

Operational Services

Fiscal and Business Management¹

The Superintendent is responsible for the School District's fiscal and business management.² This responsibility includes annually preparing and presenting the District's statement of affairs to the School Board and publishing it before December 1 as required by State law.³

The Superintendent shall ensure the efficient and cost-effective operation of the District's business management using computers, computer software, data management, communication systems, and electronic networks, including electronic mail, the Internet, and security systems. Each person using the District's electronic network shall complete an *Authorization for Access to the District's Electronic Network*.⁴

Budget Planning

The District's fiscal year is from July 1 until June 30.⁵ The Superintendent shall present to the Board, no later than the first regular meeting in August, a tentative budget with appropriate explanation.⁶ This budget shall represent the culmination of an ongoing process of planning for the fiscal support needed for the District's educational program. The District's budget shall be entered upon the Illinois State Board of Education's "School District Budget Form."⁷ To the extent possible, the tentative budget shall be balanced as defined by the State Board of Education guidelines. The Superintendent shall complete a tentative deficit reduction plan if one is required by the State Board of Education guidelines.⁸

Preliminary Adoption Procedures

After receiving the Superintendent's proposed budget, the Board sets the date, place, and time for:

1. A public hearing on the proposed budget,⁹ and
2. The proposed budget to be available to the public for inspection.¹⁰

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

¹ State or federal law controls this policy's content. Article 17 of the School Code controls budgeting, tax levys, and tax warrants.

² Boards are authorized to hire a chief school business official (105 ILCS 5/10-22.23a). Districts having a chief school business official may want to replace "Superintendent" with "Chief School Business Official" throughout this policy.

³ 105 ILCS 5/10-17.

⁴ See exhibits 6:235-AP1, E1, *Student Authorization for Access to the District's Electronic Networks*, and 6:235-AP1, E2, *Authorization for Access to the District's Electronic Networks*. Use of electronic networks in the curriculum is covered in policy 6:235, *Access to Electronic Networks*.

⁵ The board sets the fiscal year (105 ILCS 5/17-1) and this sentence should reflect that local decision.

⁶ The board must designate a person(s) to prepare a tentative budget (105 ILCS 5/17-1). The purpose of this policy's directive for the superintendent to present a tentative budget "no later than the first regular meeting in August" is to ensure that the budget can be adopted by September 30 (see f/n 14). A board may amend this directive to give the superintendent additional flexibility by requiring him or her to present a tentative budget "during a regular Board meeting in August."

⁷ Required by 105 ILCS 5/17-1. The budget instructions from ISBE detail when a deficit reduction plan must be completed.

⁸ State law requires the budget to be balanced and, if not, a ~~3~~three-year deficit reduction plan must be developed (105 ILCS 5/17-1).

⁹ At least one public hearing must be held before final action on the budget (105 ILCS 5/17-1).

¹⁰ The tentative budget must be conveniently available for public inspection for at least 30 days before final action on the budget (105 ILCS 5/17-1).

The Board Secretary shall arrange to publish a notice in a local newspaper stating the date, place, and time of the proposed budget's availability for public inspection and the public hearing.¹¹ The proposed budget shall be available for public inspection at least 30 days before the time of the budget hearing.

At the public hearing, the proposed budget shall be reviewed, and the public shall be invited to comment, question, or advise the Board.¹²

Final Adoption Procedures

The Board adopts a budget before the end of the first quarter of each fiscal year, September 30, or by such alternative procedure as State law may define.¹³ To the extent possible, the budget shall be balanced as defined by the State Board of Education; if not balanced, the Board will adopt a deficit reduction plan to balance the District's budget within ~~3~~three years according to State Board of Education requirements.¹⁴

The Board adopts the budget by roll call vote. The budget resolution shall be incorporated into the meeting's official minutes. Board members' names voting *yea* and *nay* shall be recorded in the minutes.¹⁵

The Superintendent or designee shall perform each of the following:

1. Post the District's final annual budget, itemized by receipts and expenditures, on the District's Internet website; notify parents/guardians that it is posted and provide the website's address.¹⁶
2. File a certified copy of the budget resolution and an estimate of revenues by source anticipated to be received in the following fiscal year, certified by the District's Chief Fiscal Officer, with the County Clerk within 30 days of the budget's adoption.¹⁷
3. Make all preparations necessary for the Board to timely file its Certificate of Tax Levy, including preparations to comply with the Truth in Taxation Act; file the Certificate of Tax Levy with the County Clerk on or before the last Tuesday in December. The Certificate lists the amount of property tax money to be provided for the various funds in the budget.
4. Submit the annual budget, a deficit reduction plan if one is required by State Board of Education guidelines, and other financial information to the State Board of Education according to its requirements.¹⁸

Any amendments to the budget or Certificate of Tax Levy shall be made as provided in the School Code and Truth in Taxation Act.¹⁹

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¹¹ 105 ILCS 5/17-1 makes the board secretary responsible for this public notice at least 30 days before the hearing. If there is no newspaper published in the district, notice must be given by posting notices in ~~5~~five public places (105 ILCS 5/17-1).

¹² State law does not address what transpires during the budget hearing.

¹³ Required by 105 ILCS 5/17-1 and 5/17-3.2.

¹⁴ Required by 105 ILCS 5/17-1. See f/n 8.

¹⁵ Required by 105 ILCS 5/10-7.

¹⁶ Required by 105 ILCS 5/17-1.2, *only if* the district has a website. Do not add this sentence unless the district has a website.

¹⁷ Required by 35 ILCS 200/18-50, which refers to "appropriation and budget ordinances or resolutions." School districts adopt budgets by board resolution. The budget serves as the district's appropriation.

¹⁸ Required by 105 ILCS 5/17-1.

¹⁹ 105 ILCS 5/17-11 and 35 ILCS 200/18-55.

Budget Amendments

The Board may amend the budget by the same procedure as provided for in the original adoption.²⁰

Implementation

The Superintendent or designee shall implement the District's budget and provide the Board with a monthly financial report that includes all deficit fund balances. The amount budgeted as the expenditure in each fund is the maximum amount that may be expended for that category, except when a transfer of funds is authorized by the Board.

The Board shall act on all interfund loans²¹, interfund transfers²², transfers within funds²³, and transfers from the working cash fund or abatements of it, if one exists.²⁴

LEGAL REF.: 35 ILCS 200/18-55 et seq.
105 ILCS 5/10-17, 5/10-22.33, 5/17-1, 5/17-1.2, 5/17-2A, 5/17-3.2, 5/17-11, 5/20-5, 5/20-8, and 5/20-10.
23 Ill.Admin.Code Part 100.

CROSS REF.: 4:40 (Incurring Debt), 6:235 (Access to Electronic Networks)

ADMIN. PROC.: 6:235-AP1, E1 (Exhibit - Student Authorization for Access to the District's Electronic Networks), 6:235-AP1, E2 (Exhibit - Staff Authorization for Access to the District's Electronic Network Access)

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²⁰ 105 ILCS 5/17-1; 23 Ill.Admin.Code Part 100.

²¹ 105 ILCS 5/10-22.33, 5/20-4, 5/20-5, 5/20-8, and 5/20-10 and 23 Ill.Admin.Code §100.50. If the district loans money from the working cash fund to another fund, Section 5/20-10 requires the district to maintain a credit to the working cash fund (meaning that borrowing fund must repay the working cash fund).

²² 105 ILCS 5/17-2A contains the requirements for a permanent transfer. P.A. ~~98-134~~99-713 extended the time period during which a district may transfer money from specified funds for any purpose to July 1, 2016~~9~~.

²³ Transfers between the various items in any fund may not exceed in the aggregate ~~10-ten~~ percent of the total of such fund as set forth in the budget. If the aggregate exceeds ~~10-ten~~ percent, the board must amend the budget (105 ILCS 5/17-1).

²⁴ The purpose of the working cash fund is to enable the school district "to have in its treasury at all times sufficient money to meet demands for expenses," (105 ILCS 5/20-1). School officials, including board members, are liable "for any sum that may be unlawfully diverted from the working cash fund ...," 105 ILCS 5/20-6.

105 ILCS 5/20-10 codified a long-held practice and understanding of Ill. school districts. A district may abate (reduce the funds) money from the working cash fund at any time and transfer it to any district fund or funds most in need of the money, provided that the district maintains an amount to the credit of the working cash fund. This was a legislative overturn of a case concluding that any permanent transfer, including abatements, of the working cash fund should be transferred only to the education fund (see G.I.S. Ventures v. Novak, 902 N.E.2d 744 (Ill.App. 2nd Dist., 2009); G.I.S. Venture v. Novak, 2014 IL App. (2d) 130244 (9/30/2014)). Abolishments (deplete all funds) of the working cash fund must still be transferred to the education fund only.

Operational Services

Use of Credit and Procurement Cards ¹

The Superintendent and employees designated by the Superintendent are authorized to use District credit and procurement cards to simplify the acquisition, receipt, and payment of purchases and travel expenses incurred on the District's behalf.² Credit and procurement cards shall only be used for those expenses that are for the District's benefit and serve a valid and proper public purpose; they shall not be used for personal purchases. Cardholders are responsible for exercising due care and judgment and for acting in the District's best interests.

The Superintendent or designee shall manage the use of District credit and procurement cards by employees. It is the Board's responsibility, through the audit and approval process, to determine whether District credit and procurement card use by the Superintendent is appropriate.

In addition to the other limitations contained in this and other Board policies, District credit and procurement cards are governed by the following restrictions: ³

1. Credit and/or procurement cards may only be used to pay certain job-related expenses or to make purchases on behalf of the Board or District or any student activity fund, or for purposes that would otherwise be addressed through a conventional revolving fund. ⁴
2. The Superintendent or designee shall instruct the issuing bank to block the cards' use at unapproved merchants.

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¹ If district employees or board members are issued credit and/or procurement cards, an ISBE rule requires this subject matter to be covered in policy and specifies its content (23 Ill.Admin.Code §100.70(d)). Add the following optional new paragraph if the district issues credit cards to board members:

The District may from time-to-time issue and/or authorize Board members to use District credit cards to simplify the payment of actual and necessary expenses as authorized in Board policy 2:125, *Board Member Compensation; Expenses*. The Board will determine whether a Board member's use of a District credit card is appropriate through the expense approval process and the annual audit. All other components of this policy apply to a Board Member's use of a District credit card.

See ¶n 19 in policy 2:125, *Board Member Compensation; Expenses* and ensure both policies are consistent in their treatment of this issue.

² The Local Government Travel Expense Control Act (50 ILCS 150/, added by P.A. 99-604, eff. 1-1-17) requires districts to regulate the reimbursement of all travel, meal and lodging expenses of board members and employees (50 ILCS 150/10). Consult the board attorney about how the Act affects the use of credit and procurement cards.

³ The policy's restrictions, numbered 1-10, correspond to the items that ISBE requires to be covered. Each item may be customized as long as the following items are covered as per 23 Ill.Admin.Code §100.70(d):

1. Identifies the allowable types of purchases;
2. Provides for the issuing bank to block the cards' use at unapproved merchants;
3. Limits the amount a cardholder can charge in a single purchase or within a given month;
4. Provides specific guidelines on purchases via telephone, fax, and the Internet;
5. Indicates the consequences for unauthorized purchases;
6. Requires cardholders to sign a statement affirming that they are familiar with the board's credit card policy;
7. Requires review and approval of purchases by someone other than the cardholder or user;
8. Requires submission of original receipts to document purchases; and
9. Forbids the use of a card to make purchases in a manner contrary to the requirements of Section 10-20.21 of the School Code [105 ILCS 5/10-20.21].
10. Indicates how financial or material rewards or rebates are to be accounted for and treated.

⁴ This limitation is from the introductory sentence in 23 Ill.Admin.Code §100.70(d).

3. Each cardholder, other than the Superintendent, may charge no more than \$500 in a single purchase and no more than \$1000 within a given month without prior authorization from the Superintendent. ⁵
4. The Superintendent or designee must approve the use of a District credit or procurement card whenever such use is by telephone, fax, and the Internet. Permission shall be withheld when the use violates any Board policy, is from a vendor whose reputation has not been verified, or would be more expensive than if another available payment method were used.
5. The consequences for unauthorized purchases include, but are not limited to, reimbursing the District for the purchase amount, loss of cardholding privileges, and, if made by an employee, discipline up to and including discharge.
6. All cardholders must sign a statement affirming that they are familiar with this policy. ⁶
7. The Superintendent shall implement a process whereby all purchases using a District credit or procurement card are reviewed and approved by someone other than the cardholder or someone under the cardholder's supervision.
8. Cardholders must submit the original, itemized receipt to document all purchases.
9. No individual may use a District credit or procurement card to make purchases in a manner contrary to State law, including, but not limited to, the bidding and other purchasing requirements in 105 ILCS 5/10-20.21, or any Board policy.
10. The Superintendent or designee shall account for any financial or material reward or rebate offered by the company or institution issuing the District credit or procurement card and shall ensure that it is used for the District's benefit.

LEGAL REF.: 105 ILCS 5/10-20.21.
23 Ill.Admin.Code §100.70(d).

CROSS REF.: 4:50 (Payment Procedures), 4:60 (Purchases and Contracts), 4:80 (Accounting and Audits), 4:90 (Activity Funds), 5:60 (Expenses)

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⁵ The dollar caps are at the local board's discretion. An alternative follows: "The Superintendent shall limit the amount each cardholder may charge in a single purchase or within a given month and inform the issuing bank of these limitations."

⁶ See exhibit 4:55-E, *Cardholder's Statement Affirming Familiarity with Requirements for Using District Credit and/or Procurement Cards*.

Operational Services

Purchases and Contracts ¹

The Superintendent shall manage the District's purchases and contracts in accordance with State law, the standards set forth in this policy, and other applicable School Board policies.

Standards for Purchasing and Contracting

All purchases and contracts shall be entered into in accordance with State law. The Board Attorney shall be consulted as needed regarding the legal requirements for purchases or contracts. All contracts shall be approved or authorized by the Board.

All purchases and contracts should support a recognized District function or purpose as well as provide for good quality products and services at the lowest cost, with consideration for service, reliability, and delivery promptness, and in compliance with State law.² No purchase or contract shall be made or entered into as a result of favoritism, extravagance, fraud, or corruption.

Adoption of the annual budget authorizes the Superintendent or designee to purchase budgeted supplies, equipment, and services, provided that State law is followed. Purchases of items outside budget parameters require prior Board approval, except in an emergency.³

When presenting a contract or purchase for Board approval, the Superintendent or designee shall ensure that it complies with applicable State law, including but not limited to, those specified below:

1. Supplies, materials, or work involving an expenditure in excess of \$25,000 must comply with the State law bidding procedure, 105 ILCS 5/10-20.21, unless specifically exempted.⁴
2. Construction, lease, or purchase of school buildings must comply with State law and Board policy 4:150, *Facility Management and Building Programs*.
3. Guaranteed energy savings must comply with 105 ILCS 5/19b-1 *et seq.*
4. Third party non-instructional services must comply with 105 ILCS 5/10-22.34c.⁵

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¹ State law controls this policy's content. 105 ILCS 10-20.21 contains bidding plus other requirements. Other laws also govern district contracts. For example, the Prevailing Wage Act requires, among other things, that a district specify in all contracts for public works that the prevailing wage rate must be paid (820 ILCS 130/). When a district awards work to a contractor without a public bid, contract, or project specification, the district must provide the contractor with written notice on the purchase order or a separate document indicating that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work on the project. In addition, the district must notify all contractors of any rate changes by the Dept. of Labor. The law allows a district to discharge this duty by including the following language in all contracts: "Any prevailing rate of wages as they are revised by the Dept. of Labor shall apply to this contract. You are notified that any rate changes to the prevailing wage rate are available on the Dept.'s official website." (820 ILCS 130/4, amended by P.A. 97-964, eff. 1-1-13, and see 4:60-E, *Notice to Contractors* for sample language).

² This end statement should be amended according to local board discretion.

³ An optional addition follows: "Notwithstanding the above, the Superintendent shall not commit to any single, non-customary purchase or expenditure, excluding personnel, of greater than \$ _____ without prior Board approval." This optional provision's intent is to provide an internal control as well as to keep the board involved when the district is making a large purchase or expenditure, e.g., copiers, computers, textbooks, or something that might not happen every year. It is intended to cover purchases/expenditures regardless of whether they were previously budgeted.

⁴ See 4:60-API, *Purchases*, for bidding exemptions and the requirements for electronic bid opening. A board may set a lower bidding threshold by policy but should first seek its attorney's advice because such action may expand a board's vulnerability to a bidding challenge.

5. Goods and services that are intended to generate revenue and other remunerations for the District in excess of \$1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, must comply with 105 ILCS 5/10-20.21. The Superintendent or designee shall keep a record of: (1) each vendor, product, or service provided, (2) the actual net revenue and non-monetary remuneration from each contract or agreement, and (3) how the revenue was used and to whom the non-monetary remuneration was distributed. The Superintendent or designee shall report this information to the Board by completing the necessary forms that must be attached to the District's annual budget. ⁶
6. Any contract to purchase food with a bidder or offeror must comply with 105 ILCS 5/10-20.21(b-10).⁷
- ~~6-7.~~ The purchase of paper and paper products must comply with 105 ILCS 5/10-20.19c and Board policy 4:70, *Resource Conservation*. ⁸
- ~~7-8.~~ Each contractor with the District is bound by each of the following:
 - a. In accordance with 105 ILCS 5/10-21.9(f): (1) prohibit any of its employees who is or was found guilty of a criminal offense listed in 105 ILCS 5/10-21.9(c) and 5/21B-80(c)⁹ to have direct, daily contact at a District school or school-related activity with one or more student(s); (2) prohibits any of the contractor's employees from having direct, daily contact with one or more students if the employee was found guilty of any offense in 5/21B-80(b) (certain drug offenses) until seven years following the end of the employee's sentence for the criminal offense;¹⁰ and (23) require each of its employees who will have direct, daily contact with student(s) to cooperate during the District's fingerprint-based criminal history records check on him or her. ¹¹
 - b. In accordance with 105 ILCS 5/24-5: (1) concerning each employee who begins providing services in the District after June 16, 2014, provide the District with evidence of physical fitness to perform the duties assigned and freedom from communicable disease if the employee will have direct, daily contact with one or more student(s); and (2) require any new or existing employee who has and will have direct, daily contact with one or more student(s) to complete additional health examinations as required by the District and be subject to additional health examinations, including tuberculosis

⁵ Concerning collective bargaining requirements, see McLean Co. Unit Dist. 5 v. AFSCME & IELRB, 2014 Ill.App. (4th), No. 4-13-0294 (6-4-2014)(good faith bargaining on the decision to subcontract requires notice of the consideration of the subcontract before it is finalized; meeting with the union to provide an opportunity to discuss and explain the decision; providing information to the union; and giving consideration to any counterproposal the union makes).

⁶ 105 ILCS 5/10-20.21(b-5).

⁷ 105 ILCS 5/10-20.21(b-10), added by P.A. 99-552.

⁸ 105 ILCS 5/10-20.19c.

⁹ 105 ILCS 5/21B-80, amended by P.A. 99-667.

¹⁰ Id.

¹¹ The implementation process is in 4:60-AP3, Administrative Procedure - *Criminal History Records Check of Contractor Employees*. See 5:30-AP2, *Investigations*, for a list of offenses which disqualify an individual from having direct, daily contact with one or more students until seven years following the end of the individual's sentence for the criminal offense.

screening, as required by the Illinois Department of Public Health rules or order of a local health official. ¹²

The Superintendent or designee shall: (1) execute the reporting and website posting mandates in State law concerning District contracts, and (2) monitor the discharge of contracts, contractors' performances, and the quality and value of services or products being provided. ¹³

LEGAL REF.: 105 ILCS 5/10-20.19c, 5/10-20.21, 5/10-21.9, 5/10-22.34c, 5/19b-1 et seq., and 5/24-5.
820 ILCS 130/.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 4:70 (Resource Conservation), 4:150 (Facility Management and Building Programs), 4:175 (Convicted Child Sex Offender; ~~Criminal Background Check and/or Screening~~; Notifications)

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¹² P.A. 98-716, effective 7-16-2014, expanded the scope of 105 ILCS 5/24-5 by adding a definition of *employee* that includes contractors' employees for whom a criminal history records check is required. As of Aug. 2014, the Ill. Dept. of Public Health does not require school employees to be screened for tuberculosis other than workers in child day care and preschool settings (77 Ill.Admin.Code §696.140(a)(3)). Before requesting a contractor's employee for a health examination, contact the board attorney concerning this action's legality under other personnel laws, including the Americans with Disabilities Act.

¹³ This is an optional provision. The numerous reporting and website posting mandates are in 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*. As an alternative to the policy's default language, a board may insert the underscored:

The Superintendent or designee shall: (1) execute the reporting and website posting mandates in State law concerning District contracts and maintain a status report for monthly presentation to the Board, and (2) monitor the discharge of contracts, contractors' performances, and the quality and value of services or products being provided.

Operational Services

Administrative Procedure - Purchases

The Board Attorney should be consulted, as needed, regarding the legal requirements presented by this administrative procedure as well as before a contract is presented to the Board. ¹

Requirements for Purchases and Contracts

- A. Each of the following requirements describes the type of purchase and/or contract to which it applies; requirements in Sections B and C may also apply to a specific purchase or contract.
1. All purchases of goods or services must be made through the use of contracts or purchase orders, except for those purchases made from petty cash funds or the Imprest Fund, or as otherwise specifically authorized by the Superintendent.
 2. Illinois Use Tax Act compliance (105 ILCS 5/10-20.21(b) and 35 ILCS 105):
 - a. Persons bidding for and awarded a contract, and all affiliates of the person, must collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provision of the Illinois Use Tax Act.
 - b. All bids and contracts must include: (1) a certification that the bidder or contractor is not barred from bidding for or entering into a contract, and (2) an acknowledgment that the Board may declare the contract void if the certification is false.
 3. All entities seeking to enter into a contract with the District must provide written certification to the District that it will provide a drug free workplace by complying with the Illinois Drug Free Workplace Act, 30 ILCS 580. All contractors must comply with the notification mandates and other requirements in the Illinois Drug Free Workplace Act, ~~30 ILCS 580~~. "Contractor" is defined in the Illinois Drug Free Workplace Act as "a corporation, partnership, or other entity with 25 or more employees at the time of letting the contract, or a department, division, or unit thereof, directly responsible for the specific performance under a contract of \$5,000 or more."
 4. Before soliciting bids or awarding a contract for supplies, materials, equipment, or services, a certified education purchasing contract that is already available through a State education purchasing entity (as defined in the Education Purchasing Program, Article 28A of the School Code), may be considered as a bid. 105 ILCS 5/10-20.21(d).
 5. All contracts must include provisions required by State or federal law, as applicable. Topics commonly requiring a provision include equal opportunity employment, prevailing wage, minimum wage, and performance bond.
 6. The procurement of architectural, engineering, and land surveying services is governed by the Local Government Professional Services Selection Act, 50 ILCS 510/, implemented by 2:170-AP, *Administrative Procedure - Qualified Based Selection*.
 7. A list must be posted on the District's website, if any, of all contracts in excess of \$25,000 and any contract with an exclusive bargaining representative. 105 ILCS 5/10-20.44.

The footnotes should be removed before the material is used.

¹ Many legal problems will be avoided by early and frequent consultation with the board attorney.

8. Each contractor with the District must comply with 105 ILCS 5/10-21.9(f) and agree to: (a) not allow any of its employees to have direct, daily contact with one or more students if the employee was found guilty of any offense listed in 105 ILCS 5/10-21.9(c) or 5/21B-80(c) in that law; (b) prohibits any its employees from having direct, daily contact with one or more students if the employee was found guilty of any offense in 5/21B-80(b) (certain drug offenses) until seven years following the end of the employee's sentence for the criminal offense; (bc) require each of its employees who will have direct, daily contact with one or more student(s) to cooperate during the District's fingerprint-based criminal history records check on him or her; and (ed) reimburse the District for the cost of the fingerprint-based criminal history records check that the District obtains on each employee of a contractor who will have direct, daily contact with a student(s). See 4:60-AP3, *Criminal History Records Check of Contractor Employees*.

9. Each contractor with the District must comply with 105 ILCS 5/24-5, amended by P.A. 98-716 (eff. 7-16-2014) and agree: (a) concerning each employee who begins providing services in the District after June 16, 2014 who will have direct, daily contact with one or more student(s), to provide the District with evidence of physical fitness to perform the duties assigned and freedom from communicable disease; and (b) to require any new or existing employee who has and will have direct, daily contact with one or more student(s) to complete additional health examinations as required by the District and be subject to additional health examinations, including tuberculosis screening, as required by the Illinois Department of Public Health rules or order of a local health official.

9.10. Any contract to purchase food with a bidder or offeror must comply with 105 ILCS 5/10-20.21(b-10) (food donations).²

- B. To the extent feasible, the following govern all purchases and/or the award of contracts for supplies, materials, or work, and/or contracts with private carriers for transporting students, involving: (a) an expenditure of \$25,000 or less, or (b) in an emergency, an expenditure in excess of \$25,000, provided such expenditure is approved by three-quarters of the Board. See 105 ILCS 5/10-20.21 (3/4s of the Board must approve an emergency expenditure in excess of \$25,000 when the bidding process is not used) and 5/29-6.1 (time limitations for transportation contracts).
1. Telephone quotations, verbal quotations, or catalog prices are used to purchase materials that are needed urgently, or small quantity orders.
 2. Written quotations are used to purchase materials or services when time requirements allow. Whenever possible, quotations should be received from at least ~~two~~ competitors. The Superintendent or designee may negotiate with vendors at any time, including after receiving quotations.
- C. The following govern all purchases and/or the award of contracts involving an expenditure in excess of \$25,000 for supplies and materials or work. 105 ILCS 5/10-20.21(a).
1. Contracts are awarded to the lowest responsible bidder, considering conformity with specifications, terms of delivery, quality and serviceability, except contracts or purchases for:
 - a. Services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part;
 - b. Printing of finance committee reports and departmental reports;

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² 105 ILCS 5/10-20.21(b-10), added by P.A. 99-552.

- c. Printing or engraving of bonds, tax warrants, and other evidences of indebtedness;
 - d. Purchase of perishable foods and perishable beverages;
 - e. Materials and work that have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price;
 - f. Maintenance or servicing of, or provision of repair parts for, equipment which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent;
 - g. Use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services;
 - h. Duplicating machines and supplies;
 - i. Natural gas when the cost is less than that offered by a public utility;
 - j. Equipment previously owned by some entity other than the District itself;
 - k. Repair, maintenance, remodeling, renovation, or construction, or a single project involving an expenditure not to exceed \$50,000 and not involving a change or increase in the size, type, or extent of an existing facility;
 - l. Goods or services procured from another governmental agency;
 - m. Goods or services that are economically procurable from only one source, such as for the purchase of magazines, books, periodicals, pamphlets and reports, and for utility services such as water, light, heat, telephone, or telegraph; ³
 - n. Emergency expenditures when such an emergency expenditure is approved by three-quarters of the members of the Board;
 - o. Goods procured through an education master contract, as defined in the Education Purchasing Program, Article 28A of the School Code; and
 - p. Providing for the transportation of students, which contracts must be advertised in the same manner as competitive bids and awarded by first considering the bidder(s) most able to provide safety and comfort for the students, stability of service, and any other factors set forth in the request for proposal regarding quality of service, and then price.
2. Competitive bidding process:
- a. An invitation for bids is advertised, where possible, by public notice at least ~~10~~^{ten} days before the bid date in a newspaper published in the District, or if no newspaper is published in the District, in a newspaper of general circulation in the area of the District. 105 ILCS 5/10-20.21(a).
 - b. The following information should be included in the advertisement for bids:
 - 1) A description of the materials, supplies, or work involved;
 - 2) Completion or delivery date requirements;
 - 3) Requirements for bids, bonds, and/or deposits;

The footnotes should be removed before the material is used.

³ See Tarsitano v. Tsp. H.S. Dist. No. 211, 896 N.E.2d 359 (Ill.App.1.,2008)(holding that school districts may enter into contracts for utility services, such as “water, light, heat, telephone or telegraph,” without using the competitive bidding process).

- 4) Requirements for performance, labor, and material payment bonds;
 - 5) Date, time, and place of the bid opening;
 - 6) The approximate time period between the opening of bids and the award of the contract; and
 - 7) Any other useful information.
- c. If specifications are available, the advertisement for bids describes where they may be obtained and/or inspected.
 - d. All bids must be sealed by the bidder. 105 ILCS 5/10-20.21(a).
 - e. A Board member or District employee opens the bids at a public bid opening at which time the contents are announced. 105 ILCS 5/10-20.21(a). With the exception of bids for construction purposes, bids may be communicated, accepted, and opened electronically. The following safeguards apply to an electronic bid opening (105 ILCS 5/10-20.21):
 - 1) On the date and time of a bid opening, the primary person conducting the electronic bid process shall log onto a specified database using a unique username and password previously assigned to the bidder to allow access to the bidder's specific bid project number.
 - 2) The specified electronic database must be on a network that: (i) is in a secure environment behind a firewall; (ii) has specific encryption tools; (iii) maintains specific intrusion detection systems; (iv) has redundant systems architecture with data storage back-up, whether by compact disc or tape; and (v) maintains a disaster recovery plan.
 - f. Each bidder is given at least ~~3~~three days' notice of the time and place of the bid opening. 105 ILCS 5/10-20.21(a).
 - g. Conduct that promotes deception and collusion during the bidding process is prohibited and may violate the Ill. Criminal Code, 720 ILCS 5/33E-1 et seq. Examples include interference with public contracting, bid-rigging, and acquisition or disclosure of bidding information by a public official.
3. Following the opening of bids, the Superintendent (and Board Attorney, if needed) determines the lowest responsible bidder and verifies the bidders' qualifications. Contracts are awarded at a properly called open meeting of the Board. If the Superintendent recommends a bidder other than the lowest bidder, the Superintendent must provide the Board with the factual basis for the recommendation in writing. The Board, if it accepts a bid from a bidder other than the lowest, records the factual basis for its decision in its minutes. A contract arises only when the Board votes to accept a bid, although written notice of the award will later be given to the successful bidder.
 4. Notwithstanding the foregoing, the District is relieved from bidding when making joint purchases with other public entities in compliance with the Governmental Joint Purchasing Act (30 ILCS 525/0.01).

LEGAL REF.: 30 ILCS 580/, Ill. Drug Free Workplace Act.
 50 ILCS 510/, Local Government Professional Services Selection Act.
 105 ILCS 5/10-20.21 and 5/10-20.44.

Administrative Procedure - Criminal History Records Check of Contractor Employees

Actor	Action
<p>Firm contracting with the District, referred to herein as "contractor"</p>	<p>Prohibits any of the contractor's employees from having direct, daily contact with one or more students if the employee was found guilty of any offense in <u>105 ILCS 5/10-21.9(c) or 5/21B-80(c), amended by P.A. 99-667.</u></p> <p><u>Prohibits any of the contractor's employees from having direct, daily contact with one or more students if the employee was found guilty of any offense in 5/21B-80(b) (certain drug offenses) until seven years following the end of the employee's sentence for the criminal offense.</u></p> <p>Requires each employee who will have direct, daily contact with student(s) to cooperate during the District's fingerprint-based criminal history records check on him or her. 105 ILCS 5/10-21.9(f).</p> <p>Reimburses the District for the cost of the fingerprint-based criminal history records check that the District obtains on each employee of a contractor who will have direct, daily contact with student(s).</p>
<p>Superintendent or designee</p>	<p>Requires that the following paragraph be included in each contract with any firm whenever any employee of the firm will have direct, daily contact with one or more students.</p> <p>The contractor shall not send to any school building or school property any employee or agent who has been convicted of a crime listed in <u>105 ILCS 5/10-21.9(c) and/or 5/21B-80(c), as amended from time to time, or who is listed in the Illinois Sex Offender Registry or the Illinois Murderer and Violent Offender Against Youth Registry. The contractor shall not send to any school building or school property any employee or agent who has been convicted of a crime listed in 105 ILCS 5/21B-80(b) (certain drug offenses) until seven years following the end of the employee's sentence for the criminal offense.</u> The contractor shall make every employee who will have direct, daily contact with one or more students available to the District for the purpose of submitting to a fingerprint-based criminal history records check. The check shall occur before any employee or agent is sent to any school building or school property. The contractor will reimburse the District for the cost of each check. The District must also provide a copy of the report to the individual employee of the contractor, but is not authorized to release it to the contractor. Additionally, at least quarterly, the contractor shall check if any of its</p>

Actor	Action
	<p>employees or agents having direct, daily contact with one or more students is listed on the Illinois Sex Offender Registry or the Illinois Murderer and Violent Offender Against Youth Registry.</p> <p>Completes the required forms to request a fingerprint-based criminal history record check on each contractor's employee who will have direct, daily contact with one or more students. 105 ILCS 5/10-21.9(f). See 5:30-AP2, <i>Investigations</i>. Screens the individual's name and address against the: (1) Illinois Sex Offender Registry, www.isp.state.il.us/sor/, and (2) the Violent Offender Against Youth Registry maintained by the Ill. State Police, www.isp.state.il.us/cmvo/.</p> <p>Whenever a contractor sends an employee who will have direct, daily contact with a student(s) to the District for the first time, ASKS the contractor:</p> <ol style="list-style-type: none"> 1. Will this employee be assigned to more than one school district? IF YES, may request the applicable Regional Superintendent to be responsible for obtaining a fingerprint-based criminal history records check and checking the Statewide Sex Offender Database for each such employee. The Regional Superintendent is required to promptly report to the District any information concerning the employee's record of conviction and identification as a sex offender. 105 ILCS 5/10-21.9(f). 2. Has another Illinois school district already conducted a fingerprint-based criminal history records check on the employee within the last year? IF YES, may request a copy of it for that contractor's employee from the school district where the contractor's employee worked or works. The District may rely on a check done by another district within the last year. 105 ILCS 5/10-21.9(h). <p>NOTENote: State law does not define "within the last year."</p> <p>Upon a request from any school, school district, community college district, or private school for a copy of a fingerprint-based criminal history records check for an employee of a contractor, FIRST determines if the District conducted the check within the last year. IF YES, provides a copy of it to the requesting entity. 105 ILCS 5/10-21.9(h).</p> <p>NOTENote: An immunity provision, contained in 20 ILCS 2635/7(A)(3), makes the District not liable to an individual for its reasonable actions taken in reliance on the individual's criminal history records information (CHRI) report. The District will lose the immunity if it was notified by the individual or by the ISP that the CHRI report is inaccurate or incomplete.</p>

Cross Reference and Resource

1. 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.
2. **Criminal History Records Check** in 5:30-AP2, *Investigations*.

Operational Services

Accounting and Audits ¹

The School District's accounting and audit services shall comply with the *Requirements for Accounting, Budgeting, Financial Reporting, and Auditing*, as adopted by the Illinois State Board of Education, State and federal laws and regulations, and generally accepted accounting principles. Determination of liabilities and assets, prioritization of expenditures of governmental funds, and provisions for accounting disclosures shall be made in accordance with government accounting standards as directed by the auditor designated by the Board. The Superintendent, in addition to other assigned financial responsibilities, shall report monthly on the District's financial performance, both income and expense, in relation to the financial plan represented in the budget.

Annual Audit ²

At the close of each fiscal year, the Superintendent shall arrange an audit of the District funds, accounts, statements, and other financial matters. The audit shall be performed by an independent certified public accountant designated by the Board and be conducted in conformance with prescribed standards and legal requirements. A complete and detailed written audit report shall be provided to each Board member and to the Superintendent. The Superintendent shall annually, on or before October 15, submit an original and one copy of the audit to the Regional Superintendent of Schools.

Annual Financial Report ³

The Superintendent or designee shall annually prepare and submit the Annual Financial Report on a timely basis using the form adopted by the Illinois State Board of Education. The Superintendent shall review and discuss the Annual Financial Report with the Board before it is submitted.

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

¹ State or federal law controls this policy's content. A board policy or resolution is required concerning revolving funds and petty cash (23 Ill.Admin.Code §100.70). This policy is intended to facilitate the board's fiscal oversight role. The last sentence of the first paragraph should be modified to align with local conditions. The *Requirements for Accounting, Budgeting, Financial Reporting, and Auditing* replaced 23 Ill.Admin.Code; Part 110 *Program Accounting Manual* and 23 Ill.Admin Code Part 125 *Student Activity Funds and Convenience Accounts*. The *Requirements for Accounting, Budgeting, Financial Reporting, and Auditing* is at 23 Ill.Admin.Code Part 100.

² Audit requirements are found in 105 ILCS 5/3-7 and 5/3-15.1, and 23 Ill.Admin.Code §100.110. The federal Single Audit Act adds audit requirements for federal programs (31 U.S.C. §7501 *et seq.*).

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent of Schools" with "appropriate Intermediate Service Center." Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center." P.A. 96-893 abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to Intermediate Service Centers.

The following optional sentence establishes an audit committee: "The Board will annually establish an audit committee to help the Board select an external auditor, confer with the auditor regarding the audit's scope, and oversee the audit process." Note: ~~all~~ board committees are subject to the Open Meetings Act.

The following optional sentence establishes a competitive process for selecting the external auditor; it prevents a long-term relationship with an auditor and reduces the possibility of audits being too routine or friendly: "The Board will annually advertise a request for proposals to perform the external audit." Substitute "periodically" for "annually" if desired.

³ Requirements for the annual financial report are found in 105 ILCS 5/2-3.27 and 5/3-15.1; 23 Ill.Admin.Code §100.100. The last sentence of this section should be modified to align with local conditions.

Inventories 4

The Superintendent or designee is responsible for establishing and maintaining accurate inventory records. The inventory record of supplies and equipment shall include a description of each item, quantity, location, purchase date, and cost or estimated replacement cost.

Disposition of District Property 5

The Superintendent or designee shall notify the Board, as necessary, of the following so that the Board may consider its disposition: (1) District personal property (property other than buildings and land) that is no longer needed for school purposes, and (2) school site, building, or other real estate that is unnecessary, unsuitable, or inconvenient. Notwithstanding the above, the Superintendent or designee may unilaterally dispose of personal property of a diminutive value.

Taxable Fringe Benefits 6

The Superintendent or designee shall: (1) require that all use of District property or equipment by employees is for the District's convenience and best interests unless it is a Board-approved fringe benefit, and (2) ensure compliance with the Internal Revenue Service regulations regarding when to report an employee's personal use of District property or equipment as taxable compensation.

Controls for Revolving Funds and Petty Cash 7

Revolving funds and the petty cash system are established in Board policy 4:50, *Payment Procedures*. The Superintendent shall: (1) designate a custodian for each revolving fund and petty cash fund, (2) obtain a bond for each fund custodian, and (3) maintain the funds in compliance with this policy, State law, and Illinois State Board of Education rules. A check for the petty cash fund may be drawn payable to the designated petty cash custodian. Bank accounts for revolving funds are limited to a maximum balance of \$500.00. All expenditures from these bank accounts must be directly related to the purpose for which the account was established and supported with documentation, including signed invoices or receipts. All deposits into these bank accounts must be accompanied with a clear description of their intended purpose. The Superintendent or designee shall include checks written to reimburse revolving funds on the Board's monthly listing of bills indicating the recipient and including an explanation.

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

⁴ The Illinois Program Accounting Manual (IPAM) was repealed and replaced with the *Requirements for Accounting, Budgeting, Financial Reporting, and Auditing*. While these new rules contain much of the IPAM information, the information about inventories was not included. That information is still useful and may be found at www.isbe.state.il.us/sfms/pdf/ipam.pdf. The last sentence of this section should be modified to align with local conditions.

⁵ The requirements in this section are specified in 105 ILCS 5/5-22, amended by P.A. 99-794, eff. 1-1-17 (allowing property constructed or renovated by students as part of a curricular program to be sold through the services of a licensed real estate broker subject to certain requirements) and 5/10-22.8. A board that desires to act on the disposition of property having any value should use the following alternative to this section's ~~the~~ last sentence: "Notwithstanding the above, the Superintendent or designee may unilaterally dispose of worthless personal property."

⁶ The intent of this optional section is twofold: (1) to control personal use of district property and equipment, and (2) to ensure compliance with IRS rules. As to the first point, allowing personal use of district property or equipment is arguably prohibited by the Ill. Constitution, Art. VIII, Sec 1 which states: "Public funds, property or credit shall be used only for public purposes." As to the second point, any fringe benefit an employer provides is taxable and must be included in the recipient's pay unless the law specifically excludes it. See Publication 15-B (2008), *Employer's Tax Guide to Fringe Benefits*, www.irs.gov/pub/irs-pdf/p15b.pdf.

⁷ 105 ILCS 5/10-20.19; 23 Ill.Admin.Code §100.70. This paragraph's contents are mandatory, except for the \$500 cap on the maximum balance of revolving funds. The cap amount may be changed or the following alternative used: "Each revolving fund shall be maintained in a bank that has been approved by the Board and established in an amount approved by the Superintendent consistent with the annual budget."

Control Requirements for Checks 8

The Board must approve all bank accounts opened or established in the District's or a District school's name or with the District's Federal Employer Identification Number. All checks issued by the School District must be signed by either the Treasurer or Board President, except that checks from an account containing student activity funds and revolving accounts may be signed by the respective account custodian.

Internal Controls 9

The Superintendent is primarily responsible for establishing and implementing a system of internal controls for safeguarding the District's financial condition; the Board, however, will oversee these safeguards. The control objectives are to ensure efficient business and financial practices, reliable financial reporting, and compliance with State law and Board policies, and to prevent losses from fraud, employee error, misrepresentation by third parties, or imprudent employee action.

The Superintendent or designee shall annually audit the District's financial and business operations for compliance with established internal controls and provide the results to the Board. The Board may from time-to-time engage a third party to audit internal controls in addition to the annual audit.

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

8 This section is largely up to the local board's discretion; additional controls may be added. The following alternative to the second sentence will mandate two signatories for checks:

Two of the following individuals, the Treasurer, Board President, and/or Board Vice-President, shall sign all checks issued by the School District, except that checks from an account containing student activity funds and revolving accounts may be signed by the respective account custodian.

A board must comply with State law requirements concerning the use of facsimile or electronic signatures on checks. The Secretary of State, Index Department, maintains certified manual signatures of officers authorized to sign checks (Uniform Facsimile Signature of Public Officials Act, 30 ILCS 320/). Electronic records and signatures are governed by the Electronic Commerce Security Act (5 ILCS 175/5). Attorneys disagree about the applicability of these laws to school districts.

9 This section is largely up to the local board's discretion. The annual audit must include a "review and testing of the internal control structure" (23 Ill.Admin.Code §100.110). This review's limited scope means that boards should not rely on it to reveal uncontrolled financial risks. The board's responsibility is to establish policy to safeguard the district's financial condition. Indeed, the oath of office includes this promise: "I shall respect taxpayer interests by serving as a faithful protector of the school district's assets." In this sample policy, the board sets the control objectives and the superintendent is responsible for developing an internal controls system.

Boards that wish to take a larger oversight role regarding internal controls may list the numbered sentences in the IASB sample administrative procedure 4:80-AP, *Checklist for Internal Controls*, as required inclusions in the superintendent's program for internal controls. This alternative, for insertion at the end of this section's first paragraph, follows:

The District's system of internal controls shall include the following:

1. All financial transactions must be properly authorized and documented.
2. Financial records and data must be accurate and complete.
3. Accounts payable must be accurate and punctual.
4. District assets must be protected from loss or misuse.
5. Incompatible duties should be segregated, if possible.
6. Accounting records must be periodically reconciled.
7. Equipment and supplies must be safeguarded.
8. Staff members with financial or business responsibilities must be properly trained and supervised, and must perform their responsibilities with utmost care and competence.
9. Any unnecessary weaknesses or financial risks must be promptly corrected.

LEGAL REF.: 105 ILCS 5/2-3.27, 5/2-3.28, 5/3-7, 5/3-15.1, 5/5-22, 5/10-21.4, 5/10-20.19, 5/10-22.8, and 5/17-1 et seq.
23 Ill.Admin.Code Part 100.

CROSS REF.: 4:10 (Fiscal and Business Management), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards), 4:90 (Activity Funds)

Operational Services

Administrative Procedure - Checklist for Internal Controls ¹

The District's system of internal controls shall include the following:

1. All financial transactions must be properly authorized and documented. This includes:
 - No check is issued without pre-approved documentation for the expenditure pursuant to the Local Government Travel Expense Control Act, 50 ILCS 150/10, added by P.A. 99-604, eff. 1-1-17, e.g., a signed voucher, a completed and approved travel request, an approved purchase requisition, an order, or an invoice 2:125-E1, Board Member Expense Reimbursement Form; 2:125-E2, Board Member Estimated Expense Approval Form; 5:60-E1, Employee Expense Reimbursement Form; and 5:60-E2, Employee Estimated Expense Approval Form.
 - No bank account is opened or established in the District's or a District school's name or with the District's Federal Employer Identification Number without pre-approved documentation.
 - No credit or procurement card is assigned to an individual without pre-approved documentation. All use of a credit or procurement card must be in compliance with Board policy 4:55, *Use of Credit and Procurement Cards*, and administrative procedure 4:55-AP, *Controls for the Use of District Credit and Procurement Cards*.
 - Every receipt to and expenditure from a revolving fund and a petty cash fund are supported with clear documentation and otherwise comply with Board policies 4:50, *Payment Procedures*, and 4:80, *Accounting and Audits*.
 - A record is made of all checks issued and all payments made by credit or procurement cards that includes descriptive information sufficient to allow assignment of the appropriate code.
2. Financial records and data must be accurate and complete. This includes:
 - Data entries are timely made.
 - Cash handling is properly recorded.
 - Checks are sequentially numbered and missing checks are accounted for.
 - Financial reporting deadlines are followed.
3. Accounts payable must be accurate and punctual. This includes:
 - Payments are made on a timely basis.
 - A thorough explanation is provided for any over/underpayments.
 - Payroll and benefits are reviewed and continually updated.
4. District property must be protected from loss or misuse. This includes:

The footnotes should be removed before the material is used.

¹ The administrative procedure can serve to generate discussion concerning internal controls among relevant district staff members and the district's auditor. It must be customized to reflect conditions in each district. Its effectiveness will be greatly enhanced if the employee responsible for each control is identified. A board that wants to take a significant oversight role regarding internal controls may want to list the numbered sentences in its policy 4:80, *Accounting and Audits*, as required inclusions in the superintendent's program for internal controls.

- Valuable technology assets are safeguarded from theft or loss.
 - A backup and recovery system is developed for electronic systems.
 - Only authorized individuals have access to various systems.
 - Passwords are kept secure and frequently changed.
 - Keys are kept secure and accounted for.
 - District property is not *borrowed* or otherwise used for private purposes.
 - District personal property having a monetary value (excluding, for example, trash, outdated equipment, consumed consumables, and spoilage) is discarded only with the Board's prior approval.
5. Incompatible duties should be segregated, if possible. This includes:
- Transaction approval is separated from disbursement approval duties so that no single individual controls all phases of the claim payment process.
 - Other controls are used if segregation of duties is impossible.
6. Accounting records are periodically reconciled. This includes:
- All accounts are balanced monthly.
 - All statements from checking accounts and credit cards are reconciled monthly.
 - Expenses are verified against receipts.
 - Out-of-balance conditions are investigated.
7. Equipment and supplies must be safeguarded. This includes:
- Inventories are periodically taken and inspections are frequently made.
 - A reliable record is kept identifying what technology assets have been provided to specific employees.
 - Access to supplies is limited and controlled.
8. Staff members with financial or business responsibilities must be properly trained and supervised, and must perform their responsibilities with utmost care and competence.
- Responsibilities match job descriptions.
 - If required by State law, staff members are appropriately bonded.
 - Staff members are held accountable for complying with Board policies and administrative processes or procedures that have been established to safeguard the District's financial condition.
 - Staff members are appropriately trained and evaluated.
 - Staff members are encouraged to notify their supervisors or the Superintendent of risks, losses, and/or concerns.
9. Any unnecessary weaknesses or financial risks must be promptly corrected. This includes:
- Internal control concerns raised by the District's independent auditor in connection with the annual financial audit are properly addressed.
 - Internal or external auditors are annually engaged to assess risk and/or test existing internal controls for those areas not included within the scope of the annual financial audit; concerns are promptly addressed.

Operational Services

Transportation 1

The District shall provide free transportation for any student in the District who resides: (1) at a distance of one and one-half miles or more from his or her assigned school, unless the School Board has certified to the Illinois State Board of Education that adequate public transportation is available,² or (2) within one and one-half miles from his or her assigned school where walking to school or to a pick-up point or bus stop would constitute a serious hazard due to vehicular traffic or rail crossing, and adequate public transportation is not available.³ A student's parent(s)/guardian(s) may file a petition with the Board requesting transportation due to the existence of a serious safety hazard.⁴ Free transportation service and vehicle adaptation is provided for a special education student if included in the student's individualized educational program.⁵ Non-public school students shall be transported in accordance with State law.⁶ Homeless students shall be transported in accordance with Section 45/1-

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

¹ State law controls this policy's content (105 ILCS 5/29-1 *et seq.* and 23 Ill.Admin.Code Part 120). **Important: The board of a district that does *not* provide transportation must amend this policy.** F/n 2 discusses when districts must provide free transportation. Please contact an IASB Policy Consultant for *gratis* help customizing this policy. You may also need to consult the board attorney.

A district that chooses to consider locations other than individual students' residences as pick-up and drop-off locations must adopt a policy establishing this practice to receive State reimbursement (23 Ill.Admin.Code §120.30(a)(1)(B)).

Each district must have a pre-trip and post-trip inspection policy (625 ILCS 5/12-816(a)). An ISBE rule requires boards to "institute policies and practices that promote the safety and well-being of school bus passengers," (23 Ill.Admin.Code §1.510(g)). To comply with these requirements, this policy lists relevant administrative procedures at the end.

The policy does not address an *automatic traffic enforcement* system which may be enacted by a municipality or county. An *automatic traffic law enforcement system* is a device that senses and records a motor vehicle that illegally fails to stop for a school bus (625 ILCS 5/11-208.9). Each school board within that municipality or county's jurisdiction may approve the system's implementation. The board is then required to enter into an intergovernmental agreement with the municipality or county and contract with vendors for the system's installation, maintenance, and operation. Each applicable school bus must be posted with a sign indicating that it is being monitored by an automated traffic law enforcement system. The proceeds from a school district's automated traffic law enforcement system's fines shall be divided equally between the school district and the municipality or county administering the automated traffic law enforcement system.

² Only the following districts must provide free transportation as described in the sample policy: community consolidated districts, community unit districts, consolidated districts, consolidated high school districts, and combined school districts if the combined district includes any district that was previously required to provide transportation (105 ILCS 5/29-3 and 23 Ill.Admin.Code §1.510(a)). Districts that are not required to provide free transportation may do so (*Id.*). To qualify for State reimbursement, districts electing to provide transportation when they are not required to do so must afford the same service to all students in that same situation (23 Ill.Admin.Code §1.510(b)). Districts may provide transportation within 4-1/2one and one-half miles and may charge for such transportation (105 ILCS 5/29-2).

Optional provision: (105 ILCS 5/29-3.1)

The District may provide transportation to and from school-sponsored activities and may charge for such transportation.

³ 105 ILCS 5/29-3 and 23 Ill.Admin.Code §1.510.

⁴ Required by 105 ILCS 5/29-3. Another statute provides a process for *qualifying students* to seek reimbursement from ISBE for *qualified transportation expenses* (105 ILCS 5/29-5.2; 23 Ill.Admin.Code §120.240). 23 Ill.Admin.Code §120.230 requires, among other things, that each attendance center designate a representative to assist parents/guardians with this process. This process does not need to be in board policy and is not covered herein.

⁵ 34 C.F.R. §300.34 and 23 Ill.Admin.Code §226.750.

⁶ 105 ILCS 5/29-3.2 and 5/29-4.

15 of the Education for Homeless Children Act.⁷ Foster care students shall be transported in accordance with Section 6312(c)(5)(B) of the Elementary and Secondary Education Act. ⁸

If a student is at a location within the District, other than his or her residence, for child care purposes at the time for transportation to and/or from school, that location may be considered for purposes of determining the ~~1½~~ one and one-half miles from the school attended. Unless the Superintendent or designee establishes new routes, pick-up and drop-off locations for students in day care must be along the District's regular routes. The District will not discriminate among types of locations where day care is provided, which may include the premises of licensed providers, relatives' homes, or neighbors' homes.⁹

Bus schedules and routes shall be determined by the Superintendent or designee and shall be altered only with the Superintendent or designee's approval and direction. In setting the routes, the pick-up and discharge points should be as safe for students as possible.¹⁰

No school employee may transport students in school or private vehicles unless authorized by the administration. ¹¹

Every vehicle regularly used for the transportation of students must pass safety inspections in accordance with State law and Illinois Department of Transportation regulations.¹² The strobe light

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⁷ 105 ILCS 45/. State law implements the McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 *et seq.*

⁸ Required if the district receives Title I funds (20 U.S.C. §6312(c)(5)(B)). It requires the district to collaborate with the State or local child welfare agency to, by December 10, 2016, develop and implement clear written procedures governing how transportation to maintain children in foster care in the school of origin (when in their best interest) will be provided, arranged, and funded for the duration of their time in foster care. The U.S. Departments of Education and Health and Human Services, in *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care* (June 23, 2016), opine that ESEA requirements apply to students who meet the definition of *foster care* set forth at 45 C.F.R. §1355.20(a):

Foster care means 24-hour substitute care for children placed away from their parents or guardians and for whom the title IV-E agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the State, Tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made.

Effective December 10, 2016, ESEA foster care transportation requirements also apply to students *awaiting* foster care placement.

^{105 ILCS 5/10-20.58, added by P.A. 99-781} permits school boards to appoint at least one employee to act as a liaison to facilitate the enrollment and transfer of records of students in the legal custody of the Ill. Department of Children and Family Services (DCFS) when enrolling in or changing schools. Liaison responsibilities may include, among other things, working with DCFS to help students maintain their school placement, if appropriate.

⁹ This paragraph should be deleted if a district will not seek State reimbursement for transportation to and from locations other than individual students' residences. As a condition for receiving State reimbursement, an ISBE rule requires boards to have a policy with the provisions in this paragraph (23 Ill.Admin.Code §120.30(a)(1)(B)). This rule also contains the non-discrimination language.

¹⁰ The paragraph is optional. As an alternative, a board may state that pick-up and discharge points "should be as safe and convenient as possible."

¹¹ Optional. This presents an opportunity for each board to discuss this issue with the superintendent and direct the superintendent to include it in the curriculum for the required in-service on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel (105 ILCS 5/10-22.39). See 5:120, *Ethics and Conduct (fn 2)*, and 5:100 *Staff Development Program (fn 3)*, and 5:120, *Ethics and Conduct (fn 2)*, for more detailed discussions. Include policies 5:100, *Staff Development Program* and 5:120, *Ethics and Conduct*, in the cross references when this sentence is used.

on a school bus may be illuminated only when the bus is actually being used as a school bus and (1) is stopping or stopped for loading or discharging students on a highway outside an urban area, or (2) is bearing one or more students.¹³ The Superintendent shall implement procedures in accordance with State law for accepting comment calls about school bus driving.¹⁴

All contracts for charter bus services must contain the clause prescribed by State law regarding criminal background checks for bus drivers.¹⁵

¹² 625 ILCS 5/13-109. The vehicle and other requirements for transporting students to and from interscholastic or school-sponsored activities, including curriculum-related activities, are found in 105 ILCS 5/29-6.3 and 625 ILCS 5/11-1414.1. These statutes also contain requirements for the use of multi-function school activity buses (defined at 625 ILCS 5/1-148.3a-5). The legislature frequently amends these statutes, along with many transportation laws; they should be double-checked before relying on them.

¹³ 625 ILCS 5/12-815. The statute, like the policy, identifies the conditions in which illuminating the strobe light is permissible instead of mandating when they must be illuminated.

¹⁴ 625 ILCS 5/12-821(b) requires districts that own school busses and multifunction school activity busses to establish procedures for accepting comment calls and responding to them. In accordance with good governance principles, this duty is delegated to the superintendent. For a sample procedure, see 4:110-AP2, *Bus Driver Communication Devices; Pre-Trip and Post-Trip Inspection; Bus Driving Comments*.

¹⁵ 105 ILCS 5/10-20.21a, requires all contracts for providing charter bus services to transport students to or from interscholastic athletic or interscholastic or school sponsored activities to contain clause (A) except that a contract with an out-of-state company may contain clause (B) or clause (A). The clause must be set forth in the contract's body in at least 12 points typeface and all upper case letters:

(A) "ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:

(1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION THAT THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION 6-508 OF THE ILLINOIS VEHICLE CODE; AND

(2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION, INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY AGENCY."

(B) "NOT ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:

(1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION THAT THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION 6-508 OF THE ILLINOIS VEHICLE CODE; AND

(2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION, INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY AGENCY."

Pre-Trip and Post-Trip Vehicle Inspection¹⁶

The Superintendent or designee shall develop and implement a pre-trip and post-trip inspection procedure to ensure that the school bus driver: (1) tests the two-way radio or cellular radio telecommunication device and ensures that it is functioning properly before the bus is operated, and (2) walks to the rear of the bus before leaving the bus at the end of each route, work shift, or work day, to check the bus for children or other passengers in the bus.

- LEGAL REF.: Elementary and Secondary Education Act, 20 U.S.C. §6312(c)(5)(B).
McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.
105 ILCS 5/10-22.22 and 5/29-1 et seq.
105 ILCS 45/1-15.
625 ILCS 5/1-148.3a-5, 5/1-182, 5/11-1414.1, 5/12-813, 5/12-813.1, 5/12-815,
5/12-816, 5/12-821, and 5/13-109.
23 Ill.Admin.Code §§1.510 and 226.750; Part 120.
92 Ill.Admin.Code §440-3.
- CROSS REF.: 4:170 (Safety), 5:100 (Staff Development Program), 5:120 (Ethics and Conduct),
5:280 (Educational Support Personnel - Duties and Qualifications), 6:140
(Education of Homeless Children), 6:170 (Title I Programs), 7:220 (Bus
Conduct)
- ADMIN. PROC.: 4:110-AP2 (Bus Driver Communication Devices; Pre-Trip and Post-Trip
Inspection; Bus Driving Comments), 4:110-AP3 (School Bus Safety Rules),
4:110-E (Emergency Medical Information for Students Having Special Needs or
Medical Conditions Who Ride School Buses), 6:140-AP (Education of Homeless
Children)

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

¹⁶ 625 ILCS 5/12-816(a) requires school districts to have a school bus pre- and post-trip inspection policy with the components as contained in this policy. See also 23 Ill.Admin.Code §1.510(i)(3) and 92 Ill.Admin.Code §440-3458.1030. For a sample procedure, see 4:110-AP2, *Bus Driver Communication Devices; Pre-Trip and Post-Trip Inspection; Bus Driving Comments*. School district contracts with a private sector school bus company must require the company to have a pre- and post-trip inspection policy that is equivalent to this section of the policy (625 ILCS 5/12-816(b)).

Each school bus must contain an operating two-way radio or cellular radio telecommunication device while the school bus driver is in possession of a school bus (625 ILCS 5/12-813.1(e)). "Cellular radio telecommunication device" means a device capable of sending or receiving telephone communications without an access line for service and which requires the operator to dial numbers manually; it does not include citizens band radios or citizens band radio hybrids (625 ILCS 5/12-813.1(a)). The two-way radio or cellular radio telecommunication device must be turned on and adjusted in a manner that would alert the driver of an incoming communication request (625 ILCS 5/12-813.1(e)). A school bus driver may not operate a school bus while using a cellular radio telecommunication device except in the following situations: (1) in an emergency situation to communicate with an emergency response operator; a hospital; a physician's office or health clinic; an ambulance service; a fire department, fire district, or fire company; or a police department; (2) in the event of a "mechanical breakdown or other mechanical problem;" (3) to communicate with school authorities about bus operation or the safety of a passenger on the bus; and (4) when the bus is parked (625 ILCS 5/12-813.1(c)). However under no circumstances may the cellular radio telecommunication device be used for anything else including personal use (625 ILCS 5/12-813.1(c)(2)).

Operational Services

Free and Reduced-Price Food Services ¹

Notice

The Superintendent shall be responsible for implementing the District's free and reduced-price food services policy and all applicable programs. ² ³

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

¹ State or federal law controls this policy's content. A policy on eligibility for free and reduced-price meals is required by 7 C.F.R. §245.10 for districts participating in the National School Lunch or Breakfast Programs. See *f/n* 2 below for more information about programs.

² Every public school must have a free lunch program (School Breakfast and Lunch Program Act, 105 ILCS 125/4).

Each school where at least 40% or more of the students are eligible for free or reduced-price lunches must operate a school breakfast program (Childhood Hunger Relief Act, 105 ILCS 126/15). A school district may opt-out if the expense reimbursement would not fully cover the costs of implementing and operating the breakfast program. To do so, the district must petition its regional superintendent by February 15. The regional superintendent, after a public hearing, and by March 15, informs the district of his or her decision. If the regional superintendent does not grant an exemption, the district must implement a school breakfast program by the first student attendance day of the next school year. However, the school district or a resident of the school district may appeal the regional superintendent's decision to the State Superintendent of Education.

School districts must, by February 15, promulgate a plan to serve breakfast and/or lunch at each school where 50% or more of the students are eligible for free or reduced-price school meals *and* have a summer school program operating during the summer months. 105 ILCS 126/20. School districts must implement these programs every summer as long as the school district has a school or schools that meet the criteria. If a school building with a 50% or greater free and reduced percentage does not operate a summer school program, the school district shall make information available regarding the number of children in the school eligible for free or reduced-price school meals upon request by a non-profit organization. A school district may utilize an *opt-out* provision if documentation shows the expense reimbursement would not fully cover the costs of implementing and operating a program. To do so, the district must petition its regional superintendent of schools by January 15. The regional superintendent, after a public hearing, and by March 1, informs the district of his or her decision. If the regional superintendent does not grant an exemption, the district must implement and operate the summer food program the summer following the current school year. However, the school district or a resident of the school district may appeal the regional superintendent's decision to the State Superintendent of Education who shall hear appeals and make a final decision no later than April 1. Resources for promulgating a plan for a summer breakfast or lunch (or both) food service program are available on ISBE's website at: www.isbe.net/nutrition/htmls/national_school_lunch.htm and www.isbe.net/nutrition/htmls/summer.htm.

105 ILCS 126/16, added by P.A. 99-850, eff. 1-1-17, requires qualifying school districts to implement and operate a breakfast after the bell program by the first school day of the 2017-2018 academic year in each of its school buildings where:

1. At least 70% or more of the students are eligible for free or reduced-price lunches based upon the previous year's October claim (for those schools that participate in the National School Lunch Program,
2. At least 70% or more of the students are classified as low-income according to the Fall Housing Data from the previous year (for those schools that do not participate in the National School Lunch Program), or
3. An individual building's site percentage for free or reduced-price meals of 70% or more (for those schools using Provision 2 under Section 11(a)(1) of the federal Richard B. Russell National School Lunch Act or the Community Eligibility Provision under Section 104(a) of the federal Healthy, Hunger-Free Kids Act of 2010 to provide universal meals).

Schools that fall below the applicable 70% threshold for two consecutive years may either continue participating in the program or discontinue it (Id.).

Each school under this Section may determine the breakfast after the bell service model that best suits its students. Service models include, but are not limited to, breakfast in the classroom, grab and go breakfast, and second-chance breakfast (Id. at (c)).

A district is not required to implement a breakfast after the bell program when it can demonstrate that:

- i) Delivery of school breakfasts effectively, as defined by 70% or more of free or reduced-price eligible students participating in the School Breakfast Program, or

Eligibility Criteria and Selection of Children 4

A student's eligibility for free and reduced-price food services shall be determined by the income eligibility guidelines, family-size income standards, set annually by the U.S. Department of Agriculture and distributed by the Illinois State Board of Education.

Notification 5

At the beginning of each school year, by letter, the District shall notify students and their parents/guardians of: (1) eligibility requirements for free and reduced-price food service; (2) the application process; (3) the name and telephone number of a contact person for the program;⁶ and (4) other information required by federal law. The Superintendent shall provide the same information to: (1) informational media, the local unemployment office, and any major area employers contemplating layoffs;⁷ and (2) the District's website (if applicable), all school newsletters, or students' registration materials.⁸ Parents/guardians enrolling a child in the District for the first time, any time during the school year, shall receive the eligibility information.

Nondiscrimination Assurance 9

The District shall avoid publicly identifying students receiving free or reduced-price meals and shall use methods for collecting meal payments that prevent identification of children receiving assistance.

- ii) Its reimbursement for the program would not fully cover its implementation and operation costs due to district-specific circumstances (a cost analysis must be submitted to the school board, the board must hold a public hearing, and the board must pass a resolution that the district cannot afford to operate a breakfast after the bell program).

A board must post the time, date, place, and general subject matter of the public hearing on its website and notify the State Board of Education at least 14 days prior to the hearing (Id. at (d)).

³ 7 C.F.R. §245.10(a)(1).

⁴ 7 C.F.R. §245.3; see also the subhead titled Household Eligibility Criteria on State Board of Education's website at www.isbe.net/nutrition/htmls/forms_sbn.htm#hei. If a child transfers from one district school to another district school, his or her eligibility for free or reduced price meals or for free milk, if previously established, is honored by the receiving school.

Beginning in the year 2011-2012, the U.S. Depts. of Agriculture and Education implemented a new claiming option for providing reimbursements to school districts that provide free breakfasts and lunches to all students in schools with significantly economically disadvantaged populations. It is called the Community Eligibility Provision Option (CEPO). For more information about qualifying for and claiming through this reimbursement method, see www.isbe.net/e-bulletins/pdf/02-12.pdf.

For districts that qualify for and claim the CEPO, insert the following sentence at the end of the first sentence:

From time to time, the income eligibility guidelines and standards may not be necessary when reimbursements for students' free breakfasts and lunches are claimed through the U.S. Depts. of Agriculture and Education's Community Eligibility Provision Option (CEPO). When claiming the CEPO, the District will follow its requirements.

All subheads in this policy that detail the legal requirements under State and federal laws continue to apply when CEPO is used and should remain in the policy.

⁵ 7 C.F.R. §245.5; 23 Ill.Admin.Code §305.10(c). Any changes in the eligibility criteria must be announced according to 7 C.F.R. §245.5(b).

⁶ 23 Ill.Admin.Code §305.10(c) requires notification of this one additional piece of information.

⁷ 7 C.F.R. §245.5.

⁸ 23 Ill.Admin.Code §305.10(c). Only one medium must be used; a board may choose one medium and delete the others from the policy or use them all.

⁹ 7 C.F.R. §§245.8 and 245.10(a)(4).

Appeal 10

A family may appeal the District's decision to deny an application for free and reduced-price food services or to terminate such services as outlined by the U.S. Department of Agriculture in 7 C.F.R. §245.7, Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools. The Superintendent shall establish a hearing procedure for adverse eligibility decisions and provide by mail a copy of them to the family. The District may also use these procedures to challenge a child's continued eligibility for free or reduced-price meals or milk.

During an appeal, students previously receiving food service benefits shall not have their benefits terminated. Students who were denied benefits shall not receive benefits during the appeal.

The Superintendent shall keep on file for a period of three ~~3~~-years a record of any appeals made and the hearing record. The District shall also maintain accurate and complete records showing the data and method used to determine the number of eligible students served free and reduced-price food services. These records shall be maintained for three ~~3~~-years.

LEGAL REF.: U.S. Dept. of Agriculture, Food and Nutrition Service, National School Lunch Program, 7 C.F.R. Part 210.
U.S. Dept. of Agriculture, Food and Nutrition Service, Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools, 7 C.F.R. Part 245.
105 ILCS 125/ and 126/
23 Ill.Admin.Code §305.10 et seq.

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.
10 7 C.F.R. §245.7. The minimal hearing requirements are also found there.

Operational Services

Facility Management and Building Programs ¹

The Superintendent shall manage the District's facilities and grounds as well as facility construction and building programs in accordance with the law, the standards set forth in this policy, and other applicable School Board policies. The Superintendent or designee shall facilitate: (1) inspections of schools by the Regional Superintendent and State Fire Marshal or designee, and (2) review of plans and specifications for future construction or alterations of a school if requested by the relevant municipality, county (if applicable), or fire protection district. ²

Standards for Managing Buildings and Grounds

All District buildings and grounds shall be adequately maintained in order to provide an appropriate, safe, and energy efficient physical environment for learning and teaching. The Superintendent or designee shall provide the Board with periodic reports on maintenance data and projected maintenance needs that include cost analysis. Prior Board approval is needed for all renovations or permanent alterations to buildings or grounds when the total cost will exceed \$12,500, including the cost equivalent of staff time.³ This policy is not intended to discourage efforts to improve the appearance of buildings or grounds that are consistent with the designated use of those buildings and grounds.

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

¹ Each district with a school having 50 or more students must have a green school cleaning policy (Green Cleaning School Act, 105 ILCS 140/). IASB sample policy 4:160, *Environmental Quality of Buildings and Grounds*, fulfills the requirement to have a procedure on compliance with the Chemical Safety Act (105 ILCS 5/10-20.49). Many other State and federal laws control facility management and building programs. Good subjects for administrative procedures include management of custodial services, security, and green cleaning, among others.

The federal rules implementing the Americans with Disabilities Act (ADA) prohibit discrimination on the basis of disability in services and facilities (28 C.F.R. Parts 35 and 36). The 2010 ADA Standards for Accessible Design (28 C.F.R. Part 36, Appendix) are available from a link on the ADA home page, www.ada.gov/. Consult the board attorney about how these standards apply to alterations and new construction.

The Prevailing Wage Act is generally applicable to all construction projects (820 ILCS 130/). It requires, among other things, that: (1) all workers on a public works project be paid no less than the prevailing hourly rate (820 ILCS 130/1), (2) the district specify in all public works contracts that the prevailing rate must be paid (820 ILCS 130/4(a-1)), and (3) all contractors must submit certain employment records to the district and the district must keep these records as required by law (820 ILCS 130/5, amended by P.A.s 98-328 and 98-482).

² 105 ILCS 5/3-14.20 and 5/3-14.21.

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center." ~~The Regional Office of Education for Suburban Cook County was abolished and its duties and powers transferred to the Intermediate Service Center for the area by P.A. 96-893.~~

³ This provision is optional and the amount may be changed. The \$12,500 spending limit is one-half of the bidding threshold for purchases or contracts (105 ILCS 5/10-20.21). This provision's intent is to ensure that the board is kept informed about significant renovations and permanent alterations. A board should discuss this provision with its superintendent before including it in the policy.

Standards for Green Cleaning 4

For each District school with 50 or more students, the Superintendent or designee shall establish and supervise a green cleaning program that complies with the guidelines established by the Illinois Green Government Coordinating Council.

Standards for Facility Construction and Building Programs 5

As appropriate, the Board will authorize a comprehensive study to determine the need for facility construction and expansion. On an annual basis, the Superintendent or designee shall provide the Board with projected facility needs, enrollment trends, and other data impacting facility use. Board approval is needed for all new facility construction and expansion.

When making decisions pertaining to design and construction of school facilities, the Board will confer with members of the staff and community, the Illinois State Board of Education, and educational and architectural consultants, as it deems appropriate. The Board's facility goals are to:

1. Integrate facilities planning with other aspects of planning and goal-setting.
2. Base educational specifications for school buildings on identifiable student needs.

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

⁴ Required by the Green Cleaning School Act (105 ILCS 140/) and Green Cleaning for Elementary and Secondary Schools (23 Ill.Admin.Code Part 2800). The ~~Guidelines and Specifications~~, established by the Ill. Green Government Coordinating Council established ~~Guidelines and Specifications~~, which state: "While not mandatory, schools should implement the practices set forth in the Recommendations section of these guidelines where applicable and appropriate. ~~All schools may continue to use their current cleaning supplies, equipment and policies until ... such time as the supplies and equipment on hand as of May 9, 2008 are exhausted.~~" See:

www.illinois.gov/gov/green/Documents/Illinois%20Green%20Cleaning%20Guidelines%20and%20Specifications.pdf
www.standingupforillinois.org/green/school_cleaning.php

www.standingupforillinois.org/uploads/20080122GCSAGuidelines.pdf

⁵ 105 ILCS 5/2-3.12 and 23 Ill.Admin.Code Part 180 contain the School building code and Health/Life and Safety Code for Public Schools, respectively. Among ~~its~~^{their} mandates ~~is~~^{are} the decennial safety survey report (105 ILCS 5/2-31.2(b); 23 Ill.Admin.Code §180.310). After 1-1-2015, all "new school building construction" must include a storm shelter that meets or exceeds the ICC/NSSA Standard for the Design and Construction of Storm Shelters (ICC-500) published jointly by the International Code Council and the National Storm Shelter Association (105 ILCS 5/2-3.12(e-5); 23 Ill.Admin.Code §180.60(b)(3), amended at 40 Ill. Reg. 3059, P.A. 98-883, eff. 1-1-2015). Any facility project for which the design contract is executed after 7-1-16 must meet standards of the 2015 International Building Code and its subcodes (23 Ill.Admin.Code 180.60(a), amended at 40 Ill. Reg. 3059).

The Ill. Environmental Barriers Act (410 ILCS 25/) and the Ill. Accessibility Code (71 Ill.Admin.Code Part 400) ensure that "all applicable buildings and facilities in the State of Illinois, are so designed, constructed, and/or altered to assure the safety and welfare of all members of society and to be readily accessible to, and usable by, environmentally limited persons," (71 Ill.Admin.Code §400.110). Note: The Ill. Environmental Barriers Act, as amended by P.A. 99-582, eff. 1-1-17, deleted the term *environmentally limited person*, which until then had been defined in 410 ILCS 25/3 as "a person with a disability or condition who is restricted in the use of the built environment." Press boxes constructed on school property before 7-1-2009 do not have to comply with the Accessibility Code if the press boxes are in bleachers that have points of entry at only one level, and the aggregate area of the press box is no more than 500 square feet (105 ILCS 5/10-20.4651; 23 Ill.Admin.Code 180.60(b)(4), amended at 40 Ill. Reg. 3059).

A building intended for classroom or instructional use may be constructed only after voter approval at a referendum unless the building is: (1) leased by the district, or (2) purchased with funds from the sale or disposition of other buildings or structures, or with funds received as a grant under the School Construction Law or as a gift, provided that no funds (other than lease payments) are derived from the district's bonded indebtedness or its tax levy (105 ILCS 5/10-22.36).

A district may levy a tax for "fire prevention, safety, energy conservation, disabled accessibility, school security, and specified repair purposes," (105 ILCS 5/17-2.11, ~~amended by P.A. 98-26~~). An expedited process may be available in emergency situations (Id.). A board may, subject to certain notice requirements, transfer surplus life safety taxes and interest earnings on them to the Operations and Maintenance Fund for building repair work until June 30, 2016 (Id., amended by P.A. 99-713).

The Green Buildings Act requires all new State-funded building construction and major renovation projects to meet specified environmental requirements (20 ILCS 3130/). Waivers may be granted by the Capital Development Board in certain situations (Id.). For environmental impact laws, see policy 4:160, *Environmental Quality of Buildings and Grounds*.

The inclusion and identification of the facility goals listed in the second paragraph are at the board's discretion.

3. Design buildings for sufficient flexibility to permit new or modified programs.
4. Design buildings for maximum potential for community use.
5. Meet or exceed all safety requirements.
6. Meet requirements on the accessibility of school facilities to disabled persons as specified in State and federal law.
7. Provide for low maintenance costs, energy efficiency, and minimal environmental impact.

Naming Buildings and Facilities ⁶

Recognizing that the name for a school building, facility, or ground or field reflects on its public image, the Board's primary consideration will be to select a name that enhances the credibility and stature of the school or facility. Any request to name or rename an existing facility should be submitted to the Board.⁷ When a facility is to be named or renamed, the Board President will appoint a special committee to consider nominations and make a recommendation, along with supporting rationale, to the Board. The Board will make the final selection. The Superintendent or designee may name a room or designate some area on a school's property in honor of an individual or group that has performed outstanding service to the school without using the process in this policy.

LEGAL REF.: 42 U.S.C. §12101 *et seq.*
 20 ILCS 3130/, Green Buildings Act.
 105 ILCS 5/2-3.12, 5/10-20.49, 5/10-22.36, 5/17-2.11, 140/, and 230/.
 410 ILCS 25/, Environmental Barriers Act.
 820 ILCS 130/, Prevailing Wage Act.
 23 Ill.Admin.Code Part 151, School Construction Program; Part 180, Health/Life
 Safety Code for Public Schools; and Part 2800, Green Cleaning for Elementary
 and Secondary Schools.
 71 Ill.Admin.Code Part 400, Ill. Accessibility Code.

CROSS REF.: 2:150 (Committees), 2:170 (Procurement of Architectural, Engineering, and
 Land Surveying Services), 4:60 (Purchases and Contracts), 8:70
 (Accommodating Individuals with Disabilities)

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

⁶ This section is optional and its contents are at the board's discretion.

⁷ The board may want to include criteria for the committee, in which case the following is an option:

1. The committee will encourage input from the community, staff members, and students.
2. Consideration will be given to names of local communities, neighborhoods, streets, landmarks, historical considerations, and individuals who have made a contribution to the District, community, State, or nation.
3. The name will not duplicate or cause confusion with the names of existing facilities in the District.

Operational Services

Safety ¹

Safety and Security

All District operations, including the education program, shall be conducted in a manner that will promote the safety and security of everyone on District property or at a District event.² The Superintendent or designee shall develop, implement, and maintain a comprehensive safety and security plan that includes, without limitation:

1. An emergency operations plan(s) addressing prevention, preparation, response, and recovery for each school;³
2. Provisions for a coordinated effort with local law enforcement and fire officials, emergency medical services personnel, and the Board Attorney;
3. A school safety drill plan;
4. Instruction in safe bus riding practices;⁴ and
5. A clear, rapid, factual, and coordinated system of internal and external communication.

In the event of an emergency that threatens the safety of any person or property, students and staff are encouraged to follow the best practices discussed for their building regarding the use of any available cellular telephones.⁵

School Safety Drill Plan ⁶

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

¹ State law requires a policy on several topics in this policy (see f/n 7, 8 & 9) and otherwise controls this policy's content. Topics previously assigned to this code number were moved in May 2014 and placed in 4:100, *Insurance Management* and 4:175, *Convicted Child Sex Offender; Screening; Notifications*.

² This simple end statement should be discussed and altered accordingly before board adoption. Ask: what effect or impact will this statement have on the students and the community?

³ See administrative procedure 4:170-AP1, *Comprehensive Safety and Security Plan*. This procedure follows the recommendations in the "Guide for Developing High-Quality School Emergency Operations Plans," produced by a collaboration of federal agencies in 2013, available at rems.ed.gov/docs/REMS_K-12_Guide_508.pdf. The *Guide* informs schools what they *need* to do, not *what* to do. It recommends a process for developing, implementing, and continually refining a school emergency operations plan as well as a discussion of its form, function, and content.

⁴ Required by 105 ILCS 128/20(b) and 105 ILCS 5/10-20.14(c) for all students. See 4:110-AP3, *School Bus Safety Rules*.

⁵ 105 ILCS 5/10-20.28. Consider discussing with local law enforcement what its preference would be and encourage staff and students to follow the recommendation. A wave of 911 cell phone calls can jam phone lines. Student use of cell phones is addressed in 7:190, *Student Discipline Behavior*.

⁶ 625 ILCS 5/12-610.1(c) prohibits wireless telephone use at any time while operating a motor vehicle on a roadway in a school speed zone except for (1) highway construction or maintenance workers within their work zones, (2) any use for emergency purposes, (3) law enforcement officers or emergency responders performing their duties, (4) a person using a wireless telephone in voice-operated mode with or without use of a headset, and (5) a person with technology that uses a single button to initiate or terminate a voice communication, (e.g., HandsFreeLink®). 625 ILCS 5/12-813.1 limits cell phone use by school bus drivers; see policy 4:110, *Transportation*.

⁶ Each of the listed drills is required by the School Safety Drill Act, 105 ILCS 128/. Each drill's requirements are comprehensively covered in 4:170-AP1, *Comprehensive Safety and Security Plan*. For information about documenting minimum compliance with the School Safety Drill Act, see www.isbe.net/safety/guide.htm.

During every academic year, each school building that houses school children shall conduct, at a minimum, each of the following in accordance with the School Safety Drill Act, 105 ILCS 128/:

1. Three school evacuation drills
2. One bus evacuation drill
3. One severe weather and shelter-in-place drill
4. One law enforcement drill

Automated External Defibrillator (AED) 7

The Superintendent or designee shall implement a written plan for responding to medical emergencies at the District's physical fitness facilities in accordance with the Fitness Facility Medical Emergency Preparedness Act. The plan shall provide for an automated external defibrillator (AED) to be available according to State law requirements. This policy does not create an obligation to use an AED nor is it intended to create any expectation that an AED will be present or a trained person will be present and/or able to use an AED.

Carbon Monoxide Alarms 8

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

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

105 ILCS 5/2-3.12 authorizes ~~the Ill. State Fire Marshal or a qualified fire official to whom the Ill. State Fire Marshal has delegated his or her authority~~ fire officials to conduct an annual fire safety inspection of each school building ~~routine fire safety checks~~, provided the inspection is coordinated with the regional superintendent. See also 105 ILCS 5/3-14.21(c) and 23 Ill.Admin.Code §180.300(b). To effectively implement this law and ensure the education of students in the district is not disturbed, school officials should discuss with the State Fire Marshal and regional superintendent whether written notice may be provided ~~is given~~ to the principal requesting to schedule a mutually agreed upon time. ~~No more than two routine inspections may be made in a calendar year.~~

⁷ Each indoor and outdoor physical fitness facility serving at least 100 individuals must "adopt and implement a written plan for responding to medical emergencies that occur at the facility during the time that the facility is open for use by its members or by the public." The facility must file the plan with the Ill. Dept. of Public Health. In addition, each indoor facility must have at least one AED on the premises, and each outdoor facility must house an AED in a building, if any, that is within 300 feet of the outdoor facility. See the statute and administrative rules for the other numerous mandates: 210 ILCS 74/ (Physical Fitness Facility Medical Emergency Preparedness Act); 77 Ill.Admin.Code Part 527. Also see 4:170-AP6, *Plan for Responding to a Medical Emergency at a Physical Fitness Facility with an AED*.

⁸ 105 ILCS 5/10-20.56, added by P.A. 99-470, ~~eff. 1-1-16~~. *Carbon monoxide detector* and *detector* mean a device having a sensor that responds to carbon monoxide gas and that is connected to an alarm control unit and approved in accordance with rules adopted by the Ill. State Fire Marshal. *Approved carbon monoxide alarm* or *alarm* means a carbon monoxide alarm that complies with all the requirements of the rules and regulations of the Ill. State Fire Marshal, bears the label of a nationally recognized testing laboratory, and complies with the most recent standards of the Underwriters Laboratories or the Canadian Standard Association (430 ILCS 135/5).

Consult both the board attorney and the local fire officials about whether a school building is exempt from this law. Remove this subhead if the board attorney determines that every building across the entire school district is exempt. The law applies to school buildings that have or are close to any *sources of carbon monoxide*; however, it does not specifically define what that means. 430 ILCS 135/20 defines exemptions for residential units and may provide guidance on the exemption for schools. The law also fails to define *carbon monoxide emitting device*, which triggers the placement point in a school building for a carbon monoxide alarm or carbon monoxide detector.

Soccer Goal Safety 9

The Superintendent or designee shall implement the Movable Soccer Goal Safety Act in accordance with the guidance published by the Illinois Department of Public Health. Implementation of the Act shall be directed toward improving the safety of movable soccer goals by requiring that they be properly anchored.

Unsafe School Choice Option 10

The unsafe school choice option allows students to transfer to another District school or to a public charter school within the District. The unsafe school choice option is available to:

1. All students attending a persistently dangerous school, as defined by State law and identified by the Illinois State Board of Education.
2. Any student who is a victim of a violent criminal offense, as defined by 725 ILCS 120/3, that occurred on school grounds during regular school hours or during a school-sponsored event.

The Superintendent or designee shall develop procedures to implement the unsafe school choice option.

Emergency Closing

The Superintendent is authorized to close school(s) in the event of hazardous weather or other emergency that threatens the safety of students, staff members, or school property. 11

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

⁹ Include this section **only** if the school district owns and controls a movable soccer goal (Movable Soccer Goal Safety Act, a/k/a *Zach's Law*, 430 ILCS 145/). The Act requires: (1) organizations that own and control a movable soccer goal to create a soccer goal safety and education policy that outlines how the organization will specifically address the safety issues associated with movable soccer goals, and (2) the Ill. Dept. of Public Health to provide technical assistance materials, which are available at: www.idph.state.il.us/soccer-goal-safety/index.htm dph.illinois.gov/topics-services/prevention-wellness/injury-violence-prevention/soccer-goal-safety.

¹⁰ This topic must be covered in board policy (105 ILCS 5/10-21.3a). See also 20 U.S.C. §7912. ISBE maintains a list of persistently dangerous schools. Districts having only one school may substitute the following for this paragraph:

The unsafe school choice option provided in State law permits students to transfer to another school within the District in certain situations. This transfer option is unavailable in this District because the District has only one school or attendance center. A student, who would otherwise have qualified for the choice option, or such a student's parent/guardian, may request special accommodations from the Superintendent or designee.

Districts with each grade in only one attendance center may substitute the following for this paragraph:

The unsafe school choice option provided in State law permits students to transfer to another school within the District in certain situations. This transfer option is unavailable in this District because each grade is in only one attendance center. A student, who would otherwise have qualified for the choice option, or such a student's parent/guardian, may request special accommodations from the Superintendent or designee.

¹¹ When a school is closed or its starting time is delayed due to adverse weather conditions or a health or safety threat, the district may count a partial day of attendance as a full day for State aid purposes, provided: (1) at least one hour of instruction was provided or the normal start time was delayed, and (2) the superintendent provides the Regional Superintendent or the Suburban Cook County Intermediate Service Center, whichever is appropriate, with a written report in support of the partial day within 30 days (105 ILCS 5/18-12). ~~P.A. 96-893 abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to the Intermediate Service Center for the area.~~

105 ILCS 5/18-12.5 governs claiming state aid if a district closes one or more schools, but not all schools, during the public health emergency, as determined by ISBE in consultation with the Ill. Dept. of Public Health.

Annual Review 12

The Board or its designee will annually review each school building's safety and security plans, protocols, and procedures, as well as each building's compliance with the school safety drill plan.

LEGAL REF.: 105 ILCS 5/10-20.2, 5/10-20.56, 5/18-12, 5/18-12.5, and 128/
210 ILCS 74/, Physical Fitness Facility Medical Emergency Preparedness Act.

CROSS REF.: 4:110 (Transportation), 4:175 (Convicted Child Sex Offender; ~~Criminal Background Check and/or Screening~~; Notifications), 4:180 (Pandemic Preparedness), 5:30 (Hiring Process and Criteria), 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)

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

¹² State law requires each school board or its designee to conduct one annual meeting at which it reviews each building's emergency and crisis response plan, protocols, and procedures and each building's compliance with the school safety drill plan (105 ILCS 128/25 and 128/30-). If the school board uses a designee, it should preferably be someone other than the District Safety Coordinator to assure an unbiased audit. The statutes contain detailed requirements. The board or its designee must complete a one-page report certifying that the review took place, among other things. The board or its designee must send a copy of the report to each participating party and the appropriate Regional Superintendent. ISBE's website contains an annual review checklist and report at www.isbe.net/safety/guide.htm.

Operational Services

Administrative Procedure - Unsafe School Choice Option

~~Beginning in 2002, NCLB required states to implement an unsafe school choice option (20 U.S.C. §7912). Illinois complied by adopting~~ Illinois public school districts must comply with the following two statutes: (1) 105 ILCS 5/2-3.134 requires ISBE to maintain data and publish a list of persistently dangerous schools, and (2) 105 ILCS 5/10-21.3a requires each school board to adopt a policy governing the transfer of students within the district from a persistently dangerous school to another public school in the district. Board policy 4:170, Safety, fulfills this requirement with its section on **Unsafe School Choice Option**.

This ~~administrative~~ procedure implements the policy. It incorporates ~~the guidance given~~ issued by the U.S. Department of Education (DOE), *Unsafe School Choice Option, Non-Regulatory Guidance*, www2.ed.gov/policy/elsec/guid/unsafeschoolchoice.pdf, when NCLB was in effect. NCLB was repealed. A new law took its place called the Every Student Succeeds Act (ESSA), which amended ESEA on December 10, 2015. ESEA, as amended by ESSA, still requires states to implement an unsafe school choice option; however, the DOE has not updated its guidance to be consistent with this new law. This procedure incorporates DOE guidance to the extent that it is consistent with the new law. Frequent ESSA implementation guidance is expected as states implement the new law.

Unsafe School Choice Option for Students in Persistently Dangerous Schools

Actor	Action
ISBE	Identifies each Illinois school that is a <i>persistently dangerous school</i> as defined in 105 ILCS 5/10-21.3a(b) (attached). As of May 2014, ISBE has not identified a <i>persistently dangerous school</i> .
Building Principal or designee	Within 10 ten calendar days of identification, or longer time if necessary, notifies by U.S. mail, the parents/guardians of students attending a <i>persistently dangerous school</i> , of that school's status as <i>persistently dangerous</i> .
Superintendent	Keeps the Board informed as appropriate. Determines which, if any, schools will receive students assigned to a <i>persistently dangerous school</i> . To the extent possible, the recipient school should be making adequate yearly progress and not identified as being in school improvement, corrective action, or restructuring. The recipient school may be a public charter school. If a recipient school is not available in the District, the Superintendent will explore other appropriate options, e.g., intergovernmental agreements with another district to accept transfer students. The needs and preferences of affected students and parents/guardians will be considered. Develops and implements a corrective action plan.
Building Principal or	Within 20 calendar days of identification, or longer time if necessary,

Actor	Action
designee	informs parents/guardians of the following: 1. The status of the corrective action plan; and 2. The identities of any available school or public charter school into which students may transfer.
Parents/guardians	As soon as possible after being informed of the unsafe school choice option, confers with the Building Principal concerning whether to exercise the transfer option.
Building Principal or designee	Executes any requested transfers as soon as possible. Transfers will be in effect at least while the original school is identified as <i>persistently dangerous</i> . When determining the transfer length, the Principal considers the student's educational needs as well as other factors affecting the student's ability to succeed if returned to the transferring school.
Superintendent or designee	Upon corrective action plan's completion, requests that ISBE remove the school from the list of <i>persistently dangerous schools</i> .

Unsafe School Choice Option for Any Student Who Is a Victim of a Violent Criminal Offense Occurring on School Grounds During Regular School Hours or During a School-Sponsored Event

Actor	Action
Building Principal or designee	Notifies the Superintendent that a student was a victim of a violent crime, as defined by 725 ILCS 120/3 (attached), occurring on school grounds during regular school hours or during a school-sponsored event.
Superintendent	<p>As soon as possible, determines which, if any, schools are available recipients for a student who was a victim of a violent crime while in school or on school grounds.</p> <p>To the extent possible, the recipient school should be making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. The recipient school may be a public charter school.</p> <p>If a recipient school is not available in the District, the Superintendent will explore other appropriate options, e.g., an agreement with a neighboring district to accept the student.</p> <p>The needs and preferences of the affected student and his or her parents/guardians shall be considered.</p> <p>Keeps the Board informed as appropriate.</p>
Building Principal or designee	As soon as possible, notifies the student's parents/guardians that the student may transfer to another school, provided another school is available.
Parents/guardians	As soon as possible after being informed of the unsafe school choice option, confers with the Building Principal concerning whether to exercise the transfer option.
Building Principal or designee	Executes any requested transfer as soon as possible. When determining the transfer length, considers the student's educational needs as well as

Actor	Action
	other factors affecting the student's ability to succeed if returned to the transferring school.

Definitions for "Persistently Dangerous School"
105 ILCS 5/10-21.3a

§10-21.3a(b). In order to be considered a persistently dangerous school, the school must meet all of the following criteria for 2 consecutive years:

1. Have greater than 3% of the students enrolled in the school expelled for violence-related conduct;
2. Have one or more students expelled for bringing a firearm to school as defined in 18 U.S.C. 921;
3. Have at least 3% of students enrolled in the school exercise the individual option to transfer schools pursuant to subsection (c) of this section. [105 ILCS 5/10-21.3a(c), see the second section of this procedure]

Definitions for "Crime Victim" and "Violent Crime"
725 ILCS 120/3 (current as of ~~May 2014~~ October 2016)

§ 3. The terms used in this Act, unless the context clearly requires otherwise, shall have the following meanings:

(a) "**Crime victim**" and "**victim**" means (1) a person physically injured in this State as a result of a violent crime perpetrated or attempted against that person or (2) a person who suffers injury to or loss of property as a result of a violent crime perpetrated or attempted against that person or (3) a single representative who may be the spouse, parent, child or sibling of a person killed as a result of a violent crime perpetrated against the person killed or the spouse, parent, child or sibling of any person granted rights under this Act who is physically or mentally incapable of exercising such rights, except where the spouse, parent, child or sibling is also the defendant or prisoner or (4) any person against whom a violent crime has been committed ~~or~~ (5) any person who has suffered personal injury as a result of a violation of Section 11-501 of the Illinois Vehicle Code, or of a similar provision of a local ordinance, or of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, ~~as amended; [-.]~~ or (6) in proceedings under the Juvenile Court Act of 1987, both parents, legal guardians, foster parents, or a single adult representative of a minor or person with a disability who is a crime victim.

(c) "**Violent Crime**" means any felony in which force or threat of force was used against the victim, or any offense involving sexual exploitation, sexual conduct or sexual penetration, or a violation of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal Code of 1961 or the Criminal Code of 2012, domestic battery, violation of an order of protection, stalking, or any misdemeanor which results in death or great bodily harm to the victim or any violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury or death, and includes any action committed by a juvenile that would be a violent crime if committed by an adult. For the purposes of this paragraph, "personal injury" shall include any Type A injury as indicated on the traffic

accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or medical facility. A Type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene;[.]

Operational Services

Convicted Child Sex Offender; Criminal Background Check and/or Screening; Notifications ¹

Persons Prohibited on School Property without Prior Permission

State law prohibits a child sex offender from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present, unless the offender meets either of the following two exceptions: ²

1. The offender is a parent/guardian of a student attending the school and has notified the Building Principal of his or her presence at the school for the purpose of: (i) attending a conference with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion; or
2. The offender received permission to be present from the School Board, Superintendent, or Superintendent's designee. If permission is granted, the Superintendent or Board President shall provide the details of the offender's upcoming visit to the Building Principal.

In all cases, the Superintendent or designee shall supervise a child sex offender whenever the offender is in a child's vicinity. ³ If a student is a sex offender, the Superintendent or designee shall develop guidelines for managing his or her presence in school. ⁴

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

¹ The topic covered by this policy was previously a part of 4:170, *Safety*.

² The Criminal Code, 720 ILCS 5/11-9.3, contains these requirements concerning a child sex offender's presence on school property. An Illinois federal court denied a father's request to enjoin a school's policy that prohibited him, as a child sex offender, from attending his children's school activities in *Doe v. Paris Union School Dist.*, No. 05-2249, 2006 WL 44304 (C.D.Ill., 2006). See also 8:30, *Visitors to and Conduct on School Property*.

³ 720 ILCS 5/11-9.3. The statute assigns the child sex offender the "duty to remain under the direct supervision of a school official." In order to ensure this happens and to protect students, the sample policy requires the superintendent or designee to supervise a child sex offender whenever the offender is in a child's vicinity. See also 8:30, *Visitors to and Conduct on School Property*.

⁴ Aside from rumor and notoriety, there are three ways that school officials may learn that an enrolled student is a sex offender or a violent offender against youth:

1. By being informed by the student or the student's parent/guardian.
2. Through the Illinois State Police Sex Offender Registry, www.isp.state.il.us/sor. A juvenile sex offender is listed there after the juvenile becomes 17 years old and will be listed for the remaining registration period (730 ILCS 150/2). The database is updated daily and allows searching by name, city, county, zip code, compliance status, or any combination thereof.
3. By receiving notification from a law enforcement agency that a juvenile sex offender or juvenile violent offender against youth is enrolled in a school. The law enforcement agency having jurisdiction to register the juvenile must provide a copy of the offender registration form to the building principal and guidance counselor designated by the principal; the school must keep the registration form separately from the student's school records (730 ILCS 152/121(b)).

Criminal Background Check and/or Screening 5

The Superintendent or designee shall perform ~~the fingerprint-based criminal history records information checks and/or criminal background check and/or screenings~~ required by State law or Board policy for employees; student teachers; students doing field or clinical experience other than student teaching; contractors' employees who have direct, daily contact with one or more children; and resource persons and volunteers. He or she shall take appropriate action based on the result of any criminal background check and/or screen.

Notification to Parents/Guardians

The Superintendent shall develop procedures for the distribution and use of information from law enforcement officials under the Sex Offender Community Notification Law and the Murderer and Violent Offender Against Youth Community Notification Law. 6 The Superintendent or designee shall serve as the District contact person for purposes of these laws. The Superintendent and Building Principal shall manage a process for schools to notify the parents/guardians during school registration that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law. 7 This notification must occur during school registration and at other times as the Superintendent or Building Principal determines advisable.

If a sex offender is enrolled in a school, guidelines for managing the sex offender's presence in school should be prepared. The components will depend on the situation but generally should include asking the parent/guardian of a sex offender below the age of 17 years for permission to share the information with certain staff for the protection of both the student and other students. In addition, the guidelines should include a supervision plan providing supervision for the student during all aspects of his or her school day. Finally, the guidelines must respect the privacy of juvenile records and comply with the Ill. School Student Records Act, 105 ILCS 10/. The board attorney should be consulted.

5 The law is silent with regard to *screening* volunteers and individuals in the proximity of a school. Screening and fingerprint-based criminal history records checks are different. See procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*, for further distinctions.

The School Code requires school districts to perform a *fingerprint-based criminal history records check* through (a) the Illinois State Police (ISP) for an individual's Criminal History Records Information (CHRI) and (b) the FBI's national crime information databases (105 ILCS 5/10-21.9(a), (a-5) and (a-6)).

Screening only involves checking an individual's name and address against publicly-available databases and information provided for local law enforcement like the: (1) Illinois Sex Offender Registry, www.isp.state.il.us/sor/, and (2) the Violent Offender Against Youth Registry maintained by the State Police, www.isp.state.il.us/cmvo/. See policy 5:30, *Hiring Process and Criteria*; procedure 5:30-AP2, *Investigations*; policy 6:250, *Community Resource Person and Volunteers*; and procedure 6:250-AP, *Securing and Screening Resource Persons and Volunteers*.

6 Sex Offender Community Notification Law, 730 ILCS 152/, and Murderer and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75-105. Law enforcement officials must notify school districts of the names, addresses, and offenses of registered offenders residing in their respective jurisdictions who have committed sex offenses and violent offenses against youth (730 ILCS 152/120 and 154/95). These laws are silent with regard to what, if anything, districts do with the information. The Sex Offender Community Notification Law, however, provides immunity for "any person who provides, or fails to provide, information relevant to the procedures set forth in this Law," (730 ILCS 152/130).

Naming a contact person will facilitate communication and cooperation with local law enforcement agencies. Any school official may be used as the contact person, and boards may wish to have a contact person from each building. See administrative procedure 4:175-AP1, *Criminal Offender Notification Laws; Screening*, for implementing procedures.

7 State law requires a principal or teacher to notify the parents/guardians during school registration or parent-teacher conferences that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law, 730 ILCS 152/. In an effort to keep this policy aligned with good governance practices, the responsibility is given to the superintendent and building principal to manage. While State law allows the notification to be made during registration or parent-teacher conferences, the sample policy makes a notification mandatory just during registration to be sure that all parents/guardians are informed.

LEGAL REF.: 20 ILCS 2635/, Uniform Conviction Information Act.
720 ILCS 5/11-9.3.
730 ILCS 152/, Sex Offender Community Notification Law.
730 ILCS 154/75-105, Murderer and Violent Offender Against Youth Community Notification Law.

CROSS REF.: 5:30 (Hiring Process and Criteria), 5:260 (Student Teachers), 6:250 (Community Resource Persons and Volunteers), 8:30 (Visitors to and Conduct on School Property), 8:100 (Relations with Other Organizations and Agencies)

Operational Services

Administrative Procedure - Criminal Offender Notification Laws; Screening

Laws Protecting Students on School Grounds

The following list describes laws protecting students on school grounds from individuals convicted of serious crimes:

1. A child sex offender is prohibited from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present unless specifically permitted by statute (720 ILCS 5/11-9.3). See School Board policies 4:175, *Convicted Child Sex Offender; Criminal Background Check and/or Screening; Notifications*; 8:30, *Visitors to and Conduct on School Property*; and administrative procedure 8:30-AP, *Definition of Child Sex Offender*.
2. Law enforcement must notify schools of offenders who reside or are employed in the county. See: (a) Sex Offender Community Notification Law, 730 ILCS 152/ and (b) Murderer and Violent Offender Against Youth Community Notification Law, 730 ILCS 154/75-105. These laws are hereafter referred to as "offender notification laws." See also policy 4:175, *Convicted Child Sex Offender; Criminal Background Check and/or Screening; Notifications*.
3. The School Code (105 ILCS 5/10-21.9, 5/21B-5 and 5/21B-80) lists criminal offenses that disqualify an individual from District employment if the individual was convicted. 105 ILCS 5/20-21.9# requires any person hired by the District to submit to a fingerprint-based criminal history records check through (a) the Illinois State Police (ISP) for an individual's *Criminal History Records Information* (CHRI) and (b) the FBI's national crime information databases. The law also requires a school district to check two Illinois offender databases for each applicant, which are (a) the Statewide Sex Offender Registry, www.isp.state.il.us/sor/ and (b) the Statewide Murderer and Violent Offender Against Youth Registry, www.isp.state.il.us/cmvo/. Obtaining the results of the fingerprint-based criminal history records check and review of the database registries is a *complete criminal history records check* as required by the School Code. See Board policy 5:30, *Hiring Process and Criteria*; administrative procedure 5:30-AP2, *Investigations*, and 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](http://www.isbe.net/pdf/guidance_chr.pdf).
4. **Note:** A District may also check the National Sex Offender Public Registry, www.nsopr.gov/; however, the same information will likely appear in the information furnished by the FBI.
5. The provisions in the School Code described above also apply to employees of persons or firms holding contracts with a school district who have direct, daily contact with students (105 ILCS 5/10-21.9(f)). See administrative procedures 4:60-AP3, *Criminal History Records Check of Contractor Employees*, and 5:30-AP2, *Investigations*.
6. Conviction of an offense listed in 105 ILCS 5/10-21.921B-80(c) results in the automatic suspension or revocation of the individual's ~~certificate~~license (105 ILCS 5/21B-80). Conviction of an offense listed in 105 ILCS 5/21B-80(b), depending upon whether the individual's sentence has been satisfactorily completely and seven years have passed since that date, may result in automatic suspension or revocation of the individual's license.

7. The offender notification laws require law enforcement to ascertain whether a juvenile sex offender or violent offender against youth is enrolled in a school and, if so, to provide a copy of the registration form to the Building Principal and any guidance counselor designated by him or her. This registration form must be kept separately from any and all school records maintained on behalf of the juvenile sex offender. See Board policy 4:175, *Convicted Child Sex Offender; ~~Criminal Background Check and/or Screening~~; Notifications*.

Receipt of Information from Law Enforcement ¹

Offender Notification Laws: The Superintendent or designee shall notify the local law enforcement official or county sheriff that he or she is the District's official contact person for purposes of the offender notification laws.² The Superintendent and/or Building Principal may at any time request information from law enforcement officials regarding sex offenders or violent offenders against youth.

The Superintendent will provide Building Principals and other supervisors with a copy of all lists received from law enforcement officials containing the names and addresses of sex offenders and violent offenders against youth.

The Building Principal or designee shall provide the lists to staff members in his or her building on a need-to-know basis, but in any event:

- A teacher will be told if one of his or her students, or a student's parent/guardian, is on a list.
- The school counselor, nurse, social worker, or other school service personnel will be told if a student or the parent/guardian of a student for whom he or she provides services is on a list.

No person receiving a list shall provide it to any other person, except as provided in these procedures, State law,³ or as authorized by the Superintendent. Requests for information should be referred to the local law enforcement officials or State Police.

Juvenile Delinquency Adjudication Notifications: The Superintendent or designee shall contact the Juvenile Division of the County State's Attorney Office(s) having jurisdiction over the District's school(s) to discuss how the State's Attorney shall inform the Superintendent or designee of any students adjudicated as delinquent minors for offenses that would be felonies and/or certain weapons offenses under the Criminal Code of 2012 (705 ILCS 405/5-9:01(8)). The Superintendent and/or designee(s) shall ensure the dissemination of such information is limited to the Building Principal and any guidance counselor designated by the Building Principal (*Id.*)

¹ The law is silent with regard to what, if anything, districts do with the information (except for records provided to a school district by a state's attorney's office under the Juvenile Court Act at 705 ILCS 405/5-9:01(8)). It does, however, provide that "any person who provides, or fails to provide, information relevant to the procedures set forth in this Law shall not be liable in any civil or criminal action," (730 ILCS 152/130).

² Naming a contact person will facilitate communication and cooperation with local law enforcement agencies. Any school official may be used as the contact person and the superintendent may wish to have a contact person from each building.

³ The list of child sex offenders may be a *public record* subject to disclosure under the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*). Consult the ~~district counsel~~board attorney when a request is made using this Act.

Informing Staff Members and Parents/Guardians About the Law 4

Building Principals or their designees shall inform parents/guardians about the availability of information concerning sex offenders during school registration and, if feasible, during parent-teacher conferences. Information should be distributed about the Statewide Sex Offender Registry, www.isp.state.il.us/sor/, and the Statewide Murderer and Violent Offender Against Youth Registry, www.isp.state.il.us/cmvo/. Information may also be included in the Student Handbook. See the Sex Offender Community Notification Law, 730 ILCS 152/, and exhibit 4:175-AP1, E1, *Informing Parents/Guardians About Offender Community Notification Laws*.

Requests for additional information shall be referred to local law enforcement officials.

Screening Individuals Who Are Likely to Have Contact with Students at School or School Events 5

The law is silent with regard to *screening* volunteers and individuals in the proximity of a school. *Screening* is not the same as the School Code's requirement to perform a *fingerprint-based criminal history records check* through (a) the Illinois State Police (ISP) for an individual's *Criminal History Records Information* (CHRI) and (b) the FBI's national crime information databases (105 ILCS 5/10-21.9).

Screening involves checking an individual's name and address against the: (1) Illinois Sex Offender Registry, www.isp.state.il.us/sor/, and (2) the Violent Offender Against Youth Registry maintained by the State Police, www.isp.state.il.us/cmvo/. 105 ILCS 5/10-21.9(a-5), (a-6).

1. For employees and student teachers, the Superintendent or Building Principal(s):
 - a. Completes the required forms to request the *fingerprint-based criminal history records check*; see 5:30-AP2, *Investigations*. 105 ILCS 5/10-21.9(a).
 - b. *Screens* the individual's name and address against the: (1) Illinois Sex Offender Registry, www.isp.state.il.us/sor/, and (2) the Violent Offender Against Youth Registry maintained by the State Police, www.isp.state.il.us/cmvo/. 105 ILCS 5/10-21.9(a-5), (a-6).
 - c. Reviews the lists of sex offenders and violent offenders against youth as the lists are received from law enforcement. If a match is found, the Superintendent immediately contacts the local police officials to confirm or disprove the match. The Superintendent immediately notifies the Board if a match is confirmed. The Board President will contact the Board Attorney and the Board will take the appropriate action to comply with State law that may include terminating the individual's employment.
 - d. May request the individual to authorize a clearance of his or her name through the Ill. Dept. Of Children and Family Services (DCFS) CANTS system. This check documents that the person does not have an indicated report or record on DCFS' registry of child abuse and/or neglect. 325 ILCS 5/11.1(a)(11) and (c). Clearances must be requested using the DCFS form at

⁴ State law requires a principal or teacher to notify the parents/guardians during school registration or parent-teacher conferences that information about sex offenders is available to the public as provided in the Sex Offender Community Notification Law, 730 ILCS 152/101 et seq. (730 ILCS 152/120(g)). While State law allows the notification to be made during registration or parent-teacher conferences, the sample procedure makes a notification mandatory just during registration to be sure that all parents/guardians are informed.

⁵ The law is silent with regard to screening volunteers and individuals in the proximity of a school. *Screening* is not the same as the School Code's requirement to perform a *fingerprint-based criminal history records check* through (a) the Illinois State Police (ISP) for an individual's *Criminal History Records Information* (CHRI) and (b) the FBI's national crime information databases (105 ILCS 5/10-21.9).

[www.state.il.us/dcf/docs/CFS_689_Authorization_for_Background_Check_for_Programs_NOT_Licensed_by_DCFS_\(Fillable\).pdf](http://www.state.il.us/dcf/docs/CFS_689_Authorization_for_Background_Check_for_Programs_NOT_Licensed_by_DCFS_(Fillable).pdf)[www.illinois.gov/dcf/aboutus/notices/Documents/cfs_689_authorization_for_background_check_for_programs_not_licensed_by_dcf_\(fillable\).pdf](http://www.illinois.gov/dcf/aboutus/notices/Documents/cfs_689_authorization_for_background_check_for_programs_not_licensed_by_dcf_(fillable).pdf)

If an indicated report is found, contact the Board Attorney for guidance.

2. For students doing field or clinical experience other than student teaching, the Superintendent or Building Principal(s):
 - a. May require the same fingerprint-based criminal history records check required of student teachers. The cost of this check will be reimbursed by the student seeking the experience.
 - b. Performs the responsibilities listed in 1. b. & c., above.
3. For volunteers, see 6:250-AP, *Securing and Screening Resource Persons and Volunteers*. The Superintendent or Building Principal(s):
 - a. May require the same fingerprint-based criminal history records check required of student teachers.
 - b. Performs the responsibilities listed in 1. b. & c., above.
4. For contractors' employees, see 4:60-AP3, *Criminal History Records Check of Contractor Employees*; 5:30-AP2, *Investigations*.
5. For individuals in the proximity of a school or bus stop, the Building Principal(s) review(s) the lists of sex offenders and violent offenders against youth as they are received from law enforcement. The Building Principal or designee shall: (a) notify staff members according to the section of this procedure on **Receipt of the Information from Law Enforcement**, and (b) attempt to alter school bus stops and the route students travel to and from school in order to avoid contact with an individual on such a list.

CROSS REF.: 4:175 (Convicted Child Sex Offender; ~~Criminal Background Check and/or Screening~~; Notifications), 5:30 (Hiring Process and Criteria), 6:250 (Community Resource Persons and Volunteers), 8:30 (Visitors to and Conduct on School Property)

ADMIN. PROC.: 4:60-AP3 (Criminal History Records Check of Contractor Employees), 4:175-AP1, E1 (Informing Parents/Guardians About Offender Community Notification Laws), 5:30-AP2 (Investigations), 6:250-AP (Securing and Screening Resource Persons and Volunteers), 6:250-E (Resource Person and Volunteer Information Form and Waiver of Liability), 8:30-AP (Definition of Child Sex Offender), 8:30-E1 (Letter to Parent Regarding Visits to School by Child Sex Offenders), 8:30-E2 (Child Sex Offender's Request for Permission to Visit School Property)