

School Board

Board Member Qualifications ¹

A School Board member must be, on the date of election or appointment, a United States citizen, at least 18 years of age, a resident of Illinois and the District for at least one year immediately preceding the election, and a registered voter.

Reasons making an individual ineligible for Board membership include holding an incompatible office and certain types of State or federal employment. ² A child sex offender, as defined in State law, is ineligible for School Board membership. ³

LEGAL REF.: Ill. Constitution, Art. 2, ¶ 1; Art. 4, ¶ 2(e); Art. 6, ¶ 13(b).
105 ILCS 5/10-3 and 5/10-10.

CROSS REF.: 2:30 (School Board Elections), 2:70 (Vacancies on the School Board - Filling Vacancies)

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. Election qualifications are found in 105 ILCS 5/10-3 and 5/10-10, ~~amended by P.A. 96-538~~. Except for possible residency requirements, there are no general eligibility qualifications for appointment to a board; this sample policy, however, applies the election qualifications to appointments. This is possible because the board controls the appointment process. See policy 2:70, *Vacancies on the School Board - Filling Vacancies*.

Boards may describe additional residency requirements, if any, in the following optional sentence: "On the date of election or appointment, Board members must also meet the following residential requirement: *[insert]*."

105 ILCS 5/10-10 allows a board to appoint a student to the board to serve in an advisory capacity for a term the board determines. The student may not vote or attend any closed board meeting. A board that desires to appoint a student member may include this paragraph at the end of this policy, adding the manner the student member is selected as appropriate:

The Board will annually appoint a student member to serve in an advisory capacity. The student member will not have any voting privileges and may not attend executive sessions of the Board.

² Prohibitions on simultaneously holding more than one public office, known as the doctrine of incompatibility of offices, arise from the constitutional concept of separation of offices. Appellate decisions have held that incompatibility arises if the duties of one office would necessarily prevent the office holder from faithfully performing all the duties of the other office. Express statutory prohibitions involving a school board member and another office are rare but do exist. For example, a school trustee may not also be a board member (105 ILCS 5/10-3 and 5/10-10, ~~amended by P.A. 96-538~~). Dual office holding is discussed in the Ill. Council of School Attorneys' publications, *Answers to FAQs, Conflict of Interest and Incompatible Offices*, www.iasb.com/law/conflict.cfm, and *Answers to FAQs, Vacancies on the Board of Education*, www.iasb.com/law/vacancies.cfm.

³ 105 ILCS 5/10-3 and 5/10-10, ~~amended by P.A. 96-538~~. The definition of child sex offender is found in 720 ILCS 5/11-9.3 and is contained in administrative procedure 8:30-AP, *Definition of Child Sex Offender*.

School Board

Board Member Term of Office 1

The term of office for a School Board member begins immediately after both of the following occur:

1. The election authority canvasses the votes and declares the winner(s); this occurs within 21 days after the consolidated election held on the first Tuesday in April in odd-numbered years.
2. The successful candidate takes the oath of office as provided in Board policy 2:80, *Board Member Oath and Conduct*. 2

The term ends 4 years later when the successor assumes office. 3

LEGAL REF.: 10 ILCS 5/2A-1.1, 5/22-17, and 5/22-18.
105 ILCS 5/10-10, 5/10-16, and 5/10-16.5.

CROSS REF.: 2:30 (School District Elections), 2:80 (Board Member Oath and Conduct), 2:210 (Organizational School Board Meeting)

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.

2 The oath requirement is mandated by 105 ILCS 5/10-16.5.

3 All local canvassing boards were abolished in 2006. The appropriate "election authority" (county clerk or election commission, if one was established under Article 6A of the Election Code) canvasses the vote for school district elections (10 ILCS 5/1-8). The election authority is responsible for school board member elections (10 ILCS 5/1-3(8)). Any provision in the School Code to the contrary is superseded and ineffective.

The election authority must canvass the vote within 21 days after the election (10 ILCS 5/22-17 and 5/22-18). Within 28 days after the consolidated election, boards must hold an organizational meeting to elect electing officers and fix a time and place for the regular meetings (105 ILCS 5/10-16).

The board, by resolution, may submit the question of increasing the term to 6 years to the district's voters (105 ILCS 5/9-5).

School Board

Board Member Removal from Office ¹

If a majority of the School Board determines that a Board member has willfully failed to perform his or her official duties, it may request the Regional Superintendent to remove such member from office. ²

LEGAL REF.: 105 ILCS 5/3-15.5.

CROSS REF.: 2:70 (Vacancies on the School Board - Filling Vacancies)

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.

² Neither the voters nor the board has the authority to recall or remove a board member from office. The Regional Superintendent has the power to remove any board member from office for willful failure to perform official duties (105 ILCS 5/3-15.5). The "majority of the board" requirement in this policy has no legal significance other than being standard operating procedure. The Regional Superintendent may act on his or her initiative.

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

A quo warranto action is a rarely used method to remove a board member from office. This type of lawsuit is generally used to remove someone who holds office unlawfully, among other things (735 ILCS 5/18-101). These actions are generally brought by the Ill. Atty. Gen. (AG) or the appropriate State's Attorney. If neither of them brings the suit, it may be brought by a plaintiff after (1) he or she requests the AG and State's Attorney to bring a quo warranto lawsuit, (2) they fail to do it, and (3) the circuit court with jurisdiction grants permission for the plaintiff to file the lawsuit (see the Niekamp case below). After receiving a court's permission to bring the suit, a plaintiff must post a bond when filing the proceeding. If the lawsuit is unsuccessful, the plaintiff must pay the defendant's attorney fees and costs. Depending upon the violation, the law allows the court to impose a \$25,000 fine or remove the board member from office. Notable cases involving quo warranto actions against school board members in Illinois include:

1. Ballard v. Niekamp, 961 N.E.2d 288 (Ill. App. 4, 2011) (affirming the ousting of a school board member for holding an incompatible office; the fellow school board members brought a quo warranto action asking the court to remove him from the school board).
- 1-2. Parker v. Lyons, et al., 2012 IL App (3d) 110140-U (potential school board candidate had two felony convictions; the trial court allowed the State's quo warranto action barring him from running for the school board); People ex rel. Lyons v. Parker, 940 F.Supp.2d 832 (Ill. 2012) (petition for leave to appeal denied); Parker v. Illinois, 133 S.Ct. 1828 (2013) (petition for writ of certiorari to the Appellate Court of Illinois, Third District, denied).

School Board

Board Member Oath and Conduct

Each School Board member, before taking his or her seat on the Board, shall take the following oath of office: **1**

I, (name), do solemnly swear (or affirm) that I will faithfully discharge the duties of the office of member of the Board of Education (or Board of School Directors, as the case may be) of (*name of School District*), in accordance with the Constitution of the United States, the Constitution of the State of Illinois, and the laws of the State of Illinois, to the best of my ability.

I further swear (or affirm) that:

I shall respect taxpayer interests by serving as a faithful protector of the School District's assets;

I shall encourage and respect the free expression of opinion by my fellow Board members and others who seek a hearing before the Board, while respecting the privacy of students and employees;

I shall recognize that a Board member has no legal authority as an individual and that decisions can be made only by a majority vote at a public Board meeting; and

I shall abide by majority decisions of the Board, while retaining the right to seek changes in such decisions through ethical and constructive channels.

The Board President will administer the oath in an open Board meeting; in the absence of the President, the Vice President will administer the oath. If neither is available, the Board member with the longest service on the Board will administer the oath. **2**

The Board adopts the Illinois Association of School Boards' *Code of Conduct for Members of School Boards*. **3** A copy of the *Code* shall be displayed in the regular Board meeting room.

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

1 Although the policy is not required by State or federal law, each board member, before taking his or her seat on the board, must take an oath in substantially the form given in the statute as reprinted in this sample policy (105 ILCS 5/10-16.5). This policy contains the verbatim oath because many of its provisions have policy implications. However, if a board prefers to remove the oath from the policy, it should replace the first sentence with this alternative:

Each Board member, before taking his or her seat on the Board, shall take the oath of office as prescribed in Section 10-16.5 of the School Code.

2 Optional - State law allows the board to determine how the oath is administered (105 ILCS 5/10-16.5). Use the following alternative if a board does not want anyone to administer the oath:

Each Board member who is taking office shall read the oath during an open meeting and swear or affirm to follow it as indicated in the oath.

3 Although national and state associations have developed codes of conduct, each board may find it helpful, as part of its self-evaluation process, to consider what behavior members expect from each other. The resulting ethics statement may serve as an important step in new member orientation. For IASB resources, see:

www.iasb.com/training/sch_bd_resources.cfm and www.iasb.com/training/schoolboardgovernancebooklet.pdf.

LEGAL REF.: 105 ILCS 5/10-16.5.

CROSS REF.: 1:30 (School District Philosophy), 2:20 (Powers and Duties of the School Board; [Indemnification](#)), 2:50 (Board Member Term of Office), 2:100 (Board Member Conflict of Interest), 2:105 (Ethics and Gift Ban), 2:210 (Organizational School Board Meeting)

School Board

Exhibit - Board Treatment of Closed Meeting Verbatim Records and Minutes

The following procedures govern the verbatim audio recordings and minutes of School Board meetings that are closed to the public. ¹

Actor	Action
<i>Before any Board meeting:</i> Superintendent or designee	<p>Arranges to have an audio recording device with extra recording tapes and a back-up audio recording device in the Board meeting room during every Board meeting regardless of whether a closed meeting is scheduled. ²</p> <p>The Board may close a portion of a public meeting without prior notice; it cannot, however, have a closed meeting unless it can record the session.</p>
<i>Before a closed meeting:</i> Board President or presiding officer	<p>On the closed meeting date: (1) convenes an open meeting, (2) requests a motion to adjourn into closed meeting making sure the reason for the meeting is identified in the motion, (3) takes a roll call vote, (4) asks that the minutes record the vote of each member present and the reason for the closed meeting with a citation to the specific exception contained in the Open Meetings Act (OMA) authorizing the closed meeting (5 ILCS 120/2a), and (5) adjourns the open meeting.</p>
<i>Before a closed meeting:</i> Superintendent or Board Secretary ³	<p>Immediately before a closed meeting, tests and activates the audio recording device.</p>
<i>During a closed meeting:</i> Board President or presiding officer	<p>Convenes the closed meeting stating:</p> <p>Seeing a quorum of the Board of Education gathered today, ___ date, at ___ o'clock, at ___ location, for the purpose of holding a closed meeting in order to confidentially discuss ___, I call the meeting to order. In order to record who is present, I request that each individual state his or her name and position with the</p>

The footnotes should be removed before the material is used.

¹ A verbatim record of all closed meetings in the form of an audio or video recording must be kept (5 ILCS 120/2.06). A board deciding to use a video recording should amend this board procedure to so reflect.

² A verbatim record may be made using an audio or video recording. The IASB sample policy and procedure use just audio recording on the basis that audio is less invasive than video recording. In addition, producing an audio recording is generally less challenging and less expensive than producing a video.

³ This responsibility may be given to anyone. The interests of continuity, efficiency, and ease of holding someone accountable suggest that the superintendent be made responsible for making and storing the verbatim recordings. If the superintendent is not present (e.g., during discussions concerning the superintendent's performance as part of an evaluation in his or her absence) the task should be given to the board secretary. A board may also want to discuss renting a safety deposit box at a local financial institution that only the board president and secretary have access to for placement of audio recordings concerning the superintendent's performance as part of an evaluation in the superintendent's absence.

Actor	Action
	<p>District. (NOTE: this script is an example.)</p> <p>Limits discussion to the topics that were included in the motion to go into a closed meeting.</p> <p>The failure to immediately call a person out-of-order who strays from the purposes included in the motion may result in an appearance of acquiescence. This responsibility to call a person out-of-order falls on each Board member in the event of the President's failure. 4</p> <p>Once the closed meeting is finished, announces a return to an open meeting or adjournment, and states the time.</p>
<p><i>After a closed meeting:</i> Superintendent or Board Secretary 5</p>	<p>Takes possession of the audio recording of the closed meeting and labels it with identification information, specifically the date and items discussed.</p> <p>Adds the identification information contained on the audio recording's label to a cumulative list of closed meeting recordings.</p> <p>As soon as possible, puts the recording of the closed meeting in the previously identified secure location for storing recordings of closed meetings.</p> <p>Prepares written closed meeting minutes that include: 6</p> <ul style="list-style-type: none"> • The date, time, and place of the closed meeting • The Board members present and absent • A summary of discussion on all matters proposed or discussed • The time the closed meeting was adjourned
<p><i>After a closed meeting:</i> School Board</p>	<p>Approves the previous closed meeting minutes at the next open meeting.</p>
<p><i>In preparation for the semi-annual review:</i> 7 Superintendent or designee</p>	<p>Prepares a recommendation concerning the continued need for confidential treatment of closed meeting minutes; includes this recommendation in the packet for the meeting in which the Board will conduct its semi-annual review. 8</p> <p>This step is in preparation of the Board's meeting to decide whether the need for confidential treatment of specific closed</p>

The footnotes should be removed before the material is used.

4 A violation of the Open Meetings Act is a Class C misdemeanor (5 ILCS 120/4) punishable by a fine of up to \$1500 and imprisonment for up to 30 days (720 ILCS 5/8/3, 5-9-1).

5 See footnote 3, supra.

6 5 ILCS 120/2.06, requires that minutes contain, at a minimum, the first 3 items listed.

7 Required by 5 ILCS 120/2.06(d).

8 While not required, this is intended to assist board members during the semi-annual review of all closed meeting minutes.

Actor	Action
	<p>meeting minutes continues to exist.</p> <p>If the Board wants to discuss closed meeting minutes in closed session, places “review of unreleased closed meeting minutes” on a closed meeting agenda. ⁹</p> <p>Places “result of Board’s review of unreleased closed meeting minutes” as an item on a subsequent open meeting agenda.</p>
<p><i>In preparation for the semi-annual review:</i></p> <p>Individual Board members</p>	<p>Before the meeting in which the Board will conduct its semi-annual review, examines the material supplied by the Superintendent.</p> <p>Individual Board members should consider: (1) the Superintendent’s recommendation, (2) the recommendation of the Board Attorney, (3) other Board members’ opinions, (4) the minutes themselves, and/or (5) whether the minutes would be exempted from public disclosure under the Illinois Freedom of Information Act.</p>
<p><i>During the semi-annual review:</i></p> <p>School Board</p>	<p>The Board decides in open session whether: (1) the need for confidentiality still exists as to all or part of closed meeting minutes, or (2) the minutes or portions thereof no longer require confidential treatment and are available for public inspection.</p> <p>The Board may have an earlier meeting in closed session to discuss the continued need for confidential treatment.</p>
<p><i>After the semi-annual review:</i></p> <p>Superintendent or designee</p>	<p>Re-labels and re-files closed meeting minutes as appropriate.</p>
<p><i>Monthly:</i></p> <p>Board President</p>	<p>Adds “destruction of closed meeting audio recording” as an agenda item to an upcoming open meeting.</p>
<p><i>Monthly:</i></p> <p>School Board</p>	<p>Approves the destruction of particular closed meeting recording(s) that are at least 18 months old and for which approved minutes of the closed meeting already exist.</p>

LEGAL REF.: 5 ILCS 120/1 et seq.

The footnotes should be removed before the material is used.

⁹ 5 ILCS 120/2 allows boards to discuss the confidentiality needs of closed meeting minutes in closed session.

School Board

Board Policy Development 1

The School Board governs using written policies. Written policies ensure legal compliance, establish Board processes, articulate District ends, delegate authority, and define operating limits. Board policies also provide the basis for monitoring progress toward District ends. 2

Policy Development

Anyone may propose new policies, changes to existing policies, or deletion of existing policies. Staff suggestions should be processed through the Superintendent. Suggestions from all others should be made to the Board President or the Superintendent.

A Board Policy Committee will consider all policy suggestions and provide information and recommendations to the Board. 3

The Superintendent is responsible for: (1) providing relevant policy information and data to the Board, (2) notifying those who will implement or be affected by or required to implement a proposed policy and obtaining their advice and suggestions, and (3) having policy recommendations drafted into written form for Board deliberation. The Superintendent shall seek the counsel of the Board Attorney when appropriate.

Policy Adoption and Dissemination

Policies or policy revisions will not be adopted at the Board meeting at which they are first introduced, except when: (1) appropriate for a consent agenda because no Board discussion is required, or (2) necessary or prudent in order to meet emergency or special conditions or to be legally compliant. 4 Further Board consideration will be given at a subsequent meeting(s) and after opportunity for community input. The adoption of a policy will serve to supersede all previously adopted policies on the same topic.

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¹ State law requires this subject matter be covered by policy (105 ILCS 5/10-20.5 and 5/10-16.7). 105 ILCS 5/10-16.7 requires the board to make all employment decisions pertaining to the superintendent as well as “to direct, through policy, the superintendent in his or her charge of the administration of the school district, including, without limitation, considering the recommendations of the superintendent concerning the budget, building plans, the locations of sites, the selection, retention, and dismissal of employees, and the selection of textbooks, instructional material, and courses of study.” Rather than being a laundry list of mandated written board policies, this list provides items on which boards must make decisions after considering the superintendent’s recommendations. The statute also requires the “board [to] evaluate the superintendent in his or her administration of board policies and his or her stewardship of the assets of the district.” Boards have broad incidental powers to adopt all necessary policies. Thomas v. Board of Education of Community Unit School Dist. 1, 453 N.E.2d 150 (Ill.App. 5, 1983).

² See the IASB’s *Foundational Principles of Effective Governance*, available on line at: www.iasb.com/principles_popup.cfm
www.iasb.com/pdf/found_prin.pdf.

³ Optional. See policy 2:150, *Committees*.

⁴ State law does not require a first reading before a board adopts a policy. The use of a consent agenda allows a board to vote on a matter without discussion. Policies or policy revisions may be appropriate for a consent agenda when providing for legal compliance; correcting grammar, spelling or punctuation; or clarifying pre-existing policy language. A board member may make a motion to remove any item from the consent agenda to the regular agenda for discussion. See policy 2:220, *School Board Meeting Procedure*.

The Board policies are available for public inspection in the District's main office during regular office hours. ⁵ Copy requests should be made pursuant to Board policy 2:250, *Access to District Public Records*.

Board Policy Review and Monitoring

The Board will periodically review its policies for relevancy, monitor its policies for effectiveness, and consider whether any modifications are required. The Board may use an annual policy review and monitoring calendar. ⁶

Superintendent Implementation

The Board will support any reasonable interpretation of Board policy made by the Superintendent. ⁷ If reasonable minds differ, the Board will review the applicable policy and consider the need for further clarification.

In the absence of Board policy, the Superintendent is authorized to take appropriate action.

Suspension of Policies

The Board, by a majority vote of members present at any meeting, may temporarily suspend a Board policy except those provisions that are controlled by law or contract. The failure to suspend with a specific motion does not invalidate the Board action.

LEGAL REF.: 105 ILCS 5/10-20.5.

CROSS REF.: 2:150 (Committees), 2:250 (Access to District Public Records), 3:40 (Superintendent)

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

⁵ This sentence must be customized to include where and how policies are available, such as, through Board Policies Online or the district's website.

⁶ Optional.

⁷ The board delegates authority to the superintendent through written board policy. The board will not substitute its judgment for that of the superintendent when the superintendent acts reasonably and in good faith based upon his or her policy interpretation. See the IASB's *Foundational Principles of Effective Governance*, available on line at:

www.iasb.com/principles_popup.cfm www.iasb.com/pdf/found_prin.pdf.

Operational Services

Incurring Debt ¹

The Superintendent shall provide early notice to the School Board of the District's need to borrow money. The Superintendent or designee shall prepare all documents and notices necessary for the Board, at its discretion, to: (1) issue State Aid Anticipation Certificates,² tax anticipation warrants,³ working cash fund bonds,⁴ bonds,⁵ notes,⁶ and other evidence of indebtedness,⁷ or (2) establish a line of credit with a bank or other financial institution. ⁸ The Superintendent shall notify the State Board of Education before the District issues any form of long-term or short-term debt that will result in outstanding debt that exceeds 75% of the debt limit specified in State law. ⁹

LEGAL REF.: 30 ILCS 305/2 and 352/1 et seq.
50 ILCS 420/
105 ILCS 5/17-16, 5/17-17, 5/18-18, and 5/19-1 et seq.

CROSS REF.: 4:10 (Fiscal and Business Management)

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. School districts are subject to a statutory debt limitation (105 ILCS 5/19-1(a); other provisions in 5/19-1 contain exceptions. Not all forms of indebtedness are subject to the statutory debt limitations. Before incurring any debt, the board must be certain that the debt will be within the district's debt limitation.

² 50 ILCS 420/1 et seq. and 105 ILCS 5/18-18.

³ 105 ILCS 5/17-16.

⁴ 105 ILCS 5/20-2, 5/20-4, and 5/20-5; 30 ILCS 305/2.

⁵ 105 ILCS 5/19-1 et seq. ~~and 20 ILCS 3105/1A-8.~~

⁶ 50 ILCS 420/0.01 et seq. A district may borrow money and issue bonds for the purposes stated in 105 ILCS 5/19-3, provided the board properly adopted an election referendum and subsequently the voters approved the proposition (10 ILCS 5/28-2). Districts have the authority to issue bonds for certain purposes without a referendum, e.g., School Fire Prevention and Safety Bonds, Working Cash Fund Bonds, Funding Bonds, and Insurance Reserve Bonds.

⁷ Other types of indebtedness include funding bonds and refunding bonds (105 ILCS 5/19-1 et seq.).

⁸ 105 ILCS 5/17-17.

⁹ 105 ILCS 5/19-1.

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. 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: ²

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. ³
2. The Superintendent or designee shall instruct the issuing bank to block the cards' use at unapproved merchants.
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. ⁴

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

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 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.

² 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.

³ This limitation is from the introductory sentence in 23 Ill.Admin.Code §100.70(d).

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. ⁵
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)

⁴ 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."

⁵ See Exhibit 4:55-E, *Cardholder's Statement Affirming Familiarity with Requirements for Using District Credit and/or Procurement Cards*.

Operational Services

Activity Funds 1

The School Board, upon the Superintendent or designee’s recommendation, establishes student activity funds to be managed by student organizations under the guidance and direction of a staff member for educational, recreational, or cultural purposes. 2

The Superintendent or designee shall be responsible for supervising student activity funds in accordance with Board policy, 4:80, *Accounting and Audits*; State law; and the Illinois State Board of Education rules for student activity funds. The Board will appoint a treasurer for each fund to serve as the fund’s sole custodian and be bonded in accordance with the School Code. 3 The treasurer shall have all of the responsibilities specific to the treasurer listed in the Illinois State Board of Education rules for school activity funds, including the authority to make loans between activity funds. 4

Unless otherwise instructed by the Board, a student activity fund’s balance will carry over to the next fiscal year. An account containing student activity funds that is inactive for 12 consecutive months shall be closed and its funds transferred to another student activity fund or authorized fund with a similar purpose. 5

LEGAL REF.: 105 ILCS 5/8-2 and 5/10-20.19.
23 Ill.Admin.Code §§100.20 and 100.80.

CROSS REF.: 4:80 (*Accounting and Audits*), 7:325 (*Student Fund-Raising Activities*)

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. See 105 ILCS 5/10-20.19 and 23 Ill.Admin.Code §100.80. ISBE’s rules in Part 125 (*Student Activity Funds and Convenience Accounts*) were in effect only through 6-30-08 after which they were replaced by Part 100. The rules in Part 100 do not provide for “convenience accounts.” Another policy, 7:325, *Student Fund-Raising Activities*, contains the elements required by State law for a policy on student fund-raising activities.

2 Student activity funds are established to account for money used to support the activities of student organizations and clubs, e.g., homeroom, yearbook, class year, choral or band group, class projects, student clubs, student council, and student-sponsored bookstore (23 Ill.Admin.Code §100.20). The funds are under the school board’s control giving it a fiduciary responsibility to safeguard them along with district assets.

3 105 ILCS 5/8-2. A board’s insurance carrier can assist the board with obtaining bonds for these individuals.

4 ISBE’s rule permits the activity fund treasurer to make loans between funds “if and as authorized by the board’s policy,” (23 Ill.Admin.Code §100.80). A board that does not want to allow loans between activity funds should choose one of these alternatives:

Alternative 1: The treasurer shall have all of the authority and responsibilities specific to the treasurer listed in the Illinois State Board of Education rules for school activity funds, except that the treasurer is not authorized to make loans between activity funds.

Alternative 2: The treasurer shall have all of the authority and responsibilities specific to the treasurer listed in the Illinois State Board of Education rules for school activity funds, except that the treasurer must have the Board’s approval before making a loan between activity funds.

5 The authority for this paragraph’s first sentence is 23 Ill.Admin.Code §100.80(c); the second sentence is up to the local board’s discretion. The following option may be inserted after the first sentence: “However, money remaining in the any Senior Class fund after graduation will automatically transfer to the next year’s class.”

Educational Support Personnel

Compensatory Time-Off ¹

This policy governs the use of compensatory time-off by employees who: (1) are covered by the overtime provisions of the Fair Labor Standards Act, 29 U.S.C. §201 et seq., and (2) are not represented by an exclusive bargaining representative.

Employees may be given 1-1/2 hours of compensatory time-off in lieu of cash payment for each hour of overtime worked. Other than as provided below, at no time may an employee's accumulated compensatory time-off exceed 240 hours, which represents compensation for 160 hours of overtime. ² An employee whose work regularly includes public safety, emergency response, or seasonal activities may accumulate a maximum of 480 hours of compensatory time, which represents compensation for 320 hours of overtime. ³ If an employee accrues the maximum number of compensatory time-off hours, the employee: (1) is paid for any additional overtime hours worked, at the rate of one and one-half times the employee's regular hourly rate of pay, and (2) does not accumulate compensatory time-off until the employee uses an equal amount of accrued time-off. ⁴

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

¹ The federal regulations implementing the Fair Labor Standards Act (FLSA) governs the use of "comp-time" (29 C.F.R. §§553.21-553.28 and 553.50, [e-CFR Data](#)). See IASB sample policy 5:35, *Compliance with the Fair Labor Standards Act*, for discussion of the FLSA. In order for a district to offer comp-time, it must have a compensatory time-off policy or the topic must be covered in an applicable collective bargaining agreement. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. School officials should consult with the board attorney before adopting this policy.

The terms "comp-time" and "compensatory time-off" mean paid time-off that is earned and accrued by a non-exempt employee in lieu of overtime pay for over 40 hours worked in one workweek. Compensatory time-off in lieu of overtime pay must be at the premium rate of 1.5 hours of compensatory time for each hour of overtime worked (just as the monetary rate for overtime is calculated at 1.5 times the regular rate of pay). As a condition for using comp-time in lieu of overtime pay, the employer and employee must have an "agreement or understanding" before the work is performed. Further, the employee's decision to accept comp-time must be made freely. For employees represented by an exclusive bargaining agent, the agreement to use comp-time must be between the district and the bargaining agent.

For non-exempt employees who are not covered by a collective bargaining agreement, the "agreement or understanding" concerning comp-time must be between the district and employee. See exhibit 5:310-E, *Agreement to Receive Compensatory Time-Off*. If the district had a regular practice of comp-time before April 15, 1986, that is deemed an "agreement." Notice to the non-exempt employees that comp-time will be given in lieu of overtime pay for overtime through bulletin board notices is sufficient to constitute an "agreement or understanding," provided that the decision to accept compensatory time-off is made freely.

² This sample policy contains the maximum hours that the FLSA allows an employee to accumulate. It is a ceiling that an employee may hit several times, but never go over without using some of the time-off. A school board may forfeit flexibility and set this ceiling lower.

³ "Seasonal activities" include activities during periods of significantly increased demand, that are of a regular and recurring nature. A seasonal activity is not limited strictly to those operations that are very susceptible to changes in the weather. However, mere periods of short but intense activity do not make an employee's job seasonal. However, the 480-hour accrual limit will not apply to office personnel or other employees who may perform such seasonal activities only in emergency situations, even if they spend substantially all of their time in a particular workweek engaged in such activities.

⁴ The FLSA permits a board to require that employees reduce their accumulated compensatory time or face having their supervisor schedule the compensatory time-off for them. Christensen et al. v. Harris County et al., 529 U.S. 576, 120 S.Ct. 1655, 146 L.Ed.2d 621 (2000). Such an optional provisions follows:

An employee who has accrued compensatory time-off shall be permitted to use such time in at least half-day components provided such requests do not unduly disrupt the District's operations. ⁵ The employee's supervisor must approve a request to use compensatory time-off.

Upon termination of employment, an employee will be paid for unused compensatory time at the higher of:

1. The average regular rate received by such employee during the last three years of employment; or
2. The final regular rate received by such employee.

Compensatory time-off is time during which the employee is not working and is, therefore, not counted as "hours worked" for purposes of overtime compensation.

Implementation

The Superintendent or designee shall implement this policy in accordance with the FLSA. In the event of a conflict between the policy and the FLSA, the latter shall control.

LEGAL REF.: Fair Labor Standards Act, 29 U.S.C. §201 et seq.; 29 C.F.R. Part 553.

CROSS REF.: 5:35 (Compliance with the Fair Labor Standards Act), 5:185 (Family and Medical Leave), 5:270 (Employment At-Will, Compensation, and Assignment)

Notwithstanding the above and to avoid hardship to the District, an employee's supervisor may require the employee to reduce accumulated compensatory time, or schedule the compensatory time-off for the employee, so that the employee does not accumulate more than 75 hours of compensatory time, which represents compensation for 50 hours of overtime.

⁵ Optional.

Students

Vandalism ¹

The School Board will seek restitution from students and their parents/guardians for vandalism or other student acts that cause damage to school property. ²

LEGAL REF.: 740 ILCS 115/.

CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:190 (Student Discipline)

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.

² The Parental Responsibility Law makes parents/guardians of unemancipated minors who are 11 through 18 years of age liable for actual damages. Parents/guardians may be liable up to \$20,000 for the first act or occurrence of a willful or malicious act. If a pattern or practice of willful or malicious acts by a minor is found by a court to exist for another separate act or occurrence, parents/guardians may be liable up to \$30,000 (740 ILCS 115/5).

Students

Suspension Procedures 1

The Superintendent or designee shall implement suspension procedures that provide, at a minimum, for the following: 2

1. Before a student may be suspended, the student shall be provided a conference during which the charges will be explained and the student will be given an opportunity to respond to the charges.
2. A pre-suspension conference is not required and the student can be immediately suspended when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.
3. Any suspension shall be reported immediately to the student's parent(s)/guardian(s). A written notice of the suspension shall state the reasons for the suspension, including any school rule that was violated, and a notice to the parent(s)/guardian(s) of their right to a review of the suspension. The School Board must be given a summary of the notice, including the reason for the suspension and the suspension length.
4. Upon request of the parent(s)/guardian(s), a review of the suspension shall be conducted by the Board or a hearing officer appointed by the Board. 3 At the review, the student's parent(s)/guardian(s) may appear and discuss the suspension with the Board or its hearing officer and may be represented by counsel. After presentation of the evidence or receipt of the hearing officer's report, the Board shall take such action as it finds appropriate.

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 districts to have a policy on student discipline (105 ILCS 5/10-20.14; 23 Ill.Admin.Code §1.280). State or federal law controls this policy's content. For information about administering student discipline, see the U.S. Dept. of Education's and the U.S. Dept. of Justice's 2014 jointly released school discipline package, *Guiding Principles*, at: www2.ed.gov/policy/gen/guid/school-discipline/faq.pdf.

Boards may authorize *by policy* the superintendent, building principal, assistant building principal, or dean of students to suspend students guilty of gross disobedience or misconduct from school, including all school functions (105 ILCS 5/10-22.6(b). See 7:190, *Student Discipline*, for such an authorization.

2 Suspension procedures are required by State law (105 ILCS 5/10-22.6(b). The right to attend school is a property right protected by the due process clause of the U.S. Constitution. *Goss v. Lopez*, 95 S.Ct. 729 (1975). Imposing a short deprivation of this property right by suspending a student for 10 or fewer days requires only minimal due process. The student must be generally informed of the reasons for the possible suspension, and be permitted to tell his/her version of the story. Making a decision to suspend before the hearing violates the basic due process requirement that the hearing be meaningful. *Sieck v. Oak Park-River Forest High School*, 807 F.Supp. 73 (N.D. Ill., E.D., 1992).

105 ILCS 5/10-22.6(b) allows a student who is suspended in excess of 20 school days to be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of the School Code. A student cannot be denied transfer because of the suspension, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

Consult the board attorney for assistance if a suspension will exceed 10 consecutive school days. Subsection 10-22.6(b) uses the phrase "is suspended in excess of 20 school days" even though a 20-consecutive day suspension should be treated as an expulsion. *Goss v. Lopez*, 95 S.Ct. 729 (1975). For further discussion, see f/n 34 in policy 7:190, *Student Discipline*.

3 A board may hear student disciplinary cases in a meeting closed to the public (5 ILCS 120/2(~~B~~)(3c)(9)).

Community Relations

Relations with Other Organizations and Agencies

The District shall cooperate with other organizations and agencies, including but not limited to:

- County Health Department
- Law enforcement agencies
- Fire authorities
- Planning authorities
- Zoning authorities
- Illinois Emergency Management Agency (IEMA), local organizations for civil defense, and other appropriate disaster relief organizations concerned with civil defense ¹
- Other school districts

CROSS REF.: 1:20 (District Organization, Operations, and Cooperative Agreements), 4:170 (Safety), 5:90 (Abused and Neglected Child Reporting), 7:150 (Agency and Police Interviews)

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

¹ 105 ILCS 5/10-22.35.