you have a disability which would interfere with your ability to perform the job? How many days were you sick	Can you perform the functions of this job (essential and/or marginal), with or without reasonable accommodation? Please describe/demonstrate how you would perform these functions (essential and/or marginal). Have you ever been disciplined

Protected Status	Do not ask	Permissible to ask, provided all applicants are asked
	<p>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>(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>

ADOPTED: January 20, 2015

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). www.uscis.gov/sites/default/files/files/form/i-9.pdf. 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.uscis.gov/e-verify/what-e-verify. See the Ill. Dept. of Labor Right to Privacy in the Workplace Act, 820 ILCS 55/12.

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

A criminal history records check must be initiated prior to employment, but the District may permit the individual to be hired and begin employment pending its outcome. See *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/pdf/guidance_chr.pdf.

A complete criminal history records check pursuant to 105 ILCS 5/10-21.9 consists of:

1. Fingerprint-based checks through (a) the Illinois State Police (ISP) for criminal history records information (CHRI) pursuant to the Uniform Conviction Information Act (20 ILCS 2635/1), and (b) the FBI national crime information databases pursuant to the Adam Walsh Child Protection and Safety Act (P.L. 109-248),
2. A check of the Illinois Sex Offender Registry (see the Sex Offender Community Notification Law (730 ILCS 152/101 et seq.), and
3. A check of the Murderer and Violent Offender Against Youth Registry (Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105).

See also policy 4:170, *Safety*, and administrative procedure 4:170-AP2, *Criminal Offender Notification Laws*. **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.

Note: The following criminal history records check guides are also available:

1. *Guide to Understanding Criminal Background Check Information* is available at: www.isp.state.il.us/docs/5-727.pdf.
2. ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/pdf/guidance_chr.pdf.

The following individuals are responsible for the actions listed:

Applicant - Each applicant for employment in any position (except bus drivers employed by a private student transportation contractor) must provide a written authorization for a complete criminal history records check at the time he or she submits the application.

Student Teacher - Each student teacher must provide written authorization for, and pay the costs of, his or her criminal history records check (including any applicable vendor's fees) prior to participating in any field experiences in the District. See 105 ILCS 5/10-21.9(g).

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.

Superintendent or designee - Note: *Add any additional steps to efficiently receive a complete criminal history records check.*

1. Fingerprint-Based Criminal History Records Check:

For all applicants, the Superintendent or designee completes the required forms to request the criminal history records checks from an appropriate police or LiveScan vendor. This may include submitting the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers to the ISP and FBI on the forms prescribed by each agency.

The Superintendent or designee will provide the applicant with a copy of the ISP and FBI reports. Required by 105 ILCS 5/10-21.9(b).

Note: For substitute teachers, superintendents will need to ensure that their districts perform these checks. Contact the board attorney and/or ISBE regarding the validity of a *certificate of authorization*, if a substitute teacher presents one. From Jan. 1, 2011 through July 1, 2011, the Regional Superintendent of Schools or Suburban Cook County Intermediate Service Center, whichever is appropriate, was allowed to issue *certificates of authorization* to substitute teachers. Issuance of a *certificate of authorization* was proof that the substitute

teacher applicant had met all of the requirements to substitute teach in the educational service region; i.e., a fingerprint-based criminal history records check, a physical examination, and a negative tuberculin test. Because P.A. 97-607 deleted *certificates of authorization*, substitute teachers no longer receive them because they no longer exist. For those substitute teachers who did receive them, there is not an answer to the question of whether their *certificates of authorization* are still valid. Attorneys in the field suggest looking for an expiration date on the *certificate of authorization*. If the document has no expiration date, it is likely invalid because the document no longer exists. If there is an expiration date, then the document is likely valid until the date listed.

For student teachers, the Superintendent or designee ensures that the student teacher completes the required forms, authorizations, and provides payment to the District for the costs of completing a complete criminal history records check prior to student teaching (105 ILCS 5/10-21.9(g) and policy 5:260, *Student Teachers*). For more information, see also ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, available at: www.isbe.net/pdf/guidance_chr.pdf.

2. Check of the Statewide offender databases. The Superintendent or designee performs a check for each applicant of:
 - a. The Statewide 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 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 ISP and FBI furnish records of convictions (until expunged), pursuant to the District's request, to the School Board President. **Note:** The ISP 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). For a student teacher, the report shall be returned to the Superintendent or designee (see ISBE's non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, at: www.isbe.net/pdf/guidance_chr.pdf).

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 Educator Preparation and Licensure Board, any other person necessary to the hiring decision, or for clarification purposes, the Department of State Police and/or Statewide Sex Offender Registry. See 105 ILCS 5/10-21.9(b) and 105 ILCS 5/21B-10.

Regional Superintendent/Suburban Cook County Intermediate Service Center - 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

when an applicant is (1) seeking employment in more than one District simultaneously as (a) a substitute teacher, (b) a concurrent part-time employee, and/or (c) educational support personnel, or (2) the employee works for a contractor holding contracts with more than one district. The Regional Superintendent or Suburban Cook County Intermediate Service Center, whichever is appropriate, also performs a check of the Statewide Sex Offender Registry, 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 Registry, www.isp.state.il.us/cmvo/, as authorized by the 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 a complete criminal history records check apply to all employees and agents of contractors who have direct, daily contact with students (105 ILCS 5/10-21.9(f)). Every contractor with the District shall: (1) make every employee or agent who will have direct, daily contact with students submit to a complete criminal history records check, (2) agree to a contract provision that it will make those employees available to the District for the criminal history records check, and (3) submit payment for the costs of the check(s) to the District.

Note: The provisions in 105 ILCS 5/10-21.9(f) and (g) apply to employees of contractors who have “direct, daily contact with students.” To be comprehensive and to eliminate uncertainty, this procedure and policy 4:170, *Safety*, may require a criminal history records check on *all* employees of contractors who may work in any school building or on school property. Whether the District uses the comprehensive language or the direct language from the School Code, the District, not the contractor, must perform the background checks. Contractors are not authorized under any State or federal law to: (1) conduct the required criminal history background checks, or (2) see the employee’s criminal history furnished by the ISP and the FBI. All contracts should also require the contractor to purchase insurance to cover misconduct by their employees and/or an indemnification clause. Additionally, the Superintendent or designee should check insurance coverage to determine whether employees of contractors are covered. See also policy 4:170, *Safety*, for the responsibilities of contractors. Last, if the District has received, within the last year, information that concerns the record of conviction and identification as a sex offender of any contractors’ employees, the District must provide the information to another school, school district, community college district, or private school that requests it (105 ILCS 5/10-21.9(h)). For more information, see ISBE’s non-regulatory guidance document, *Criminal History Records Information (CHRI) Checks for Certified and Non-certified School Personnel*, available at: www.isbe.net/pdf/guidance_chr.pdf. Unless notified by the individual named in a criminal history records information (CHRI) request or by the ISP that the information furnished in a CHRI report is inaccurate or incomplete, the District cannot be liable for damages to any person to whom the CHRI pertains for actions it reasonably took in reliance on the accuracy and completeness of CHRI report (20 ILCS 2635/7(A)(3)).

District - The School District complies with 105 ILCS 5/10-21.9 and 5/21B-80. It will not knowingly employ a person, or allow a person to 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. Attempting to commit, conspiring to commit, soliciting, or committing 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.

ADOPTED: December 15, 2004

AMENDED: January 16, 2007

AMENDED: June 20, 2011

AMENDED: June 18, 2012

AMENDED: August 19, 2013

AMENDED: April 21, 2014

General Personnel

Compliance with the Fair Labor Standards Act

Job Classifications

The Superintendent will ensure that all job positions are identified as either “exempt” or “non-exempt” according to State law and the Fair Labor Standards Act (FLSA) and that employees are informed whether they are “exempt” or “non-exempt.” “Exempt” and “non-exempt” employee categories may include certificated and non-certificated job positions. All non-exempt employees, whether paid on a salary or hourly basis, are covered by minimum wage and overtime provisions.

Workweek and Compensation

The workweek for District employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday. Non-exempt employees will be compensated for all hours worked in a workweek including overtime. For non-exempt employees paid a salary, the salary is paid for a 40-hour workweek even if an employee is scheduled for less than 40 hours. “Overtime” is time worked in excess of 40 hours in a single workweek.

Overtime

A non-exempt employee shall not work overtime without his or her supervisor’s express approval. All supervisors of non-exempt employees shall: (1) monitor overtime use on a weekly basis and report such use to the business office, (2) seek the Superintendent or designee’s written pre-approval for any long term or repeated use of overtime that can be reasonably anticipated, (3) ensure that overtime provisions of this policy and the FLSA are followed, and (4) ensure that employees are compensated for any overtime worked. Accurate and complete time sheets of actual hours worked during the workweek shall be signed by each employee and submitted to the business office. The business office will review work records of employees on a regular basis, make an assessment of overtime use, and provide the assessment to the Superintendent. In lieu of overtime compensation, non-exempt employees may receive compensatory time-off, according to Board policy 5:310, *Compensatory Time-Off*.

Suspension Without Pay

No exempt employee shall have his or her salary docked, such as by an unpaid suspension, if the deduction would cause a loss of the exempt status. Licensed employees may be suspended without pay in accordance with Board policy 5:240, *Professional Personnel - Suspension*. Non-licensed employees may be suspended without pay in accordance with Board policy 5:290, *Educational Support Personnel - Employment Termination and Suspensions*.

Implementation

The Superintendent or designee shall implement the policy in accordance with the FLSA, including its required notices to employees. In the event of a conflict between the policy and State or federal law, the latter shall control.

LEGAL REF.: 820 ILCS 105/4a.
Fair Labor Standards Act, 29 U.S.C. §201 et seq., 29 C.F.R. Parts 516, 541, 548, 553, 778, and 785.

CROSS REF.: 5:240 (Suspension), 5:290 (Employment Termination and Suspensions), 5:310 (Compensatory Time-Off)

ADOPTED: October 18, 2004

AMENDED: April 21, 2014

General Personnel

Administrative Procedure - Fair Labor Standards Act Exemptions

Important - School officials should contact the Board Attorney for application of the Fair Labor Standards Act to specific situations. The information contained in this procedure, and any information provided in the hyperlinks contained in it, should be confirmed with the Board Attorney before its application to a specific situation.

Overview

- An exempt employee in Illinois is “any employee employed in a bona fide executive, administrative or professional capacity, ... , as defined by or covered by the Federal Fair Labor Standards Act of 1938 and the rules adopted under that Act, as both exist on March 30, 2003, but compensated at the amount of salary specified [current federal rules].” 820 ILCS 105/4a.
- According to the U.S. Dept. of Labor’s rules, “[t]o qualify as exempt executive, administrative or professional employee,..., an employee must be compensated on a salary base at a rate of not less than \$455 per week.” 29 C.F.R. 541.600.
- Guidance on the U.S. Dept. of Labor’s website includes:
Exemptions from overtime pay provisions: www.dol.gov/elaws/esa/flsa/screen75.asp
Exempt vs. non-exempt status of a particular job: www.dol.gov/elaws/esa/flsa/overtime/jobs.htm

FLSA Exemption Category	Staff Positions
Non-covered persons	Independent contractors: www.dol.gov/elaws/esa/flsa/docs/contractors.asp Volunteers: www.dol.gov/elaws/esa/flsa/docs/volunteers.asp Student teachers who: (1) receive academic credit for their work experience, (2) do not displace regular employees, (3) work under close supervision, and (4) are not entitled to a job at the end of their training (www.dol.gov/whd/opinion/FLSA/2006/2006_04_06_12_FLSA.htm)
Executive employees	Superintendent Associate/Assistant Superintendents Directors Supervisors Other department managers
Administrative employees	Building Principals Assistant Principals Data systems analysts or computer programmers involved in obtaining solutions to complex business problems:

FLSA Exemption Category	Staff Positions
	www.dol.gov/whd/regs/compliance/fairpay/fs17e_computer.htm Other certificated administrative staff
Professional employees	Teachers Counselors Registered nurses Media coordinators Other non-supervising certificated staff
Non-exempt employees	Secretaries Receptionists Bookkeepers Cafeteria workers Crossing guards Before/after school program workers Bus drivers/transportation workers Computer lab managers Custodians Maintenance workers Pre-school workers Teacher aides, paraprofessionals, and assistants

ADOPTED: October 18, 2004

AMENDED: April 21, 2014

General Personnel

Administrative Procedure - Employee Records Required by the Fair Labor Standards Act

Important - School officials should contact the Board Attorney for application of the Fair Labor Standards Act to specific situations. The information contained in this procedure, and any information provided in the hyperlinks contained in it, should be confirmed with the Board Attorney before its application to a specific situation.

This table contains the FLSA recordkeeping requirements as described in www.dol.gov/whd/regs/compliance/whdfs21.htm.

Actor	Action
Business office working with supervisors of non-exempt employees	Keep each of the following records concerning non-exempt employees for at least 3 years: <ol style="list-style-type: none"> 1. Employee’s full name and social security number 2. Address, including zip code 3. Birth date, if younger than 19 4. Sex and occupation 5. Time and day of week when employee’s workweek begins 6. Hours worked each day 7. Total hours worked each workweek 8. Basis on which employee’s wages are paid (e.g., \$9 per hour or \$440 a week) 9. Regular hourly pay rate 10. Total daily or weekly straight-time earnings 11. Total overtime earnings for the workweek 12. All additions to or deductions from the employee’s wages 13. Total wages paid each pay period 14. Date of payment and the pay period covered by the payment
Business office working with supervisors of exempt employees	Concerning exempt employees, keep for at least 3 years, the records listed in numbers 1-4, 12-14 above and a record showing the basis on which the exempt employee’s wages are paid.
Business office	<ol style="list-style-type: none"> 1. Payroll records must be kept for at least 3 years. 2. Records on which wage computations are based must be kept for at least 2 years, i.e., time cards and piece work tickets, wage rate tables, work and time schedules, and records of additions to or deductions from wages. 3. Collective bargaining agreements and individual employment contracts must be kept for at least 3 years (when an agreement is

Actor	Action
	not in writing, prepare and retain a written memorandum summarizing it). 4. Certificates and notices must be kept for at least 3 years.
Building Principal	Display an official poster outlining the provisions of FLSA, available at no cost from local offices of the Wage and Hour Division and toll-free, by calling 1-866-487-9243. This poster is also available electronically for downloading and printing at: www.dol.gov/oasam/programs/osdbu/sbrefa/poster/main.htm . Keep records regarding the posting of notices for at least 3 years.

ADOPTED: April 21, 2014

General Personnel

Administrative Procedure - Employee Records Required by the Fair Labor Standards Act

Important - School officials should contact the Board Attorney for application of the Fair Labor Standards Act to specific situations. The information contained in this procedure, and any information provided in the hyperlinks contained in it, should be confirmed with the Board Attorney before its application to a specific situation.

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Actor	Action
Business office working with supervisors of non-exempt employees	Keep each of the following records concerning non-exempt employees for at least 3 years: <ol style="list-style-type: none"> 1. Employee's full name and social security number 2. Address, including zip code 3. Birth date, if younger than 19 4. Sex and occupation 5. Time and day of week when employee's workweek begins 6. Hours worked each day 7. Total hours worked each workweek 8. Basis on which employee's wages are paid (e.g., \$9 per hour or \$440 a week) 9. Regular hourly pay rate 10. Total daily or weekly straight-time earnings 11. Total overtime earnings for the workweek 12. All additions to or deductions from the employee's wages 13. Total wages paid each pay period 14. Date of payment and the pay period covered by the payment
Business office working with supervisors of exempt employees	Concerning exempt employees, keep for at least 3 years, the records listed in numbers 1-4, 12-14 above and a record showing the basis on which the exempt employee's wages are paid.
Business office	<ol style="list-style-type: none"> 15. Payroll records must be kept for at least 3 years. 16. Records on which wage computations are based must be kept for at least 2 years, i.e., time cards and piece work tickets, wage rate tables, work and time schedules, and records of additions to or deductions from wages. 17. Collective bargaining agreements and individual employment contracts must be kept for at least 3 years (when an agreement is not in writing, prepare and retain a written memorandum

Actor	Action
	summarizing it). 18. Certificates and notices must be kept for at least 3 years.
Building Principal	Display an official poster outlining the provisions of FLSA, available at no cost from local offices of the Wage and Hour Division and toll-free, by calling 1-866-487-9243. This poster is also available electronically for downloading and printing at: www.dol.gov/oasam/programs/osdbu/sbrefa/poster/main.htm . Keep records regarding the posting of notices for at least 3 years.

APPROVED: October 18, 2004

AMENDED: April 21, 2014

General Personnel

Administrative Procedure - Fair Labor Standards Act 12-Step Compliance Checklist

Important - School officials should contact the Board Attorney for application of the Fair Labor Standards Act to specific situations. The information contained in this procedure, and any information provided in the hyperlinks contained in it, should be confirmed with the Board Attorney before its application to a specific situation.

The U.S. Dept. of Labor, Wage and Hour Division, administers the Fair Labor Standards Act (FLSA). It posts an encyclopedic amount of information on the FLSA on its website at: www.dol.gov/compliance/laws/comp-flsa.htm.

Checklist for compliance with the Fair Labor Standards Act (FLSA):

1. Classify employees as exempt or non-exempt.

Identify which employees are covered by the overtime requirements of the Fair Labor Standards Act (FLSA), i.e., “non-exempt,” and which employees are exempt from the overtime requirements. See Administrative Procedure 5:35-AP1, *Fair Labor Standards Act Exemptions*, for a list of school employees traditionally exempt and non-exempt. Include a record in each employee’s file stating whether he or she is exempt or non-exempt.

An exemption from the FLSA overtime pay/compensatory time requirements is the exception, rather than the rule. Any uncertainty should be resolved in favor of finding the employee to be non-exempt and the overtime compensable, as the burden is on the school system to prove that exemptions are applicable.

2. Make sure all employees have access to and understand the School Board policy and administrative procedures on the workweek, overtime, and compensatory time. See Board policy 5:35, *Compliance with the Fair Labor Standards Act*, and Administrative Procedure 5:35-AP3, *Compensable Work Time for Non-Exempt Employees Under the FLSA*.

In addition, make sure that all employees:

- a. Are provided a copy of the Board policy or access to the Board policy published on-line;
- b. Acknowledge that they have received and understand the policy; and
- c. Agree to follow the policy and procedures or be subject to discipline.

1. Notify non-exempt employees of their expected work hours in a workweek.

Be clear that the salary of non-exempt employees is paid for a 40-hour workweek. Supervisors may regularly schedule employees to work 37.5 hours per week and leave the remainder as possible flexible time. However, to avoid the possibility of “straight-time” claims for hours worked between 37.5 and 40, supervisors need to clearly communicate that the District pays employees a salary for up to 40 hours of work and that the District retains the right to request that the employee perform additional duties up to 40 hours without additional pay.

2. Keep precise records of the hours worked by every non-exempt employee by using a good timesheet, time clock, computerized check-in system, or other method. Make sure individual employees keep and sign their weekly record of hours worked. Print an acknowledgment similar to the following on every time sheet: "I acknowledge that I have reviewed this time sheet and that it accurately records all of the time that I worked for the District on the dates indicated and that I did not work for the District at any other times during the workweek that are not recorded on this timesheet."
3. Annually train District supervisory staff, as well as supervisors when first assigned supervisory duties, on FLSA compliance issues, including:
 - a. What counts as compensable work time (see Administrative Procedure 5:35-AP3, *Compensable Work Time for Non-Exempt Employees Under the FLSA*);
 - b. How timesheets must be completed for non-exempt employees; and
 - c. Their duty to monitor timesheets and verify time worked.

1. Train all non-exempt staff when hired and regularly thereafter on the following topics:
 - a. Board policy requirements;
 - b. What counts as compensable time; and
 - c. How to complete timesheets correctly.

1. Require non-exempt employees who want to volunteer to execute a Volunteer Agreement. See Exhibit 5:35-E, *Volunteer Agreement Executed by a Non-Exempt Employee*.

Non-exempt employees may only volunteer to perform services on behalf of the school that do not involve the same types of duties they regularly perform in their jobs. Further, in order to be a bona fide volunteer, an employee must freely and voluntarily (i.e., without any direct or implied coercion or requirement) agree to perform the volunteer duties without compensation.

2. Have all non-exempt employees sign the following documents:
 - a. A statement that they were given a copy of the Board's policy on work time and have reviewed it, and that they understand violators may be subject to discipline; and
 - b. If applicable, an agreement that any overtime worked over 40 hours per week will be compensated with time and a half compensatory time rather than overtime pay (see Exhibit 5:310-E, *Agreement to Receive Compensatory Time-Off*).

1. Have supervisory, payroll, and business staffs monitor weekly time records.

Make sure that supervisory staff continuously monitors weekly time records for accuracy and completeness, and that they report all overtime worked by non-exempt staff to the finance office for either overtime pay or compensatory time credit.

2. Keep FLSA-required records for non-exempt and exempt employees. See Administrative Procedure 5:35-AP2, *Employee Records Required by the Fair Labor Standards Act*.
3. Post all federal and State required employment posters.

Make sure that all employment posters are widely posted, e.g., in the teachers' lounge, school office, cafeteria kitchen, bus garage, janitor's closet, and other places where employees gather.

4. Consult the Board Attorney about FLSA compliance.

APPROVED: October 18, 2004

AMENDED: April 21, 2014

General Personnel

Exhibit - Volunteer Agreement Executed by a Non-Exempt Employee

I would like to serve as a volunteer for the School District. I understand that:

1. I may **not** volunteer to perform a job that is the same or similar job for which I am employed.
2. My time and service as a volunteer are given without promise, expectation, or receipt of any form of compensation, benefits, or other remuneration for this service.
3. My volunteer services are not being performed in the course and scope of my regular employment and are not in any way required by the School District.
4. Either the District or I may terminate my volunteer services at any time for any reason. My withdrawal will not affect my continued employment with the School District.

This agreement will continue in force until terminated by either the employee or School District.

Volunteer Signature

Date

Supervisor

Date

APPROVED: October 18, 2004

AMENDED: April 21, 2014

General Personnel

Communicable and Chronic Infectious Disease

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

An employee with a communicable or chronic infectious disease is encouraged to inform the Superintendent immediately and grant consent to being monitored by the District's Communicable and Chronic Infectious Disease Review Team. The Review Team, if used, provides information and recommendations to the Superintendent concerning the employee's conditions of employment and necessary accommodations. The Review Team shall hold the employee's medical condition and records in strictest confidence, except to the extent allowed by law.

An employee with a communicable or chronic infectious disease will be permitted to retain his or her position whenever, after reasonable accommodations and without undue hardship, 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. An employee with a communicable and chronic infectious disease remains subject to the Board's employment policies including sick and/or other leave, physical examinations, temporary and permanent disability, and termination.

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. §12101 et seq.; 29 C.F.R. §1630.1 et seq., amended by the Americans with Disabilities Act Amendments Act (ADAAA), Pub. L. 110-325.
Rehabilitation Act of 1973, 29 U.S.C. §791; 34 C.F.R. §104.1 et seq.
Department of Public Health Act, 20 ILCS 2305/6.
105 ILCS 5/24-5.
Personnel Record Review Act, 820 ILCS 40/.
Control of Communicable Diseases, 77 Ill.Admin.Code Part 690.

CROSS REF.: 2:150 (Committees), 5:30 (Hiring Process and Criteria), 5:180 (Temporary Illness or Temporary Incapacity)

ADOPTED: July 18, 2002

AMENDMENT: June 20, 2011

AMENDED: August 17, 2015

General Personnel

Administrative Procedure – Communicable and Chronic Infectious Disease

The following procedures will be implemented when a District employee has a communicable and/or chronic infectious disease. A copy of the procedures will be given to the employee.

Evaluation of the Employee's Condition

1. The employee who has or is suspected of having a communicable and chronic infectious disease is encouraged to inform the Superintendent immediately.
2. The Superintendent will inform the Communicable and Chronic Infectious Disease Review Team within 3 days.
3. The Communicable and Chronic Infectious Disease Review Team will meet within 3 days to:
 - a. Meet with the employee or a member of the employee's family to review the status of the employee's health, and
 - b. Evaluate the employee and submit a written report with recommendations to the Superintendent.
1. 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.
2. 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.
3. The employee may be required to submit to a physical examination, given by a physician chosen and paid for by the District.

Monitoring Employee's Condition

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.

4. Continued employment at the same position, with possible accommodations,
5. Continued employment but transfer to another position, with possible accommodations,
6. Temporary exclusion from the work place, or
7. Dismissal.

Employee Dismissal

The dismissal of an employee on contractual continued service shall be in accordance with 105 ILCS 5/24-12.

The dismissal of an employee not on contractual continued service shall be in accordance with the law or policy applicable to his or her position.

Confidentiality

The employee's medical condition and records shall be held in strictest confidence and shared only with members of the Communicable and Chronic Infectious Disease Review Team, the employee's direct supervisor, and someone who would need to know in the event of an emergency. Medical records will not become part of the employee's personnel file.

ADOPTED: June 20, 2011

General Personnel

Drug- and Alcohol-Free Workplace: Tobacco Prohibition

All District workplaces are drug- and alcohol-free workplaces. All employees are prohibited from engaging in any of the following activities while on District premises or while performing work for the District:

1. Unlawful manufacture, dispensing, distribution, possession, or use of an illegal or controlled substance.
2. Distribution, consumption, use, possession, or being under the influence of an alcoholic beverage; being present on District premises or while performing work for the District when alcohol consumption is detectible, regardless of when and/or where the use occurred.
3. Possession or use of medical cannabis.

For purposes of this policy a controlled substance means a substance that is:

1. Not legally obtainable,
2. Being used in a manner different than prescribed,
3. Legally obtainable, but has not been legally obtained, or
4. Referenced in federal or State controlled substance acts.

As a condition of employment, each employee shall:

1. Abide by the terms of the Board policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than 5 calendar days after such a conviction.

Unless otherwise prohibited by this policy, prescription and over-the-counter medications are not prohibited when taken in standard dosages and/or according to prescriptions from the employee's licensed health care provider, provided that an employee's work performance is not impaired.

To make employees aware of the dangers of drug and alcohol abuse, the Superintendent or designee shall perform each of the following:

1. Provide each employee with a copy of this policy.
2. Post notice of this policy in a place where other information for employees is posted.
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations.
4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees.
5. Establish a drug-free awareness program to inform employees about:

- a. The dangers of drug abuse in the workplace,
- b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
- c. The penalties that the District may impose upon employees for violations of this policy.

Tobacco Prohibition

All employees are covered by the conduct prohibitions contained in policy 8:30, *Visitors to and Conduct on School Property*. The prohibition on the use of tobacco products applies both (1) when an employee is on school property, and (2) while an employee is performing work for the District at a school event regardless of the event's location. *Tobacco* shall have the meaning provided in section 10-20.5b of the School Code.

District Action Upon Violation of Policy

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

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

Should 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.: Americans With Disabilities Act, 42 U.S.C. §12114.
Compassionate Use of Medical Cannabis Pilot Program, 410 ILCS 130/.
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. §8101 et seq.
Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101 et seq.
Drug-Free Workplace Act, 30 ILCS 580/.
105 ILCS 5/10-20.5b.

CROSS REF.: 8:30 (Visitors to and Conduct on School Property)

ADOPTED: July 18, 2002

AMENDED: August 19, 2013

AMENDED: February 18, 2014

AMENDED: November 16, 2015

General Personnel

Expenses

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. A procedure which includes the amount allowed for these expenses is detailed in the procedure manual. These amounts apply to all district personnel.

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

ADOPTED: July 18, 2002

Professional Personnel

Administrative Procedure – Purchasing Supplies and Reimbursement

PROCEDURE FOR PURCHASING SUPPLIES AND REIMBURSEMENT OF EXPENSES

Procedure for Purchasing Supplies

– Nothing is to be ordered or purchased without prior approval of the superintendent

In order to purchase supplies with school funds, an employee needs to: 1) Obtain a purchase order from the school office; 2) Complete all ordering information on the purchase order including a fax number if available; 3) Return the purchase order to the school office for the principal's approval.

When the purchase order is approved by the principal, he will send the purchase order to the superintendent's office for approval. After the superintendent approves the purchase order, the unit office will send or fax the purchase order to the company. If the staff member wishes to pick up the supplies himself, that should be clearly indicated on the purchase order. In that case, the purchase order will be returned to that staff member.

Teachers will be able to use their classroom supply money to purchase from catalog supply companies. They will also be able to use these funds, from August 1 through October 30 each year, to make purchases from local stores. All purchases must be preapproved through the purchase order process and all bills will be approved by the Board before being paid.

If the teacher chooses to buy from a local vendor with whom the school does not have an established account and the vendor is not willing to bill the school district, the teacher may pay the bill and then follow the reimbursement procedures. **Please note: teachers will not be reimbursed sales tax. They should obtain a tax exempt letter from the unit office in order to avoid paying sales tax on school purchases.**

Reimbursement procedures

Supply and Travel Reimbursement

Requests for reimbursement must be turned in on a Reimbursement Voucher Form. These are available in the principals' offices and the unit office. Please be sure to completely fill out the form. **The district does not reimburse employees for sales tax on items they purchase on behalf of the district.** This is because employees can obtain a tax exempt letter from the unit office and avoid the imposition of the sales tax.

No transportation or travel costs will be reimbursed if a teacher chooses to pick up supplies they purchased with classroom supply money.

All expenses must be verified by an itemized receipt in order to be reimbursed. This most often comes up when employees turn in travel expenses. If you don't have an itemized receipt, you will not be reimbursed. The district has a cap of \$26 per day on the amount of meal expense it will pay or reimburse. No reimbursement will be made above that amount -- if charges on the credit card exceed that amount, you will be asked to reimburse the district.

Mileage Reimbursement

The district has a preference that all employees use school vehicles to travel to conferences or other events. No mileage reimbursements will be made, unless the employee requesting the reimbursement has applied to use a school vehicle and has been told there are no vehicles available. To request the use of a school vehicle, you must fill out a Transportation Request form. These forms are available in the principals' offices.

If you apply for the use a school vehicle and are turned down, then the district will reimburse you for the use of your personal vehicle at the rate designated each year by the IRS for mileage reimbursements. However, the school reimburses mileage from Fisher to the site only -- using a chart we have compiled. Copies are available from the unit office. The district does not reimburse for incidental mileage once you have reached the site of the conference. If you should attend a conference at a location not listed on our sheet, we will reimburse mileage for the round trip from Fisher to the site of the conference.

APPROVED: August 16, 2004

General Personnel

Religious Holidays

Supervisors shall grant an employee's request for time off to observe a religious holiday if the employee gives at least 5 days prior notice and the absence does not cause an undue hardship.

Employees may use earned vacation time, or personal leave to make up the absence, provided such time is consistent with the District's operational needs. A per diem deduction may also be requested by the employee.

LEGAL REF.: Religious Freedom Restoration Act, 775 ILCS 35/5.
775 ILCS 5/2-101 and 5/2-102.

ADOPTED: July 18, 2002

General Personnel

Court Duty

Please refer to the current “Agreement Between the Board of Education Fisher Community Unit School District No. 1 and Fisher Education Association”.

For employees not covered by this agreement:

The District will pay full salary during the time an employee is on court 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 court duty to the District.

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

ADOPTED: July 18, 2002

General Personnel

Abused and Neglected Child Reporting

Any District employee who suspects or receives knowledge that a student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability, shall: (1) immediately report or cause a report to be made to the Illinois Department of Children and Family Services (DCFS) on its Child Abuse Hotline 800/25-ABUSE or 217/524-2606, and (2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office. The employee shall also promptly notify the Superintendent or Building Principal that a report has been made. 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.

Any District employee who discovers child pornography on electronic and information technology equipment shall immediately report it to local law enforcement, the National Center for Missing and Exploited Children's CyberTipline 800/843-5678, or online at www.cybertipline.com. The Superintendent or Building Principal shall also be promptly notified of the discovery and that a report has been made.

Any District employee who observes any act of hazing that does bodily harm to a student must report that act to the Building Principal, Superintendent, or designee who will investigate and take appropriate action. If the hazing results in death or great bodily harm, the employee must first make the report to law enforcement and then to the Superintendent or Building Principal. Hazing is defined as any intentional, knowing, or reckless act directed to or required of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team whose members are or include other students.

Abused and Neglected Child Reporting Act (ANCRA), School Code, and Erin's Law Training

The Superintendent or designee shall provide staff development opportunities for District employees in the detection, reporting, and prevention of child abuse and neglect.

All District employees shall:

1. Before beginning employment, sign the *Acknowledgement of Mandated Reporter Status* form provided by DCFS. The Superintendent or designee shall ensure that the signed forms are retained.
2. Complete mandated reporter training as required by law within one year of initial employment and at least every 5 years after that date.

The Superintendent will encourage all District educators to complete continuing professional development that addresses the traits and identifiers that may be evident in students who are victims of child sexual abuse, including recognizing and reporting child sexual abuse and providing appropriate follow-up and care for abused students as they return to the classroom setting.

Special Superintendent Responsibilities

The Superintendent shall execute the requirements in Board policy 5:150, *Personnel Records*, whenever another school district requests a reference concerning an applicant who is or was a District employee and was the subject of a report made by a District employee to DCFS.

The Superintendent shall notify the State Superintendent and the Regional Superintendent in writing when he or she has reasonable cause to believe that a license holder was dismissed or resigned from the District as a result of an act that made a child an abused or neglected child. The Superintendent must make the report within 30 days of the dismissal or resignation and mail a copy of the notification to the license holder.

Special School Board Member Responsibilities

Each individual Board member must, if an allegation is raised to the member during an open or closed Board meeting that a student is an abused child as defined in the Act, direct or cause the Board to direct the Superintendent or other equivalent school administrator to comply with the Act's requirements concerning the reporting of child abuse.

LEGAL REF.: 105 ILCS 5/10-21.9.
20 ILCS 1305/1-1 et seq.
20 ILCS 2435/.
325 ILCS 5/.
720 ILCS 5/12C-50.1.

CROSS REF.: 2:20 (Powers and Duties of the School Board; Indemnification), 5:20 (Workplace Harassment Prohibited), 5:100 (Staff Development Program), 5:120 (Ethics and Conduct), 5:150 (Personnel Records), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:20 (Harassment of Students Prohibited), 7:150 (Agency and Police Interviews)

ADOPTED: July 18, 2002

AMENDED: January 16, 2007

AMENDED: January 20, 2009

AMENDED: June 20, 2011

AMENDED: June 18, 2012

AMENDED: February 18, 2014

AMENDED: December 16, 2015

General Personnel

Staff Development Program

Please refer to the current “Agreement Between the Board of Education Fisher Community Unit School District No. 1 and Fisher Education Association”.

For employees not covered by this agreement:

The Superintendent or designee shall implement a staff development program. The goal of such program shall be to update and improve the skills and knowledge of staff members in order to achieve and maintain a high level of job performance and satisfaction. Additionally, the development program for licensed staff members shall be designed to effectuate the District and School Improvement Plans so that student learning objectives meet or exceed goals established by the District and State.

The staff development program shall provide, at a minimum, at least once every 2 years, the in-service training of licensed school personnel and administrators on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children.

The staff development program shall provide, at a minimum, once every 2 years, the in-service training of all District staff on educator ethics, teacher-student conduct, and school employee-student conduct.

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.

LEGAL REF.: 105 ILCS 5/2-3.62, 5/10-22.6(c-5), 5/10-22.39, 5/22-80(h), 5/10-23.12, 5/24-5, 25/1.15 and 110/3.
325 ILCS 5/4, Abused and Neglected Child Reporting Act.
745 ILCS 49/, Good Samaritan Act.
7 C.F.R. Part 210.
23 Ill.Admin.Code Part 525.

CROSS REF.: 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 4:160 (Environmental Quality of Buildings and Grounds), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:120 (Ethics and Conduct), 5:250 (Leaves of Absence), 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 6:160 (English Learners), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:285 (Food Allergy Management Program), 7:290 (Suicide and Depression Awareness and Prevention), 7:305 (Student Athlete Concussions and Head Injuries)

ADMIN PROC.: 4:160-AP (Environmental Quality of Buildings and Grounds), 4:170-AP6 (Plan for Responding to a Medical Emergency at an Indoor Physical Fitness Facility), 5:100-AP (Staff Development Program), 5:150-AP (Personnel Records), 6:120-AP4 (Care of Students with Diabetes), 7:250-AP1 (Measures to Control the Spread of Head Lice at School)

ADOPTED: July 18, 2002

AMENDED: January 20, 2009

AMENDED: June 20, 2011

AMENDED: June 18, 2012

AMENDED: February 18, 2014

AMENDED: December 16, 2015

General Personnel

Administrative Procedure - Staff Development Program

The following procedure implements policy 5:100, *Staff Development Program*. It sets 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)).

This procedure is consistent with the minimum requirements of State law. If the District has a local collective bargaining agreement, it may contain provisions that differ from this procedure. When the procedure's subject matter is superseded by a bargaining agreement, insert the following: "Please refer to the current [*insert name of any applicable CBA*]."

Implementation of Staff Development Program

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

LEGAL REF.: Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. §1758b, PL 111-296.
 7 C.F.R. Parts 210 and 235.
 105 ILCS 5/2-3.48, 5/2-3.53, 5/2-3.56, 5/2-3.59, 5/2-3.62, 5/3-11, 5/3-14.8, 5/10-
 20.35, 105 ILCS 5/10-22.6(c-5), 5/10-22.39, 5/22-80(h), 5/10-23.12, 5/24-5,
 25/1.15, and 110/3.
 23 Ill.Admin.Code §§ 22.20, 226.800, and Part 525.
 77 Ill.Admin.Code §527.800.

ADOPTED: December 16, 2015

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.

At an annual event, the following periods of service will be recognized:

1. Longevity:

- a. At the end of 5 years - a framed certificate
- b. At the end of 10 years - a paper weight
- c. At the end of 15 years - a brass desk name plate
- d. At the end of 20 years - a pen and pencil set
- e. At the end of 25 years - engraved silver tray
- f. At the end of 30 years - \$100 cash gift
- g. At the end of 35 years - a plaque commemorating the occasion and a \$200 cash gift.

2. Retirement:

- a. Presentation of a plaque commemorating the occasion with the years of service to Fisher CUSD #1 and total years of service to teaching.
- b. A gift in the area of interest of the employee approximating \$10 per year of service to Fisher CUSD #1.

ADOPTED: July 18, 2002

General Personnel

Ethics and Conduct

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 and appropriate relationships with students, parents, staff members, and others. In addition, the *Code of Ethics for Illinois Educators*, adopted by the Illinois State Board of Education, is incorporated by reference into this policy. Any employee who sexually harasses a student or otherwise violates an employee conduct standard will be subject to discipline up to and including dismissal.

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

1. Superintendent;
2. Building Principal;
3. Head of any department;
4. Any employee who, as the District's agent, is responsible for negotiating one or more contracts including collective bargaining agreement(s), in the amount of \$1,000 or greater;
5. Hearing officer;
6. Any employee having supervisory authority for 20 or more employees; and
7. Any employee in a position that requires an administrative or a chief school business official endorsement.

Ethics and Gift Ban

School Board policy 2:105, *Ethics and Gift Ban*, applies to all District employees. Students shall not be used in any manner for promoting a political candidate or issue.

Prohibited Interests, Limitation of Authority, and Outside Employment

In accordance with Section 22-5 of the School Code, "no school officer or teacher shall be interested in the sale, proceeds, or profits of any book, apparatus, or furniture used or to be used in any school with which such officer or teacher may be connected," except when the employee is the author or developer of instructional materials listed with the Illinois 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 or at such other times as are necessary to fulfill appropriate assigned duties.

Incorporated
by reference: 5:120-E (Code of Ethics for Illinois Educators)

LEGAL REF.: U.S. Constitution, First Amendment.
5 ILCS 420/4A-101 and 430/.
50 ILCS 135/.
105 ILCS 5/10-22.39 and 5/22-5.
775 ILCS 5/5A-102.
23 Ill.Admin.Code Part 22, Code of Ethics for Illinois Educators.
Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).
Garcetti v. Ceballos, 547 U.S. 410 (2006).

CROSS REF.: 2:105 (Ethics and Gift Ban), 5:100 (Staff Development Program)

ADOPTED: July 18, 2002

AMENDED: June 20, 2011

AMENDED: February 18, 2014

AMENDED: August 17, 2015

General Personnel

Administrative Procedure - Statement of Economic Interests for Employees

DATE	ACTION
Upon initial employment	All employees who are required to file a statement of economic interests (see School Board policy 5:120, <i>Ethics and Conduct</i>) must file such a statement upon initial employment if employed by May 1. 5 ILCS 420/4A-105(c).
On or before February 1, annually	Superintendent or designee shall certify to the appropriate county clerks a list of names and addresses of employees who are required to file a statement of economic interests (see School Board policy 5:120, <i>Ethics and Conduct</i>). The list shall set out the names in alphabetical order by county of residence. The Superintendent or designee shall send the list to county clerks of the counties in which those employees reside, or if any employee resides outside of Illinois, to the county clerk of the county in which the District's principal office is located. 5 ILCS 420/4A-106.
On or before April 1, annually	County clerk of each county shall notify employees whose names have been certified to him or her of the requirements for filing statement of economic interests. 5 ILCS 420/4A-106.
On or before May 1, annually	All employees who are required to file a statement of economic interests (see Board policy 5:120, <i>Ethics and Conduct</i>) must file a statement of economic interests with the county clerk of the county in which the principal District office is located (5 ILCS 420/4A-106), unless he or she has already filed a statement in relation to the District within the calendar year. 5 ILCS 420/4A-105.
After January 1, 2011	Any county clerk who uses a system of Internet-based filing of economic interest statements must: (1) post the contents of statements, without filers' addresses or signatures, that were filed using the Internet on a publicly accessible website, and (2) otherwise comply with 5 ILCS 420/4A-018, amended by P.A. 99-108. The times for the filing of statements of economic interests set forth in Section 4A-105 must be followed in any system of Internet-based filing.

ADOPTED: June 20, 2011

AMENDED: August 17, 2015

AMENDED: December 16, 2015

General Personnel

Administrative Procedure - Employee Conduct Standards

Professional and ethical behavior is expected of all District staff members. The standards listed below serve as a notice of expected conduct. The standards are intended to protect the health, safety, and general welfare of students and employees, ensure the community a degree of accountability within the School District, and define misconduct justifying disciplinary action, up to and including dismissal. The listed standards are not a complete list of expectations, and depending on the factual context, an employee may be disciplined for conduct that is not specifically listed. The conduct standards apply to all District employees to the extent they do not conflict with an applicable collective bargaining agreement; in the event of a conflict, the provision is severable and the applicable bargaining agreement will control. In addition, each educator must comply with 5:120-E, *Code of Ethics for Illinois Educators*, adopted by the Illinois State Board of Education (23 Ill.Admin.Code Part 22).

All school employees shall:

1. Exhibit positive examples of preparedness, punctuality, attendance, self-control, language, and appearance.
2. Exemplify honesty and integrity. Violations of this standard include, but are not limited to, falsifying, misrepresenting, omitting, or erroneously reporting the professional qualifications of oneself or another individual or information submitted in connection with job duties or during the course of an official inquiry/investigation.
3. Maintain a professional relationship with all students, both in and outside the school and attend all in-service trainings on educator ethics, teacher-student conduct, and school, employee-student conduct for all personnel (105 ILCS 5/10-22.39). Violations of this standard, include but are not limited to: (a) committing any act of child abuse or cruelty to children; (b) engaging in harassing behavior; (c) soliciting, encouraging, or consummating an inappropriate written, verbal, or physical relationship with a student; and (d) furnishing tobacco, alcohol, or illegal/unauthorized substance to any student or allowing a student under his or her supervision to consume alcohol or an illegal/unauthorized substance.
4. Maintain a safe and healthy environment, free from harassment, intimidation, bullying, hazing, substance abuse, and violence, and free from bias and discrimination. Violations of this standard include, but are not limited to: (a) using alcohol or illegal or unauthorized substances when on school property or at school-sponsored events, or whenever engaged in job responsibilities; (b) using or possessing medical cannabis in a school bus or on school grounds; (c) unless specifically permitted by the Firearm Concealed Carry Act, carrying a firearm on or into any District controlled building, real property, or parking area, or any transportation vehicle paid for in whole or in part with public funds; (d) failing to report suspected cases of child abuse or neglect or of gender harassment; (e) knowingly failing to report hazing to supervising educational authorities or, in the event of death or great bodily harm, to law enforcement; and (f) failing to appropriately respond to a witnessed or reported incident of student-on-student bullying, harassment, hazing, or teen dating violence.

5. Comply with the Professional Testing Practices for Educators, prepared and published by the Illinois State Board of Education for educators who administer any standardized test (at www.isbe.net/assessment/pdfs/2014/isat/prof-test-prac14.pdf). This document contains numerous examples of actions that violate test security; actions that must not be part of test preparation; actions that must not occur during test administration; and actions that must be avoided when reporting test results.
6. Honor the public trust when entrusted with public funds and property by acting with a high level of honesty, accuracy, and responsibility. Violations of this standard include, but are not limited to: (a) misusing public or school-related funds; (b) failing to account for funds collected from students or parents/guardians; (c) submitting fraudulent requests for reimbursement of expenses or for pay; (d) co-mingling District or school funds with personal funds or checking accounts; and (e) using school property without the approval of the supervising school official.
7. Maintain integrity with students, colleagues, parents/guardians, community members, and businesses concerning business dealings and when accepting gifts and favors. Violations of this standard, include but are not limited to, soliciting students or parents/guardians to purchase supplies or services from the employee or to participate in activities that financially benefit the employee without fully disclosing the interest.
8. Respect the confidentiality of student and personnel records, standardized test material, and other information covered by confidentiality agreements. Violations of this standard include, but are not limited to: (a) disclosing confidential information concerning student academic and disciplinary records, health and medical information, family status and/or income, and assessment/testing results, unless disclosure is required or permitted by law; and (b) disclosing confidential information restricted by State or federal law.
9. Demonstrate conduct that follows generally recognized professional standards and attend all in-service trainings on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel (105 ILCS 5/10-22.39). Unethical conduct is any conduct that impairs the employee's ability to function professionally in his or her employment position or a pattern of behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students.
10. Comply with all State and federal laws and rules regulating public schools and School Board policies, including but not limited to: 2:105 (Ethics and Gift Ban), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:50 (Drug- and Alcohol-Free Workplace; Tobacco Prohibition), 5:60 (Expenses), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:120 (Ethics and Conduct), 5:130 (Responsibilities Concerning Internal Information), 5:140 (Solicitations By or From Staff), 5:170 (Copyright), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:230 (Maintaining Student Discipline), 5:280 (Duties and Qualifications), 5:290 (Employment Termination and Suspensions), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying),

Intimidation, and Harassment), 7:190 (Student Discipline), 7:340 (Student Records), and 8:30 (Visitors to and Conduct on School Property).

Conviction of any employment disqualifying criminal offense listed in Section 5/10-21.9 or 5/21B-80 of the School Code will result in dismissal.

Before disciplinary action is taken, the supervisor will conduct a fair and objective investigation to determine whether the employee violated a standard or other work rule and the extent that any violation impacts educational or operational activities, effectiveness, or efficiency. Discipline must be appropriate and reasonably related to the seriousness of the misconduct and the employee's record. Any applicable provision in a contract, bargaining agreement, or State law will control the disciplinary process.

ADOPTED: February 18, 2014

ADOPTED: November 17, 2014

General Personnel

Exhibit - Code of Ethics for Illinois Educators

Code of Ethics for Illinois Educators, Illinois State Board of Education (23 Ill.Admin.Code §22.20)

a) Responsibility to Students

The Illinois educator is committed to creating, promoting, and implementing a learning environment that is accessible to each student, enables students to achieve the highest academic potential, and maximizes their ability to succeed in academic and employment settings as a responsible member of society. Illinois educators:

- 1) Embody the Standards for the School Support Personnel Endorsements (23 Ill.Adm.Code 23), the Illinois Professional Teaching Standards (23 Ill.Adm.Code 24, 130), and Standards for Administrative Endorsements (23 Ill.Adm.Code 29), as applicable to the educator, in the learning environment;
- 2) Respect the inherent dignity and worth of each student by assuring that the learning environment is characterized by respect and equal opportunity for each student, regardless of race, color, national origin, sex, sexual orientation, disability, religion, language or socio-economic status;
- 3) Maintain a professional relationship with students at all times;
- 4) Provide a curriculum based on high expectations for each student that addresses individual differences through the design, implementation, and adaptation of effective instruction; and
- 5) Foster in each student the development of attributes that will enhance skills and knowledge necessary to be a contributing member of society.

b) Responsibility to Self

Illinois educators are committed to establishing high professional standards for their practice and striving to meet these standards through their performance. Illinois educators:

- 1) Assume responsibility and accountability for their performance and continually strive to demonstrate proficiency and understanding of current trends in both content knowledge and professional practice;
- 2) Develop and implement personal and professional goals with attention to professional standards through a process of self-assessment and professional development;
- 3) Represent their professional credentials and qualifications accurately; and
- 4) Demonstrate a high level of professional judgment.

c) Responsibility to Colleagues and the Profession

The Illinois educator is committed to collaborating with school and district colleagues and other professionals in the interest of student learning. Illinois educators:

- 1) Collaborate with colleagues in their respective schools and districts to meet local and State educational standards;
 - 2) Work together to create a respectful, professional, and supportive school climate that allows all educators to maintain their individual professional integrity;
 - 3) Seek out and engage in activities that contribute to the ongoing development of the profession;
 - 4) Promote participation in educational decision-making processes;
 - 5) Encourage promising candidates to enter the education profession; and
 - 6) Support the preparation, induction, mentoring, and professional development of educators.
- d) Responsibility to Parents, Families and Communities
- The Illinois educator will collaborate, build trust, and respect confidentiality with parents, families, and communities to create effective instruction and learning environments for each student. Illinois educators:
- 1) Aspire to understand and respect the values and traditions of the diversity represented in the community and in their learning environments;
 - 2) Encourage and advocate for fair and equal educational opportunities for each student;
 - 3) Develop and maintain professional relationships with parents, families, and communities;
 - 4) Promote collaboration and support student learning through regular and meaningful communication with parents, families, and communities; and
 - 5) Cooperate with community agencies that provide resources and services to enhance the learning environment.
- e) Responsibility to the Illinois State Board of Education
- Illinois educators are committed to compliance with the School Code [105 ILCS 5] and its implementing regulations, and to State and federal laws and regulations relevant to their profession. Illinois educators:
- 1) Provide accurate communication to the Illinois State Board of Education concerning all educator licensure matters;
 - 2) Maintain appropriate educator licensure for employment; and
 - 3) Comply with State and federal laws and regulations.

ADOPTED: February 18, 2014

AMENDED: August 17, 2015

General Personnel

Personal Technology and Social Media: Usage and Conduct

Definitions

Includes - Means “includes without limitation” or “includes, but is not limited to.”

Social media - Media for social interaction, using highly accessible communication techniques through the use of web-based and mobile technologies to turn communication into interactive dialogue. This includes *Facebook, LinkedIn, MySpace, Twitter, and YouTube*.

Personal technology - Any device that is not owned or leased by the District or otherwise authorized for District use and: (1) transmits sounds, images, text, messages, videos, or electronic information, (2) electronically records, plays, or stores information, or (3) accesses the Internet, or private communication or information networks. This includes laptop computers (e.g., laptops, ultrabooks, and chromebooks), tablets (e.g., iPads®, Kindle®, Microsoft Surface®, and other Android® platform or Windows® devices), smartphones (e.g., iPhone®, BlackBerry®, Android® platform phones, and Windows Phone®), and other devices (e.g., iPod®).

Usage and Conduct

All District employees who use personal technology and social media shall:

1. Adhere to the high standards for appropriate school relationships required by policy 5:120, *Ethics and Conduct* at all times, regardless of the ever-changing social media and personal technology platforms available. This includes District employees posting images or private information about themselves or others in a manner readily accessible to students and other employees that is inappropriate as defined by policy 5:20, *Workplace Harassment Prohibited*; 5:120, *Ethics and Conduct*; 6:235, *Access to Electronic Networks*; 7:20, *Harassment of Students Prohibited*; and the Ill. Code of Educator Ethics, 23 Ill.Admin.Code §22.20.
2. Choose a District-provided or supported method whenever possible to communicate with students and their parents/guardians.
3. Not interfere with or disrupt the educational or working environment, or the delivery of education or educational support services.
4. Comply with policy 5:130, *Responsibilities Concerning Internal Information*. This means that personal technology and social media may not be used to share, publish, or transmit information about or images of students and/or District employees without proper approval. For District employees, proper approval may include implied consent under the circumstances.
5. Refrain from using the District’s logos without permission and follow Board policy 5:170, *Copyright*, and all District copyright compliance procedures.

6. Use personal technology and social media for personal purposes only during non-work times or hours. Any duty-free use must occur during times and places that the use will not interfere with job duties or otherwise be disruptive to the school environment or its operation.
7. Assume all risks associated with the use of personal technology and social media at school or school-sponsored activities, including students' viewing of inappropriate Internet materials through the District employee's personal technology or social media. The Board expressly disclaims any responsibility for imposing content filters, blocking lists, or monitoring of its employees' personal technology and social media.
8. Be subject to remedial and any other appropriate disciplinary action for violations of this policy ranging from prohibiting the employee from possessing or using any personal technology or social media at school to dismissal and/or indemnification of the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District relating to, or arising out of, any violation of this policy.

The Superintendent shall:

1. Inform District employees about this policy during the in-service on educator ethics, teacher-student conduct, and school employee-student conduct required by Board policy 5:120, *Ethics and Conduct*.
2. Direct Building Principals to annually:
 - a. Provide their building staff with a copy of this policy.
 - b. Inform their building staff about the importance of maintaining high standards in their school relationships.
 - c. Remind their building staff that those who violate this policy will be subject to remedial and any other appropriate disciplinary action up to and including dismissal.
1. Build awareness of this policy with students, parents, and the community.
2. Ensure that no one for the District, or on its behalf, requests of an employee or applicant access in any manner to his or her social networking website or requests passwords to such sites.
3. Periodically review this policy and any procedures with District employee representatives and electronic network system administrator(s) and present proposed changes to the Board.

LEGAL REF.: 105 ILCS 5/21B-75 and 5/21B-80.
Ill. Human Rights Act, 775 ILCS 5/5A-102.
Code of Ethics for Ill. Educators, 23 Ill.Admin.Code §22.20.
Garcetti v. Ceballos, 547 U.S. 410 (2006).
Pickering v. High School Dist. 205, 391 U.S. 563 (1968).
Mayer v. Monroe County Community School Corp., 474 F.3d 477 (7th Cir. 2007).

CROSS REF.: 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria),
5:120 (Ethics and Conduct), 5:130 (Responsibilities Concerning Internal
Information), 5:150 (Personnel Records), 5:170 (Copyright), 5:200 (Terms and
Conditions of Employment and Dismissal), 6:235 (Access to Electronic
Networks), 7:20 (Harassment of Students Prohibited), 7:340 (Student Records)

ADOPTED: June 18, 2012
AMENDED: February 25, 2013

AMENDED: April 21, 2014

General Personnel

Exhibit - Employee Receipt of Board Policy on Personal Technology and Social Media

I, the individual whose signature appears below, acknowledge receipt of the Board policy 5:125, *Personal Technology and Social Media; Usage and Conduct*. I affirm that I have read the policy and agree to comply with its requirements.

Name (*please print*)

Signature

Date

ADOPTED: June 18, 2012

General Personnel

Limitations on Accepting Gifts

No District employee or Board member shall solicit or accept a gift that he or she has reason to believe is offered in an effort to influence his or her official position or employment. This ban applies to spouses of, and immediate family members living with, a Board member or employee. The following are examples of acceptable gifts:

1. gifts from relatives or personal friends;
2. gifts from an employee or Board member to an employee or Board member;
3. gifts from students to teachers that have nominal value;
4. food, lodging, transportation, and other benefits:
 - resulting from outside business or employment activities, or
 - customarily provided by a prospective employer;
5. information or communication materials, such as books, articles, periodicals, audiotapes, or videotapes;
6. training (including food and refreshments);
7. personal hospitality;
8. free attendance at a widely attended forum, dinner, reception, or similar event if attendance is related to the individual's office or job;
9. commemorative items;
10. golf or tennis, food or refreshments of nominal value, and catered food or refreshments;
11. meals or beverages consumed on the premises from which they were purchased; and
12. items of nominal value (such as T-shirts, mugs, candy, crafts, or greeting cards).

The Superintendent or designee is the District Ethics Officer. The Ethics Officer shall serve as a resource to employees and Board members regarding this policy. The Board of Education will serve as the District Ethics Commission. In the event that any Board member is personally involved in a matter being investigated, he or she shall not serve on the Commission during such investigation. The District Ethics Commission shall have those powers and duties as described in the State Gift Ban Act for state-level ethics commissions, including the power to investigate complaints.

Anyone believing that this policy is or was violated is encouraged to file a complaint with the District Ethics Commission. The Commission will follow the procedures for handling complaints given in the State Gift Ban Act. The Board of Education, as the ultimate jurisdictional authority, may take appropriate enforcement action, such as those described in the State Gift Ban Act.

LEGAL REF.: 5 ILCS 425/1 et seq.

CROSS REF.: 2:100 (Board Member Conflict of Interest)

ADOPTED: July 18, 2002

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.

Approval shall be granted only for items that directly benefit the school or the community.

ADOPTED: July 18, 2002

General Personnel

Personnel Records

The Superintendent or designee shall manage the maintenance of personnel records in accordance with State and federal law and School Board policy. Records, as determined by the Superintendent, are retained for all employment applicants, employees, and former employees given the need for the District to document employment-related decisions, evaluate program and staff effectiveness, and comply with government recordkeeping and reporting requirements. Personnel records shall be maintained in the District's administrative office, under the Superintendent's direct supervision.

Access to personnel records is available as follows:

1. An employee will be given access to his or her personnel records according to State law and guidelines developed by the Superintendent.
2. An employee's supervisor or other management employee who has an employment or business-related reason to inspect the record is authorized to have access.
3. Anyone having the respective employee's written consent may have access.
4. Access will be granted to anyone authorized by State or federal law to have access.
5. All other requests for access to personnel information are governed by Board policy 2:250, *Access to District Public Records*.

The Superintendent or designee shall manage a process for responding to inquiries by a prospective employer concerning a current or former employee's job performance. The Superintendent shall execute the requirements in the Abused and Neglected Child Reporting Act whenever another school district asks for a reference concerning an applicant who is or was a District employee and was the subject of report made by a District employee to DCFS.

When requested for information about an employee by an entity other than a prospective employer, the District will only confirm position and employment dates unless the employee has submitted a written request to the Superintendent or designee.

LEGAL REF.: 745 ILCS 46/10, 820 ILCS 40/
23 Ill. Admin. Code § 1.660.

CROSS REF.: 2:250 (Access to District's Public Records), 7:340 (Student Records)

ADOPTED: July 18, 2002

AMENDED: January 20, 2009

AMENDED: June 20, 2011

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. 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
- 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)
- 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
- 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

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
- Acknowledgement of mandated reporter status

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. 820 ILCS 40/9.

Access to Employee Records and Correction Requests

An employee is granted access to his or her personnel records according to provisions in the Personnel Record Review Act, 820 ILCS 40/., and any relevant provisions in an applicable collective bargaining agreement. Except for the documents described in Sec. 10 of 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

The board Attorney shall be consulted whenever a subpoena or court order requests personnel record information. Any other request for personnel information by a third party will be treated as a FOIA request and immediately forwarded to the School District's Freedom of Information Officer (see 2:250-AP1, *Access to and Copying of District Public Records*). Concerning a request for a disciplinary report, letter of reprimand, or other disciplinary action:

1. If the responsive record is more than 4 years old, access will be denied unless the release is ordered in a legal action or arbitration. 5 ILCS 140/7.5(q); 820 ILCS 40/8.
2. If the responsive record is 4 years old or less, access will be granted. The District will provide the employee with written notice or through electronic mail, if available, on or before the day any such record is released, unless notice is not required under the Personnel Record Review Act. 5 ILCS 140/7.5(q); 820 ILCS 40/7, amended by P.A. 96-1212.
3. The employee will not be informed 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 result of a claim or complaint by an employee, or as a result of a criminal investigation by such agency.

A FOIC request for a performance evaluation will be denied. Required by 820 ILCS 40/11, amended by P.A. 96-1483.

Before replying to a request from a third party, the District will review the requested records and delete or redact material that is protected from disclosure. Required by 820 ICLS 40.8.

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 Act

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 (325 ILCS 5/4 and 820 ILCS 40/13):

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

LEGAL REF.: 5 ILCS 140/.
325 ILCS 5/4 and 5/7.4.
820 ILCS 40/.
23 Ill.Admin.Code §1.660.

ADOPTED: January 20, 2009

AMEDNED: June 20, 2011

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: July 18, 2002

General Personnel

Copyright

Works Made for Hire

The Superintendent shall manage the development of instructional materials and computer programs by employees during the scope of their employment in accordance with State and federal laws and School Board policies. Whenever an employee is assigned to develop instructional materials and/or computer programs, or otherwise performs such work within the scope of his or her employment, it is assured the District shall be the owner of the copyright.

Copyright Compliance

While staff members may use appropriate supplementary materials, it is each staff member's responsibility to abide by the District's copyright compliance procedures and to obey the copyright laws. The District is not responsible for any violations of the copyright laws by its staff or students. A staff member should contact the Superintendent or designee whenever the staff member is uncertain about whether using or copying material complies with the District's procedures or is permissible under the law, or wants assistance on when and how to obtain proper authorization. No staff member shall, without first obtaining the permission of the Superintendent or designee, install or download any program on a District-owned computer. At no time shall it be necessary for a District staff member to violate copyright laws in order to properly perform his or her duties.

Copyright Infringement; Designation of District Digital Millennium Copyright Act (DMCA) Agent.

The employee listed below receives complaints about copyright infringement within the use of the District's online services. The Superintendent or designee will register this information with the federal Copyright Office as required by federal law.

District DMCA Agent:

Superintendent

801 S Fifth Street, Fisher IL 61843

(217)897-6125

LEGAL REF.: Federal Copyright Law of 1976, 17 U.S.C. § 101 et seq.
105 ILCS 5/10-23.10.

CROSS REF.: 6:235 (Access to Electronic Networks)

ADOPTED: July 18, 2002

AMENDED: June 18, 2012

AMENDED: November 16, 2015

General Personnel

Administrative Procedure - Copyright Compliance

These guidelines help staff members determine if they may use non-original work freely or whether permission is needed to use or copy it. Whenever a staff member is uncertain, has questions, or needs permission from a copyright-owner to use or copy a work, he or she should contact the Superintendent or designated copyright compliance officer. Appendix 1 is a *Fair Use Assessment Factors Checklist*. Appendix 2 contains use resources available online.

1. Is the work copyright protected? *A “no” means you may use the work freely; a “yes” or uncertain answer means you should proceed with the second query.*
 - a. No, if it is in the public domain.
 - b. No, if it is a U.S. Government publication.
 - c. No, if it is an idea or method described in copyrighted work.
 - d. The presence of a copyright notice is not determinative.
 - e. Yes, almost all other works.
2. Do you want to exercise one of the copyright owner’s exclusive rights? *A “yes” or uncertain answer means you should proceed with the third query.*
 - a. Yes, if you plan to copy the work.
 - b. Yes, if you plan to use the work as the basis for a new work.
 - c. Yes, if you plan to electronically distribute or publish copies.
 - d. Yes, if you plan to perform music or drama, recite prose or poetry, or if you plan to play a video and/or audio digital or tape recording or a CD-ROM or DVD.
 - e. Yes, if the plan is to publicly display the work.
3. Does your planned use of the work require the copyright owner’s permission? *A “no” means you may use the work, provided that any copies contain the copyright notice as it appears in the original work; a “yes” or uncertain answer means you should contact the Superintendent or designated copyright compliance officer.*
 - a. No, if your planned use of printed work is within the *fair use* exception as defined in 17 U.S.C. §107. See Appendix 1.
 - b. No, if your planned use of the work is within the *library’s special rules* exception as defined in 17 U.S.C. §108.
 - A library may make a single copy containing the copyright notice for the purpose of archiving lost, stolen, damaged, or deteriorating works.
 - A library may make a single copy containing the copyright notice for a student or staff member at no more than the actual cost of photocopying, provided that the library finds that the copyrighted work cannot be obtained elsewhere at a fair price.
 - c. No, if your planned use of the work is within the *educational performances and displays* exception as defined in 17 U.S.C. §110.

Performances by teachers or students are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.

- d. No, if you plan to use it in an overhead or opaque projector for instructional purposes.
- e. No, if you plan to copy and use music for academic purposes, other than performance.
- f. Yes, notwithstanding the above, if you plan to create anthologies, compilations, or collective works.
- g. Yes, notwithstanding the above, if copies will be *consumed* during the course. *Consumable* works include: workbooks, exercises, standardized tests, test booklets, and answer sheets.
- h. Yes, notwithstanding the above, if you plan to substitute copies for the purchase of the work; likewise, if you yearly copy the same item.
- i. You must receive permission from the Superintendent or designated copyright compliance officer before showing the off-air recording of television programs, video rentals, or videos purchased for home use. You must follow any applicable license agreements.
- j. You must receive permission from the Superintendent or designated copyright compliance officer before using any non-District owned software and/or CD-ROM or DVD products in District owned equipment. No one may install or download any program on District owned equipment without the Superintendent or designee's permission.
- k. You must follow licensing agreements applicable to District owned software and CD-ROM or DVD products.
 - Licensing agreements with the manufacturer and vendor shall be followed.
 - Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment, to avoid the installation of privately purchased software on school equipment, and to avoid the use of single copy software or CD-ROM products across a network with multiple users unless the applicable license agreement permits.
 - A back-up copy shall be purchased for use as a replacement when a program is lost or damaged. If the vendor is not able to supply such, the District shall make a back-up program in accordance with the terms of the applicable licensing agreement or 17 U.S.C. §117.

Appendix 1: Copyright Fair Use Assessment Factors Checklist

Purpose and Character of Use of Copyrighted Work

Use this checklist to analyze whether material falls under the *fair use doctrine*. Factors favoring fair use will generally indicate that material may be used without seeking permission from the copyright owner. Factors opposing fair use require permission to reprint or adapt the material from the copyright owner. If a copyright owner is known, always request permission before using any material.

Favoring Fair Use	Opposing Fair Use
<input type="checkbox"/> Teaching	<input type="checkbox"/> Commercial activity - gain of financial rewards form use; e.g., sale of goods, services; advertising; fundraising, etc.
<input type="checkbox"/> Research/Scholarship/Academics	<input type="checkbox"/> Profiting from use
<input type="checkbox"/> Nonprofit educational institution	<input type="checkbox"/> Bad-faith behavior; e.g., misrepresentation of intended use
<input type="checkbox"/> Criticism	<input type="checkbox"/> Denying credit to original author or artist
<input type="checkbox"/> Comment	<input type="checkbox"/> Entertainment
<input type="checkbox"/> News reporting	
<input type="checkbox"/> Used to create something new	
<input type="checkbox"/> Restricted access given	
<input type="checkbox"/> Parody	

Nature of Copyrighted Work Used

Favoring Fair Use	Opposing Fair Use
<input type="checkbox"/> Published work	<input type="checkbox"/> Unpublished work
<input type="checkbox"/> Factual or nonfiction based	<input type="checkbox"/> Highly creative work (art, music, novel)
<input type="checkbox"/> Out of print work	<input type="checkbox"/> Fiction

Amount and Substantiality of Copyrighted Work Used

Favoring Fair Use	Opposing Fair Use
<input type="checkbox"/> Small amount used	<input type="checkbox"/> Large portion or whole work used
<input type="checkbox"/> Portion used not central or significant to entire work	<input type="checkbox"/> Portion used is the heart of the work

Impact on Market of Copyrighted Work

Favoring Fair Use	Opposing Fair Use
<input type="checkbox"/> User owns lawfully acquired/purchased copy	<input type="checkbox"/> Could replace sale of copyrighted work
<input type="checkbox"/> One or few copies made	<input type="checkbox"/> Significantly impairs market/potential market of copyrighted work or derivative work
<input type="checkbox"/> No significant effect on market/potential market for copyrighted work	<input type="checkbox"/> Reasonable available licensing mechanisms
<input type="checkbox"/> No similar product marketed by copyright holder	<input type="checkbox"/> Affordable permission to use copyrighted work available
<input type="checkbox"/> No ready licensing or permission mechanism	<input type="checkbox"/> Numerous copies made
	<input type="checkbox"/> Made accessible on the internet or elsewhere
	<input type="checkbox"/> Repeated or long-term use

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Appendix 2: Copyright Resource List

U.S. Copyright Office

www.copyright.gov

Copyright Act, as amended, Title 17 of the United States Code

www.copyright.gov/title17/92chap1.html

Copyright Term and the Public Domain in the United States; updated every Jan. 1.

www.copyright.cornell.edu/resources/publicdomain.cfm

Cornell University Copyright Information Center

Circular 21: Reproductions of Copyrighted Works by Educators and Librarians

www.copyright.gov/circs/circ21.pdf

U.S. Copyright Office

Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with Respect to Books and Periodicals (see Circular 21: Reproductions of Copyrighted Works by Educators and Librarians, page 6) www.copyright.gov/circs/circ21.pdf

TEACH Act (Technology, Education and Copyright Harmonization Act of 2002)

www.copyright.gov/title17/92appviii.html

The TEACH Act and some Frequently Asked Questions

www.ala.org/ala/issuesadvocacy/copyright/teachact/faq.cfm

TEACH ACT - Amended Section 110(2) Comparison Chart, Sections 110(1)-(2)

www.unc.edu/~uncclng/TEACH.htm

The University of North Carolina at Chapel Hill

WIPO (World Intellectual Property Organization)

www.wipo.org

MPAA (Motion Picture Association of America)

www.mpa.org

iCopyright.com (Automated copyright licensing system for digital content)

www.icopyright.com

Permissions Group (Negotiation of rights and fees for the use of copyrighted material in and for all media)

www.permissionsgroup.com

SIIA (Software & Information Industry Association)

www.spa.org

CCC Copyright Clearance Center (Copyright permission for publications worldwide)

www.copyright.com

ASCAP (American Society of Composers, Authors and Publishers)

www.ascap.com

BMI (Broadcast Music Inc.)

www.bmi.com

SESAC, Inc. (A performing rights organization)

www.sesac.com

The Harry Fox Agency, Inc. (Licensing agency for U.S. music publishers)

www.harryfox.com

The Authors Registry (Maintains an extensive directory of authors)

www.authorsregistry.org

Copyright & Fair Use (Stanford University Libraries)

fairuse.stanford.edu/

Copyright Society of the USA

www.csusa.org

The Copyright (Copyright Registration and Information Resource)

www.benedict.com

Crash Course in Copyright

University of Texas

copyright.lib.utexas.edu/

Kohn on Music Licensing

www.kohnmusic.com

National Writers Union

www.nwu.org

Poets & Writers, Inc.

www.pw.org

Project Gutenberg (Internet's oldest producer of FREE electronic books (eBooks or eTexts))

www.promo.net/pg

WATCH: Writers and Their Copyright Holders

tyler.hrc.utexas.edu/

World Intellectual Property Organization

www.wipo.int/portal/index.html.en

ADOPTED: June 18, 2012

General Personnel

Administrative Procedure - Seeking Permission to Copy or Use Copyrighted Works

The following resources are a partial list of where to begin searching for permission to copy or use copyrighted work. Whenever it is unclear who the owner is, or if the owner is a legal entity of some kind (a business or organization), be sure that the person granting permission is authorized to do so. Once it is known whom to ask, initiate contact by writing a letter, calling, or emailing. Seek written permission that clearly describes its scope. Document the receipt of an oral permission and send the owner a confirming letter. A copyright protects materials regardless of whether the owner cares about protection or not. Thus, if required permission cannot be obtained, the work may not be used.

1. For information regarding how to find copyright owners, contact the Writers Artists and Their Copyright Holders (WATCH) program through the University of Texas, Austin's Harry Ransom Humanities Research Center at research.hrc.utexas.edu/watch/. Phone: 512/471-8944, Fax: 512/471-9646, Email: www.hrc.utexas.edu/contact/.
2. For a part of a book or a journal article, contact: Copyright Clearance Center, "CCC" Copyright Clearance Center, Inc., 222 Rosewood Drive, Danvers, MA 01923, Phone: 978/750-8400, Fax: 978/646-8600 Email: info@copyright.com, www.copyright.com.
3. For images, contact: The Film Foundation, 7920 Sunset Boulevard, 6th Floor, Los Angeles, CA 90046, Phone: 303/436-5060, Fax: 323/436-5061, Email: www.film-foundation.org; American Society of Media Photographers, 150 North Second Street, Philadelphia, PA 19106, Phone: 215/451-2767, Fax: 215/451-0880, Email: www.asmp.org.
4. If the author owns the copyright in a contribution to a periodical, magazine, or newspaper, permission may be obtained through The National Writers Union, PO Box 2424, Chicago, IL 60690, Phone: 312/924-1835, www.nwu.org; and the Society of Children's Book Writers and Illustrators, 8271 Beverly Blvd., Los Angeles, CA 90048, Phone: 323/782-1010, Fax: 323/782-1892, Email: scbwi@scbwi.org, www.scbwi.org.
5. For a musical work, contact: American Society of Composers, Authors and Publishers, (ASCAP) One Lincoln Plaza, New York, NY 10023, Phone: 212/621-6000, Email: www.ascap.com; Broadcast Music Incorporated, (BMI), 320 West 57th Street, New York, NY 10019-3790, Phone: 212/586-2000, Email: www.bmi.com/home/licensing; or SESAC, 55 Music Square East, Nashville, TN 37203, Phone: 615/320-0055, Fax: 615/329-9627, Email: www.sesac.com.
6. To record and distribute a musical composition recorded by someone else, or synchronize music with visual images, contact: The Harry Fox Agency, Inc., National Music Publishers Association, 711 Third Avenue, 8th Floor, New York, NY 10017, Phone: 212/370-5330, Fax: 646/ 487-6779, Email: www.harryfox.com, www.nmpa.org.

7. Play Rights

Samuel French, Inc.
45 West 25th Street
New York, NY 10010-2751
Phone: 212/206-8990

Anchorage Press (Plays for young people)
c/o Dramatic Publishing
311 Washington St.
Woodstock, IL 60098-3308

Fax: 212/206-1429
www.samueelfrench.com

Baker's Plays
c/o Samuel French, Inc.
45 W. 25th Street
New York, NY 10010
Phone: 323/876-0579
Fax: 323/876-5482
www.bakersplays.com

Phone/Fax: 800/448-7469
customerservice@dpcplays.com
www.applays.com

Dramatists Play Service, Inc.
440 Park Avenue South
New York, NY 10016
Phone: 212/683-8960
Fax: 212/213-1539
postmaster@www.dramatists.com
www.dramatists.com

1. For news archives, check the Web. Many of the largest news organizations have placed archives of their back issues online.
2. Movies
The Motion Picture Licensing Corporation, 5455 Centinela Avenue, Los Angeles, CA 90066, Phone: 800/462-8855, Fax: 310/822-4440, Email: mplc.org/index/contactform, info@mplc.com, www.mplc.com, grants public performance rights. If the author and the publisher are known, contact them directly. If the publisher is unknown contact: The Literary Marketplace, www.literarymarketplace.com (for books) or Ulrich's International Periodicals, www.ulrichsweb.com (for journals), both published by the R. R. Bowker Company, www.bowker.com.
3. Changed Owner
The apparent copyright owner may not be the real copyright owner. The U.S. Copyright Office of Internet Resources, www.loc.gov/copyright, provides online searching of its registration records and performs professional searches for a fee.
4. Software
Contact the software's manufacturer at the address given on the licensing agreement.

ADOPTED: June 18, 2012

General Personnel

Administrative Procedure - Instructional Materials and Computer Programs Developed Within the Scope of Employment

Definitions

The definitions used in this procedure are in accordance with State and federal law. In the event of a change, these procedures shall be deemed to be modified to the extent required by the change.

Works made for hire - Instructional materials and computer programs (including written, electronic, digital, audio, visual materials and tapes, films, and works of art) when an employee creates them:

1. Within the employee's scope of employment,
2. In whole or in part during hours of District employment (not including lunch periods or other similar free periods),
3. Under the District's supervision or control,
4. As a direct result of the employee's duties with the District, and/or
5. Using District resources or facilities.

Proceeds - Profits derived from the sale of instructional materials after deducting the expenses of developing and marketing these materials.

Computer program - A series of coded instructions or statements in a form acceptable to a computer, which causes the computer to process data in order to achieve a certain result.

Computer - An internally programmed, general purpose digital device capable of automatically accepting and processing data and supplying the results of the operation.

Instructional Material Prepared Within the Scope of Employment

All instructional materials developed by an employee within the scope of District employment are works made for hire and belong to the District. The District is entitled to all proceeds from the sale of works made for hire other than computer programs.

An employee must provide the Superintendent or designee with prior written notification of his or her intention to publish any computer programs developed within the scope of employment. The District has the exclusive right to register the copyrights for them. Unless the employee specifically states in writing to the contrary, the employee warrants that any programs developed and submitted to the District for publication are original.

Computer Programs Prepared Within the Scope of Employment

All computer programs developed by an employee within the scope of District employment are works made for hire and belong to the District.

An employee who develops a computer program is entitled to a share of the proceeds from its sale as agreed to by the District. Neither the employee nor the District may receive more than 90% of the proceeds. An employee's representative may conduct the negotiation; the School Board must approve all agreements.

The employee must provide the Superintendent or designee with prior written notification of his or her intention to publish any computer programs developed within the scope of District employment. The District has the exclusive right to register the copyrights for them. Unless the employee specifically states in writing to the contrary, the employee warrants that any programs developed and submitted to the District for publication are original.

The District shall compute proceeds. The proceeds of a computer program developed by more than one employee shall be equitably distributed among such employees, in proportion to their participation in the program's development.

LEGAL REF.: 17 U.S.C. §101.
105 ILCS 5/10-23.10.

ADOPTED: June 18, 2012

General Personnel

Exhibit - Request to Reprint or Adapt Material

On District letterhead

Date

To: _____

On behalf of the School District, I am requesting permission to **reprint** [*to use without change*] or **adapt** [*to use and modify*] the following material:

No reprinted or adapted material will be used in a sales promotion or advertising campaign. If permission to reprint or adapt this material is granted, the material will be used for the following purpose(s): _____

The following credit line will appear on each reprint or adaption:

Reprinted/Adapted, with permission from (publication) _____
Copyright year of _____ Copyright owner _____
publication _____
All rights reserved. _____

If you agree to grant permission for the School District to reprint or adapt the above listed material, please sign the **Permission to Reprint or Adapt Material** and return it to the requestor.

Please contact me at _____ if you have any questions. Thank you for your consideration.

School District Requestor (*please print*)

Email/Fax

Signature

Date

Permission to Reprint or Adapt Material

I hereby grant permission to the School District requestor to reprint or adapt material as requested on the terms and conditions stated herein.

Copyright owner (*please print*)

Signature

Date

AMENDED: June 18, 2012

General Personnel

Administrative Procedure - Designation of District Digital Millennium Copyright Act (DMCA) Agent; Registration Process

Before using this exhibit, consult the Board Attorney to first identify whether the District is an online service provider (OSP) under the DMCA. The DMCA is an amendment to 17 U.S.C. §101 *et seq.* It provides certain limitations on the liability of OSPs for copyright infringement under the DMCA's *Safe Harbor Provision* (SHP). OSPs are operators of websites that allow users to generate content of their own and upload that content to the OSP's website.

If the District is an OSP, the SHP shields the District from being sued when or if infringing copyrighted content is uploaded to its website(s), and it provides limitations on liability for storage, at the direction of a user, of copyrighted material residing on a system or network controlled or operated by or for an OSP. The SHP is only available if an OSP designates an agent to receive notifications of claimed infringement, provides the agent's contact information to the U.S. Copyright Office, and posts that information on the its website in a location accessible to the public (www.copyright.gov/onlinesp/).

If the District is an OSP, the Superintendent or designee will follow these steps to identify and register a DMCA agent to receive notifications of claimed infringement:

1. Identify an agent to receive notification of claims of infringement. This may be the Superintendent, an Assistant Superintendent, or another administrator.
2. Fill out the *Interim Designation Form* (www.copyright.gov/onlinesp/agent.pdf) to designate a DMCA agent (*designation of agent*), or, if changing agents, use the *Amended Designation Form* (www.copyright.gov/onlinesp/agenta.pdf) to amend a previously designated agent. **Note:** The *Amended Designation Form* replaces a previously filed *Interim Designation Form*.
3. Determine the fee (listed on the forms discussed in #2). **Note:** Consult the Board Attorney about filing alternative names when registering and whether additional fees may apply. The fee for filing allows for the listing of only one name for OSP. It is the OSP's legal name. If the District uses other names or additional URLs, it should include them in the same filing to avoid additional fees to register.
4. Draft a check payable to the Register of Copyrights and mail it and the form to: Copyright RRP, P.O. Box 71537, Washington, DC 20024.
5. Post the District's DMCA agent's contact information in a publicly accessible location on the website. See policy 5:170, *Copyright*. **Note:** Consult the Board Attorney about further steps necessary for registering and posting DMCA agent information. For example, some websites make users verify that they are not infringing copyright when they upload content, along with a Terms of Service and Copyright Policy. Other steps may include training from the Board Attorney about procedures to terminate repeat infringers, responding to takedown notices, etc.

LEGAL REF.: Federal Copyright Law of 1976, 17 U.S.C. §101 et seq.

ADOPTED: November 16, 2015

General Personnel

Temporary Illness or Temporary Incapacity

A temporary illness or temporary incapacity is an illness or other capacity of ill-being that renders an employee physically or mentally unable to perform assigned duties. During such a period, the employee can use accumulated sick leave benefits. However, income received from other sources (worker's compensation, District-paid insurance programs, etc.) will be deducted from the District's compensation liability to the employee. The School Board's intent is that in no case will the employee, who is temporarily disabled, receive more than 100 percent of his or her gross salary. Those insurance plans privately purchased by the employee and to which the District does not contribute, are not applicable to this policy.

If illness, incapacity, or any other condition causes a teacher or other licensed employee to be absent in one school year, after exhaustion of all available leave, for more than 90 consecutive work days, such absence may be considered a permanent disability and the Board may begin dismissal proceedings subject to State and federal law, including the Americans with Disabilities Act. The Superintendent may recommend this paragraph's use when circumstances strongly suggest that the teacher or other licensed employee returned to work intermittently in order to avoid this paragraph's application. This paragraph shall not be considered a limitation on the Board's authority to take any action concerning an employee that is authorized by State and federal law.

Any employee may be required to have an examination, at the District's expense, by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, 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 supervisor to perform health examinations if the examination is job-related and consistent with business necessity.

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. School Dist. No.127 1/2, 208 N.E.2d 423 (Ill.App.1, 1965).
School District No. 151 v. ISBE, 507 N.E.2d 134 (Ill.App.1, 1987).

CROSS REF.: 5:30 (Hiring Process and Criteria), 5:185 (Family and Medical Leave), 5:250 (Leaves of Absence), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

ADOPTED: July 18, 2002

AMENDED: April 21, 2014

General Personnel

Military Duty

Any employee of the Fisher School District who is a member of any reserve component of the United States Armed Services, including the Illinois National Guard, and who is mobilized to active duty as a result of an order of the President of the United States, or who is required to report for training exercises on days when they are required to work, shall, for each pay period receive the same regular compensation as an employee of the school district. This also includes all benefits afforded to the teachers per contract.

The following procedures pertain to this policy:

1. If possible, the employee must give the District 30 days written notice in advance of the time they will be absent.
2. The employee called to military duty will reimburse the District 95% of the pay they are paid from Fisher Schools while on duty. If the military pay is less than the normal pay they would have earned while working for the District, the person on military leave will reimburse the District the amount of military pay while receiving their regular salary.
3. Approval of the Superintendent is required.

ADOPTED: July 18, 2002

General Personnel

Family and Medical Leave

Leave Description

An eligible employee may use unpaid family and medical leave (FMLA leave), guaranteed by the federal Family and Medical Leave Act. The U.S. Department of Labor's rules (federal rules) implementing FMLA, as they may be amended from time to time, control FMLA leave.

An eligible employee may take FMLA leave for up to a combined total of 12 weeks each 12-month period, beginning September 1 and ending August 31 of the next year.

During a single 12-month period, an eligible employee's FMLA leave entitlement may be extended to a total of 26 weeks of unpaid leave to care for a covered servicemember (defined in the federal rules) with a serious injury or illness. The "single 12-month period" is measured forward from the date the employee's first FMLA leave to care for the covered servicemember begins.

While FMLA leave is normally unpaid, the District will substitute an employee's accrued compensatory time-off and/or paid leave for unpaid FMLA leave. All policies and rules regarding the use of paid leave apply when paid leave is substituted for unpaid FMLA leave. Any substitution of paid leave for unpaid FMLA leave will count against the employee's FMLA leave entitlement. Use of FMLA leave shall not preclude the use of other applicable unpaid leave that will extend the employee's leave beyond 12 weeks, provided that the use of FMLA leave shall not serve to extend such other unpaid leave. Any full workweek period during which the employee would not have been required to work, including summer break, winter break and spring break, is not counted against the employee's FMLA leave entitlement.

FMLA leave is available in one or more of the following instances:

1. The birth and first-year care of a son or daughter.
2. The adoption or foster placement of a son or daughter, including absences from work that are necessary for the adoption or foster care to proceed and expiring at the end of the 12-month period beginning on the placement date.
3. The serious health condition of an employee's spouse, child, or parent.
4. The employee's own serious health condition that makes the employee unable to perform the functions of his or her job.
5. The existence of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty or has been notified of an impending call or order to active duty, as provided by federal rules.
6. To care for the employee's spouse, child, parent, or next of kin who is a covered servicemember with a serious injury or illness, as provided by federal rules.

If spouses are employed by the District, they may together take only 12-weeks for FMLA leaves when the reason for the leave is 1 or 2, above, or to care for a parent with a serious health condition, or a combined total of 26 weeks for item 6 above.

An employee may be permitted to work on an intermittent or reduced-leave schedule in accordance with federal rules.

Eligibility

To be eligible for FMLA leave, an employee must be employed at a worksite where at least 50 employees are employed within 75 miles. In addition, one of the following provisions must describe the employee:

1. The employee has been employed by the District for at least 12 months and has been employed for at least 1,250 hours of service during the 12-month period immediately before the beginning of the leave. The 12 months an employee must have been employed by the District need not be consecutive. However, the District will not consider any period of previous employment that occurred more than 7 years before the date of the most recent hiring, except when the service break is due to National Guard or Reserve military service or when a written agreement exists concerning the District's intention to rehire the employee.
2. The employee is a full-time classroom teacher.

Requesting Leave

If the need for the FMLA leave is foreseeable, an employee must provide the Superintendent or designee with at least 30 days' advance notice before the leave is to begin. If 30 days' advance notice is not practicable, the notice must be given as soon as practicable. The employee shall make a reasonable effort to schedule a planned medical treatment so as not to disrupt the District's operations, subject to the approval of the health care provider administering the treatment. The employee shall provide at least verbal notice sufficient to make the Superintendent or designee aware that he or she needs FMLA leave, and the anticipated timing and duration of the leave. Failure to give the required notice for a foreseeable leave may result in a delay in granting the requested leave until at least 30 days after the date the employee provides notice.

Certification

Within 15 calendar days after the Superintendent or designee makes a request for certification for a FMLA leave, an employee must provide one of the following:

1. When the leave is to care for the employee's covered family member with a serious health condition, the employee must provide a complete and sufficient certificate signed by the family member's health care provider.
2. When the leave is due to the employee's own serious health condition, the employee must provide a complete and sufficient certificate signed by the employee's health care provider.
3. When the leave is to care for a covered servicemember with a serious illness or injury, the employee must provide a complete and sufficient certificate signed by an authorized health care provider for the covered servicemember.
4. When the leave is because of a qualified exigency, the employee must provide: (a) a copy of the covered military member's active duty orders or other documentation issued by the military indicating that the military member is on active duty or call to active duty status, and the dates of the covered military member's active duty service, and (b) a statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency for which FMLA leave is requested.

The District may require an employee to obtain a second and third opinion at its expense when it has reason to doubt the validity of a medical certification.

The District may require recertification at reasonable intervals, but not more often than once every 30 days. Regardless of the length of time since the last request, the District may request recertification when the, (1) employee requests a leave extension, (2) circumstances described by the original certification change significantly, or (3) District receives information that casts doubt upon the continuing validity of the original certification. Recertification is at the employee's expense and must be provided to the District within 15 calendar days after the request. The District may request recertification every 6 months in connection with any absence by an employee needing an intermittent or reduced schedule leave for conditions with a duration in excess of 6 months.

Failure to furnish a complete and sufficient certification on forms provided by the District may result in a denial of the leave request.

Continuation of Health Benefits

During FMLA leave, employees are entitled to continuation of health benefits that would have been provided if they were working. Any share of health plan premiums being paid by the employee before taking the leave, must continue to be paid by the employee during the FMLA leave. A District's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late and the District notifies the employee at least 15 days before coverage will cease.

Changed Circumstances and Intent to Return

An employee must provide the Superintendent or designee reasonable notice of changed circumstances (i.e., within 2 business days if the changed circumstances are foreseeable) that will alter the duration of the FMLA leave. The Superintendent or designee, taking into consideration all of the relevant facts and circumstances related to an individual's leave situation, may ask an employee who has been on FMLA leave for 8 consecutive weeks whether he or she intends to return to work.

Return to Work

If returning from FMLA leave occasioned by the employee's own serious health condition, the employee is required to obtain and present certification from the employee's health care provider that he or she is able to resume work.

An employee returning from FMLA leave will be given an equivalent position to his or her position before the leave, subject to: (1) permissible limitations the District may impose as provided in the FMLA or implementing regulations, and (2) 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 the FMLA regulations.

Implementation

The Superintendent or designee shall ensure that: (1) all required notices and responses to leave requests are provided to employees in accordance with the FMLA; and (2) this policy is implemented in accordance with the FMLA. In the event of a conflict between the policy and the FMLA or its regulations, the latter shall control. The terms used in this policy shall be defined as in the FMLA regulations.

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

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:250 (Leaves of Absence), 5:310 (Compensatory Time-Off), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

ADOPTED: July 18, 2002

AMENDED: October 19, 2009

AMENDED: January 20, 2015

General Personnel

Administrative Procedure - Resource Guide for Family and Medical Leave

Web Resources

Compilation of resources from the U.S. Dept. of Labor, Wage & Hour Division

www.dol.gov/whd/fmla

Revised FMLA Poster

www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf

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

www.dol.gov/whd/forms/WH-380-E.pdf

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.

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

www.dol.gov/whd/forms/WH-380-F.pdf

See **Note**, above.

Notice of Eligibility and Rights & Responsibilities (App. C)

www.dol.gov/whd/forms/WH-381.pdf

Designation Notice (App. E)

www.dol.gov/whd/forms/WH-382.pdf

Certification of Qualifying Exigency For Military Family Leave (PDF) (App. G)

www.dol.gov/whd/forms/WH-384.pdf

Certification for Serious Injury or Illness of Covered Servicemember -- for Military Family Leave (App. H)

www.dol.gov/whd/forms/WH-385.pdf

Fact Sheet #28 (Non-Military) (PDF)

www.dol.gov/whd/regs/compliance/whdfs28.htm

Fact Sheet #28A (Military) (PDF)

www.dol.gov/whd/regs/compliance/whdfs28a.htm

Department of Labor Rules

29 C.F.R. Part 825,

ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title29/29cfr825_main_02.tpl

Subpart A - Coverage Under the Family and Medical Leave Act §825.100

§825.101	Purpose of the Act
§825.102	Definitions
§825.103	[Reserved]
§825.104	Covered employer
§825.105	Counting employees for determining coverage
§825.106	Joint employer coverage
§825.107	Successor in interest coverage
§825.108	Public agency coverage
§825.109	Federal agency coverage
§825.110	Eligible employees
§825.111	Determining whether 50 employees are employed within 75 miles
§825.112	Qualifying reasons for leave, general rule
§825.113	Serious health condition
§825.114	Inpatient care
§825.115	Continuing treatment
§§825.116-118	[Reserved]
§825.119	Leave for treatment of substance abuse
§825.120	Leave for pregnancy or birth
§825.121	Leave for adoption or foster care
§825.122	Definitions of spouse, parent, son or daughter, next of kin of a covered servicemember, adoption, foster care, son or daughter on active duty or call to active duty status, son or daughter of a covered servicemember, and parent of a covered servicemember
§825.123	Unable to perform the functions of the position
§825.124	Needed to care for a family member or covered servicemember
§825.125	Definition of health care provider
§825.126	Leave because of a qualifying exigency
§825.127	Leave to care for a covered servicemember with a serious injury or illness (military caregiver leave)

Subpart B - Employee Leave Entitlements Under the Family and Medical Leave Act

§825.200	Amount of leave
§825.201	Leave to care for a parent
§825.202	Intermittent leave or reduced leave schedule
§825.203	Scheduling of intermittent or reduced schedule leave
§825.204	Transfer of an employee to an alternative position during intermittent leave or reduced schedule leave
§825.205	Increments of FMLA leave for intermittent or reduced schedule leave
§825.206	Interaction with the FLSA
§825.207	Substitution of paid leave
§825.208	[Reserved]
§825.209	Maintenance of employee benefits
§825.210	Employee payment of group health benefit premiums

- §825.211 Maintenance of benefits under multi-employer health plans
- §825.212 Employee failure to pay health plan premium payments
- §825.213 Employer recovery of benefit costs
- §825.214 Employee right to reinstatement
- §825.215 Equivalent position
- §825.216 Limitations on an employee's right to reinstatement
- §825.217 Key employee, general rule
- §825.218 Substantial and grievous economic injury
- §825.219 Rights of a key employee
- §825.220 Protection for employees who request leave or otherwise assert FMLA rights

Subpart C - Employee and Employer Rights and Obligations Under the Act

- §825.300 Employer notice requirements
- §825.301 Designation of FMLA leave
- §825.302 Employee notice requirements for foreseeable FMLA leave
- §825.303 Employee notice requirements for unforeseeable FMLA leave
- §825.304 Employee failure to provide notice
- §825.305 Certification, general rule
- §825.306 Content of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member
- §825.307 Authentication and clarification of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member; second and third opinions
- §825.308 Recertifications for leave taken because of an employee's own serious health condition or the serious health condition of a family member
- §825.309 Certification for leave taken because of a qualifying exigency
- §825.310 Certification for leave taken to care for a covered servicemember (military caregiver leave)
- §825.311 Intent to return to work
- §825.312 Fitness-for-duty certification
- §825.313 Failure to provide certification

Subpart D - Enforcement Mechanisms

- §825.400 Enforcement, general rules
- §825.401 Filing a complaint with the Federal Government
- §825.402 Violations of the posting requirement
- §825.403 Appealing the assessment of a penalty for willful violation of the posting requirement
- §825.404 Consequences for an employer when not paying the penalty assessment after a final order is issued

Subpart E - Recordkeeping Requirements

- §825.500 Recordkeeping requirements

Subpart F - Special Rules Applicable to Employees of Schools

- §825.600 Special rules for school employees, definitions
- §825.601 Special rules for school employees, limitations on intermittent leave

§825.602 Special rules for school employees, limitations on leave near the end of an academic term

§825.603 Special rules for school employees, duration of FMLA leave

§825.604 Special rules for school employees, restoration to an equivalent position

Subpart G - Effect of Other Laws, Employer Practices, and Collective Bargaining Agreements on Employee Rights Under FMLA

§825.700 Interaction with employer's policies

§825.701 Interaction with State laws

§825.702 Interaction with Federal and State anti-discrimination laws

ADOPTED: June 18, 2012

AMENDED: January 20, 2015

AMENDED: December 16, 2015

Professional Personnel

Teacher Qualifications

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

1. Each teacher must:
 - a. Have a valid Illinois Professional Educator License issued by the State Superintendent of Education with the required endorsements as provided in the School Code.
 - b. Provide the District Office with a complete transcript of credits earned in institutions of higher education.
 - c. On or before September 1 of each year, unless otherwise provided in an applicable collective bargaining agreement, provide the District Office with a transcript of any credits earned since the date the last transcript was filed.
 - d. 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 licensed 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*.

LEGAL REF.: 20 U.S.C. §6319.
34 C.F.R §200.55, 56, 57, and 61.
105 ILCS 5/10-20.15, 5/21-11.4, 5/21B-20, and 5/24-23.
23 Ill.Admin.Code §1.610 et seq., §1.705 et seq., and Part 25.

CROSS REF.: 6:170 (Title I Programs)

ADOPTED: July 18, 2002

AMENDED: September 15, 2003

AMENDED: July 18, 2011

AMENDED: June 18, 2012

AMENDED: April 21, 2014

Professional Personnel

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

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. www.isbe.state.il.us/accountability/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>

ADOPTED: November 18, 2013

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

AMENDED: August 15, 2013

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

ADOPTED: August 19, 2013

Professional Personnel

Exhibit - Letter to Teacher Who Is Not *Highly Qualified*

On District letterhead

Date

Re: Your Roadmap for Becoming a *Highly Qualified* Teacher

Dear *[insert teacher's name]*:

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) are required to be *highly qualified* for those assignments. The criteria contained in 23 Ill.Admin.Code Part 25, Appendix D determine if a teacher is highly qualified. See www.ilga.gov/commission/jcar/admincode/023/02300025ZZ9996dR.html. For more information about No Child Left Behind (NCLB), see the Ill. State Board of Education's materials, available at www.isbe.net/nclb/htmls/edquality.htm.

Our records indicate you are teaching without being *highly qualified*. Please contact your Building Principal as soon as possible to cooperatively develop the ISBE-required *Roadmap for Each Not Highly Qualified Teacher*. If you believe this letter was sent to you by mistake, please contact your Building Principal as soon as possible so that we may correct our records if appropriate.

Sincerely,

Superintendent

ADOPTED: August 19, 2013

AMENDED: April 21, 2014

Professional Personnel

Terms and Conditions of Employment and Dismissal

Duty-Free Lunch, School Year, Teacher Work Day, Salary, Assignments and Transfers, Dismissal, Evaluation

Please refer to the current “Agreement Between the Board of Education Fisher Community Unit School District No. 1 and Fisher Education Association”.

Teachers are required to work the school day adopted by the Board as per the Board of Education and Fisher Education Association agreement.

Assignments and Transfers

Please refer to the current “Agreement Between the Board of Education of Fisher Community Unit School District No. 1 and Fisher Education Association”.

The guidance counselor will be scheduled at the grade school as follows: Monday and Friday: 11:30 a.m. – 3:30 p.m. and Wednesday 8:00 a.m. – 11:30 p.m.

Planning time for grade school and junior/senior high teachers may not exceed 310 minutes per week.

The District accommodates employees who are nursing mothers according to provisions in State and federal law.

LEGAL REF.: 105 ILCS 5/10-19, 5/18-8, 5/22.4, 5/24-16.5, 5/24-2, 5/24-8, 5/24-9, 5/24-11, 5/24-12, 5/24-21, 5/24A-1 through 24A-20.
820 ILCS 260/1 et seq.
23 Ill.Admin.Code Parts 50 (Evaluation of Certified Employees) and 51 (Dismissal of Tenured Teachers).
Cleveland Board of Education v. Loudermill, 105 S.Ct. 1487(1985).

CROSS REF.: 5:290 (Employment Termination and Suspensions), 6:20 (School Year Calendar and Day)

ADOPTED: July 18, 2002

AMENDED: August 16, 2004

AMENDED: July 18, 2011

AMENDED: June 18, 2012

AMENDED: February 18, 2014

Professional Personnel

Administrative Procedure – Before & After School Student Supervision

Grade school and junior/senior high teachers are required to assist the aides in supervising students first and fourth quarters as follows:

- Grade school teachers will be assigned supervision before and after school first and fourth quarter.
- Junior/senior high teachers will be assigned supervision after school during the first and fourth quarter.

Supervising will be assigned to all teachers in an equitable manner.

APPROVED: August 16, 2004

Professional Personnel

Administrative Procedure – Special Education Teacher Responsibility

Special education accommodations are the primary responsibility of the special education teacher.

APPROVED: August 16, 2004

Professional Personnel

Evaluation Plan

Tenured and non-tenured teacher will be evaluated by the administration as per the designed evaluation form agreed upon by the Fisher Education Association and Board of Education.

ADOPTED: November 15, 2004

FISHER COMMUNITY UNIT SCHOOL DISTRICT NO. 1
Fisher, Illinois

TEACHER - JOB DESCRIPTION

TITLE: Teacher

QUALIFICATIONS: 1. Has appropriate state certification for assignment
2. Possesses good human relations skills

REPORTS TO: Principal

SUPERVISES: Teacher aide and volunteers where applicable

JOB GOAL: To help students learn subject matter and/or skills that will contribute to their development as mature, able, and responsible men and women.

PERFORMANCE RESPONSIBILITIES:

I. INSTRUCTIONAL PLANNING

- A. Develops and/or uses a long-range plan of instruction that is in accordance with the district curriculum.
- B. Develops lesson plans based on district curriculum and state and federal standards.
- C. Provides written instructions for substitute teachers.
- D. Monitors student progress.
- E. Uses clearly understandable assessments that measure what is taught.
- F. Adjusts plans, methods, and assessments to meet student needs.

II. INSTRUCTIONAL METHODS

- A. Paces instruction to meet students' needs.
- B. Communicates objective(s) and purpose of lesson.
- C. Explains and clarifies material in guided practice prior to assigning independent work.
- D. Uses varied resources and materials based on student needs and the objective(s) of the lesson.
- E. Utilizes a variety of instructional strategies to accommodate individual differences and maintains a high level of interest.
- F. Incorporates instructional strategies which promote students' critical thinking.
- G. Provides frequent, timely, and varied feedback which includes constructive criticism that motivates students.
- H. Involves all students in the learning process.

- I. Has and communicates high expectations for daily and long-term student achievement.
- J. Utilizes technology to enhance student learning.

III. COMPETENCY IN SUBJECT MATTER

- A. Demonstrates knowledge of subject area in lesson presentation.
- B. Responds knowledgeably to students' questions on the subject matter, basic facts of concepts.
- C. Uses grammatically correct English in verbal and written communications.

IV. CLASSROOM MANAGEMENT

- A. Assumes responsibility for overall discipline in the classroom.
 - B. Organizes and arranges classroom so as to facilitate learning and minimize student disruption.
 - C. Sets limits of student behavior which are defined, communicated, and monitored.
 - D. Treats all students in a fair and consistent manner.
 - E. Takes all necessary and reasonable precautions to protect students, equipment, materials and facilities.
 - F. Encourages students to be self-disciplined.
 - G. Maintains a classroom atmosphere that is appropriate to the learning activity taking place.
 - H. Perceives the needs and concerns of students and tactfully deals with them.
 - I. Reinforces students so that they feel good about themselves and develop more self-confidence.
 - J. Supervises assigned classes and students.
- Eliminated original J- remains calm under stress or crisis

V. STAFF AND PROFESSIONAL RESPONSIBILITIES

- A. Maintains professionalism.
- B. Is punctual.
- C. Maintains and submits accurate and timely records as required by law, Board policy, and administrative guidelines.
- D. Follows building and district rules, procedures, policies and chain of command.
- E. Collaborates with other teachers and special service personnel to provide appropriate learning opportunities for all students.
- F. Reports students' progress to parents/guardians; eg., quarterly report cards, mid-quarter progress reports, conferences, etc.
- G. Initiates contacts and meetings with parents/guardians as needed.
- H. Meets with parents/guardians during scheduled conferences.

TERMS OF EMPLOYMENT: Wages, hours, terms and conditions of employment pursuant to negotiated agreement.

EVALUATION: Performance in the position will be evaluated pursuant to the District's plan for evaluation of teachers.

FISHER COMMUNITY UNIT SCHOOL DISTRICT NO. 1
Fisher, Illinois

EVALUATION OF NON-TENURED CERTIFIED EMPLOYEES

In an effort to continue to work toward excellence in education and constant improvement of instruction, non-tenured teachers shall be evaluated according to the procedures set forth in this document.

The primary function of the evaluation process is to help all employees develop the objectives, skills, and knowledge necessary for them to grow on the job in ways that are consistent with their needs and those of their profession, their community, and their colleagues. The evaluation process also functions as a means of obtaining information providing one form of input into the making of personnel-related decisions.

All non-tenured teachers shall be formally evaluated twice a year during their first two years in the district. All teachers are responsible for satisfactory performance of all items in the teacher job description. It is the district's expectation that all teachers shall strive to accomplish this. Nothing in this document shall interfere with the principal's responsibility to supervise all teachers' adherence to their job description.

Any written evaluation may be based upon formal and/or informal in-class or performance related observations.

Each teacher will receive an initial written explanation of the evaluation process for his/her job classification, including a copy of the job description; and the evaluation instrument to be used prior to initiation of any supervision/evaluation process with the teacher.

All teachers are encouraged to conduct self-evaluations and to seek evaluations from peers, parents, and students (in grades 6 through 12). Any such evaluations are to be considered the confidential property of the teacher and may be shared only on a voluntary basis.

A minimum of two observations per semester shall be made for each non-tenured teacher being evaluated. Each observation period shall be at least thirty minutes.

Teachers serving more than one school building shall be evaluated by the principal of the school at which the teacher spends the majority of his/her assigned time. Written input into the evaluation of such teachers may be provided by the principal of the other school.

A teacher whose position is equally divided between the two buildings may be evaluated by

the principal of either or both buildings. Only one summative evaluation report and summative conference will be required.

Part-time non-tenured teachers shall be evaluated each year for the first two years of continuous employment with the district. Thereafter, the principal may elect to evaluate these teachers on a biannual basis.

Feedback from the formal observations shall be discussed at a post conference. The post conference shall be scheduled with the teacher within two weeks of the last scheduled formal observation of each semester.

Non-tenured teachers are encouraged to seek and accept mentoring. Mentoring shall be on a voluntary basis.

First year teachers experiencing difficulties will receive first notification by December 20. Problems developing after this date will be addressed as they occur. Building principals may provide such teachers and their mentors with release time for observation and consultation.

THE EVALUATION REPORT

Each teacher being evaluated will receive a (one) summative evaluation report, after all observations and post conferences, which is the final assessment of the teacher's performance. The teacher may provide additional data or statements to be filed in his/her personnel file with the summative evaluation report.

A summative conference will be held to review and discuss the summative evaluation report. The teacher shall sign the summary form at the conclusion of the summative conference. The signature does not necessarily indicate agreement with its contents, but merely that the teacher has seen and discussed the information. Should a teacher choose not to sign the report form, the principal shall indicate that refusal on the form. Non-tenured summative conferences shall generally be held no later than March 15. However, this date may be extended by the administration.

EVALUATION PROCESS FOR NON-TENURED TEACHERS

1. In-service on the Evaluation Process (1st year teachers) by September 15
2. Teacher Orientation (1st year teachers) by September 15
 1. Teacher's role, responsibilities, job description, proficiency indicators
 2. Principal's role and responsibilities
 3. Explanation of evaluation process and procedures
3. Pre-observation Conference #1 Prior to formal observation
 1. Establish a common framework within which observations will occur
 2. Teacher will supply a lesson plan prior to observation
4. *Observation Nos. 1 & 2
 1. Principal to develop a record of observations during observed lesson(s)
 2. Minimum 30 minutes
 3. Principal will record observable data in the areas of instructional planning, classroom management, instructional methods and competency in subject area(s).
5. Post conference #1 By 2 weeks following Observation #2
 1. The teacher and principal will review progress in accomplishing performance responsibilities.
 2. Principal will review data collected during observations
 3. Based upon this review, suggestions and recommendations for assistance will be determined by the principal with input from the teacher.
 4. Notification of concerns to first year teachers.
6. Pre-observation Conference #2 Prior to formal observation
7. *Observation Nos. 3 & 4
8. Post conference #2 By 2 weeks following Observation #4
9. Summative Evaluation Report/Conference Report:
 1. Principal will record rating of each item based upon observations
 2. Principal will provide written comments for each of the five major sections

- Evaluation
3. Principal will make a recommendation of renewal of contract or non-renewal of contract
- Conference:
1. Discussion of the Summative Evaluation Report
 2. Teacher will have the opportunity to write comments on the Summative Report.
 3. Principal and teacher are to sign the Summative Evaluation Report to indicate that the evaluation has been discussed.

*Further observations may be made at the discretion of the principal or request of the teacher.

FISHER COMMUNITY UNIT SCHOOL DISTRICT NO. 1
Fisher, Illinois

Areas of Focus Evaluation Plan

SUMMATIVE EVALUATION REPORT OF TEACHER PERFORMANCE

_____ Non-Tenure _____ Tenure School Year _____

Teacher:_____

Note: Rate each of the following by circling E (excellent): Exceeds expectations, S (satisfactory): Meets expectations, N (needs improvement), U (unsatisfactory): Does not meet expectations. Any area of focus rated as needs improvement must be addressed by the evaluator in the narrative summary.

PART I - Areas of Focus

I. INSTRUCTIONAL PLANNING

Areas of Focus:

- E S N U A. Develops and/or uses a long-range plan of instruction that is in accordance with the district curriculum.
- E S N U B. Develops lesson plans based on district curriculum and state and federal standards.
- E S N U C. Provides written instructions for substitute teachers.
- E S N U D. Monitors student progress.
- E S N U E. Uses clearly understandable assessments that measure what is taught.
- E S N U F. Adjusts plans, methods, and assessments to meet student needs.

II. INSTRUCTIONAL METHODS

Areas of Focus:

- E S N U A. Paces instruction to meet students' needs.
- E S N U B. Communicates objective(s) and purpose of lesson.
- E S N U C. Explains and clarifies material in guided practice prior to assigning independent work.
- E S N U D. Uses varied resources and materials based on student needs and the objective(s) of the lesson.

- | | | | | | |
|---|---|---|---|----|--|
| E | S | N | U | E. | Utilizes a variety of instructional strategies to accommodate individual differences and maintains a high level of interest. |
| E | S | N | U | F. | Incorporates instructional strategies which promote students' critical thinking. |
| E | S | N | U | G. | Provides frequent, timely, and varied feedback which includes constructive criticism that motivates students. |
| E | S | N | U | H. | Involves all students in the learning process. |
| E | S | N | U | I. | Has and communicates high expectations for daily and long-term student achievement. |
| E | S | N | U | J. | Utilizes technology to enhance student learning. |

III. COMPETENCY IN SUBJECT MATTER

Areas of Focus:

- | | | | | | |
|---|---|---|---|----|---|
| E | S | N | U | A. | Demonstrates knowledge of subject area in lesson presentation. |
| E | S | N | U | B. | Responds knowledgeably to students' questions on the subject matter, basic facts of concepts. |
| E | S | N | U | C. | Uses grammatically correct English in verbal and written communications. |

IV. CLASSROOM MANAGEMENT

Areas of Focus:

- | | | | | | |
|---|---|---|---|----|--|
| E | S | N | U | A. | Assumes responsibility for overall discipline in the classroom. |
| E | S | N | U | B. | Organizes and arranges classroom so as to facilitate learning and minimize student disruption. |
| E | S | N | U | C. | Sets limits of student behavior which are defined, communicated, and monitored. |
| E | S | N | U | D. | Treats all students in a fair and consistent manner. |
| E | S | N | U | E. | Takes all necessary and reasonable precautions to protect students, equipment, materials and facilities. |
| E | S | N | U | F. | Encourages students to be self-disciplined. |
| E | S | N | U | G. | Maintains a classroom atmosphere that is appropriate to the learning activity taking place. |
| E | S | N | U | H. | Perceives the needs and concerns of students and tactfully deals with them. |
| E | S | N | U | I. | Reinforces students so that they feel good about themselves and develop more self-confidence. |
| E | S | N | U | J. | Supervises assigned classes and students |

V. STAFF AND PROFESSIONAL RESPONSIBILITIES

Areas of Focus:

- | | | |
|---------|----|--|
| E S N U | A. | Maintains professionalism. |
| E S N U | B. | Is punctual. |
| E S N U | C. | Maintains and submits accurate and timely records as required by law,
Board policy, and administrative guidelines. |
| E S N U | D. | Follows building and district rules, procedures, policies and chain of command. |
| E S N U | E. | Collaborates with other teachers and special service personnel to provide appropriate learning opportunities for all students. |
| E S N U | F. | Reports students' progress to parents/guardians; eg., quarterly report cards, mid-quarter progress reports, conferences, etc. |
| E S N U | G. | Initiates contacts and meetings with parents/guardians as needed. |
| E S N U | H. | Meets with parents/guardians during scheduled conferences. |

PART II - Date Log

Pre-Observation Conference #1 _____

Observation #1 _____

Observation #2 _____

Post-Observation Conference #1 _____

Pre-Observation Conference #2 (non-tenured) _____

Observation #3 (non-tenured) _____

Observation #4 (non-tenured) _____

Post-Observation Conference #2 (non-tenured) _____

Summative Evaluation Report Conference _____

PART III - Recommendation (principal recommendation is advisory only, the Superintendent of Schools, as required by state law will make the final recommendation to the Board of Education)

_____ Renewal of contract

_____ Non-renewal of contract

PART IV - Narrative Summary - Principal will provide written comments on each of the 5 major areas of focus and for all recommendations of non-renewal of contract as well as for any areas of focus rated as needs improvement. (Additional sheets may be attached)

PART V - Teacher's Comments (Additional sheets may be attached)

Evaluator's Signature / Date

Teacher's Signature / Date

Teacher's signature indicates only that the written evaluation has been seen and discussed. If the teacher feels the evaluation is incomplete, or unjust, the teacher may attach a written objection to the summative evaluation report.

Cc: Teacher
Evaluator
Personnel File

FISHER COMMUNITY UNIT SCHOOL DISTRICT NO. 1
Fisher, Illinois

EVALUATION OF TENURED CERTIFIED EMPLOYEES

In an effort to continue to work toward excellence in education and constant improvement of instruction, tenured teachers shall be evaluated according to the procedures set forth in this document.

The primary function of the evaluation process is to help all employees develop the objectives, skills, and knowledge necessary for them to grow on the job in ways that are consistent with their needs and those of their profession, their community, and their colleagues. The evaluation process also functions as a means of obtaining information providing one form of input into the making of personnel-related decisions.

All tenured teachers shall be formally evaluated on a biennial schedule. All teachers are responsible for satisfactory performance of all items in the teacher job description. It is the district's expectation that all teachers shall strive to accomplish this. Nothing in this document shall interfere with the principal's responsibility to supervise all teachers' adherence to their job description.

Any written evaluation may be based upon formal and/or informal in-class or performance related observations.

Each teacher will receive an initial written explanation of the evaluation process for his/her job classification, including a copy of the job description; and the evaluation instrument to be used prior to initiation of any supervision/evaluation process with the teacher.

All teachers are encouraged to conduct self-evaluations and to seek evaluations from peers, parents, and students (in grades 6 through 12). Any such evaluations are to be considered the confidential property of the teacher and may be shared only on a voluntary basis.

A minimum of two formal observations per year shall be made for each tenured teacher being evaluated under the Area of Focus plan. Each observation period shall be at least thirty minutes.

Teachers serving more than one school shall be evaluated by the principal of the school at which the teacher spends the majority of his/her assigned time. Written input into the evaluation of such teachers may be provided by the principal of the other school.

A teacher whose position is equally divided between the two buildings may be evaluated by the principal of either or both buildings. Only one summative evaluation report and summative conference will be required.

Part-time teachers shall be evaluated each year for the first two years of continuous employment with the district. Thereafter, the principal may elect to evaluate these teachers on a biennial basis.

THE EVALUATION REPORT - AREAS OF FOCUS

Each teacher being evaluated will receive a (one) summative evaluation report, after all observations, which is the final assessment of the teachers' performance. The teacher may provide additional data or statements to be filed in their personnel file with the summative evaluation report.

A summative conference will be held to review and discuss the summative evaluation report. The teacher shall sign the summary form at the conclusion of the summative conference. The signature does not necessarily indicate agreement with its contents, but merely that the teacher has seen and discussed the information. Summative conferences for tenured teachers shall generally be held no later than March 15 in the case of unsatisfactory performance or May 15 in the case of satisfactory performance, these dates may be extended by the administrator.

The principal may continue an evaluation through another school year if he/she deems it necessary based upon observed and documented performance. The administrator must indicate the continued evaluation on the Summative Evaluation Report form or in an appended statement clarifying specific areas of weakness and recommendations to improve performance.

THE EVALUATION REPORT - GOAL BASED PLAN

Teachers who have a minimum of five years of teaching experience in the district may apply to participate in the Goal Based Plan. The administrator will make the final determination as to which evaluation format will be used. Teachers approved for the Goal Based Plan will not use the Areas of Focus process.

The purpose of the Goal Based Plan is to allow teachers to explore new avenues in professional growth. The use of this plan format comes through the realization from both teachers and their principal that they are deemed effective in their assigned teaching position and the evaluation instrument is meant to encourage professional growth as related to curriculum and instruction.

The teacher and principal will mutually agree to a plan that may run for a two or three year period.

Formal classroom observations may be made at the discretion of the principal or request of the teacher.

Since all teachers are responsible for all the items in the teacher job description, the building administrator may, at any time, require a teacher to be part of the Area of Focus evaluation system instead of the Goal Based Plan system.

THE UNSATISFACTORY RATING

A tenured teacher who receives an overall rating of unsatisfactory shall be provided, within 30 calendar days after the written evaluation was received, a remediation plan designed to correct the areas identified as unsatisfactory, provided the deficiencies are deemed remediable. The remediation plan shall provide for 90 school days of remediation within the classroom.

The remediation plan shall provide for three evaluations and ratings to occur after each 30-day period during the 90-day plan.

The remediation plan shall provide reinstatement to a schedule of biennial evaluations for any teacher who successfully completes the 90-day remediation plan by receiving a satisfactory or better rating.

Participants in the remediation plan shall include the teacher deemed unsatisfactory, the evaluating principal, the superintendent of schools, and a consulting teacher.

If a teacher fails to complete the 90-day remediation plan with a satisfactory or better rating, the teacher shall be dismissed.

THE CONSULTING TEACHER

To provide assistance to the tenured teacher deemed unsatisfactory, a consulting teacher shall be provided to advise the teacher on how to improve teaching skills and aid in successfully completing the remediation plan. The consulting teacher shall participate in the development of the remediation plan.

The consulting teacher shall not participate in any of the required formal evaluations, nor be engaged to evaluate the performance of the teacher under remediation.

Participating in a remediation plan by a consulting teacher shall be voluntary. The consulting teacher may be given limited released time to observe in the classroom of the teacher they are consulting with in a remediation plan if they request such time.

According to the school code, the consulting teacher shall be chosen by the participating administrator. The consulting teacher shall meet the following criteria: he/she shall be an "educational employee" as defined by the labor relations act, shall have at least five years of teaching

experience, and a reasonable familiarity with the assignment of the teacher being evaluated, and who received an excellent evaluation on his/her last evaluation.

EVALUATION PROCESS FOR TENURED TEACHERS

(Areas of Focus Evaluation Plan)

1. In-service on the Evaluation Process by September 15
 1. Teacher's role, responsibilities, job description, proficiency indicators
 2. Principal's role and responsibilities
 3. Explanation of evaluation process and procedures

2. Initial Evaluation Conference
 - a) Areas of Focus Conference
 1. Teachers will be responsible for all aspects of their job descriptions.
 2. Areas of Focus will be discussed to determine the specifics of performance responsibilities and expectations.

3. Pre-observation Conference Prior to observation
 1. Establish a common framework within which observations will occur
 2. Teacher will supply a lesson plan prior to observation

4. *Observation #1

5. *Observation #2

6. Summative Evaluation Report/Conference within 2 weeks following last observation

Report:

 1. Principal will record rating of each item based upon observations
 2. Principal will provide written comments for each of the five major sections
 3. Principal will make a recommendation of:
 - renewal of contract
 - renewal of contract with continued evaluation into the 20__-20__ school year
 - renewal of contract with remediation plan
 - non-renewal of contract due to failure to complete remediation plan
 - non-renewal of contract due to deficiencies deemed non-remediable

Conference:

 1. Discussion of the Summative Evaluation Report
 2. Recommendations
 3. Teacher will have the opportunity to write comments on the Summative Report.

Evaluation

4. Principal and teacher are to sign the Summative Evaluation Report to indicate that the evaluation has been discussed.

7. Develop Remediation Plan for Teacher within 30 days following Summative Evaluation Report/Conference
 1. A Remediation Plan will be developed by the principal, teacher, and consulting teacher for a teacher receiving an overall unsatisfactory rating.
 2. Remediation Plan will include:
 - Areas of Focus: the major area(s) of deficiency
 - Specific Objectives: the expected growth
 - Types of Assistance: types of assistance with the expected dates when the assistance will be provided and strategies for addressing deficiencies.
 - Appropriate types of assistance may include workshop participation, peer assistance, demonstrations, appropriate literature, etc.

*Further observations may be made at the discretion of the principal or request of the teacher.

FISHER COMMUNITY UNIT SCHOOL DISTRICT NO. 1
Fisher, Illinois

Areas of Focus Evaluation Plan

SUMMATIVE EVALUATION REPORT OF TEACHER PERFORMANCE

_____ Non-Tenure _____ Tenure School Year _____

Teacher:_____

Note: Rate each of the following by circling E (excellent): Exceeds expectations, S (satisfactory): Meets expectations, N (needs improvement), U (unsatisfactory): Does not meet expectations). Any areas of focus rated as needs improvement must be addressed by the evaluator in the narrative summary.

PART I - Areas of Focus

I. INSTRUCTIONAL PLANNING

Areas of Focus:

- E S N U A. Develops and/or uses a long-range plan of instruction that is in accordance with the district curriculum.
- E S N U B. Develops lesson plans based on district curriculum and state and federal standards.
- E S N U C. Provides written instructions for substitute teachers.
- E S N U D. Monitors student progress.
- E S N U E. Uses clearly understandable assessments that measure what is taught.
- E S N U F. Adjusts plans, methods, and assessments to meet student needs.

II. INSTRUCTIONAL METHODS

Areas of Focus:

- E S N U A. Paces instruction to meet students' needs.
- E S N U B. Communicates objective(s) and purpose of lesson.
- E S N U C. Explains and clarifies material in guided practice prior to assigning independent work.
- E S N U D. Uses varied resources and materials based on student needs and the objective(s) of the lesson.
- E S N U E. Utilizes a variety of instructional strategies to accommodate individual

- E S N U F. differences and maintains a high level of interest.
 Incorporates instructional strategies which promote students' critical thinking.
- E S N U G. Provides frequent, timely, and varied feedback which includes constructive criticism that motivates students.
- E S N U H. Involves all students in the learning process.
- E S N U I. Has and communicates high expectations for daily and long-term student achievement.
- E S N U J. Utilizes technology to enhance student learning.

III. COMPETENCY IN SUBJECT MATTER

Areas of Focus:

- E S N U A. Demonstrates knowledge of subject area in lesson presentation.
- E S N U B. Responds knowledgeably to students' questions on the subject matter, basic facts of concepts.
- E S N U C. Uses grammatically correct English in verbal and written communications.

IV. CLASSROOM MANAGEMENT

Areas of Focus:

- E S N U A. Assumes responsibility for overall discipline in the classroom.
- E S N U B. Organizes and arranges classroom so as to facilitate learning and minimize student disruption.
- E S N U C. Sets limits of student behavior which are defined, communicated, and monitored.
- E S N U D. Treats all students in a fair and consistent manner.
- E S N U E. Takes all necessary and reasonable precautions to protect students, equipment, materials and facilities.
- E S N U F. Encourages students to be self-disciplined.
- E S N U G. Maintains a classroom atmosphere that is appropriate to the learning activity taking place.
- E S N U H. Perceives the needs and concerns of students and tactfully deals with them.
- E S N U I. Reinforces students so that they feel good about themselves and develop more self-confidence.
- E S N U J. Supervises assigned classes and students

V. STAFF AND PROFESSIONAL RESPONSIBILITIES

Areas of Focus:

- | | | |
|---------|----|--|
| E S N U | A. | Maintains professionalism. |
| E S N U | B. | Is punctual. |
| E S N U | C. | Maintains and submits accurate and timely records as required by law,
Board policy, and administrative guidelines. |
| E S N U | D. | Follows building and district rules, procedures, policies and chain of command. |
| E S N U | E. | Collaborates with other teachers and special service personnel to provide appropriate learning opportunities for all students. |
| E S N U | F. | Reports students' progress to parents/guardians; eg., quarterly report cards, mid-quarter progress reports, conferences, etc. |
| E S N U | G. | Initiates contacts and meetings with parents/guardians as needed. |
| E S N U | H. | Meets with parents/guardians during scheduled conferences. |

PART II - Date Log

Pre-Observation Conference #1 _____

Observation #1 _____

Observation #2 _____

Post-Observation Conference #1 _____

Pre-Observation Conference #2 (non-tenured) _____

Observation #3 (non-tenured) _____

Observation #4 (non-tenured) _____

Post-Observation Conference #2 (non-tenured) _____

Summative Evaluation Report Conference _____

PART III - Recommendation (principal recommendation is advisory only, the Superintendent of Schools, as required by state law will make the final recommendation to the Board of Education)

_____ Renewal of contract

_____ Non-renewal of contract

PART IV - Narrative Summary - Principal will provide written comments on each of the 5 major areas of focus and for all recommendations of non-renewal of contract. As well as for any areas of focus rated as needs improvement. (Additional sheets may be attached)

PART V - Teacher's Comments (Additional sheets may be attached)

Evaluator's Signature / Date

Teacher's Signature / Date

Teacher's signature indicates only that the written evaluation has been seen and discussed. If the teacher feels the evaluation is incomplete, or unjust, the teacher may attach a written objection to the summative evaluation report.

Cc: Teacher
 Evaluator
 Personnel File

EVALUATION PROCESS FOR TENURED TEACHERS

(Goal Based Plan)

1. In-service on the Evaluation Process by September 15
 1. Teacher's role, responsibilities, job description, proficiency indicators
 2. Principal's role and responsibilities
 3. Explanation of evaluation process and procedures
2. Initial Evaluation Conference
 1. Teachers shall not be required to select Areas of Focus. The principal and teacher shall hold a conference to discuss areas of professional growth and goals.
 2. Develop implementation plan
3. Observations (at the request of the administrator or teacher as needed)
4. Periodic conferences (2 per year minimum)
5. Summative Evaluation Report/Conference during last year of the plan
 Report:
 1. Principal will make a recommendation of:
 - renewal of contract
 - renewal of contract with continued evaluation into the 20__-20__ school year
 - renewal of contract with remediation plan
 - non-renewal of contract due to failure to complete remediation plan
 - non-renewal of contract due to deficiencies deemed non-remediable
 Conference:
 1. Discussion of the Summative Evaluation Report
 2. Recommendations
 3. Teacher will have the opportunity to write comments on the Summative Report.
 4. Principal and teacher are to sign the Summative Evaluation Report to indicate that the evaluation has been discussed.
7. Develop Remediation Plan for Teacher receiving unsatisfactory rating

1. A Remediation Plan will be developed by the principal, teacher, and consulting teacher for a teacher receiving an overall unsatisfactory rating.

2. Remediation Plan will include:

Areas of Focus: the major area(s) of deficiency

Specific Objectives: the expected growth

Types of Assistance: types of assistance with the expected dates when the assistance will be provided and strategies for addressing deficiencies.

Appropriate types of assistance may include workshop participation, peer assistance, demonstrations, appropriate literature, etc.

FISHER COMMUNITY UNIT SCHOOL DISTRICT NO. 1
Fisher, Illinois
GOAL BASED EVALUATION PLAN
PROFESSIONAL GOALS

_____ 1 year _____ 2 year _____ 3 year

PROFESSIONAL GOAL(S) - TEACHER

PRINCIPAL FEEDBACK -

IMPLEMENTATION PLAN - TEACHER and PRINCIPAL

Signature of Principal

Date

Principals are encouraged to complete this form twice a year to encourage ongoing dialogue with the teacher and provide feedback as the teacher works to meet the identified goal areas.

FISHER COMMUNITY UNIT SCHOOL DISTRICT NO. 1
Fisher, Illinois

GOAL BASED EVALUATION PLAN

SUMMATIVE EVALUATION REPORT OF TEACHER PERFORMANCE

Name of Teacher

School Year _____

PART I - Attach original Professional Goals form

PART II - Date Log

Initial Conference _____

Periodic Update Conferences _____ Year 1 _____

_____ Year 2 _____

_____ Year 3 _____

Observations (as needed or requested) _____

Summative Conference (during the last semester of the plan)

PART III - Recommendation (principal recommendation is advisory only, the Superintendent of Schools, as required by state law will make the final recommendation to the Board of Education)

_____ Renewal of contract

_____ Renewal of contract with continued evaluation into the _____ school year using Areas of Focus evaluation instrument.

_____ Remediation Plan

PART IV - Narrative Summary (Additional sheets may be attached)

PART V - Teacher's Comments (Additional sheets may be attached)

Evaluator's Signature / Date

Teacher's Signature / Date

Teacher's signature indicates only that the written evaluation has been seen and discussed. If the

teacher feels the evaluation is incomplete, or unjust, the teacher may attach a written objection to the summative evaluation report.

Professional Personnel

Resignations and Retirement

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

Early Retirement

Please refer to the current “Agreement Between the Board of Education Fisher Community Unit School District No. 1 and Fisher Education Association”.

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

Park Forest Heights School Dist. V. State Teacher Certification Bd., 842 N.E.2nd
1230 (Ill.App.1, 2006).

ADOPTED: July 18, 2002

AMENDED: June 18, 2012

Professional Personnel

Substitute Teachers

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

A substitute teacher must hold either a valid teaching or substitute license and may teach in the place of a licensed teacher who is under contract with the Board. There is no limit on the number of days that a substitute teacher may teach in the District during the school year, except as follows:

1. A substitute teacher holding a substitute license may teach for any one licensed teacher under contract with the District only for a period not to exceed 90 school days.
2. A teacher holding a Professional Educator License or Educator License with Stipulations may teach for any one licensed teacher under contract with the District only for a period not to exceed 120 school days.

The Illinois Teachers' Retirement System (TRS) limits a substitute teacher who is a TRS annuitant to substitute teaching for a period not to exceed 100 paid days or 500 paid hours in any school year, unless the subject area is one where the 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.

Emergency Situations

A substitute teacher may teach when no licensed teacher is under contract with the Board if the District has an emergency situation as defined in State law. During an emergency situation, a substitute teacher is limited to 30 calendar days of employment per each vacant position. The Superintendent shall notify the appropriate Regional Office of Education within 5 business days after the employment of a substitute teacher in an emergency situation.

LEGAL REF.: 105 ILCS 5/21B-20(3) and 24-5.
23 Ill.Admin.Code §25.520.

CROSS REF.: 5:30 (Hiring Process and Criteria)

ADOPTED: July 18, 2002

AMENDED: July 18, 2011

AMENDED: June 18, 2012

AMENDED: January 20, 2015

Professional Personnel

Administrative Procedure - Substitute Teachers

Minimum Qualifications of the Substitute Teacher

Substitute teachers are required to have one of the following that is valid in Illinois:

- a. Professional educator license or professional educator license with stipulations that required a bachelor's degree for issuance
- b. Substitute teaching license

Substitute teachers shall have each of the following documents on file with the District Administrative Office.

- a. Completed application for employment and transcript of college credits
- b. Evidence of license registration
- c. Evidence of physical fitness to perform assigned duties and freedom from communicable disease
- d. State and federal tax forms
- e. If applicable, Immigration and Naturalization Service, Form I-9
- f. Signed *Acknowledgement of Mandated Reporter Status* form provided by DCFS and, if applicable, evidence that the individual completed mandated reporter training within one year of initial employment and at least every 5 years after that date (required by the Abused and Neglected Child Reporting Act, 325 ILCS 5/4, amended by P.A. 98-408)

Contact ISBE, the ROE, or Intermediate Service Center with questions.

District Responsibilities

1. The Superintendent or designee maintains a list of substitute teachers in the District Administrative Office.
2. The Superintendent or designee verifies:
 - a. Criminal background check results
 - b. Appropriate license and registration
 - c. References and employment verification

Additional Requirements and Procedures

1. Board policy 4:175, *Convicted Child Sex Offender; Criminal Background Check and/or Screen; Notification*
2. Administrative procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*
3. Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*
4. Board policy 5:30, *Hiring Process and Criteria*
5. Administrative procedure 5:30-AP2, *Investigations*
6. Board policy 5:150, *Personnel Records*

More information is on the ISBE website, Substitute Teacher License at www.isbe.net/licensure/html/substitute.htm

Standard Duties of the Substitute Teacher

1. Keep and leave a status report of lesson plans completed and leave a report of the group's accomplishments.
2. Manage all recording of assignments and grading during the time worked as outlined in the applicable collective bargaining agreement or duties for substitute teachers.
3. Prepare plans for the following day's work.
4. Follow the regular teacher's lesson plans.
5. Leave the classroom and its equipment in order.
6. Leave a note reporting any unusual experience with a student during the day.
7. Hold as confidential any information concerning staff, parents, or students.
8. Be consistent in dealing with others; emphasize the positive, yet be firm and sympathetic.
9. When notified in time, arrive at least 20 minutes before the school period starts, and remain on duty at least 20 minutes after dismissal time.
10. Check with the office when reporting for substitute duty, and check with the office before leaving to see if you will be needed the next day.
11. If temporarily or permanently withdrawing from substitute work, so inform the District office.
12. Report any issues you encounter to the Building Principal.

Compensation

1. The rate of pay for substitute teachers is established from time-to-time by the School Board.
2. Substitute teachers are employed and paid for only days actually worked. Substitutes are not paid for holidays, vacation days, or days of illness.

Assignment Procedures

Substitute teachers will be called as needed from the office of the Building Principal. Only individuals who are on the substitute teacher list, as compiled by the Superintendent or designee, may be called for substitute work. Substitute teachers are given as much notice as possible; however in emergency situations, they will be called the morning they are needed.

Building Level Responsibilities

The person arranging for a substitute teacher's service shall provide each substitute with the information relevant to the service, for example:

1. District map with locations of District schools indicated
2. District and school building emergency procedures, location of emergency equipment, etc.

3. School directory
4. School calendar and handbook
5. District student discipline policy and procedures

LEGAL REF.: 105 ILCS 5/21B-20(3).
23 Ill.Admin.Code §1.790 (Substitute Teacher) and §25.520 (Substitute Teacher License).

ADOPTED: June 18, 2011

AMENDED: June 18, 2012

AMENDED: August 17, 2015

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 (Student Discipline)

ADOPTED: July 18, 2002

Professional Personnel

Suspension

Suspension Without Pay

The School Board may suspend without pay: (1) a professional employee pending a dismissal hearing, or (2) a teacher as a disciplinary measure for up to 30 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 that is detrimental to the School District includes:

- Insubordination, including any failure to follow an oral or written directive from a supervisor;
- Violation of Board policy or Administrative Procedure;
- Conduct that disrupts or may disrupt the educational program or process;
- Conduct that violates any State or federal law that relates to the employee's duties; and
- Other sufficient causes.

The Superintendent or designee is authorized to issue a pre-suspension notification to a professional employee. This notification shall include the length and reason for the suspension as well as the deadline for the employee to exercise his or her right to appeal the suspension to the Board or Board-appointed hearing examiner before it is imposed. At the request of the professional employee made 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 professional employee of the date and time of the hearing. At the pre-suspension hearing, the professional employee or his/her representative may present evidence. If the employee does not appeal the pre-suspension notification, the Superintendent or designee shall report the action to the Board at its next regularly scheduled meeting.

Suspension With Pay

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

The Superintendent shall meet with the employee to present the allegations and give the employee an opportunity to refute the charges. The employee will be told the dates and times the suspension will begin and end.

Repayment of Compensation and Benefits

If a professional employee is suspended with pay, either voluntarily or involuntarily, pending the outcome of a criminal investigation or prosecution, and the employee is later dismissed as a result of his or her criminal conviction, the employee must repay to the District all compensation and the

value of all benefits received by him or her during the suspension. The Superintendent will notify the employee of this requirement when the employee is suspended.

LEGAL REF.: 5 ILCS 430/5-60(b).
105 ILCS 5/24-12.
Cleveland Board of Education v. Loudermill, 105 S.Ct. 1487 (1985).
Barszcz v. Community College District No. 504, 400 F.Supp. 675 (N.D. Ill., 1975).
Massie v. East St. Louis School District No.189, 561 N.E.2d 246 (Ill.App.5, 1990).

CROSS REF.: 5:290 (Educational Support Personnel - Employment Termination and Suspensions)

ADOPTED: July 18, 2002

AMENDED: January 20, 2009

AMENDED: June 18, 2012

AMENDED: April 21, 2014

Professional Personnel

Administrative Procedure - Suspensions

Suspension Without Pay

Actor	Action
School Board or designee	<p>Provide the professional employee with a written pre-suspension notification that includes:</p> <ol style="list-style-type: none"> 1. The reason(s) for the proposed suspension; 2. The date(s) and duration of the proposed suspension; 3. How the employee may request a hearing; and 4. The employee’s rights to be represented, present witnesses on his/her behalf, and cross-examine any witness who testifies against him/her. <p>Contact the Board Attorney for advice and assistance.</p>
Professional Employee	<p>If a hearing is desired, request within 5 calendar days of receipt of the pre-suspension notification, a hearing before the Board.</p>
School Board or designee	<p>If a hearing is requested:</p> <ol style="list-style-type: none"> 1. Promptly schedule a hearing and give the employee written notification of its date, time, and place at least 5 calendar days before the hearing. This notification shall set forth the procedure to be followed at the hearing as stated below. <ol style="list-style-type: none"> a. The hearing shall be in closed session. b. The professional employee may be represented by a person of the employee’s choice. c. The school officials and the employee may make short opening statements. d. The school officials shall present their evidence in oral or written form. e. After the school officials conclude their evidentiary presentation, the employee may present evidence to refute the charges orally or in writing. f. Each party shall be afforded an opportunity to cross-examine all witnesses who testify and to examine all written evidence presented. g. The Board may receive all relevant oral and written evidence without regard to the legal rules of evidence, but shall consider the weight of the evidence in making a determination. h. The school officials and the employee may make closing

Actor	Action
	<p>statements at the conclusion of the hearing.</p> <ul style="list-style-type: none"> i. The hearing may be recorded stenographically or by tape at the direction of either party at its own expense. If either party makes a recording, the other party shall be offered an opportunity to purchase a copy of the transcript or to reproduce the tape. <p>1. Appoint a hearing officer, if desired.</p>
School Board or Hearing Officer, and Professional Employee	<p>Participate in hearing.</p> <p>The hearing officer, if one was used, shall prepare a written summary of the evidence for the Board.</p>
School Board	<p>Decide whether to suspend the professional employee as authorized by 105 ILCS 24-12(d)(1). If a hearing officer was used, the Board may uphold, modify, or reverse the hearing officer’s recommendation. If the teacher is not suspended, his or her personnel record shall be expunged of any notices or material relating to the suspension.</p> <p>If the Board’s suspension is not sustained: (1) ensure that the professional employee does not suffer the loss of any salary or benefits by reason of the suspension, and (2) assign the professional employee to a position substantially similar to the one that the employee held prior to the suspension. 105 ILCS 24-12.</p>

Suspension With Pay

Actor	Action
Superintendent or designee	<ul style="list-style-type: none"> 1. Inform the professional employee of a proposed suspension with pay by written or oral notice, which shall specify the reasons for the suspension. If the notice is oral, give written notice as soon as reasonable. 2. Meet with the employee before the proposed suspension to discuss the reasons for the suspension. If the Superintendent or designee cannot, for reasonable cause, meet with the employee before the suspension, the Superintendent or designee shall attempt such a meeting after the suspension begins. 3. Give the professional employee written confirmation of the suspension as soon as reasonably possible. <p>Contact the Board Attorney for advice and assistance.</p>

ADOPTED: June 18, 2012

Professional Personnel

Leaves of Absence

Sick and Bereavement Leave, Personal Leave, Leave of Absence Without Pay, Maternity/Paternity Leave, Leaves for Service in the Military, Professional Leave, Association Leave

Please refer to the current “Agreement Between the Board of Education Fisher Community Unit School District No. 1 and Fisher Education Association”.

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 147/1 et seq.
820 ILCS 147/15.

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

ADOPTED: July 18, 2002

Professional Personnel

Student Teachers

The Superintendent is authorized to accept students from university-approved teacher-training programs to do student teaching in the District. No individual who has been convicted of a criminal offense listed in Section 5/21B-80 of the School Code is permitted to student teach or complete field or other clinical experience.

Before permitting an individual to student teach or participate in any field experience in the District, the Superintendent or designee shall ensure that:

1. The District performed a *complete criminal history records check* as described below; and
2. The individual furnished evidence of physical fitness to perform assigned duties and freedom from communicable disease pursuant to 105 ILCS 5/24-5.

A *complete criminal history records check* pursuant to 105 ILCS 5/10-21.9 shall include:

1. Fingerprint-based checks through (a) the Illinois State Police (ISP) for criminal history records information (CHRI) pursuant to the Uniform Conviction Information Act (20 ILCS 2635/1), and (b) the FBI national crime information databases pursuant to the Adam Walsh Child Protection and Safety Act (P.L. 109-248);
2. A check of the Illinois Sex Offender Registry (see the Sex Offender Community Notification Law (730 ILCS 152/101 et seq.); and
3. A check of the Illinois Murderer and Violent Offender Against Youth Registry (Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105, amended by 97-154).

Each student teacher must provide written authorization for, and pay the costs of, his or her criminal history records check (including any applicable vendor's fees), and the Superintendent or designee will provide each student teacher with a copy of his or her report.

Assignment

The Superintendent or designee shall be responsible for coordinating placements of all student teachers within the District. Student teachers should be assigned to supervising teachers whose qualifications are acceptable to the District and the students' respective colleges or universities. A teacher may be eligible for Continuing Professional Development Units (CPDU) for supervising a student teacher or teacher education candidate in clinical supervision.

LEGAL REF.: Adam Walsh Child Protection and Safety Act, P.L. 109-248.
Uniform Conviction Information Act, 20 ILCS 2635/1.
105 ILCS 5/21-14(e)(3)(E)(viii), 5/10-22.34, and 5/24-5.
23 Ill.Admin.Code §25.875.

CROSS REF.: 5:190 (Teacher Qualifications), 4:175 (Convicted Child Sex Offend

ADOPTED: July 18, 2002

AMENDED: July 18, 2011

AMENDED: June 18, 2012

AMENDED: August 19, 2013

AMENDED: November 17, 2014

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, other than a reason prohibited by law, or no reason at all. Nothing in School Board policy is intended or should be construed as altering the employment at-will relationship.

Exceptions to employment at-will may include employees who are employed annually, have an employment contract, or are otherwise granted a legitimate interest in continued employment. The Superintendent is authorized to make exceptions to employing nonlicensed employees at-will but shall maintain a record of positions or employees who are not at-will.

Compensation

The Board will determine salary and wages for educational support personnel. Increments are dependent on evidence of continuing satisfactory performance. An employee covered by the overtime provisions in State or federal law shall not work overtime without the prior authorization from the employee's immediate supervisor. Educational support personnel are paid twice a month.

Assignment

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.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment) 5:35 (Compliance with the Fair Labor Standards Act), 5:290 (Educational Support Personnel - Employment Termination and Suspensions), 5:310 (Educational Support Personnel - Compensatory Time-Off)

ADOPTED: July 18, 2002

AMENDED: July 18, 2011

AMENDED: August 17, 2015

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

Paraprofessionals provide supervised instructional support. Service as a paraprofessional requires an educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Illinois State Board of Education (ISBE).

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

Noncertificated and Unlicensed Personnel Working with Students and Performing Non-Instructional Duties

Noncertificated and unlicensed 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 governed by an association, the Superintendent or designee shall ensure that each athletic coach: (1) is knowledgeable regarding coaching principles, (2) has first aid training, and (3) is a trained Automated External Defibrillator user according to rules adopted by the Illinois Department of Public Health. Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law.

Bus Drivers

All school bus drivers must have a valid school bus driver permit. The Superintendent or designee shall inform the Illinois Secretary of State, within 30 days of being informed by a school bus driver, that the bus driver permit holder has been called to active duty. 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*.

LEGAL REF.: No Child Left Behind Act of 2001, 20 U.S.C. §6319(c).
34 C.F.R. §§200.58 and 200.59.
105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.
625 ILCS 5/6-104 and 5/6-106.1.
23 Ill.Admin.Code §§1.630 and 25.510.

CROSS REF.: 4:110 (Transportation), 4:170 (Safety), 5:30 (Hiring Process and Criteria), 5:35 (Compliance with the Fair Labor Standards Act), 5:285 (Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers), 6:250 (Community Resource Persons and Volunteers)

ADOPTED: October 18, 2004

AMENDED: July 18, 2011

ADOPTED: September 24, 2012

ADOPTED: August 18, 2014

Educational Support Personnel

Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

The District shall adhere to State and federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers. The Superintendent or designee manage a program to implement federal and State law defining the circumstances and procedures for the testing.

LEGAL REF.: 625 ILCS 5/6-106.1 and 5/6-106.1c.

49 U.S.C. §31301 *et. seq.*, 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 (Transportation), 5:30 (Hiring Process and Criteria), 5:280 (Duties and Qualifications)

ADOPTED: July 18, 2002

AMENDED: July 18, 2011

AMENDED: June 18, 2012

Educational Support Personnel

Administrative Procedure - Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

The District's drug and alcohol testing program shall apply to all individuals in positions that require a commercial driver's license and those that require an Illinois school bus driver permit. This includes casual, intermittent, or occasional drivers, leased drivers and independent owner-operator contractors, as well as full-time, regularly employed drivers. The Superintendent or designee will identify which positions are covered by the various provisions of this procedure.

Pre-Employment Tests

A pre-employment drug test shall be required of an applicant only after he/she has been offered the position.

Drug tests shall be conducted before the first time a driver performs any safety-sensitive function for the District.

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work until he/she is relieved from work and all responsibility for performing work.

Exceptions may be made for drivers who have participated in the drug testing program required by law within the previous 30 days, provided that the District has been able to make all verifications required by law.

Pre-employment testing shall also be required of employees returning to work after a layoff period if the employee was removed from the random testing pool. If the employee remains in the random testing pool, additional testing shall not be necessary.

Controlled Substance Use

Drivers shall inform their supervisors if at any time they are using a drug which their physician has prescribed for therapeutic purposes. Drivers using a controlled substance may continue to perform safety-sensitive functions only if a licensed medical practitioner has advised the driver that the substance will not adversely affect his/her ability to safely operate a commercial motor vehicle. If the District has actual knowledge that a driver has used a controlled substance it shall not permit the driver to perform or continue to perform a safety-sensitive function.

Pre-Duty Use of Alcohol

No driver shall perform safety-sensitive functions within 4 hours after using alcohol. If the District has actual knowledge that a driver has used alcohol within 4 hours it shall not permit the driver to perform or continue to perform safety-sensitive functions.

On-Duty Use of Alcohol

No driver shall use alcohol while performing safety-sensitive functions. If the District has actual knowledge that a driver is using alcohol while performing safety-sensitive functions it shall not permit the driver to perform or continue to perform safety-sensitive functions.

Post-Accident Tests

Alcohol tests shall be conducted as soon after an accident as practicable on any surviving driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
2. Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - a. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - b. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Controlled substance tests shall be conducted as soon after an accident as practicable on any surviving driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life;
2. Who receives a citation within 32 hours of occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - a. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - b. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention.

No driver required to take a post-accident alcohol test shall use alcohol for 8 hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within 2 hours of the accident or if a drug test is not administered within 32 hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within 8 hours after the accident for alcohol or within 32 hours for drugs.

Tests conducted by authorized federal, state, or local officials shall fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the District. Breath and blood tests meet the requirements of alcohol testing. A urine test meets the requirements of a controlled substances test.

Random Tests

Alcohol and drug tests shall be conducted on a random basis at unannounced times throughout the year. The number of random alcohol and drug tests shall be at least equal to those required by federal regulations. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions.

Employees off work due to leaves, vacation, and layoffs shall be informed that they remain subject to random testing. Employees drawn for such testing shall be notified and tested as soon as practicable after they return to duty.

Probable Cause Tests (Applicable to School Bus Driver Permit Holders)

A driver who has received a Uniform Traffic Ticket while in control of a school bus or any other vehicle owned or operated by or for the District, when the vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as students in grade 12 or below, in connection with any activity of the District, may be tested for alcohol. To justify an alcohol test, a police officer must have probable cause to believe that the driver has consumed any amount of an alcoholic beverage based upon evidence of the driver's physical condition or other first hand knowledge of the police officer.

Upon receipt of a law enforcement officer's sworn report that the test result was positive or that the driver refused to be tested, the Secretary of State will notify both the permit holder and the District of the sanction (sanction is effective on the 46th day following the date notice was given).

Reasonable Suspicion Tests (Applicable to School Bus Driver Permit Holders)

An alcohol or drug test shall be conducted if a supervisor or District official trained in accordance with law has reasonable suspicion that a driver has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the supervisor or District official who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after 8 hours.

A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

The Superintendent or designee shall ensure that an employee under reasonable suspicion is transported to the designated collection or testing site.

The Superintendent or designee shall notify the Secretary of State, in a manner and form prescribed by the Secretary, of the result of a reasonable suspicion test when: (i) the test indicates an alcohol concentration greater than 0.00; (ii) the test indicates a positive result on a National Institute on Drug Abuse five-drug panel utilizing the federal standards set forth in 49 C.F.R. 40.87; or (iii) when a driver refuses testing. The notification to the Secretary must be submitted within 48 hours of the refusal of testing or the employer's receipt of the test results.

Enforcement for Non-School Bus Driver Permit Holders

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If the District has actual knowledge that a driver has an alcohol concentration of 0.04 or greater it shall not permit the driver to perform or continue to perform safety-sensitive functions.

Federal laws require that any driver who refuses to submit to a post-accident, random, reasonable suspicion test, or follow-up test as described below, shall not perform or continue to perform safety-sensitive functions. The District shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

A driver who is tested and found to have an alcohol concentration of .02 or greater, but less than 0.04, may not perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours after the test was administered.

A driver who tests positive for drugs or an alcohol concentration of 0.04 or greater shall be subject to District disciplinary action up to and including dismissal.

A driver who violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program.

Return-to-Duty Tests for Non-School Bus Driver Permit Holders

If a driver who has violated the District's drug or alcohol prohibition is returned to performing safety-sensitive duties, a drug or alcohol test shall be conducted.

The District shall not allow employees whose conduct involved drugs to return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result. The District shall not allow employees whose conduct involved alcohol to return to duty in a safety-sensitive function until the return-to-duty alcohol test indicates an alcohol concentration of 0.02 or less.

Follow-Up Tests for Non-School Bus Driver Permit Holders

A driver who violates the District's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with the law. Follow-up alcohol testing shall be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions.

The District must carry out the substance abuse professional's follow-up testing requirements.

Follow-up testing shall consist of at least 6 tests in the first 12 months following the driver's return to duty. Testing shall not occur beyond 60 months from the date of the driver's return to duty. The substance abuse professional may terminate the follow-up testing if he/she determines that the employee has successfully demonstrated compliance.

Maintenance of Records for Non-School Bus Driver Permit Holders

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with the law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

Enforcement for School Bus Driver Permit Holders

In Illinois, a person whose privilege to possess a school bus driver permit has been canceled under 625 ILCS 6-106.1a is not eligible for restoration of the privilege until the expiration of 3 years from the effective date of the cancellation if the person has refused or failed to complete a test or tests to determine blood alcohol concentration, or has submitted to testing with a blood alcohol concentration of more than 0.00.

The Illinois Secretary of State must suspend a school bus driver permit for a period of 3 years upon receiving notice that the holder refused to submit to an alcohol or drug test as required by Section 6-106.1c or has submitted to a test required by that Section that disclosed an alcohol concentration of more than 0.00 or disclosed a positive result on a National Institute on Drug Abuse five-drug panel, utilizing federal standards set forth in 49 C.F.R. 40.87.

A driver who tests positive for drugs or is found to have an alcohol concentration of greater than 0.00 shall have their employment terminated.

Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify all of the following:

1. The person designated by the District to answer drivers' questions about the materials;

2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning driver conduct that is prohibited by Part 382;
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382, including post-accident testing under [§382.303\(d\)](#);
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver, including post-accident information, procedures and instructions required by [§382.303\(d\)](#);
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
10. The consequences for drivers who do not hold a school bus driver permit found to have an alcohol concentration of 0.02 or greater but less than 0.04;
11. The consequences for drivers who hold a school bus driver permit found to have an alcohol concentration over 0.00;
12. The effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management; and
13. Other legal requirements, District policies, and disciplinary consequences related to the use of alcohol and drugs.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials.

Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Before drug and alcohol tests are performed, pursuant to 49 C.F.R. §382, the District shall inform drivers that the tests are required by these regulations.

The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application.

The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive.

ADOPTED: June 18, 2012

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 for any or no reason, but not for a reason prohibited by State or federal law.

Employees who are employed annually or have a contract, or who otherwise have a legitimate expectation of continued employment, may be dismissed: (1) at the end of the school year or at the end of their respective contract after being provided appropriate notice and after compliance with any applicable contractual provisions, or (2) mid-year or mid-contract provided appropriate due process procedures are provided.

The Superintendent is responsible for making dismissal recommendations to the School Board consistent with the Board's goal of having a highly qualified, high performing staff.

Reduction in Force and Recall

The Board may, as necessary or prudent, decide to decrease the number of educational support personnel or to discontinue some particular type of educational support service and, as a result of that action, dismiss or reduce the hours of one or more educational support employees. When making decisions concerning reduction in force and recall, the Board will follow Sections 10-22.34c (outsourcing non-instructional services) and 10-23.5 (procedures) of the School Code, to the extent they are applicable and not superseded by legislation or an applicable collective bargaining agreement.

Final Paycheck

A terminating employee's final paycheck will be adjusted for any unused, earned vacation credit. Employees are paid for all earned vacation. Terminating employees will receive their final pay on the next regular payday following the date of termination, except that an employee dismissed due to a reduction in force shall receive his or her final paycheck on or before the next regular pay date following the last day of employment.

Suspension

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, 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.

Any criminal conviction resulting from the investigation or allegations shall require the employee to repay to the District all compensation and the value of all benefits received by the employee during the suspension. The Superintendent will notify the employee of this requirement when the employee is suspended.

LEGAL REF.: 5 ILCS 430 et seq.
105 ILCS 5/10-22.34c and 5/10-23.5.
820 ILCS 105/4a.

CROSS REF.: 5:240 (Professional Personnel - Suspension), 5:270 (Educational Support Personnel - Employment At-Will, Compensation, and Assignment)

ADOPTED: July 18, 2002

AMENDED: January 20, 2009

AMENDED: July 18, 2011

AMENDED: August 17, 2015

Educational Support Personnel

Retirement Incentives for Support Staff

Should the State of Illinois offer Early Retirement Incentives (such as the “5 + 5” plan), other than the Early Retirement Option or its replacement, eligible employees may elect to utilize either the incentive described in this contract or the State offered incentive, but not both.

Early Retirement Stipend

Any employee who chooses to retire beginning at the age of fifty-five (55) or older shall receive an additional salary stipend equal to six percent (6%) of the employee’s annual salary in the employee’s one, two or three years of work. The stipend is to be paid in equal amounts with the employee’s regular salary (unless the employee and the Superintendent agree in writing to an alternative stipend payment schedule). In order to be eligible for this early retirement stipend, the following conditions shall apply:

- a) The employee must have a minimum of twenty (20) years of continuous service with the District by the conclusion of the final year of working (“the Retirement Year”).
- b) The employee must notify the Superintendent in writing no later than June 1 preceding the Retirement Year of his/her intent to retire and receive the one, two or three year stipend or by June 1 of one, two or three years preceding the Retirement Year of his/her intent to retire and receive the two year stipend. (For example, if the employee intends to retire effective the end of the 2015-16 work year, the employee must notify the Superintendent of his/her intent to retire by June, 1, 2015, to receive the one year stipend and by June 1, 2014, to receive the 2 year stipend, and by June 1, 2013, to receive the three year stipend.) The employee has 30 days from the June 1 notification deadline to revoke, in writing, the retirement. Any elections made, and not revoked in writing in a timely fashion, are irrevocable.
- c) The bonuses paid for the multi-year stipend will not be compounded.
- d) Continuous service with the District means working at least 50% employment as a contracted employee with no breaks in employment. Breaks in employment due to paternity/maternity leave do not count as a break in continuous serve.
- e) The employee must be at least fifty-five (55) by June 30 of the Retirement Year.
- f) No more than three (3) employees may participate in the Early Retirement Stipend program in any one year. In the event that more than three (3) employees apply, those eligible to participate shall be chosen on the basis of the greatest continuous full-time length of service with the District. The Board of Education, upon special petition, may honor request(s) for more than three (3) participants. Decisions made by the Board acting upon such request(s) are not grievable and do not count as precedent for future petitions.

ADOPTED: July 18, 2002

AMENDED:: June 19, 2014

Educational Support Personnel

Schedules and Employment Year

The Superintendent shall supervise a process for setting work schedules and an employment year for educational support employees in accordance with State and federal law, School Board policy, and applicable agreements and shall:

1. Assign each employee on supervisor who will establish a work schedule, including breaks, as required by building or District needs, work load, and the efficient management of human resources;
2. Allow for the ability to respond to changing circumstances by altering work schedules as needed; and
3. Consider the well-being of the employee. The Superintendent's approval is required to establish a flexible work schedule or job-sharing.

Breaks

An employee who works at least 7.5 continuous hours shall receive a 30-minute duty-free meal break that begins within the first 5 hours of the employee's workday. The District accommodates employees who are nursing mothers according to State and federal law.

LEGAL REF.: Fair Labor Standards Act, 29 U.S.C. §207 et seq.
820 ILCS 105, Minimum Wage Law
820 ILCS 250, Nursing Mothers in the Workplace Act
105 ILCS 5/10-20.14a, 5/10-22.34, and 5/10-23.5.

CROSS REF.: 5:30 (Compliance with the Fair Labor Standards Act)

ADOPTED: July 18, 2002

AMENDED: July 18, 2011

Educational Support Personnel

Evaluation

Each educational support staff member's job performance shall be evaluated by his/her direct supervisor by May 1 of each year.

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

ADOPTED: July 18, 2002

Educational Support Personnel

Sick Days, Vacation, Holidays, and Leaves

Sick Days

Sick and emergency leave without loss of pay shall be credited annually to each employee after having successfully completed a three-month probationary period. A leave day for purposes of determining reimbursement shall be equivalent in length to a staff member's work day. Fractional parts of sick days shall be in no smaller units than quarters of a day; quarters occur at intervals of two hours from daily beginning work time.

Nine month employees shall be granted eleven (11) days sick leave for the 2004-05 school year and twelve (12) for each year thereafter; employees who work more than nine months shall receive one-half day additional sick leave for each additional one-half month served.

Accumulated sick leave is granted to a maximum of 240 days for each support staff employee.

Sick leave is defined in State law as personal illness, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, or placement for adoption. The Superintendent and/or designee shall monitor the use of sick leave.

As a condition for paying sick leave after 3 days absence for personal illness or 30 days for birth or as a the Board or Superintendent deem necessary in other cases, the Board or Superintendent may require that the staff member provide a certificate from: (1) a physician licensed in Illinois to practice medicine and surgery in all its branches, (2) a chiropractor physician licensed under the Medical Practice Act, (3) an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, (4) a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or (5) if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the employee's faith. If the Board of Superintendent requires a certificate during the leave of less than 3 days for personal illness, the District will pay the expenses incurred by the employee.

The use of paid sick leave for adoption or placement for adoption is limited to 30 days unless a longer leave is provided in an applicable collective bargaining agreement. The Superintendent may require that the employee provide evidence that the formal adoption process is underway.

Vacation

1. Full time support staff employees shall earn vacation as follows:
 - A. First year through tenth year - two weeks vacation
 - B. Eleventh year through fifteenth year - three weeks vacation
 - C. Starting with the completion of the sixteenth year, one day per year will be added for each year until the maximum of twenty days is reached.

2. Vacation shall be earned from July 1st of each year.
3. Employees for less than a full year before July 1st of their initial year shall have the vacation prorated for that year, i.e., if an employee were hired January 1st, the vacation that year shall be one week.
4. Employees who work 12 months, but less than 2080 hours, shall have their vacation pro-rated.
5. Vacation shall be taken as approved by the Superintendent.
6. Vacation shall be non-cumulative and shall be used in the summer for which it is earned, unless permission is given by the Superintendent to do otherwise. Summer is defined as the time in June, July, and August when regular school is not in session.
7. Unused vacation will be forfeited unless approved by the Board of Education.

Holidays

School District employees will be paid for, but will not be required to work on the following holidays unless a waiver has been granted by the State Board for specific holidays:

New Year's Day	Labor Day
Martin Luther King Jr.'s Birthday	Columbus Day
Abraham Lincoln's Birthday	Veteran's Day
Casimir Pulaski's Birthday	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

A holiday will not cause a deduction from an employee's time or compensation. The District may require educational support personnel to work on a school holiday during an emergency or for the continued operation and maintenance of facilities or property.

Personal Leave

Full-time educational support personnel have three paid personal leave days per year. The use of a personal day is subject to the following conditions:

1. Except in cases of emergency or unavoidable situations, a personal leave request should be submitted to the Building Principal at least 3 days before the requested date.
2. No personal leave day may be used immediately before or immediately after a holiday, or during the first and/or last 5 days of the school year, unless prior approval is granted by the Superintendent.
3. Employees have the right to accumulate up to 4 personal days for the 2005-06 school year and 5 personal days for the 2006-07 school year. Employees must notify the bookkeeper in writing by April 1 of current year if they wish to accumulate for the next year. If not notified in writing, personal leave not used will rollover into sick leave at the end of the school term.

Part-time support staff who receive sick days will be granted two less sick days. In lieu of the 2 sick days, they will be granted 2 personal days.

Leaves for Service in the Military

Educational support personnel may receive the same military leaves that are granted professional staff.

Bereavement Leave

Educational support personnel may receive the same bereavement leave that is granted professional staff.

Leave to Serve as a Trustee of the Illinois Municipal Retirement Fund

Upon request, the Board will grant 20 days of paid leave of absence per year to a trustee of the Illinois Municipal Retirement Fund in accordance with 105 ILCS 5/24-6.3.

Other Leaves

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

1. Leaves for Service in the Military and General Assembly.
2. School Visitation Leaves
3. Leaves for Victims of Domestic or Sexual Violence
4. Leave to serve as an election judge.

LEGAL REF.: 20 ILCS 1805/30.1 et.seq.

105 ILCS 5/10-20.7b, 5/24-2, and 5/24-6.

820 ILCS 147 and 180

School Dist 151 v. ISBE, 507 N.E.2d 134 (Ill.App.1, 1987); Elder v. School Dist, No. 127 ½, 208 N.E.2d 423 (Ill.App.1, 1965)

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave), 5:250 (Leaves of Absence)

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