

**BOARD OF EDUCATION POLICY MANUAL  
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**General Personnel**

**Equal Employment Opportunity and Minority Recruitment**

The School District shall provide equal employment opportunities to all persons regardless of their race, color, creed, religion, national origin, sex, sexual orientation, age, ancestry, marital status, arrest record, military status, order of protection status, or unfavorable military discharge, citizenship status provided the individual is authorized to work in the United States, use of lawful products while not at work, being a victim of domestic or sexual violence, genetic information, physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation, and other legally protected categories.

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

**Administrative Implementation**

The Superintendent shall appoint a Nondiscrimination Coordinator for personnel who shall be responsible for coordinating the District’s nondiscrimination efforts. The Nondiscrimination Coordinator may be the Superintendent or a Complaint Manager for the Uniform Grievance Procedure. The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District’s current Nondiscrimination Coordinator and Complaint Managers.

**Nondiscrimination Coordinator:**

Dr. Tim Mahaffy, Superintendent

Name

Fox River Grove School District 3

Address

403 Orchard Street

Fox River Grove, IL 60021

847/516-5100

Telephone

**Complaint Managers:**

<u>Mr. Eric Runck, Principal</u>	<u>Ms. Karen Machroli, Principal</u>
Name	Name
<u>Fox River Grove Middle School</u>	<u>Algonquin Road School</u>
Address	Address
401 Orchard Street	975 Algonquin Road
<u>Fox River Grove, IL 60021</u>	<u>Fox River Grove, IL 60021</u>
847/516-5105	847/516-5101
Telephone	Telephone

The Superintendent shall also use reasonable measures to inform staff members and applicants that the District is an equal opportunity employer, such as, by posting required notices and including this policy in the appropriate handbooks.

Minority Recruitment

The District will attempt to recruit and hire minority employees. The implementation of this policy may include advertising openings in minority publications, participating in minority job fairs, and recruiting at colleges and universities with significant minority enrollments. This policy, however, does not require or permit the District to give preferential treatment or special rights based on a protected status without evidence of past discrimination.

- LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.  
Americans With Disabilities Act, Title I, 42 U.S.C. §12111 et seq.  
Civil Rights Act of 1991, 29 U.S.C. §§621 et seq., §2000e et seq., and §12101 et seq.  
Equal Employment Opportunities Act (Title VII of the Civil Rights Act of 1964), 42 U.S.C. §2000e et seq., 29 C.F.R. Part 1601.  
Equal Pay Act, 29 U.S.C. §206(d).  
Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.  
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.  
Rehabilitation Act of 1973, 29 U.S.C. §791 ET SEQ.  
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.  
Pregnancy Discrimination Act, 42 U.S.C. §2000e(k).  
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq., 34 C.F.R. Part 106.  
Uniformed Services Employment and Reemployment Rights Act (1994), 38 U.S.C. §§4301 et seq.  
Ill. Constitution, Art. I, §§17, 18, and 19.  
105 ILCS 5/10-20.7, 5/10-20.7a, 5/10-21.1, 5/10-22.4, 5/10-23.5, 5/22-19, 5/24-4, 5/24-4.1, and 5/24-7.  
Genetic Information Protection Act, 410 ILCS 513/25.  
Ill. Whistleblower Act, 740 ILCS 174/.  
Ill. Human Rights Act, 775 ILCS 5/1-103 and 5/2-102.  
Religious Freedom Restoration Act, 775 ILCS 35/5.  
Ill. Equal Pay Act of 2003, 820 ILCS 112/.  
Victims' Economic Security and Safety Act, 820 ILCS 180/30.  
23 Ill.Admin.Code §1.230.
- CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Sexual Harassment), 5:30 (Hiring Process and Criteria, 5:40 (Communicable and Chronic Infectious Disease), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:250 (Leaves of Absence), 5:270 (Employment, At-Will, Compensation, and Assignment), 5:300, (Schedules and Employment Year), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 7:10 (Equal Educational Opportunities), 7:180 (Preventing Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)
- ADOPTED: February 22, 2010

## **General Personnel**

### **Workplace Harassment Prohibited**

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

### **Sexual Harassment Prohibited**

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

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

### **Making a Complaint; Enforcement**

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

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

Employees should report claims of harassment to the Nondiscrimination Coordinator and/or use the Board policy 2:260, *Uniform Grievance Procedure*. Employees may choose to report to a person of the employee's same sex.

There are no express time limits for initiating complaints and grievances under this policy; however, every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available.

Whom to Contact with a Report or Complaint

The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers.

**Nondiscrimination Coordinator:**

Name Dr. Tim Mahaffy  
 Address Fox River Grove School District 3  
403 Orchard Street, Fox River Grove, IL 60021  
 Telephone No. (847) 516-5100

**Complaint Managers:**

Name	<u>Ms. Karen Machroli, Principal</u>	<u>Mr. Eric Runck, Principal</u>
Address	<u>Algonquin Road School</u> 975 Algonquin Road <u>Fox River Grove, IL 60021</u>	<u>Fox River Grove Middle School</u> 401 Orchard Street <u>Fox River Grove, IL 60021</u>
Telephone No.	<u>(847) 516-5101</u>	<u>(847) 516-5105</u>

The Superintendent shall also use reasonable measures to inform staff members and applicants of this policy, which shall include reprinting this policy in the appropriate handbooks.

- LEGAL REF.: Title VII of the Civil Rights Act, 42 U.S.C. § 2000e et seq., 29 C.F.R. § 1604.11.  
Title IX of the Education Amendments, 20 U.S.C. § 1681 et seq.; 34 C.F.R. §1604.11.  
Ill. Human Rights Act, 775 ILCS 5/2-101(E), 5/2-102(D), 5/5-102, and 5/5-102.2.  
56 Ill. Admin.Code Parts 2500, 2510, 5210, and 5220.  
Burlington Industries v. Ellerth, 118 S.Ct. 2257 (1998).  
Faragher v. City of Boca Raton, 118 S.Ct. 2275 (1998).  
Franklin v. Gwinnett Co. Public Schools, 112 S.Ct. 1028 (1992).  
Harris v. Forklift Systems, 114 S.Ct. 367 (1993).  
Jackson v. Birmingham Board of Education, 125 S.Ct. 1497 (2005).  
Meritor Savings Bank v. Vinson, 106 S.Ct. 2399 (1986).  
Oncale v. Sundown Offshore Services, 118 S.Ct. 998 (1998).  
Porter v. Erie Foods International, Inc., 576 F.3d 629 (7<sup>th</sup> Cir. 2009).  
Sangamon County Sheriff's Dept. v. Ill. Human Rights Com'n, 908 N.E.2d 39 (Ill., 2009).
- CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 7:20 (Harassment of Students Prohibited)
- ADOPTED: June 21, 2010

## **General Personnel**

### **Hiring Process and Criteria**

The District hires the most qualified personnel consistent with budget and staffing requirements and in compliance with School Board policy on equal employment opportunity and minority recruitment. The Superintendent is responsible for recruiting personnel and making hiring recommendations to the Board. The Superintendent may select personnel on a short-term basis for a specific project or emergency condition before the Board's approval. No individual will be employed who has been convicted of a criminal offense listed in Section 5/21-23a of The School Code.

All applicants must complete a District application in order to be considered for employment.

### **Job Descriptions**

The Superintendent shall develop and maintain a current, comprehensive job description for each position, or job category; however, a provision in a collective bargaining agreement or individual contract will control in the event of a conflict.

### **Investigations**

The Superintendent or designee shall ensure that a fingerprint-based criminal history records check and a check of the Statewide Sex Offender Database and Violent Offender Against Youth Database (when available) is performed on each applicant as required by State law. The Superintendent or designee shall notify an applicant if the applicant is identified in either database. The Board President will keep a conviction record confidential and share it only with the Superintendent, Regional Superintendent, State Superintendent, State Teacher Certification Board, or any other person necessary to the hiring decision.

Each newly hired employee must complete an Immigration and Naturalization Service Form as required by federal law.

The District retains the right to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in Section 5/21-23a of The School Code or who falsifies, or omits facts from, his or her employment application or other employment documents.

### **Physical Examinations**

New employees must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease, including tuberculosis. All physical fitness examinations and tests for tuberculosis must be performed by a physician licensed in Illinois, or any other state, to practice medicine and surgery in any of its branches, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations. The employee must have the physical examination and tuberculin test performed no more than 90 days before submitting evidence of it to the Board.

Any employee may be required to have an additional examination by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice

nurse to perform health examination, or a physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations, if the examination is job-related and consistent with business necessity. The Board will pay the expenses of any such examination.

Orientation Program

The District's staff will provide an orientation program for new employees to acquaint them with the District's policies and procedures, the school's rules and regulations, and the responsibilities of their position.

LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. §12112, 29 C.F.R. Part 1630.

Immigration Reform and Control Act, 8 U.S.C. § 1324a et seq.

105 ILCS 5/10-16.7, 5/10-5/10-20.7, 5/10-21.4, 5/10-21.9, 5/21-23a, 5/10-22.34, 5/10-22.34b, 5/22-6.5, and 5/24-1 et seq.

820 ILCS 55/.

Duldulao v. St. Mary of Nazareth Hospital, 483 N.E.2d 956 (Ill.App.1, 1985), *aff'd in part and remanded* 505 N.E.2d 314 (Ill., 1987).

Kaiser v. Dixon, 468 N.E.2d 822 (Ill.App.2, 1984).

Molitor v. Chicago Title & Trust Co., 59 N.E.2d 695 (Ill.App.1, 1945).

CROSS REF.: 3:50 (Administrative Personnel Other Than the Superintendent), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:40 (Communicable and Chronic Infectious Disease), 5:280 (Education Support Personnel – Duties and Qualifications)

ADOPTED: January 25, 2010

## **General Personnel**

### **Compliance with the Fair Labor Standards Act**

#### **Job Classifications**

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

#### **Workweek and Compensation**

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

#### **Overtime**

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

#### **Suspension Without Pay**

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

Implementation

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

LEGAL REF.: 820 ILCS 105/4a.

Fair Labor Standards Act, 29 U.S.C. §201 et seq., 29 C.F.R. Parts 516, 541, 548, 553, 778, and 785.

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

ADOPTED: May 18, 2009



## **General Personnel**

### **Communicable and Chronic Infectious Disease**

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

An employee with a communicable or chronic infectious disease will be permitted to retain his/her position whenever, after reasonable accommodations and without undue hardship, there is no substantial risk of transmission of the disease to others, provided an employee is able to continue to perform the position's essential functions. An employee with a communicable or chronic infectious disease remains subject to the Board's employment policies including sick and/or other leave, physical examinations, temporary and permanent disability, and termination.

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. § 12101 et seq.; 29 C.F.R. § 1630.1 et seq.  
Rehabilitation Act of 1973, 29 U.S.C. § 791; 34 C.F.R. § 104.1 et seq.  
20 ILCS 2305/6.  
105 ILCS 5/24-5.  
820 ILCS 40/1 et seq.  
Control of Communicable Diseases, 77 Ill.Admin.Code Part 690.

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

ADOPTED: October 23, 2006

## **General Personnel**

### **Drug- and Alcohol-Free Workplace**

All District workplaces are drug- and alcohol-free workplaces. All employees shall be prohibited from:

1. unlawful manufacture, dispensing, distribution, possession, use, or being under the influence of a controlled substance while on District premises or while performing work for the District.
2. distribution, consumption, use, possession, or being under the influence of alcohol while on District premises or while performing work for the District.

For purposes of this policy a controlled substance is one which is:

1. not legally obtainable;
2. being used in a manner different than prescribed;
3. legally obtainable, but has not been legally obtained; or
4. referenced in federal or State controlled substance acts.

As a condition of employment, each employee shall:

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

In order to make employees aware of dangers of drug and alcohol abuse, the District will:

1. provide each employee with a copy of the District Drug- and Alcohol-Free Workplace policy;
2. post notice of the District Drug- and Alcohol-Free Workplace policy in a place where other information for employees is posted;
3. make available materials from local, state, and national anti-drug and alcohol-abuse organizations;
4. enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees;
5. inform employees of available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs.

### **District Action Upon Violation of Policy**

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

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

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate State or federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction.

LEGAL REF.:        Drug-Free School and Communities Act Amendments of 1989, 20 U.S.C. § 3171 et seq.  
                          Controlled Substances Act, 21 U.S.C. § 812; 21 C.F.R. 1308.11 - 1308.15.  
                          Drug-Free Workplace Act of 1988, 41 U.S.C. § 701 et seq.  
                          Americans With Disabilities Act, 42 U.S.C. § 12114.  
                          Drug-Free Workplace Act, 30 ILCS 580/1 et seq.

ADOPTED:         March 22, 1999

## **General Personnel**

### **Expenses**

The Board of Education shall reimburse employees for expenses necessary for the performance of their duties which have been approved by the Superintendent.

Employees must submit to the Superintendent an itemized, signed voucher showing the amount of actual expenses, attaching receipts to the voucher if possible. Expense vouchers shall be presented to the Board of Education in its regular bill process.

**Please refer to the Collective Bargaining Agreement Between the Fox River Grove Education Association and the Board of Education School District 3.**

ADOPTED:            April 28, 2003

## **General Personnel**

### **Religious Holidays**

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

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

LEGAL REF.: 775 ILCS 5/2-101 and 5/2-102.

ADOPTED: March 22, 1999

## **General Personnel**

### **Court Duty**

The District will pay full salary during the time an employee is on jury duty or, pursuant to a subpoena, serves as a witness or has a deposition taken in any school-related matter pending in court.

The District will deduct the court duty remuneration, less mileage and meal expenses, from the employee's compensation.

An employee should give at least 5 days' prior notice of pending jury duty to the District.

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

ADOPTED: April 28, 2003

## **General Personnel**

### **Abused and Neglected Child Reporting**

Any District employee who suspects or receives knowledge that a student may be an abused or neglected child shall immediately report such a case to the Illinois Department of Children and Family Services on its Child Abuse Hotline 800/25-ABUSE or 217/524-2606. The employee shall also promptly notify the Superintendent or Building Principal that a report has been made. All District employees shall sign the “*Acknowledgement of Mandated Reporter Status*” form provided by the Illinois Department of Child and Family Services (DCFS) and the Superintendent or designee shall ensure that the signed forms are retained.

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

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

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

The Superintendent or designee shall provide staff development opportunities for school personnel working with students in grades pre-kindergarten through 8, in the detection, reporting, and prevention of child abuse and neglect.

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

LEGAL REF.: 105 ILCS 5/10-21.9.

325 ILCS 5/.

CROSS REF.: 2:20 (Powers and Duties of the School Board), 5:20 (Sexual Harassment), 5:100 (Staff Development Program), 5:150 (Personnel Records), 7:20 (Harassment of Students Prohibited) 7:150 (Agency and Police Interviews)

ADOPTED: January 25, 2010

## **General Personnel**

### **Staff Development Program**

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

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

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

LEGAL REF.: 105 ILCS 5/2-3.60, 5/10-22.39, 5/10-23.12, 5/24-5, and 110/3.

745 ILCS 49/, Good Samaritan Act.

CROSS REF.: 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 4:160 (Hazardous and Infectious Materials), 5:90 (General Personnel – Abused and Neglected Child Reporting), 5:120 (Ethics), 5:250 (Leaves of Absence), 6:15 (School Accountability), 6:20 (School Year Calendar and Day)

ADOPTED: January 25, 2010

## **General Personnel**

### **Recognition For Service**

The Board of Education will periodically recognize those District employees who contribute significantly to the educational programs and welfare of the students.

ADOPTED:            March 22, 1999

## **General Personnel**

### **Ethics**

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.

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.

### **Ethics and Gift Ban**

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 Conflict of Interest**

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 School Board. An employee having an interest in instructional materials must file an annual statement with the Board Secretary.

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District.

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

LEGAL REF.: U.S. Constitution, First Amendment.  
5 ILCS 420/4A-101 and 430/.  
50 ILCS 135/.  
105 ILCS 5/10-22.39, 5/22-5 and 5/24-22.  
Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).  
Garcetti v. Ceballos, 547 U.S. 410(2006).

CROSS REF.: 2:105 (Ethics and Gift Ban)

ADOPTED: January 25, 2010

## **General 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.

LEGAL REF.: 20 U.S.C. §1232g.  
45 C.F.R. §164.502.  
5 ILCS 140/1 et seq.  
50 ILCS 205/1 et seq.  
105 ILCS 10/1 et seq.  
820 ILCS 40/1 et seq.

CROSS REF.: 2:140 (Communications To and From the Board), 2:250 (Access to District Public Records), 5:150 (Personnel Records), 7:340 (Student Records)

ADOPTED: October 22, 2007

## **General Personnel**

### **Personnel Records**

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

An employee will be given access to his or her personnel records according to State law and guidelines developed by the Superintendent. No one else may have access to an employee's personnel files and personal information except for: (1) a supervisor or management employee who has an employment or business-related reason to inspect the record, or (2) anyone who has the employee's written consent.

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.

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

LEGAL REF.: 745 ILCS 46/10.

820 ILCS 40/1 et seq.  
23 Ill. Admin. Code §1.660.

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

ADOPTED: December 15, 2008

## **HIPAA PRIVACY RULE COMPLIANCE**

### **Introduction**

School District 3 is a single legal entity that performs some activities defined as “covered functions” by the *Health Insurance Portability and Accountability Act of 1996* and its implementing regulations (“HIPAA”). The District designates itself as a hybrid entity pursuant to 45 CFR 164.504(a). The School District designates the following as a covered health care provider component: the provision of health Care Services to District students by therapists, nurses, athletic trainers, social workers, psychologists and other health care providers employed or retained by the District; and, the conducting of one or more HIPAA-covered transactions electronically by Standard Information in the case of the provision of health-related services and electronically conducted HIPAA transactions. The District designates its self-insured group health plan as a covered health plan. The District deems the foregoing components to be covered entities subject to HIPAA privacy requirements. The remaining components of the District’s operations are not covered entities subject to these requirements.

HIPAA restricts the District’s ability to use and disclose protected health information (PHI). PHI means information that is created or received by the covered component that relates to the past, present, or future physical or mental health or condition of a student or insured; the provision of health care to a student or insured; or the past, present or future payment for the provision of health care to a student or insured; and that identifies the student or insured, or for which there is a reasonable basis to believe the information can be used to identify the student or insured. PHI includes information of persons living or deceased.

Fox River Grove School District No. 3 (the “District”) sponsors and self-administers a group health plan (the Plan). Members of the District’s workforce may have access to the individually identifiable health information of Plan participants (1) on behalf of the Plan itself; or (2) on behalf of the District, for administrative functions of the Plan.

The *Health Insurance Portability and Accountability Act of 1996* (HIPAA) and its implementing regulations restrict the District’s ability to use and disclose protected health information (PHI). “Protected health information” means information that is created or received by the Plan and relates to the past, present, or future physical or mental health or condition of a participant; the provision of health care to a participant; or the past, present, or future payment for the provision of health care to a participant; and that identifies the participant or for which there is a reasonable basis to believe the information can be used to identify the participant. Protected health information includes information of persons living or deceased.

It is the District’s policy to comply fully with HIPAA’s requirements. All members of the District’s workforce who have access to PHI must comply with this Procedure. The District’s workforce includes employees, volunteers, trainees, and other persons whose work performance is under the direct control of the District, whether or not they are paid by the District.

No third party rights are intended to be created by this Policy. The District reserves the right to amend or change this Policy at any time without notice. To the extent this Policy exceeds HIPAA's requirements, it shall be aspirational and not be binding upon the District. This Policy does not address requirements under other federal laws or under state laws.

### **Privacy Officer; Contact Person**

The District designates its bookkeeper to act as privacy officer. The privacy officer will be responsible for the development and implementation of policies and procedures relating to privacy. The bookkeeper is designated as the contact person for persons who have questions, concerns, or complaints about the privacy of their PHI.

### **Procedures for Use and Disclosure of PHI**

#### **I. Use and Disclosure Defined**

The District and the Plan will use and disclose PHI only as permitted under HIPAA. The terms "use" and "disclosure" are defined as follows:

- *Use.* The sharing, employment, application, utilization, examination, or analysis of individually identifiable health information by any person working for or within the benefits department of the District, or by a Business Associate (defined below) of the Plan.
- *Disclosure.* Any release, transfer, provision of access to, or divulging in any other manner of PHI to persons who are not employees with access.

#### **II. Workforce Must Comply with District Policy and Procedure**

All members of the District's workforce must comply with this Procedure and the HIPAA privacy Rule Compliance Policy.

#### **III. Access to PHI is Limited to Certain Employees**

The following employees ("employees with access") have access to PHI:

- The district bookkeeper and Superintendent, who perform functions directly on behalf of the group health plan, and who have access to PHI on behalf of the District for its use in "plan administrative functions".

These employees with access may use and disclose PHI for plan administrative functions, and the may disclose PHI to other employees with access for plan administrative functions. The PHI disclosed must be limited to the minimum amount necessary to perform the plan administrative function. Employees with access may not disclose PHI to employees (other than employees with access) except in accordance with this Procedure.

#### **IV. Permitted Uses and Disclosures of PHI: Payment and Health Care Operations**

“Payment” includes activities undertaken to obtain Plan contributions or to determine or fulfill the Plan’s responsibility for the provision of benefits under the Plan, or to obtain or provide reimbursement for health care. Payment also includes:

- eligibility and coverage determinations including coordination of benefits and adjudication or subrogation of health benefit claims;
- risk adjusting based on enrollee status and demographic characteristics; and
- billing, claims management, collection activities, obtaining payment under a contract for reinsurance and related health care data processing.

“Health care operations” means any of the following activities to the extent that they are related to Plan administration:

- conducting quality assessment and improvement activities;
- reviewing health plan performance;
- conducting or arranging for medical review; legal services and auditing functions;
- business planning and development; and
- business management and general administrative activities.

□ *Uses and Disclosures for Plan’s Own Payment Activities or Health Care Operations.* Any employee with access may use and disclose a Plan participant’s PHI to perform the Plan’s own payment activities or health care operations.

- Disclosures must comply with the “Minimum-Necessary Standard.”
- Disclosures must be documented in accordance with the “Documentation Requirements” described below.

□ *Disclosures for Another Entity’s Payment Activities.* An employee may disclose a Plan participant’s PHI to another covered entity or health care provider to perform the other entity’s payment activities. Disclosures may be made under the following procedures;

- Disclosures must comply with the “Minimum-Necessary Standard.”
- Disclosures must be documented in accordance with the “Documentation Requirements” described below.

□ *Disclosures for Certain Health Care Operations of the Receiving Entity.* An employee with access may disclose PHI for purposes of the other covered entity’s quality assessment and improvement, case management, or health care, fraud and abuse detection programs, if the other covered entity has had a relationship with the individual, and the PHI requested pertains to that relationship. Such disclosures are subject to the following:

- The disclosure must be approved by the Privacy Official.

- Disclosures must comply with the “Minimum-Necessary Standard.”
- Disclosures must be documented in accordance with the “Documentation Requirements” described below.

- ❑ *Use or Disclosure for Purposes of Non-Health Benefits.* Unless an authorization from an individual (as discussed in “Disclosures Pursuant to an Authorization”) has been received, an employee with access may not use a participant’s PHI for the payment or operations of the District’s “non-health” benefits (e.g., disability, worker’s compensation, and life insurance). If an employee requires a participant’s PHI for the payment or health care operations of non-Plan benefits, follow these steps:
  - ❑ Obtain an Authorization. First, contact the Privacy Official to determine whether an authorization for this type of use or disclosure is on file. If no form is on file, request an appropriate form from the Privacy Official. ***Employees shall not attempt to draft authorization forms.*** All authorizations for use or disclosure for non-Plan purposes must be on a form provided by (or approved by) the Privacy Official.
  - ❑ The disclosure must be approved by the Privacy Official.
  - ❑ Disclosures must comply with the “Minimum-Necessary Standard.”
  - ❑ Disclosures must be documented in accordance with the “Documentation Requirements” described below.
- ❑ *Questions?* Any employee who is unsure as to whether a task he or she is asked to perform qualifies as a payment activity or a health care operation of the Plan should contact the Privacy Official.

**V. Mandatory Disclosures of PHI: To Individuals and DHHS**

- ❑ *Request from Individual.* Upon receiving a request from an individual for disclosure of the individual’s own PHI, the employee must follow the procedure for “Disclosures to Individuals Under Right to Access own PHI.”
- ❑ *Request from DHHS.* Upon receiving a request from a DHHS official for disclosure of PHI, the employee must take the following steps:
  - ❑ Follow the procedures for verifying the identity of a public official set forth in “Verification of Identity of Those Requesting Protected Health Information.”
  - ❑ Disclosures must be documented in accordance with the “Documentation Requirements” described below.

**VI. Permissive Disclosures of PHI: For Legal and Public Policy Purposes**

An employee who receives a request for disclosure of an individual’s PHI that appears to fall within one of the categories described below must contact the Privacy Official. No disclosures may be made pursuant to one or more of the categories described below unless the following procedures (and any additional procedures listed for that category or categories) have been followed:

- ❑ The disclosure must be approved by the Privacy Official.
- ❑ Disclosures must comply with the “Minimum-Necessary Standard.”
- ❑ Disclosures must be documented in accordance with the “Documentation Requirements” described below.

- ❑ *Disclosures about Victims of Abuse, Neglect or Domestic Violence*, if the following conditions are met:
  - The individual agrees with the disclosure; or
  - The disclosure is expressly authorized by statute or regulation and the disclosure prevents harm to the individual (or other victim); or, the individual is incapacitated and unable to agree, the requested information will not be used against the individual and is necessary for an imminent enforcement activity. In this case, the individual must be promptly informed of the disclosure unless this would place the individual at risk, or if informing would involve a personal representative who is believed to be responsible for the abuse, neglect or violence.
  
- ❑ *For Judicial and Administrative Proceedings*, in response to:
  - An order of a court or administrative tribunal (disclosure must be limited to PHI expressly authorized by the order); and
  - A subpoena, discovery request or other lawful process, not accompanied by a court order or administrative tribunal, upon receipt of assurances that the individual has been give notice of the request, or that the party seeking the information has made reasonable efforts to receive a qualified protective order.
  
- ❑ *To A Law Enforcement Official for Law Enforcement Purposes*, under the following conditions:
  - Pursuant to process and as otherwise required by law, but only if the information sought is relevant and material, the request is specific and limited to amounts reasonably necessary, and it is not possible to use de-identified information.
  - Information requested is limited to information to identify or locate a suspect, fugitive, material witness or missing person.
  - Information about a suspected victim of a crime (1) if the individual agrees to disclosure; or (2) without agreement from the individual, if the information is not to be used against the victim, if need for information is urgent, and if disclosure is in the best interest of the individual.
  - Information about a deceased individual upon suspicion that the individual's death resulted from criminal conduct.
  - Information that constitutes evidence of criminal conduct that occurred on the District's premises.

❑ *To Appropriate Public Health Authorities for Public Health Activities.*

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- ❑ *To A Health Oversight Agency for health Oversight Activities*, as authorized by law.
- ❑ *To A Coroner or Medical Examiner About Decedents*, for the purpose of identifying a deceased person, determining the cause of death or other duties as authorized by law.

- ❑ *For Cadaveric Organ, Eye or Tissue Donation Purposes*, to organ procurement organizations or other entities engaged in the procurement, banking, or transplantation of organs, eyes or tissue for the purpose of facilitating transplantation.
- ❑ *For Certain Limited Research Purposes*, provided that a waiver of the authorization required by HIPAA has been approved by an appropriate privacy board.
- ❑ *To Avert A Serious Threat to Health or Safety*, upon a belief in good faith that the use or disclosure is necessary to prevent a serious and imminent threat to the health or safety of a person or the public.
- ❑ *For Specialized Government functions*, including disclosures of an inmate's PHI to correctional institutions and disclosures of an individual's PHI to authorized federal officials for the conduct of national security activities.
- ❑ *For Workers' Compensation Programs*, to the extent necessary to comply with laws relating to workers' compensation or other similar programs.

## **VII. Disclosures of PHI Pursuant to An Authorization**

Any requested disclosure to a third party (i.e., not the individual to whom the PHI pertains) that does not fall within Sections IV, V or VI of this Procedure may be made pursuant to an individual authorization. If disclosure pursuant to an authorization is requested, the following procedures should be followed:

- ❑ Follow the procedures for verifying the identity of the individual (or individual's representative) set forth in "Verification of Identity of Those Requesting Protected health information."
- ❑ Verify that the authorization form is valid. Valid authorization forms are those that:
  - ❑ Are properly signed and dated by the individual or the individual's representative;
  - ❑ Are not expired or revoked [the expiration date of the authorization form must be a specific date (such as July 1, 2003) or a specific time period (e.g., one year from the date of signature), or an event directly relevant to the individual or the purpose of the use or disclosure (e.g., for the duration of the individual's coverage)];
  - ❑ Contain a description of the information to be used or disclosed;
  - ❑ Contain the name of the entity or person authorized to use or disclose the PHI;
  - ❑ Contain the name of the recipient of the use or disclosure;
  - ❑ Contain a statement regarding the individual's right to revoke the authorization and the procedures for revoking authorizations; and
- ❑ Contain a statement regarding the possibility for a subsequent re-disclosure of the information.
- ❑ All uses and disclosures made pursuant to an authorization must be consistent with the terms and conditions of the authorization.

- ❑ Disclosures must be documented in accordance with the procedure for “Documentation Requirements.”

### **VIII. Disclosure of PHI to Business Associates**

Before providing PHI to a business associate, employees must contact the Privacy Officer and verify that a business associate contract is in place. The following additional procedures must also be satisfied:

- ❑ Disclosures must be consistent with the terms of the business associate contract.
- ❑ Disclosures must comply with the “Minimum-Necessary Standard.” (Under that procedure, each recurring disclosure will be subject to a separate policy to address the minimum-necessary requirement, and each non-recurring disclosure must be approved by the Privacy Official.)
- ❑ Disclosures must be documented in accordance with the procedure for “Documentation Requirements.”

A *Business Associate* is an entity or person who:

- performs or assists in performing a Plan function or activity involving the use and disclosure of PHI (including claims processing or administration; data analysis, underwriting, etc.); or
- provides legal, accounting, actuarial, consulting, data aggregation, management, accreditation, or financial services, where the performance of such services involves giving the service provider access to PHI.

All uses and disclosures by a “business associate” must be made in accordance with a valid business associate agreement.

### **IX. Requests for Disclosure of PHI from Spouses, Family Members, and Friends**

The Plan and District will not disclose PHI to family and friends of an individual except as required or permitted by HIPAA. Generally, an authorization is required before another party, including spouse, family member or friend, will be able to access PHI.

- ❑ If an employee receives a request for disclosure of an individual’s PHI from a spouse, family member, or personal friend of an individual, and the spouse, family member, or personal friend

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- ❑ is either (1) the parent of the individual and the individual is a minor child; or (2) the personal representative of the individual, then follow the procedure for “Verification of Identity of Those Requesting Protected Health Information.”
- ❑ Once the identity of a parent or personal representative is verified, then follow the procedure for “Request for Individual Access.”

- ❑ All other requests from spouses, family members, and friends must be authorized by the individual whose PHI is involved. See the procedures for “Disclosures Pursuant to Individual Authorization.”

## **X. Disclosure of De-Identified Information**

“De-Identified Information” is health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual. There are two ways a covered entity can determine that information is de-identified: either by professional statistical analysis, or by removing 18 specific identifiers.

The Plan may freely use and disclose de-identified information. De-identified information is not PHI.

- ❑ Approval from the Privacy Official must be obtained prior to the use and disclosure of de-identified health information. The Privacy Official will verify that the information is de-identified.

## **XI. Verification of Identity of Those Requesting Protected Health Information**

Employees must take steps to verify the identity of the individuals who request access to PHI. They must also verify the authority of any person to have access to PHI, if the identity or authority of such person is not known. Separate procedures are set forth below for verifying the identity and authority, depending on whether the request is made by the individual, a parent seeking access to the PHI of his or her minor child, a personal representative, or a public official seeking access.

- ❑ *Request made by Individual.* When an individual requests access to his or her own PHI, the following steps should be followed:
  - ❑ Request a form of identification from the individual. Employees may rely on a valid drivers license, passport or other photo identification issued by a government agency.
  - ❑ Verify that the identification matches the identity of the individual requesting access to the PHI. If you have any doubts as to the validity or authenticity of the identification provided or the identity of the individual requesting access to the PHI, contact the Privacy Official.
  - ❑ Make a copy of the identification provided by the individual and file it with the individual’s designated record set.

- ❑ If the individual requests PHI over the telephone, verification of the individual’s social security number, address and mother’s maiden name must be obtained and documented.
- ❑ Disclosures must be documented in accordance with the procedure for “Documentation Requirements.”

- ❑ *Request made by Parent Seeking PHI of Minor Child.* When a parent requests access to the PHI of the parent’s minor child, the following steps should be followed:
  - ❑ Seek verification of the person’s relationship with the child. Such verification may take the form of confirming enrollment of the child in the parent’s plan as a dependent.
  - ❑ Disclosures must be documented in accordance with the procedure “Documentation Requirements.”
- ❑ *Request made by Personal Representative.* When a personal representative requests access to an individual’s PHI, the following steps should be followed:
  - ❑ Require a copy of a valid power of attorney [or order of custody or guardianship]. If there are any questions about the validity of this document, seek review by the Privacy Official.
  - ❑ Make a copy of the documentation provided and file it with the individual’s designated record set.
  - ❑ Disclosures must be documented in accordance with the procedure for “Documentation Requirements.”
- ❑ *Request made by Public Official.* If a public official requests access to PHI, and if the request is for one of the purposes set forth above in “Mandatory Disclosures of PHI” or “Permissive Disclosures of PHI,” the following steps should be followed to verify the official’s identity and authority):
  - ❑ If the request is made in person, request presentation of any agency identification badge, other official credentials, or other proof of government status. Make a copy of the identification provided and file it with the individual’s designated record set.
  - ❑ If the request is in writing, verify that the request is on the appropriate government letterhead.
  - ❑ If the request is by a person purporting to act on behalf of a public official, request a written statement on appropriate government letterhead that the person is acting under the government’s authority or other evidence or documentation of agency, such as a contract for services, memorandum of understanding, or purchase order, that establishes that the person is acting on behalf of the public official.

- ❑ Obtain approval for the disclosure from the Privacy Official.
- ❑ Disclosures must be documented in accordance with the procedure for “Documentation Requirements.”

## **XII. Complying with The “Minimum-Necessary” Standard**

For each recurring disclosure, identify the types of PHI to be disclosed, the types of person who may receive the PHI, the conditions that would apply to such access, and the standards for disclosures to routinely-hired types of business associates. Create a policy for each specific recurring disclosure that limits the amount disclosed to the minimum amount necessary to accomplish the purpose of the disclosure.

For all other requests for disclosures of PHI, contact the Privacy Official, who will ensure that the amount of information disclosed is the minimum necessary to accomplish the purpose of the disclosure.

- ❑ For each recurring request, identify the information that is necessary for the purpose of the requested disclosure. Limit each request to the minimum amount necessary to accomplish the purpose of the disclosure.
- ❑ For all other requests for PHI, contact the Privacy Official, who will ensure that the amount of information requested is the minimum necessary to accomplish the purpose of the disclosure.

### **Exceptions**

- ❑ The “minimum-necessary” standard does not apply to any of the following:
  - Uses or disclosures made to the individual;
  - Uses or disclosures made pursuant to an individual authorization;
  - Disclosures made to DHHS;
  - Uses or disclosures required by law; and
  - Uses or disclosures required to comply with HIPAA.

### **XIII. Documentation**

Employees shall maintain copies of all of the following items for a period of at least six years from the date the documents were created or were last in effect, whichever is later:

- ❑ “Notices of Privacy Practices” that are issued to participants.
- ❑ Copies of policies and procedures.
- ❑ Individual authorizations.
- ❑ When disclosure of certain PHI is made:
  - the date of the disclosure;
  - the name of the entity or person who received the PHI and, if known, the address of such entity or person;

- a brief description of the PHI disclosed;
- a brief statement of the purpose of the disclosure; and
- any other documentation required under these Use and Disclosure Procedures.

**Note:** The retention requirement only applies to documentation required by HIPAA. It does not apply to all medical records.

#### **XIV. Mitigation of Inadvertent Disclosures of PHI**

HIPAA requires that a covered entity mitigate, to the extent possible, any harmful effects that become known to us of a use or disclosure of an individual's PHI in violation of the policies and procedures set forth in this manual. As a result, if you become aware of a disclosure of PHI, either by an employee of the Plan or an outside consultant/contractor, that is not in compliance with the policies and procedures set forth in this manual, immediately contact the Privacy Official so that the appropriate steps to mitigate the harm to the individual can be taken.

#### **Procedures for Complying with Individual Rights**

HIPAA gives individuals the right to access and obtain copies of their protected health information that the Plan (or its business associates) maintains in designated record sets. HIPAA also provides that individuals may request to have their PHI amended, and that they are entitled to an accounting of certain types of disclosures.

##### **I. Individuals' Request for Access**

"*Designated Record Set*" is a group of records maintained by or for the District that includes:

- the enrollment, payment, and claims adjudication record of an individual maintained by or for the Plan; or
- other protected health information used, in whole or in part, by or for the Plan to make coverage decisions about an individual.

Upon receiving a request from an individual (or from a minor's parent or an individual's personal representative) for disclosure of an individual's PHI, the employee must take the following steps:

- ❑ Follow the procedures for verifying the identity of the individual (or parent or personal representative) set forth in "Verification of Identity of Those Requesting Protected Health Information."
- ❑ Review the disclosure request to determine whether the PHI requested is held in the individual's designated record set. See the Privacy Official if it appears that the requested information is not held in the individual's designated record set. ***No request for access may be denied without approval from the Privacy Official.***
- ❑ Review the disclosure request to determine whether an exception to the disclosure requirement might exist; for example, disclosure may be denied for requests to access psychotherapy notes,

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- ❑ documents compiled for a legal proceeding, certain requests by inmates, information compiled during research when the individual has agreed to denial of access, information obtained under a promise of confidentiality, and other disclosures that are determined by a health care professional to be likely to cause harm. See the Privacy Official if there is any question about whether one of these exceptions applies. ***No request for access may be denied without approval from the Privacy Official.***
- ❑ Respond to the request by providing the information or denying the request within 30 days (60 days if the information is maintained off-site). If the requested PHI cannot be accessed

within the 30-day (or 60-day) period, the deadline may be extended for 30 days by providing written notice to the individual within the original 30- or 60-day period of the reasons for the extension and the date by which the District will respond.

- ❑ A Denial Notice must contain (1) the basis for the denial; (2) a statement of the individual's right to request a review of the denial, if applicable; and (3) a statement of how the individual may file a complaint concerning the denial. All notices of denial must be prepared or approved by the Privacy Official.
- ❑ Provide the information requested in the form or format requested by the individual, if readily producible in such form. Otherwise, provide the information in a readable hard copy or such other form as is agreed to by the individual. Individuals (except for inmates) have the right to receive a copy by mail or by e-mail or can come in and pick up a copy. Individuals (including inmates) also have the right to come in and inspect the information.
- ❑ If the individual has requested a summary and explanation of the requested information in lieu of, or in addition to, the full information, prepare such summary and explanation of the information requested and make it available to the individual in the form or format requested by the individual.
- ❑ If you request a copy of the information, we may charge a reasonable fee for the costs of copying, mailing or other supplies associated with your request.
- ❑ Disclosures must be documented in accordance with the procedure "Documentation Requirements."

## II. Individual's Request for Amendment

Upon receiving a request from an individual (or a minor's parent or an individual's personal representative) for amendment of an individual's PHI held in a designated record set, the employee must take the following steps:

- ❑ Follow the procedures for verifying the identity of the individual (or parent or personal representative) set forth in "Verification of Identity of Those Requesting Protected Health Information."

- ❑ Review the disclosure request to determine whether the PHI at issue is held in the individual's designated record set. See the Privacy Official if it appears that the requested information is not held in the individual's designated record set. ***No request for amendment may be denied without approval from the Privacy Official.***
- ❑ Review the request for amendment to determine whether the information would be accessible under HIPAA's right to access procedures above). See the Privacy Official if there is any question about whether one of these exceptions applies. ***No request for amendment may be denied without approval from the Privacy Official.***

- ❑ Review the request for amendment to determine whether the amendment is appropriate—that is, determine whether the information in the designated record set is accurate and complete without the amendment.
- ❑ Respond to the request within 60 days by informing the individual in writing that the amendment will be made or that the request is denied. If the determination cannot be made within the 60-day period, the deadline may be extended for 30 days by providing written notice to the individual within the original 60-day period of the reasons for the extension and the date by which the District will respond.
- ❑ When an amendment is accepted, make the change in the designated record set, and provide appropriate notice to the individual and all persons or entities listed on the individual’s amendment request form, if any, and also provide notice of the amendment to any persons/entities who are know to have the particular record and who may rely on the uncorrected information to detriment of the individual.
- ❑ When an amendment request is denied, the following procedures apply:
  - ❑ All notices of denial must be prepared or approved by the Privacy Official. A Denial Notice must contain (1) the basis for the denial; (2) information about the individual’s right to submit a written statement disagreeing with the denial and how to file such a statement; (3) an explanation that the individual may (if he or she does not file a statement of disagreement) request that the request for amendment and its denial be included in future disclosures of information; and (4) a statement of how the individual may file a compliant concerning the denial.
  - ❑ If, following the denial, the individual files a statement of disagreement, include the individual’s request for an amendment; the denial notice of the request; the individual’s statement of disagreement, if any; and the District’s rebuttal/response to such statement of disagreement, if any, with any subsequent disclosure of the record to which the request for amendment relates. If the individual has not submitted a written statement of disagreement, include the individual’s request for amendment and its denial with any subsequent disclosure of the protected health information only if the individual has requested such action.

### **III. Processing Request for An Accounting of Disclosures of Protected Health Information**

Upon receiving a request from an individual (or a minor’s parent or an individual’s personal representative) for an accounting of disclosures, the employee must take the following steps:

- ❑ Follow the procedures for verifying the identity of the individual (or parent or personal representative) set forth in “Verification of Identity of Those Requesting Protected Health Information.”
- ❑ If the individual requesting the accounting has already received one accounting within the 12 month period immediately preceding the date of receipt of the current request, prepare a notice to the individual informing him or her that a fee for processing will be charged and providing the individual with a chance to withdraw the request.
- ❑ Respond to the request within 60 days by providing the accounting (as described in more detail below), or informing the individual that there have been no disclosures that must be

included in an accounting (see the list of exceptions to the accounting requirement below). If the accounting cannot be provided within the 60-day period, the deadline may be extended for 30 days by providing written notice to the individual within the original 60-day period of the reasons for the extension and the date by which the District will respond.

- ❑ The accounting must include disclosures (but not uses) of the requesting individual's PHI made by Plan and any of its business associates during the period requested by the individual up to six years prior to the request. (Note, however, that the Plan is not required to account for any disclosures made prior to April 14, 2003.) The accounting does not have to include disclosures made:
  - to carry out treatment, payment and health care operations;
  - to the individual about his or her own PHI;
  - incident to an otherwise permitted use or disclosure;
  - pursuant to an individual authorization;
  - for specific national security or intelligence purposes;
  - to correctional institutions or law enforcement when the disclosure was permitted without an authorization and
  - as part of a limited data set.
- ❑ If any business associate of the Plan has the authority to disclose the individual's PHI, then the request will be forwarded to the business associate on the individual's behalf.
- ❑ The accounting must include the following information for each reportable disclosure of the individual's PHI:
  - the date of disclosure;
  - the name (and if known, the address) of the entity or person to whom the information was disclosed.
  - a brief statement explaining the purpose for the disclosure. (The statement of purpose may be accomplished by providing a copy of the written request for disclosure, when applicable.)
- ❑ If the Plan has received a temporary suspension statement from a health oversight agency or a law enforcement official indicating that notice to the individual of disclosures of PHI would be reasonably likely to impede the agency's activities, disclosure may not be required. If an

employee receives such a statement, either orally or in writing, the employee must contact the Privacy Official for more guidance.

- ❑ Accountings must be documented in accordance with the procedure for "Documentation Requirements."

#### **IV. Processing Requests for Confidential Communications**

Upon receiving a request from an individual (or a minor's parent or individual's personal representative) to receive communications of PHI by alternative means or at alternative locations, the employee must take the following steps:

- ❑ Follow the procedures for verifying the identity of the individual (or parent or personal representative) set forth in “Verification of Identity of Those Requesting Protected Health Information.”
- ❑ Determine whether the request contains a statement that disclosure of all or part of the information to which the request pertains could endanger the individual.
- ❑ If a request will not be accommodated, the employee must contact the individual in person, in writing, or by telephone to explain why the request cannot be accommodated.
- ❑ A copy of all confidential communication requests that are approved must be placed in the individual’s record set.
- ❑ Requests and their dispositions must be documented in accordance with the procedure for “Documentation Requirements.”

#### **V. Processing Requests for Restrictions on Uses and Disclosures of Protected Health Information**

Upon receiving a request from an individual (or a minor’s parent or an individual’s representative) for access to an individual’s PHI, the employee must take the following steps:

- ❑ Follow the procedures for verifying the identity of the individual (or parent or personal representative) set forth in “Verification of Identity of Those Requesting Protected Health Information.”
- ❑ If a request will not be accommodated, the employee must contact the individual in person, in writing, or by telephone to explain why the request cannot be accommodated.
- ❑ A copy of all requests for limitations on use or disclosure of PHI that are approved must be placed in the individual’s record set.
- ❑ All business associates that may have access to the individual’s PHI must be notified of any agreed-to restrictions by certified mail immediately.
- ❑ Requests and their dispositions must be documented in accordance with the procedures for “Documentation Requirements.”

## **General Personnel**

### **Release Of Credit Information**

The School District will only confirm employment when requested for credit information about a District employee.

An employee wanting employment and salary or wage information released must request so in writing and an administrator must sign the released materials.

ADOPTED:            March 22, 1999

## **GENERAL PERSONNEL**

### **Copyright**

#### **Works Made for Hire**

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

#### **Copyright Compliance**

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

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

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

ADOPT:                 October 23, 2006

## **General Personnel**

### **Temporary Illness or Temporary Incapacity**

A temporary illness or temporary incapacity is an illness or other capacity of ill-being that renders an employee physically or mentally unable to perform assigned duties. During such a period, the employee can use accumulated sick leave benefits. However, income received from other sources (worker's compensation, District-paid insurance programs, etc.) will be deducted from the District's compensation liability to the employee. The School Board's intent is that in no case will the employee, who is temporarily disabled, receive more than 100 percent of his or her gross salary.

Those insurance plans privately purchased by the employee and to which the District does not contribute, are not applicable to this policy.

If illness, incapacity, or any other condition causes an employee to be absent in one school year, after exhaustion of all available leave, for more than 90 consecutive work days, such absence may be considered a permanent disability and the Board may consider beginning dismissal proceedings subject to State and federal law, including the Americans with Disabilities Act. The Superintendent may recommend this paragraph's use when circumstances strongly suggest that the employee returned to work intermittently in order to avoid this paragraph's application.

Any employee may be required to have an examination, at the District's expense, by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervisor to perform health examinations if the examination is job-related and consistent with business necessity.

LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. § 12102.  
105 ILCS 5/10-22.4, 5/24-12, and 5/24-13.  
Elder v. School Dist. No. 127 ½, 208 N.E.2d 423 (Ill.App.1, 1965).  
School District No. 151 v. ISBE, 507 N.E.2d 134 (Ill.App.1, 1987).

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

ADOPTED: October 22, 2007

## **General Personnel**

### **Worker's Compensation Benefits**

When an employee has a work-related injury or exposure, the employer must be notified promptly. A delay in notification of injury or exposure of more than 45 calendar days may result in the loss of all benefits. Notice to a fellow worker who is not part of management is not considered notice to the employer.

The district allows employees to take sick, personal or vacation days so that employees may continue to receive income and retirement benefits. If an employee chooses to use sick, personal or vacation days, the first three consecutive days will be used as full days of sick, personal, or vacation. Any days used after the three consecutive days will be charged-off at a rate of 1/3 day of sick leave for every day used as a workers' compensation day.

Temporary Total Disability is not paid for the first three consecutive days lost after an injury or exposure, unless the disability continues for fourteen more consecutive days. After being off of work for fourteen or more consecutive days, workers' compensation will go back and pick-up the first three days missed. When this happens, two days of sick leave will be restored. Workers' Compensation payments represent 2/3 of the employee's average weekly earnings during the year before the accident or last exposure.

Adopted: April 28, 2003

## **General Personnel**

### **Family and Medical Leave**

#### Leave Description

An eligible employee may use unpaid family and medical leave (FMLA leave), guaranteed by the federal Family and Medical Leave Act, for up to a combined total of 12 weeks each year, beginning September 1 and ending August 31 of the next year.

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

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

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

1. The birth and first-year care of a son or daughter.
2. The adoption or foster placement of a son or daughter, including absences from work that are necessary for the adoption or foster care to proceed and expiring at the end of the 12-month period beginning on the placement date.
3. The serious health condition of an employee's spouse, child or parent.
4. The employee's own serious health condition that makes the employee unable to perform the functions of his or her job.
5. The existence of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a 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.

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

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

#### Eligibility

To be eligible for FMLA leave, both of the following provisions must describe the employee:

1. The employee is employed at a worksite where at least 50 employees are employed within 75 miles; and
2. The employee has been employed by the District for at least 12 months and has been employed for at least 1,250 hours of service during the 12-month period immediately before the beginning of the leave. The 12 months an employee must have been employed by the District need not be consecutive. However, the District will not consider any period of previous employment that occurred more than 7 years before the date of the most recent hiring, except when the service break is due to National Guard or Reserve military service or when a written agreement exists concerning the District's intention to rehire the employee.

#### Requesting Leave

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

#### Certification

Within 15 calendar days after the Superintendent or designee makes a request for certification of 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 certificate completed 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 certificate completed 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 certificate completed 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.

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

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

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

#### Continuation of Health Benefits

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

#### Changed Circumstances and Intent to Return

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

#### Return to Work

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

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

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

#### Implementation

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

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

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

ADOPTED: May 18, 2009

## **Professional Personnel**

### **Teacher Qualifications**

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

1. Each teacher must:
  - a. Have a valid Illinois certificate 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 and, annually by July 1, provide the District Office with a transcript of any credits earned since the date the last transcript was filed.
  - c. Notify the Superintendent of any change in the teacher's transcript.
2. All teachers with primary responsibility for instructing students in the core academic subject areas (science, the arts, reading or language arts, English, history, civics and government, economics, geography, foreign language, and mathematics) must be *highly qualified* for those assignments as determined by State and federal law.

The Superintendent or designee shall:

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

LEGAL REF.: U.S.C. §6319.

34 C.F.R. §200.55, 56, 57, and 61.

105 ILCS 5/10-20.15, 5/21-1, 5/21-10, 5/21-11.4, and 5/24-23.

23 Ill.Admin.Code Part 25.

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

ADOPTED: May 19, 2008

## **Professional Personnel**

### **Terms and Conditions of Employment and Dismissal**

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 State and federal law as well as 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.

### **Duty-Free Lunch, School Day, Salary, Assignments and Transfers**

**Please refer to the current "Collective Bargaining Agreement Between the Fox River Grove Education Association and the Board of Education School District 3."**

### **School Year**

Teachers shall work according to the school calendar adopted by the Board of Education, which shall have a minimum of 176 student attendance days and a minimum of 180 teacher work days, including teacher institute days. The District accommodates employees who are nursing mothers according to provisions in the Nursing Mothers in the Workplace Act. P.A. 92-0068.

### **Dismissal**

The District will follow State law when dismissing a teacher.

### **Evaluation**

The District's teacher evaluation system will be conducted under the plan filed with the Illinois State Board of Education.

On an annual basis, the Superintendent will provide the School Board with a written report which outlines the results of the District's teacher evaluation system.

LEGAL REF.: 105 ILCS 5/10-19, 5/18-8, 5/24-2, 5/24-8, 5/24-9, 5/24-21, 5/24A-4, and 5/24A-5.  
Metzl v. Leininger, 57 F.3d 618 (7th Cir. 1995).

CROSS REF.: 4:100 (staff insurance program), 5:290

ADOPTED: July 28, 2008

## **Professional Personnel**

### **Substitute Teachers**

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

A substitute teacher must hold a valid teaching or substitute certificate. Substitute teachers with a substitute certificate may teach only when an appropriate, fully-certificated teacher is unavailable.

A substitute teacher may teach only for a period not to exceed 90 paid school days or 450 paid school hours in any one school district in any school term. However, a teacher holding an early childhood, elementary, high school, or special certificate may substitute teach for a period not to exceed 120 paid school days or 600 paid school hours in any one school district in any one school term, unless the subject area is one where the Regional Superintendent has certified that a personnel shortage exists.

The School Board annually establishes a daily rate of pay for substitute teachers. No fringe benefits are given substitutes.

### **Internal Substitutions**

**Please refer to the current “Collective Bargaining Agreement Between the Fox River Grove Education Association and the Board of Education School District 3.”**

LEGAL REF.: 105 ILCS 5/21-9; 24-5.  
23 Ill.Admin.Code §1.790.

ADOPTED: October 26, 2009

## **Professional Personnel**

### **Maintaining Student Discipline**

Maintaining an orderly learning environment is an essential part of each teacher's instructional responsibilities. A teacher's ability to foster appropriate student behavior is an important factor in the teacher's educational effectiveness.

When a student's behavior is unacceptable, the teacher should first discuss the matter with the student. If the unacceptable behavior continues, the teacher should consult with the Building Principal and/or discuss the problem with the parent(s)/guardian(s). A teacher may remove any student from the learning setting whose behavior interferes with the lessons or participation of fellow students; a student's removal must be in accordance with Board policy and administrative procedures.

Teachers shall not use disciplinary methods which may be damaging to students, such as ridicule, sarcasm, or excessive temper displays. Corporal punishment (including slapping, paddling or prolonged maintenance of a student in physically painful positions, and intentional infliction of bodily harm) may not be used. Teachers may use reasonable force as needed to keep students, school personnel, and others safe, or for self-defense or defense of property.

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

CROSS REF.: 7:190

ADOPTED: March 22, 1999

## **Professional Personnel**

### **Suspension**

#### **Suspension Without Pay**

The School Board may suspend without pay (1) a professional employee pending a dismissal hearing, or (2) a teacher as a disciplinary measure for up to 10 employment days for misconduct that is detrimental to the School District. Administrative staff members may not be suspended without pay as a disciplinary measure.

Misconduct that is detrimental to the School District includes:

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

At the request of the professional employee made within 5 calendar days of receipt of a pre-suspension notification, the Board or Board-appointed hearing examiner will conduct a pre-suspension hearing. The Board or its designee shall notify the professional employee of the alleged charges and the date and time of the hearing. At the pre-suspension hearing, the professional employee or his/her representative may present evidence.

#### **Suspension With Pay**

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

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

Any criminal conviction resulting from the investigation or allegations shall require the employee to repay to the District all compensation and the value of all benefits received by the employee during the suspension.

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

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

ADOPTED: December 15, 2008

## **Professional Personnel**

### **Leaves of Absence**

**Please refer to the current “Collective Bargaining Agreement Between the Fox River Grove Education Association and the School District 3 Board of Education.”**

#### **Leave of Absence Without Pay**

The Board may grant a leave of absence without pay to tenured professional staff members who have rendered satisfactory service and desire to return to employment in a similar capacity at a time determined by the School Board.

Each leave of absence shall be of the shortest possible duration required to meet the leave's purpose consistent with a reasonable continuity of instruction for students.

#### **Leaves For Service in the Military**

Leaves for service in the U.S. Armed Services or any of its reserve components and the National Guard, as well as re-employment rights, will be granted in accordance with State and federal law. A professional staff member hired to replace one in military service does not acquire tenure.

#### **General Assembly Leave**

Leaves for service in the General Assembly, as well as re-employment rights, will be granted in accordance with State and federal law. A professional staff member hired to replace one in the General Assembly does not acquire tenure.

#### **Leave for Employment in Department of Defense**

The Board may grant teachers a leave of absence to accept employment in a Department of Defense overseas school.

#### **School Visitation Leave**

An eligible professional staff member is entitled to 8 hours during any school year, no more than 4 hours of which may be taken on any given day, to attend school conferences or classroom activities related to the teacher's child, if the conference or activity cannot be scheduled during non-work hours.

Professional staff members must first use all accrued vacation leave, personal leave, compensatory leave, and any other leave that may be granted to the professional staff member, except sick and disability leave.

The Superintendent shall develop administrative procedures implementing this policy consistent with the School Visitation Rights Act.

#### **Leaves for Victims of Domestic or Sexual Violence**

Any unpaid leave from work is available to any staff member who: (1) is a victim of domestic or sexual violence, or (2) has a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual

violence. The unpaid leave allows the employee to seek medical help, legal assistance, counseling, safety planning, and other assistance without suffering adverse employment action.

The Victims' Economic Security and Safety Act governs the purpose, requirements, scheduling, and continuity of benefits, and all other terms of the leave. Accordingly, if the District employs at least 50 employees, an employee is entitled to a total of 12 work weeks of unpaid leave during any 12-month period. Neither the law nor this policy creates a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by the federal Family and Medical Leave Act of 1993 (29 U.S.C. §2601, et seq.).

#### Leaves to Serve as an Officer or Trustee of a Specific Organization

Upon request, the Board will grant: (1) an unpaid leave of absence to a teacher who is an elected officer of a State or national teacher organization that represents teachers in collective bargaining negotiations, (2) twenty days of paid leave of absence per year to a trustee of the Teachers' Retirement System in accordance with 105 ILCS 5/24-6.3, and (3) a paid leave of absence for the local association president of a State teacher association that is an exclusive bargaining agent in the District, or his or her designee, to attend meetings, workshops, or seminars as described in 105 ILCS 5/24-6.2.

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

105 ILCS 5/24-6, 5/24-6.1, 5/24-6.2, 5/24-6.3, 5/24-13, and 5/24-13.1.  
820 ILCS 147/1 et seq. and 180/1 et seq.

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

ADOPTED: January 25, 2010

## **Professional Personnel**

### **Student Teachers**

The Superintendent is authorized to accept students from university-approved teacher-training programs to do student teaching in the District. The Superintendent or designee shall be responsible for screening potential student teachers and for their orientation, assignment and training program.

Student teachers should be assigned to supervising teachers whose qualifications are acceptable to the District and the students' respective colleges or universities.

LEGAL REF.: 105 ILCS 5/10-22.34.

ADOPTED: March 21, 2005

## **Educational Support Personnel**

### **Employment At-Will, Compensation, and Assignment**

#### Employment At-Will

Unless otherwise specifically provided, District employment is at-will, meaning that employment may be terminated by the District or employee at any time for any reason other than a reason prohibited by law. Nothing in Board of Education policy is intended or should be construed as altering the employment at-will relationship.

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

#### Compensation and Assignment

The Board of Education will determine salary and wages for educational support personnel. Increments are dependent on evidence of continuing satisfactory performance. An employee covered by the overtime provisions in State or federal law, shall not work overtime without the prior authorization from the employee's immediate supervisor. Educational support personnel are paid every 2 weeks. The Superintendent is authorized to make assignments and transfers of educational support personnel.

LEGAL REF.: 105 ILCS 5/10-22.34 and 5/10-23.5.  
Duldulao v. St. Mary of Nazareth Hospital, 483 N.E. 2d 956 (Ill. App. 1 Dist. 1985).  
Kaiser v. Dixon, 468 N.E. 2d 822 (Ill. App. 2d Dist. 1984).  
Molitor v. Chicago Title & Trust Co., 59 N.E. 2d 695 (Ill. App. 1 Dist. 1945).

CROSS REF.: 5:290, 5:310

ADOPTED: March 21, 2005

## **Educational Support Personnel**

### **Duties and Qualifications**

All support staff: (1) must meet qualifications specified in job descriptions, (2) must be able to perform the essential tasks listed and/or assigned, and (3) are subject to Board policies as they may be changed from time-to-time at the Board's sole discretion.

#### **Paraprofessionals and Teacher Aides**

"Paraprofessionals" and "teacher aides" are noncertificated personnel with instructional duties; the terms are synonymous. Service as a paraprofessional or teacher aide requires a "statement of approval" issued by the Illinois State Board of Education (ISBE).

A paraprofessional or teacher aide in a targeted assistance program that is paid with federal funds under Title I, Part A, or in a school-wide program that is supported with such funds, shall hold a "statement of approval," issued by the ISBE, for this purpose.

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

#### **Noncertificated Personnel Working with Students Performing Non-Instructional Duties**

Noncertificated personnel performing non-instructional duties may be used:

1. For supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media (e.g., computers, video, and audio), detention and discipline areas, and school-sponsored extracurricular activities;
2. As supervisors, chaperones, or sponsors for non-academic school activities; or
3. For non-teaching duties not requiring instructional judgment or student evaluation.

Nothing in this policy prevents a noncertificated person from serving as a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval.

#### **Coaches and Athletic Trainers**

Athletic coaches and trainers shall have the qualifications required by any association in which the School District maintains a membership. Regardless of whether the athletic activity is governed by an association, the Superintendent or designee shall ensure that each athletic coach is knowledgeable regarding coaching principles, Handbook, the content of the sports first aid kit and location and use of the Automatic External Defibrillator. Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law.

Bus Drivers

All school bus drivers must have a valid school bus driver permit. The Superintendent or designee shall inform the Illinois Secretary of State, within 30 days of being informed by a school bus driver, that the bus driver permit holder has been called to active duty. New bus drivers and bus drivers who are returning from a lapse in their employment are subject to the requirements contained in Board policy 5:30, *Hiring Process and Criteria* and Board policy 5:285, *Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers*.

LEGAL REF.: No Child Left Behind Act of 2001, 20 U.S.C. §6319(c).

34 C.F.R. §§ 200.58 and 200.59.

105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b, and 25/1.5.

625 ILCS 5/6-104 and 5/6-106.1.

23 Ill.Admin.Code §§25.510, 25.520.

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

ADOPTED: January 25, 2010

## **Educational Support Personnel**

### **Drug and Alcohol Testing For School Bus and Commercial Vehicle Drivers**

The District shall adhere to federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers.

This program shall comply with the requirements of the Code of Federal Regulations, Title 49 § 382 et seq. The Superintendent or designee shall adopt and enact regulations consistent with the federal regulations, defining the circumstances and procedures for the testing.

LEGAL REF.:       49 U.S.C. § 2717, Alcohol and Controlled Substances Testing (Omnibus Transportation Employee Testing Act of 1991).  
                      49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs), 382 (Controlled Substance and Alcohol Use and Testing), and 395 (Hours of Service of Drivers).

CROSS REF.:       4:110, 5:30, 5:280

ADOPTED:         March 22, 1999



## **Educational Support Personnel**

### **Employment Termination and Suspensions**

#### **Resignation and Retirement**

An employee is requested to provide 2 weeks' notice of a resignation. A resignation notice cannot be revoked once given. An employee planning to retire should notify his or her supervisor at least 2 months before the retirement date.

#### **Non-RIF Dismissal**

The District may terminate an at-will employee at any time for any or no reason, but not for a reason prohibited by State or federal law.

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

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

#### **Reduction In Force and Recall**

This section is applicable whenever the Board decides to decrease the number of educational support personnel or to discontinue some particular type of educational support service and, as a result of that action, an educational support employee is removed, dismissed, or his or her hours are reduced.

The Board shall use a seniority list to determine the order of dismissal or removal. The seniority list, categorized by positions, shows the length of continuing service of each full-time educational support employee. The employee with the shorter length of continuing service within the respective category of position shall be dismissed first.

Except as provided below, written notice will be given the employee by certified mail, return receipt requested, at least 30 days before the employee is removed or dismissed, or his or her hours are reduced, together with a statement of honorable dismissal and the reason therefore if applicable. The prior written notice will be extended to at least 90 days if the lay-off is due to the District entering into a contract with a third party for non-instructional services. The prior written notice will be shortened to at least 5 days before an employee's hours are reduced as a result of an unforeseen reduction in the student population.

Any vacancies for the following school term or within one calendar year from the beginning of the following school term, shall be offered to the employees so removed or dismissed from that category or any other category of position provided they are qualified to hold such positions.

Final Paycheck

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

Suspension

Except as provided below, the Superintendent is authorized to suspend an employee without pay as a disciplinary measure, during an investigation into allegations of misconduct, or pending a dismissal hearing whenever, in the Superintendent's judgment, the employee's presence is detrimental to the District. A disciplinary suspension shall be with pay (1) when the employee is exempt from the overtime provisions, or (2) until an employee with an employment contract for a definite term is provided a notice and hearing according to the suspension policy for professional employees.

Any criminal conviction resulting from the investigation or allegations shall require the employee to repay to the District all compensation and the value of all benefits received by the employee during the suspension.

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

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

ADOPTED: December 15, 2008

## **Educational Support Personnel**

### **Schedules and Employment Year**

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

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

### **Breaks**

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

LEGAL REF.: Fair Labor Standards Act, 29 U.S.C. §207 et seq.

820 ILCS 105/1 et seq. and 260/1 et seq.

105 ILCS 5/10-20.14a, 5/10-22.34, and 5/10-23.5.

CROSS REF.: 5:35 (Compliance with the Fair Labor Standards Act)

ADOPTED: October 23, 2006

## **Educational Support Personnel**

### **Compensatory Time-Off**

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. 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. 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.

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. 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.

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), 5:270 (Employment At-Will, Compensation, and Assignment).

ADOPTED: October 25, 2004

## **Educational Support Personnel**

### **Evaluation**

The Superintendent is responsible for designing and implementing a program for evaluating the job performance of each educational support staff member according to standards contained in Board policies as well as in compliance with State law and any applicable collective bargaining agreement. The standards for the evaluation program shall include, but not be limited to:

1. Each employee shall be evaluated annually.
2. The direct supervisor shall provide input.
3. The employee's work quality, promptness, attendance, reliability, conduct, judgment, and cooperation shall be considered.
4. The employee shall receive a copy of the annual evaluation.
5. All evaluations shall comply with State and federal law and any applicable collective bargaining agreement.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:150 Personnel Records)

ADOPTED: October 23, 2006

## **Educational Support Personnel**

### **Sick Days, Vacation, Holidays, and Leaves**

#### Sick and Bereavement Leave

Full or part-time educational support personnel who work at least 600 hours per year receive 10 paid sick leave days per year; full year employees receive 12 days sick leave. Part-time employees will receive sick day pay equivalent to their regular work day. Unused sick leave shall accumulate to a maximum of 340 days, including the leave of the current year.

Educational Support Personnel who have accumulated sixty-five (65) or more sick leave days at the end of any given year of employment shall receive one additional day of sick leave credit, granting either eleven (11) days or thirteen (13) days.

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

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

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

#### Vacation

Twelve-month employees shall be eligible for paid vacation days according to the following schedule:

<u>Length of Employment</u>		<u>Maximum Vacation Leave Earned per Year</u>
<i>From:</i>	<i>To:</i>	
Beginning of year 2	End of year 7	10 Days
Beginning of year 8	End of term of service	15 Days

The Superintendent will determine the procedure for requesting vacation.

Vacation days earned in one fiscal year must be used by the end of the following fiscal year; they do not accumulate. Employees resigning or whose employment is terminated are entitled to the monetary equivalent of all earned vacation.

Holidays

Unless the district receives a waiver or modification of The School Code pursuant to Section 2-3.25g, allowing it to schedule school on a holiday listed below, District employees will be paid for, but will not be required to work on:

- |                                       |                     |
|---------------------------------------|---------------------|
| New Year's Day                        | Labor Day           |
| Martin Luther King Jr.'s Birthday     | Columbus Day        |
| President's Day                       | Thanksgiving Day    |
| Casimir Pulaski's Birthday            | Thanksgiving Friday |
| Memorial Day                          | Christmas Day       |
| Independence Day (12-month employees) |                     |

In the event any of these holidays fall on a Saturday or Sunday, an alternate date will be identified either in the approved District calendar or as approved by the District Superintendent.

The District may require educational support personnel to work on a school holiday during an emergency or for the continued operation and maintenance of facilities or property.

Personal Leave

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

1. Except in cases of emergency or unavoidable situations, a personal leave request should be submitted to the Building Principal three days before the requested date.
2. No personal leave day may be used immediately before or immediately after a holiday, or during the first and/or last 5 days of the school year, unless the Superintendent grants prior approval.
3. Personal leave may not be used in increments of less than one-half day.

4. Personal leave is subject to any necessary replacement's availability
5. Personal leave may not be used when the employee's absence would create an undue hardship.

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

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

Other Leaves

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

1. Leaves for Service in the Military and General Assembly.
2. School Visitation Leave.
3. Leaves for Victims of Domestic or Sexual Violence.

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

105 ILCS 5/10-20.7b, 5/24-2, and 5/24-6.  
820 ILCS 147 and 180/1 et seq.

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

ADOPTED: January 25, 2010

