

ACTION ITEM

Date: October 28, 2019

To: Kari Cremascoli, PhD

From: Heather Glowacki, EdD, Assistant Superintendent

Subject: **First Reading of Board of Education Policies 5:120 *Ethics and Conduct*; 5:125 *Personal Technology and Social Media; Usage and Conduct*; 5:130 *Responsibilities Concerning Internal Information*; 5:150 *Personnel Records*; 5:170 *Copyright*; 5:180 *Americans With Disabilities Act*; 5:185 *Family Medical Leave Act (FMLA)*; 5:190 *Use of District Electronic Networks and Technology Equipment*; 5:195 *Teacher Duties and Qualifications*; 5:200 *Terms & Conditions of Employment and Dismissal: Teachers*; 7:20 *Harassment of Students Prohibited*; and 7:180 *Preventing Bullying and Other Aggressive Behaviors***

PROPOSED ACTION BY THE BOARD OF EDUCATION

Motion to approve as first reading of Board of Education Policies 5:120 *Ethics and Conduct*; 5:125 *Personal Technology and Social Media; Usage and Conduct*; 5:130 *Responsibilities Concerning Internal Information*; 5:150 *Personnel Records*; 5:170 *Copyright*; 5:180 *Americans With Disabilities Act*; 5:185 *Family Medical Leave Act (FMLA)*; 5:190 *Use of District Electronic Networks and Technology Equipment*; 5:195 *Teacher Duties and Qualifications*; 5:200 *Terms & Conditions of Employment and Dismissal: Teachers*; 7:20 *Harassment of Students Prohibited*; and 7:180 *Preventing Bullying and Other Aggressive Behaviors*

BACKGROUND

It is recommended that policy 5:170 *Copyright for Publication or Sale of Instructional Materials and Computer Programs Developed by Employees* be renamed to *Copyright*. Policy 5:180 *Americans with Disabilities Act* the content of this policy is captured in Policy 5:10 *Equal Employment Opportunity and Minority Recruitment*. Policy 5:180 should be renamed *Temporary Illness or Temporary Disability* along with the proposed new content related to the new name.

Policy 5:190 *Use of District Electronic Networks and Technology Equipment* could be deleted because the content is included 6:235 *Access to Electronic Networks*, and then policy 5:195 *Teacher Duties and Responsibilities* should be renumbered to 5:190.

The remaining policies were reviewed/ revised and suggestions offered for consideration.

HG/hg

Recommended for approval by the Board of Education



Dr. Kari Cremascoli, Superintendent

General Personnel

Ethics and Conduct

All District employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional and appropriate relationships with students, parents, staff members, and others. In addition, the *Code of Ethics for Illinois Educators*, adopted by the Illinois State Board of Education, is incorporated by reference into this policy. Any employee who sexually harasses a student or otherwise violates an employee conduct standard will be subject to discipline, up to and including dismissal.

Any employee who is convicted of a misdemeanor or felony while employed must inform the Superintendent or designee of such conviction no later than seven (7) calendar days after the conviction. Failure to comply with these reporting requirements may be deemed "just cause" for disciplinary action, which may include termination or non-renewal of employment in accordance with law.

Statements of Economic Interest

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

1. Superintendent;
2. Building Principal;
3. Head of any department;
4. Any employee responsible for negotiating contracts, including collective bargaining agreement, in the amount of \$1,000 or greater;
5. Hearing officer;
6. Any employee having supervisory authority for 20 or more employees; and
7. Any employee in a position that requires an administrative or a chief school business official endorsement;
8. Board of Education Members.

Ethics and Gift Ban

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

Outside Employment and Prohibited Interests; Conflict of Interest; and Limitation of Authority

No District employee shall be directly or indirectly interested in any contract, work, or business of the District, or in the sale of any article by or to the District, except when the employee is the author or developer of instructional materials listed with the State Board of Education and adopted for use by the Board. An employee having an interest in instructional materials must file an annual statement with the Board Secretary.

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District. This includes participation in the selection, award or administration of a contract supported by a federal award when the employee has a real or apparent conflict of interest as defined by 2 C.F.R. §200.318(c)(1). Employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or contracts. Situations in which the interest is not substantial or the gift is an unsolicited item of nominal value must comply with State law and Board policy 2:105, *Ethics and Gift Ban*.

Outside Employment

Employees shall not engage in any other employment or in any private business during regular working hours or at such other times as are necessary to fulfill appropriate assigned duties.

Adopted: July 26, 2004

Revised: February 23, 2015;

General Personnel

Personal Technology and Social Media; Usage and Conduct

Purpose of this Policy

The Board of Education recognizes that electronic communication, including communication via social networking sites, may be useful for parent/guardian/student/staff member communication regarding District matters. However, electronic communications also have the potential of creating a disruption in the school environment. This policy is intended to minimize that disruption and ensure that electronic communications between employees and students, between employees and parents/guardians, and between employees are appropriate and within the goals and policies of the District.

Definitions

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

Social media –Media for social interaction, using highly accessible communication techniques through the use of web-based and mobile technologies to turn communication into interactive dialogue. Examples includes *Facebook, Instagram, LinkedIn, Google+, Snapchat, Vine, Edmodo, Twitter, and YouTube.*

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

Electronic Communication –For the purposes of this policy, forms of electronic communication include communication via telephone, text messaging, electronic mail, facsimile, instant messaging, blogs, and social networking sites.

Use of Electronic Communications for School-Related Matters

Employees who communicate electronically with students and parents/guardians about school-related matters must use District-approved or District-hosted electronic accounts and applications. This paragraph is not intended to prohibit a teacher (or other staff member) from using his/her personal telephone or mobile phone to speak with a parent/guardian after work hours if the parent/guardian is unavailable for a telephone conference during the teacher’s (or other staff member’s) work hours.

Use of Personal Technology

All District employees who bring personal technology to the workplace and/or who use personal technology and social media to communicate electronically with other employees, students, or parents/guardians shall:

1. Adhere to the high standards for appropriate school relationships required by Policy 5:120, *Ethics and Conduct* at all times, regardless of the ever-changing social media and personal technology platforms available. This includes District employees posting images or private information about themselves or others in a manner readily accessible to students and other employees that is inappropriate as defined by Policy 5:20, *Workplace Harassment Prohibited*; 5:120, *Ethics and Conduct*; 6:235, *Access to Electronic Networks*; 7:20, *Harassment of Students Prohibited*; and the Illinois Code of Educator Ethics, 23 Ill.Admin.Code §22.20.
2. Choose a District-provided or supported method whenever possible to communicate with students and their parents/guardians.
3. Exercise the same discretion and high standards in communicating with former students and parents/guardians of former students that employees exercise with current students, parents/guardians, and employees.
4. Report instances of abuse or neglect discovered through the use of social media or personal technology pursuant to a teacher's school employee's obligations under the *Abused and Neglected Child Reporting Act*.
5. Use such communication in a manner that does not interfere with or disrupt the educational or working environment, or the delivery of education or educational support services.
6. Not disclose student record information including student work, photographs of students, names of students or any other personally identifiable information about students via electronic communication or social media in compliance with Policy 5:130, *Responsibilities Concerning Internal Information*.
7. Refrain from using the District's logos without permission.
8. Follow Board Policy 5:170, *Copyright*, and all District copyright compliance procedures.
9. Use personal technology and social media for personal purposes only during non-work times or hours. Any duty-free use must occur during times and places that the use will not interfere with job duties or otherwise be disruptive to the school environment or its operation.
10. Assume all risks associated with the use of personal technology and social media at school or school-sponsored activities, including students' viewing of inappropriate Internet materials through the District employee's personal technology or social media. The Board expressly disclaims any responsibility for imposing content filters, blocking lists, or monitoring of its employees' personal technology and social media.
11. Assume all risks associated with the use of electronic communications with students, parents/guardians, or other staff members that are not in compliance with this policy.

12. Be subject to remedial and any other appropriate disciplinary action for violations of this policy ranging from prohibiting the employee from possessing or using any personal technology or social media at school to dismissal and/or indemnification of the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District relating to, or arising out of, any violation of this policy.

The Superintendent or designee shall:

1. Inform District employees about this policy during an in-service on educator ethics, teacher-student conduct, and school employee-student conduct required by Board Policy 5:120, *Ethics and Conduct*.
2. As necessary, develop guidelines for the use of electronic communications with students, parents/guardians, other staff members, and entities related to the District.
3. Direct Building Principals to annually:
 - a. Provide their building staff with a copy of this policy, obtain each employee's signed acknowledgment that he/she read, understood, and agrees to comply with such policy, and maintain a copy of such acknowledgement in the employee's personnel file.
 - b. Inform their building staff about the importance of maintaining high standards in their school relationships.
 - c. Remind their building staff that those who violate this policy will be subject to remedial and any other appropriate disciplinary action up to and including dismissal.
4. Build awareness of this policy with students, parents, and the community.
5. Ensure that no one for the District, or on its behalf, requests of an employee or applicant access in any manner to his or her social networking website, or requests passwords to such sites, or engages in any other act prohibited by the *Illinois Right to Privacy in the Workplace Act*.
6. Periodically review this policy and any procedures with District employee representatives and electronic network system administrator(s) and present proposed changes to the Board.

Adopted: September 29, 2014

Revised: May 23, 2016;

Personnel

Responsibilities Concerning Internal Information

District employees are responsible for maintaining: (1) the integrity and security of all internal information, and (2) the privacy of confidential records, including but not limited to: student school records, personnel records, and the minutes of, and material disclosed in, a closed School Board meeting. Internal information is any information, oral or recorded in electronic or paper format, maintained by the District or used by the District or its employees. The Superintendent or designee shall manage procedures for safeguarding the integrity, security, and, as appropriate, confidentiality of internal information.

Adopted: March 23, 2015

Revised:

Personnel

Personnel Records

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

An employee will be given access to his or her personnel records according to State law and guidelines developed by the Superintendent.

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

Adopted: June 18, 1998

Revised: January 20, 2009, March 23, 2015;

Personnel

Copyright For Publication or Sale of Instructional Materials and Computer Programs Developed by Employees

Instructional Materials

All instructional materials developed by an employee within the scope of employment with the District shall be classified as “works for hire” and are the District’s property. The District is entitled to own the copyright and obtain all proceeds from the sale of “works for hire,” other than computer programs.

The employee must provide the District with prior written notification of his or her desire to publish any instructional materials developed within the scope of employment. In no case shall notification be made any later than 20 days prior to entering into a contract for publication with a publishing firm or with a manufacturer. The District has the exclusive right to register and /or assert the copyrights for such instructional materials. Unless the employee specifically states in writing to the contrary, the employee warrants that any instructional materials developed and submitted to the District for publication are original.

Computer Programs

An employee who develops a computer program as a direct result of his or her duties with the District or through utilization of District resources or facilities is entitled to a share of the proceeds from its sale or marketing as agreed to by the District. As limited under the School Code, neither the employee nor the District may receive more than 90% of the proceeds. The negotiation may be conducted by a union representative at the employee’s request.

“Proceeds” are profits from the sale or marketing of a product after deducting expenses of developing and marketing the product and shall be computed by the District. The proceeds of a computer program developed by more than one employee shall be equitably distributed among such employees, in proportion to their participation in the program’s development, and the District.

Copyright Compliance

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

Adopted: May 3, 1999

Revised: March 23, 2015;

Personnel

Americans With Disabilities Act

In accordance with the *Americans With Disabilities Act* (“ADA”), 42 U.S.C. 12101, et seq., no otherwise qualified individual with a disability shall by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the District, or be subjected to discrimination by the District. Nor shall any otherwise qualified individual with a disability be discriminated against because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, conditions and privileges of employment.

Temporary Illness or Temporary Incapacity

A temporary illness or temporary incapacity is an illness or other capacity of ill-being that renders a teacher (i.e., an employee in a position requiring a professional educator license) temporarily physically or mentally unable to perform assigned duties. During a period of such temporary illness or incapacity, the teacher automatically will be placed on a leave of absence for up to the period of time set forth below. This leave will run concurrently with any other available leaves.

During such a leave, the teacher must use accumulated paid leave benefits. Once paid leave benefits have been exhausted, the remainder of the temporary illness/incapacity leave period, if any, will be unpaid. The teacher’s right to fringe benefits, including health insurance coverage and seniority credit, during such a leave is governed by the general conditions applicable to all leaves of absence in the District, including the provisions of the District’s policy on FMLA leave, if applicable. However, income received from other sources (worker’s compensation, District-paid insurance programs, etc.) will be deducted from the District’s compensation liability to the teacher. The School Board’s intent is that in no case will a teacher who is temporarily ill or incapacitated receive more than 100% of his or her gross salary. Those insurance plans privately purchased by the teacher and to which the District does not contribute are not applicable to this policy.

If (a) the teacher receives medical certification that he or she is permanently disabled, or (b) illness, incapacity, or any other condition causes a teacher to be absent for more than 90 consecutive work days, and the teacher has exhausted all available leave to which he or she is entitled, such absence may be considered a permanent illness or incapacity. In that case, the Board may begin dismissal proceedings subject to state and federal law, including the *Americans with Disabilities Act*. Time periods under this policy are computed anew at the start of each new school year. However, if a teacher remains ill or incapacitated at the start of a new school year from the same or a related condition that caused the teacher to be absent the previous school year, then the time period will not be computed anew but will be continued from the previous school year. The Superintendent may recommend this paragraph’s use when circumstances strongly suggest that the teacher returned to work intermittently in order to avoid this paragraph’s application. This paragraph shall not be

considered a limitation on the Board's authority to take any action concerning a teacher that is authorized by State and federal law.

Nothing in this policy is intended to prevent the Board, upon the recommendation of the Superintendent, from dismissing a teacher at the end of any year of probationary service for the specific reason of inability to evaluate and observe that teacher's performance because of excessive absences for whatever reason, including temporary illness or incapacity. Nothing in this policy is intended to prevent the Board, upon recommendation of the Superintendent, from dismissing a teacher for cause or pursuant to a reduction in force.

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

Adopted: November 10, 1997

Personnel

Family and Medical Leave Act (FMLA)

This policy is subject to any provisions of collective bargaining agreements between the Board and its employees. In the event of conflict between an applicable collective bargaining agreement and this policy, the collective bargaining agreement controls.

Under this the federal Family and Medical Leave Act of 1993, as amended (“FMLA”), an eligible District employee is entitled to twelve (12) work weeks of unpaid family/medical leave during any rolling-backward twelve-month period for the following qualifying purposes in the event of:

- 1) The birth and first-year care of a son or daughter
- 2) The adoption or foster placement of a son or daughter. In the event of adoption or placement in foster care, time off includes absences from work that are necessary for the adoption or foster care to proceed and must end within a twelve-month period starting with the adoption or placement in foster care.
- 3) The serious health condition of the employee’s spouse, child, or parent (in-laws are excluded).
- 4) The employee’s own serious health condition that makes the employee unable to perform the essential functions of his or her job.
- 5) The existence of a qualifying exigency arising out of the fact that the employee’s spouse, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation. A “covered military member” must be either a member of a Reserve component or a retired member of the regular Armed Forces or Reserve. “Qualifying exigencies” exist in the following categories: short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, rest and recuperation, post-deployment activities, and additional activities as provided in the FMLA regulations.
- 6) To care for the employee’s spouse, child, parent, or next of kin who is a covered servicemember with a serious injury or illness. A “covered servicemember” is a member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty for which he or she is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list. During a single 12-month period, an eligible employee’s FMLA leave entitlement to care for a covered servicemember with a serious injury or illness may be extended to a total of 26 weeks of unpaid leave to care for a covered servicemember with a serious injury or illness (measured forward from the date the employee’s first FMLA leave to care for the covered servicemember begins).

Serious health condition is defined as an illness, injury, impairment of physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical care facility or requires continuing treatment by a health care provider as specified in the governing FMLA regulations.

If spouses are employed by the District, in a 12-month period, they may together take only 12 weeks for FMLA leave when the reason is for birth/first-year care of a child, adoption or foster placement of a child, or to care for a parent with a serious health condition, and only 26 weeks for FMLA leave to care for a covered servicemember as described above.

~~An employee may be permitted to work on an intermittent or reduced-leave schedule in accordance with FMLA regulations.~~

Requesting Leave

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

Eligibility

To be eligible for FMLA leave, an employee must have been employed by the District for at least 12 months and have been employed for at least 1,250 hours of service during the 12-month period immediately before the beginning of the leave. The 12 months an employee must have been employed by the District need not be consecutive. However, the District will not consider any period of previous employment that occurred more than 7 years before the date of the most recent hiring, except when the service break is due to National Guard or Reserve military service or when a written agreement exists concerning the District's intention to rehire the employee. A full-time classroom teacher is presumed to have met the 1,250 service hours requirement unless he/she did not provide services because of an unpaid leave of absence in that prior year.

Leave Description

While FMLA leave is normally unpaid, the District will substitute an employee's accrued paid leave for unpaid FMLA leave. All policies and rules regarding the use of paid leave apply when paid leave is substituted for unpaid FMLA leave. The District's substitution of paid leave for unpaid FMLA leave will count against the employee's FMLA leave entitlement. If an employee's paid leave is exhausted before completion of the applicable

FMLA period, the FMLA leave may continue on an unpaid basis for the remainder of the applicable FMLA period.

For the purposes of childbirth, paternity, and/or placement of a child with an employee for adoption or foster care, the maximum paid benefit period is defined contractually in applicable Bargaining Agreements and is limited to a maximum of twelve (12) calendar weeks following the birth or placement of the child.

Any full workweek period during which the employee would not have been required to work, including summer break, winter break, and spring break, is not counted against the employee's FMLA leave entitlement.

~~An employee may be permitted to work on an intermittent or reduced-leave schedule in accordance with FMLA regulations.~~

Continuation of Health Benefits

An employee on FMLA leave is entitled to have health benefits maintained while on leave as if the employee had continued to work instead of taking leave. Where employees are required to pay part or all of premium payments prior to leave, he/she shall continue to pay such premiums during the leave period. A District's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late and the District notifies the employee at least 15 days before coverage will cease. If an employee does not return to work after an unpaid FMLA leave, the employee shall repay the cost of health insurance premiums paid by the Board unless the employee's failure to return is due to (a) the continuation, recurrence or onset of a serious health condition of the employee, or the employee's family member, or a serious injury or illness of a covered servicemember, which would otherwise entitle the employee to FMLA leave or (b) other circumstances beyond the employee's control.

Certification

~~Medical certification from the health care provider must be submitted with all leave requests related to serious health conditions, to include the date the serious health condition began, the probable duration of the condition, appropriate medical facts regarding the condition, a statement that the employee is needed to care for the family member and an estimate of the amount of care time required (if leave is not for the self); OR in the case of employee illness a statement that the employee is unable to perform the functions of his/her job; if intermittent leave is needed for planned medical treatment a statement of dates on which treatment is expected to be given and the duration of such treatment.~~

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

1. When the leave is to care for the employee's covered family member with a serious health condition, the employee must provide a complete and sufficient certificate signed by the family member's health care provider.

2. When the leave is due to the employee's own serious health condition, the employee must provide a complete and sufficient certificate signed by the employee's health care provider.

3. When the leave is to care for a covered servicemember with a serious illness or injury, the employee must provide a complete and sufficient certificate completed signed by an authorized health care provider for the covered servicemember.

4. When the leave is because of a qualified exigency, the employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military indicating that the military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service, and (b) a statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency for which FMLA leave is requested.

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

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

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

Return to Work

Employees will be returned to the same position or an equivalent position with equivalent pay, benefits, and working conditions at the conclusion of the leave, subject to: (1) permissible limitations the District may impose as provided in the FMLA or implementing regulations, and (2) the District's reassignment policies and practices. This does not grant an employee greater rights to reinstatement, benefits, or conditions of employment than if the employee had been continuously employed.

Classroom teachers may be required to wait to return to work until the next semester in certain situations as provided under the FMLA regulations.

In circumstances where intermittent leave, reduced schedule leave, or job accommodation is appropriate, a temporary assignment to an available alternate position may be made consistent with federal and State law.

Employees are expected to return to work on the date indicated in the original request for leaves. It is recommended that an employee contact their supervisor one week prior to their rescheduled return date for confirmation purposes. An employee must provide the Superintendent or designee reasonable notice of changed circumstances (i.e., within 2 business days if the changed circumstances are foreseeable) that will alter the duration of the FMLA leave.

Employees who are on medical leave because of their own serious health condition must have a signed release from the certifying physician indicating the date on which the employee may return to work; this release must include any work restrictions recommended by the physician. The District reserves the right to evaluate or limit the employee's return based on the employee's medical restrictions, job functions, and/or the results of a fitness-for-duty examination.

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

Adopted: November 10, 1997

Revised: October 27, 2014;

Personnel

Use of District Electronic Networks and Technology Equipment

District electronic networks and technology equipment (i.e., computers, laptops, tablets, smart phones, computer programs, printers, electronic mail, software and any device capable of accepting, sending and processing data) are provided for use by authorized employees solely for work related purposes. Employees shall not utilize District electronic networks and technology equipment for commercial or personal use, gain or electronic advantage absent written authorization first obtained from the Board of Education. (105 ILCS 5/10-23/10)

Individual log-ins are provided to access District electronic networks and technology equipment and are made available to authorized personnel to assist them in accomplishing specific instructional and administrative goals of the District. Employees are prohibited from accessing or attempting to access another employee's electronic network or technology equipment account without prior authorization. Employees are expected to comply with Policy 6:235 *Access to Electronic Networks* as well all other applicable policies governing the use of technology. Employees are prohibited from:

- 1.—intentionally providing computer access to unauthorized individuals (i.e., loaning account codes to another person, disclosing someone else's password to a third party, using another's account, etc.);
- 2.—disrupting access to a computer system, network, or file (by crashing a system, releasing viruses, altering or attempting to learn other's passwords, tying up terminals, printers or operating systems, using District electronic or technology equipment for illegal activities, etc.);
- 3.—accessing or changing other individual's or department's files without permission;
- 4.—sending or distributing harassing messages;
- 5.—purposefully wasting resources or damaging District electronic networks or technology equipment;
- 6.—sending receiving or storing obscene, immoral or threatening material of any kind.

Employees shall have no proprietary interest or expectation of privacy with respect to information, data, or messages sent through or stored on District electronic networks or technology equipment. The District reserves the right to view or scan any file or software stored on District electronic networks and technology equipment. The District will periodically verify that software and hardware are working correctly, check for viruses, update software and operating systems or audit District resources and business operations.

Adopted: ~~November 10, 1997~~

Revised: ~~September 29, 2014;~~ _____

Personnel

Teacher Duties and Qualifications

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

1. Each teacher must:

- a. Have a valid Illinois Professional Educator License (PEL) with the required endorsements that legally qualifies the teacher for the duties for which the teacher is employed.
- b. Provide the District Office with a complete transcript of credits earned in institutions of higher education.
- c. Notify the Superintendent of any change in the teacher's transcript.
- d. Teachers expecting to earn an Educational Advancement stipend, must submit an official transcript to the District Office on or before September 30.

2. All teachers working in a program supported with federal funds under Title I, Part A must meet applicable State certification and licensure requirements.

~~All teachers with primary responsibility for instructing students in core academic subjects areas (English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography) must be *highly qualified* for those assignments as determined by State and Federal law.~~

The Superintendent or designee shall:

1. Monitor compliance with ~~S~~state and ~~F~~federal law requirements that teachers be appropriately licensed and *highly qualified* for their assignments;
2. Through incentives for voluntary transfers, professional development, recruiting programs, or other effective strategies, ensure that minority students and students from low-income families are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers; and
3. Ensure parents/guardians of students in schools receiving Title I money are notified: (a) of their right to request their students' classroom teachers' professional qualifications, and (b) ~~whenever their child is assigned to, or has been taught for 4 or more consecutive weeks by, a teacher who is not highly qualified.~~

Adopted: February 19, 2008

Revised: March 23, 2015;

Personnel

Terms and Conditions of Employment and Dismissal: Teachers

The School Board delegates authority and responsibility to the Superintendent to manage the terms and conditions for the employment of professional personnel. The Superintendent shall act reasonably and comply with Sstate and Ffederal law as well as any applicable individual employment contract or any applicable collective bargaining agreement in effect. The Superintendent is responsible for making dismissal recommendations to the Board consistent with the Board's goal of having a highly qualified, high performing staff.

School Year and Day

Teachers shall work according to the school calendar and school day adopted by the Board.

Teachers employed for at least 4 hours per day shall receive a duty-free lunch equivalent to the student lunch period, or 30 minutes, whichever is longer.

The District accommodates employees who are nursing mothers according to provisions in Sstate and Ffederal law.

Salary

Teachers shall be paid according to the salary detailed in the Wilmette Education Association (WEA) contract and adopted by the Board, but in no case less than the minimum salary provided by the School Code. Teachers shall be paid at least monthly on a 10- or 12-month basis.

Assignments and Transfers

The Superintendent is authorized to make teaching, study hall, extra class duty, and extracurricular assignments. In order of priority, assignments shall be made based on the District's needs and best interests, employee qualifications, and employee desires as detailed in the WEA contract.

Dismissal

The District will follow Sstate law when dismissing a teacher.

Evaluation

The District's teacher evaluation system will be conducted under the written District 39 plan developed pursuant to Sstate law.

Adopted: November 10, 1997

Revised: March 23, 2015;

Students

Harassment of Students Prohibited

Students are entitled to be educated in an environment that is respectful of their backgrounds, characteristics, and differences. The District prohibits any conduct that harasses, intimidates, or bullies a student, on the basis of actual or perceived protected classifications as identified in Board Policy 7:10, *Equal Educational Opportunities*, or as may otherwise violate a student's civil rights, including race, color, nationality, national origin, sex, sexual orientation, gender identity or expression, ancestry, age, religion, physical or mental disability, order of protection status, status of being homeless, actual or potential marital or parental status, including pregnancy, or association with a person or group with one or more of the aforementioned actual or perceived characteristics. The District will not tolerate harassing, intimidating conduct, or bullying whether verbal, physical, sexual, electronic, or visual, that affects the tangible benefits of education, that unreasonably interferes with a student's educational performance, or that creates an intimidating, hostile, or offensive educational environment. Examples of prohibited conduct include name-calling, using derogatory slurs, stalking, causing psychological harm, threatening or causing physical harm, threatened or actual destruction of property, or wearing or possessing items depicting or implying hatred or prejudice of one of the protected characteristics in Board Policy 7:10.

Sexual Harassment Prohibited

Sexual harassment of students is prohibited. Any person including a District employee or agent, or student engages in sexual harassment whenever he or she makes sexual advances, requests sexual favors, and/or engages in other verbal or physical conduct, including sexual violence of a sexual or sex-based nature, imposed on the basis of sex, that:

1. Denies or limits the provision of educational aid, benefits, services, or treatment; or that makes such conduct a condition of a student academic status; or
2. Has the purpose or effect of:
 - a. substantially interfering with a student's educational environment;
 - b. creating an intimidating, hostile, or offensive educational environment,
 - c. depriving a student of educational aid, benefits, services, or treatment; or
 - d. making submission to or rejection of such conduct the basis for academic decisions affecting a student.

The terms "intimidating," "hostile," and "offensive" include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities. The term sexual violence includes a number of acts, including sexual assault, rape, sexual battery, sexual abuse, and sexual coercion.

Making a Complaint; Enforcement

Students are encouraged to report claims or incidences of harassing conduct based upon a protected classification or other civil right, including sexual harassment, to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Complaint Manager, or any other District employee. For personal comfort, a student may choose to report to a person of the student's same sex. Any claim or allegation reported to any District employee that a student was a victim of any prohibited conduct perpetrated by another student shall be referred to the Building Principal for appropriate action.

Complaints will be kept confidential to the extent possible given the need to investigate. Students who make good faith complaints will not be disciplined. A student or his/her parents or guardians may request a complaint of harassment under this policy be investigated under Board Policy 2:260, *Uniform Grievance Procedure*.

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The Superintendent shall use reasonable measures to inform staff members and students that the District will not tolerate sexual harassment, such as by including this policy in the appropriate handbooks.

Any District employee who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action up to and including discharge. Any student of the District who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the Board Policy 7:190, *Student Discipline*. Any person making a knowingly false accusation regarding prohibited conduct will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

Adopted: April 6, 1998

Revised: January 19, 1999; January 23, 2012; September 26, 2016; June 18, 2018;

Students

Preventing Bullying and Other Aggressive Behaviors

Bullying is contrary to Illinois law and District policy. Bullying and other aggressive behaviors diminish a student's ability to learn and a school's ability to educate. Deterring students from engaging in these disruptive behaviors and providing all students access to a safe, non-hostile learning environment are important District goals.

The District prohibits and will not tolerate aggressive student behavior, including bullying conduct of any type or on any basis, as defined below. Students are expected to act respectfully towards their peers and to avoid bullying and aggressive behaviors in their interactions with other students.

In addition, bullying that is based on actual or perceived race, color, nationality, sex, sexual orientation, gender identity, gender-related identity or expression, ancestry, age, religion, physical or mental disability, military status, unfavorable discharge status from the military service, order of protection status, status of being homeless, or actual or potential marital or parental status, including pregnancy, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic is prohibited and may amount to a violation of a student's civil right and of Board policy 7:20 *Harassment*.

For purposes of this policy, the term *bullying* includes cyber-bullying, and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward, or intended to specifically target a student that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing the student or students in reasonable fear of harm to the student's or students' person or property.
2. Causing a substantially detrimental effect on the student's or students' physical or mental health.
3. Substantially interfering with the student's or students' academic performance.
4. Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying may take various forms including, without limitation, one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

Aggressive conduct towards other students that is not severe or pervasive shall not be deemed as bullying but may constitute gross disobedience or misconduct leading to discipline under Board policy 7:190 *Student Behavior*, of any student engaging in such behavior. Students who engage in bullying conduct shall also be disciplined under Board policy 7:190.

Cyber-bullying means bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. *Cyber-bullying* includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of *bullying*. *Cyber-bullying* also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of *bullying*.

Restorative measures means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and/or restore relationships among students, families, schools, and communities, and (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school.

School personnel means persons employed by, on contract with, or who volunteer in the school, including without limitation school administrators, teachers, school guidance counselors, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.

Bullying is prohibited in each of the following situations:

1. During any school sponsored education program or activity.
2. While in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school sponsored or school sanctioned events or activities.
3. Through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.
4. Through the transmission of information from a computer that is accessed at a non-school related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by the District or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This paragraph (item #4) applies only when a school administrator or teacher receives a report that bullying through this means has occurred; it does not require school personnel members to monitor any non-school related activity, function, or program.

The Superintendent or designee shall develop and maintain a bullying prevention and response program that: advances the District's goal of providing all students with a safe learning environment free of bullying and harassment, based on the engagement of a range of school stakeholders, including students and parents/guardians. This plan must be consistent with the following requirements:

1. ~~Advances the District's goal of providing all students with a safe learning environment free of bullying.~~
2. ~~Is based on the engagement of a range of school stakeholders, including students and parents/guardians.~~
3. ~~1. D~~efines bullying as provided in this policy
4. 2. Fully implements and enforces all applicable Board policies by including provisions that address the following:
 - (a) conducting a prompt and thorough investigation of alleged incidents of bullying, intimidation, harassing behavior, or similar conduct,
 - (b) making reasonable efforts to complete the investigation within ten (10) school days after the report of the alleged incident was received, taking into consideration additional relevant information received during the course of the investigation of the reported bullying incident,
 - (c) involving appropriate school support personnel and other school personnel with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process,
 - (d) providing each student who is determined as a result of investigation to have violated this or other Board policies with disciplinary consequences and appropriate remedial actions consistent with this and other Board policies,
 - (e) protecting students against retaliation for reporting such bullying conduct,
 - (f) ensuring consistency with federal and state laws and rules governing student privacy rights, providing parents/guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the Building Principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying, and
 - (g) notifying the Building Principal or school administrator or designee of the reported incident of bullying as soon as possible after the report is received.

The Superintendent or designee shall investigate whether a reported incident of bullying is within the permissible scope of the District's jurisdiction. The District shall provide both the victim and the aggressor with information regarding services that are available within the District and community, such as counseling, support services, and other programs.

5. ~~3.~~ Examines the appropriate steps to understand and rectify conditions that foster bullying, intimidation, and harassment; this contemplates taking action to eliminate or prevent these disruptive behaviors beyond traditional punitive disciplinary actions. ~~In addition, interventions shall be utilized to address bullying, which may include, but are not limited to school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.~~
6. ~~4.~~ Includes the use of interventions to address bullying, that may include, but are not limited to: school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, community-based services, bullying prevention, and character instruction in all grades in accordance with State law and Board policy 6:60, *Curriculum Content*. This includes incorporating student social and emotional development into the District's educational program as required by State law and in alignment with Board policy 6:65, *Student Social and Emotional Development*.
7. ~~5.~~ Fully informs school personnel of the District's goal to prevent students from engaging in bullying and the measures being used to accomplish it. This includes: (a) communicating the District's expectation – and the state law requirement – that teachers and other certificated employees maintain discipline, and (b) establishing a clear process for school personnel to fulfill their obligation to report alleged acts of bullying, intimidation, harassment, and other acts of actual or threatened violence, and (c) requiring school personnel to notify the Building Principal or designee of the reported incident of bullying as soon as possible after the report is received.
8. ~~6.~~ Encourages all members of the school community, including students, parents/guardians, District personnel, volunteers, and visitors, to report alleged acts of bullying, intimidation, harassment, and other acts of actual or threatened violence to the Complaint Manager(s), any Building Principal or any District employee. A student may make a complaint to any staff member whom the student is comfortable speaking. The District-named officials and all its staff members are available to help with a bully or to make a report about bullying. A report may be made orally or in writing. Anonymous reports are accepted. No disciplinary action will be taken solely on the basis of an anonymous report.

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9. 7. Actively involves students' parents/guardians in the remediation of the behavior(s) of concern. This includes ensuring that all parents/guardians are notified, as required by State law, whenever their child engages in aggressive behavior. The building principal or designee shall, consistent with federal and state laws and rules governing student privacy rights, promptly inform parents/guardians of all students involved in the alleged incident of bullying and discuss, as appropriate, the availability of services within the District and community, such as social work services, counseling, school psychological services, other interventions, and restorative measures.
10. 8. Communicates the District's expectation that all students conduct themselves with a proper regard for the rights and welfare of other students. This includes a process for commending or acknowledging students for demonstrating appropriate behavior.
11. 9. Prohibits reprisal or retaliation against any person who reports an act of bullying. A student's act of reprisal or retaliation will be met with disciplinary consequences and appropriate remedial actions consistent with this and other Board policies.
12. 10. Does not punish a student for reporting bullying or supplying information, even if the District's investigation concludes that no bullying occurred. However, knowingly making a false accusation or providing knowingly false information will be met with disciplinary consequences and appropriate remedial actions consistent with this and other Board policies.
13. 11. Posts this policy on the District's website, includes it in the student handbook, and, where applicable, posts it where other policies, rules, and standards of conduct are currently posted. This policy must be distributed ~~Annually communicates this policy~~ to students and their parents/guardians, and school personnel, including new employees when hired, and must also be provided ~~provides this policy~~ periodically throughout the school year to students and faculty. This includes annually disseminating information to all students, parents, and guardians explaining the

serious impact caused by bullying, intimidation, or harassment and that these behaviors will be taken seriously and are not acceptable in any form.

14. ~~Engages in ongoing monitoring that includes collecting and analyzing appropriate data on the nature and extent of bullying in the District's schools to identify frequency of victimization student, school personnel, and family observations of safety at a school; identification of areas of a school where bullying occurs; the types of bullying utilized; and bystander intervention or participation. The evaluation process also may include the use of relevant data and information that the school already collects for other purposes. After identifying appropriate indicators, assesses the effectiveness of this policy and the various strategies, programs, and procedures, the results of this assessment will be shared with the Board along with posting on the District website.~~
15. 12. Complies with State and federal law and is consistent with all other Board policies, including without limitation, the following:
 - a. 2:260, *Uniform Grievance Procedure*. A student may use this policy to complain about bullying.
 - b. 6:60, *Curriculum*. Bullying prevention and character instruction is provided in all grades in accordance with State law.
 - c. 6:65, *Student Social and Emotional Development*. Student social and emotional development is incorporated into the District's educational program as required by State law.
 - d. 6:235, *Access to Electronic Networks*. This policy states that the use of the District's electronic networks is limited to: (1) support of education and/or research, or (2) a legitimate business use.
 - e. 7:20, *Harassment of Students Prohibited*. This policy prohibits any person from harassing, intimidating, or bullying a student based on an identified actual or perceived characteristic (the list of characteristics in 7:20 is the same as the list in this policy).
 - f. 7:185, *Teen Dating Violence Prohibited*. This policy prohibits teen dating violence on school property, at school sponsored activities, and in vehicles used for school-provided transportation.
 - g. 7:190, *Student Behavior*. This policy prohibits, and provides consequences for, hazing, bullying, or other aggressive behaviors, or urging other students to engage in such conduct.
 - h. 7:310, *Restrictions on Publications*. This policy prohibits students from and provides consequences for: (1) accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and (2) creating and/or distributing written, printed, or electronic material, including photographic material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members.

This includes prompting the Board to conduct a review and re-evaluation of the policy to make any necessary and appropriate revisions every 2 years, and file the policy with the Illinois State Board of Education after the Board adopts or updates it.

13. Engages in ongoing monitoring that includes collecting and analyzing appropriate data on the nature and extent of bullying in the District's schools. The Superintendent or designee shall assist the Board with its evaluation and assessment of this policy's outcomes and effectiveness. This process shall include, without limitation:

- (a) The frequency of victimization;
- (b) Student, school personnel, and family observations of safety at a school;
- (c) Identification of areas of a school where bullying occurs;
- (d) The types of bullying reported; and
- (e) Bystander intervention or participation.

The evaluation process may use relevant data and information that the District already collects for other purposes. The Superintendent or designee must post the information developed as a result of the policy evaluation on the District's website, or if a website is not available, the information must be provided to school administrators, Board members, school personnel, parents/guardians, and students.

This policy is not intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the U.S. Constitution or under Section 3 of Article I of the Illinois Constitution.

Adopted: January 23, 2012

Revised: November 17, 2014; January 25, 2016; February 26, 2018; June 18, 2018;