GOVERNING BOARDS POLICY MANUAL

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# Governing Boards

## Special Education District Governance

The District is governed by the Governing Boards: The Four Rivers Special Education District Council, and the Operating Board of Directors. These are hereafter referred to as the Council and the Operating Board. “Governing Boards” means both the Council and the Operating Board. The Boards’ powers and duties are established by the “Amended Joint Agreement of the Four Rivers Special Education District.”

Official action by Board members must occur at a duly called and legally conducted meeting at which a quorum is physically present.

LEGAL REF.: 105 ILCS 5/10, 5/10-10, 5/10-20.5 and 5/10-22.31.

 5 ILCS 120/1.01.

CROSS REF.: 1:10 (School District Legal Status), 2:20 (Powers and Duties of the School Board), 2:80 (Board Member Oath and Conduct), 2:120 (Board Member Development), 2:200 (Types of School Board Meetings), 2:220 (School Board Meeting Procedure)

ADOPTED: October 26, 2011

# Four Rivers Special Education District 2:20

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# Governing Boards

## Powers and Duties of The Governing Boards

The powers and duties of the Governing Boards are as indicated in the “Amended Joint Agreement of the Four Rivers Special Education District.” In addition, the Governing Board shall have all powers and duties of a board of education to the extent the same may be lawfully exercised by the Governing Board.”

LEGAL REF.: 105 ILCS 5/10-22.31

CROSS REF.: 1:10, 2:10

ADOPTED: December 18, 2019

# Four Rivers Special Education District 2:50

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# Governing Boards

## Board Member Term of Office

The terms of office of the members of the Governing Boards shall be as indicated in the “Amended Joint Agreement of the Four Rivers Special Education District.”

LEGAL REF.: 105 ILCS 5/10-22.31

ADOPTED: February 23, 2000

# Four Rivers Special Education District 2:70

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# Governing Boards

## Vacancies on Governing Boards – Filling Vacancies

Vacancies on the Governing Boards shall be filled as indicated in the “Amended Joint Agreement of the Four Rivers Special Education District.”

ADOPTED: February 23, 2000

# Four Rivers Special Education District 2:100

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# Governing Boards

## Board Member Conflict of Interest

No Board member shall: (1) have a beneficial interest directly or indirectly in any contract, work, or business of the District unless permitted by State or federal law; or (2) solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or contracts with the District. Situations in which the interest is not substantial or the gift is an unsolicited item of nominal value must comply with State law and Board policy 2:105, *Ethics and Gift Ban.*

Operating Board members must annually file a “*Statement of Economic Interests*” as required by the Illinois Governmental Ethics Act. Each Board member is responsible for filing the statement with the county clerk of the county in which the Board member resides by May 1.

Federal and State Grant Awards

No board member shall participate in the selection, award, or administration of a contract supported by a federal award or State award governed by the Grant Accountability and Transparency Act (GATA)(30 ILCS 708/) if he or she has a real or apparent conflict of interest. A conflict of interest arises when a Board member or any of the following individuals has a financial or other interest in the entity selected for the contract.

1. Any person that has a close personal relationship with a Board member that may compromise or impair the Board member’s fairness and impartiality, including a member of the Board member’s immediate family or household;
2. The Board member’s business partner; or
3. An entity that employs or is about to employ the Board member or one of the individuals listed in one or two above.

LEGAL REF.: 5 ILCS 420/4A-101, 420/4A-105, 420-4A-106, and 420/4A-107.

 30 ILCS 708/, Grant Accountability and Transparency Act.

 50 ILCS 105/3.

 105 ILCS 5/10-9.

 2 C.F.R. §200.318(c)(1).

CROSS REF.: 2:105 (Ethics and Gift Ban), 4:60 (Purchases and Contracts), 5:120 (Employee Ethics; Conduct and Conflict of Interest)

ADOPTED: December 18, 2019

# Four Rivers Special Education District 2:105

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# Governing Boards

## Ethics and Gift Ban

Prohibited Political Activity

The following precepts govern political activities being conducted by cooperative employees and Operating Board members:

1. No employee shall intentionally perform any *political activity* during any *compensated time*, as those terms are defined herein.
2. No Board member or employee shall intentionally use any District property or resources in connection with any political activity.
3. At no time shall any Board member or employee intentionally require any other Board member or employee to perform any political activity: (a) as part of that Board member’s or employee’s duties, (b) as a condition of employment, or (c) during any compensated time off, such as, holidays, vacation, or personal time off.
4. No Board member or employee shall be required at any time to participate in any political activity in consideration for that Board member or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise; nor shall any Board member or employee be awarded additional compensation or any benefit in consideration for his or her participation in any political activity.

A Board member or employee may engage in any activity that: (1) is otherwise appropriate as part of his or her official duties, or (2) is undertaken by the individual on a voluntary basis that is not prohibited by this policy.

Limitations on Receiving Gifts

Except as permitted by this policy, no Board member or employee, and no spouse of or immediate family member living with a Board member or employee, shall intentionally solicit or accept any *gift* from any *prohibited source,* as those terms are defined herein, or that is otherwise prohibited by law or policy. No prohibited source shall intentionally offer or make a gift that violates this policy.

The following are exceptions to the ban on accepting gifts from a prohibited source:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which the Board member or employee, or his or her spouse or immediate family member, pays the fair market value.
3. Any: (a) contribution that is lawfully made under the Election Code, or (b) activities associated with a fund-raising event in support of a political organization or candidate.
4. Educational materials and missions.
5. Travel expenses for a meeting to discuss business.
6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter,

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stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual’s spouse and the individual’s fiancé or fiancée.

1. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other Board members or employees, or their spouses or immediate family members.
2. Food or refreshments not exceeding $75 per person in value on a single calendar day; provided that the food or refreshments are: (a) consumed on the premises from which they were purchased or prepared; or (b) catered. *Catered* means food or refreshments that are purchased ready to consume, which are delivered by any means.
3. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of a Board member or employee), if the benefits have not been offered or enhanced because of the official position or employment of the Board member or employee, and are customarily provided to others in similar circumstances.
4. Intra-governmental and inter-governmental gifts. *Intra-governmental gift* means any gift given to a Board member or employee from another Board member or employee, and *inter-governmental gift* means any gift given to a Board member or employee from an officer or employee of another governmental entity.
5. Bequests, inheritances, and other transfers at death.
6. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than $100.

Each of the listed exceptions is mutually exclusive and independent of every other.

A Board member or employee, his or her spouse or an immediate family member living with the Board member or employee, does not violate this policy if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under 26 U.S.C. § 501(c) (3).

Enforcement

The Board President and Director shall seek guidance from the Board attorney concerning compliance with and enforcement of this policy and State ethics laws. The Board may, as necessary or prudent, appoint an Ethics Advisor for this task.

Written complaints alleging a violation of this policy shall be filed with the Director or Board President. If attempts to correct any misunderstanding or problem do not resolve the matter, the Director or Board

# Four Rivers Special Education District 2:105

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President shall, after consulting with the Board attorney, either place the alleged violation on a Board meeting agenda for the Board’s disposition or refer the complainant to Board policy 2:260, *Uniform Grievance Procedure.* A Board member who is related, either by blood or by marriage, up to the degree of first cousin, to the person who is the subject of the complaint, shall not participate in any decision-making capacity for the Board. If the Board finds it more likely than not that the allegation in a complaint are true, it shall notify the State’s attorney and/or consider disciplinary action for the employee.

Definitions

Unless otherwise stated, all terms used in this policy have the definitions given in the State Officials and Employees Ethics Act, 5 ILCS 430/1-5.

*Political activity* means:

1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
2. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payments for tickets for any political fundraiser, political meeting, or other political event.
3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
6. Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
7. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires.
11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office or for or against any referendum question.
13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate, or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

With respect to an employee whose hours are not fixed, *compensated time* includes any period of time when the employee is on premises under the control of the District and any other time when the employee is executing his or her official duties, regardless of location.

# Four Rivers Special Education District 2:105

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*Prohibited source* means any person or entity who:

1. Is seeking official action by: (a) a Board member, or (b) an employee, or by the Board member or another employee directing that employee;
2. Does business or seeks to do business with: (a) a Board member, or (b) an employee, or with the Board member or another employee directing that employee;
3. Conducts activities regulated by: (a) a Board member, or (b) an employee or by the Board member or another employee directing that employee;
4. Has an interest that may be substantially affected by the performance or non-performance of the official duties of the Board member or employee;
5. Is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or
6. Is an agent of, a spouse of, or an immediate family member living with a prohibited source.

*Gift* means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including but not limited to, cash, food and drink and honoraria for speaking engagements related to or attributable to government employment or the official position of a Board member or employee.

Complaints of Sexual Harassment Made Against Board Members by Elected Officials

Pursuant to the State Officials and Employees Ethics Act (5 ILCS 430/70-5), members of the Board and other elected officials are encouraged to promptly report claims of sexual harassment by a Board member. Every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available. If the official feels comfortable doing so, he or she should directly inform the individual that the individual’s conduct or communication is offensive and must stop.

Board members and elected officials should report claims of sexual harassment against a member of the Board to the Board President or Director. If the report is made to the Director, the Director shall promptly notify the President, or if the President is the subject of the complaint, the Vice President. Reports of sexual harassment will be confidential to the greatest extent practicable.

When a complaint of sexual harassment is made against a member of the Board by another Board member or other elected official, the Board President shall appoint a qualified outside investigator who is not a District employee or Board member to conduct an independent review of the allegations. If the allegations concern the President, or the President is a witness or otherwise conflicted, the Vice President shall make the appointment. If the allegations concern both the President and Vice President, and/or they are witnesses or otherwise conflicted, the Board Secretary shall make the appointment. The investigator shall prepare a written report and submit it to the Board.

If a Board member has engaged in sexual harassment, the matter will be addressed in accordance with the authority of the Board.

The Director will post this policy on the District website and/or make this policy available in the District’s administrative office.

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LEGAL REF.: 5 ILCS 430/, State Officials and Employees Ethics Act.

 10 ILCS 5/9-25, Election Interference Prohibition Act.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 2:110 (Qualifications, Term, and Duties of Board Officers), 2:260 (Uniform Grievance Procedure), 4:60 (Purchases and Contracts),

5:120 (Ethics and Conduct)

ADOPTED: December 18, 2019

# Four Rivers Special Education District 2:110

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# Governing Boards

## Qualifications, Term, and Duties of Board Officers

The Operating Board officers are: President, Vice President, Secretary, and Treasurer. These officers are elected or appointed by the Board at its organizational meeting.

President

The Operating Board elects a President from its members for a 1-year term. The duties of the President are to:

1. Preside at all meetings;
2. Focus the Board meeting agendas on appropriate content;
3. Make all Board committee appointments, unless specifically stated otherwise;
4. Attend and observe any Board committee meeting at his or her discretion;
5. Represent the Board on other boards or agencies;
6. Sign official District documents requiring the President’s signature, including Board minutes;
7. Call special meetings of the Board;
8. Serve as the head of the public body for purposes of the Open Meetings Act and Freedom of Information Act;
9. Ensure that a quorum of the Board is physically present at all Board meetings;
10. Administer the oath of office to new Board members;
11. Serve as or appoint the Board’s official spokesperson to the media; and
12. Except when the Board President is the subject of a complaint of sexual harassment, a witness, or otherwise conflicted, appoint a qualified outside investigator to conduct an independent review of allegations of sexual harassment made against a Board member by another Board member or elected official.

The President is permitted to participate in all Board meetings in a manner equal to all other Board members, including the ability to make and second motions.

The Vice-President fills a vacancy in the Presidency.

Vice-President

The Operating Board elects a Vice-President from its members for a 1-year term. The Vice-President performs the duties of the President if:

* The office of President is vacant;
* The President is absent; or
* The President is unable to perform the office’s duties.

A vacancy in the Vice Presidency is filled by special Board election.

Secretary

The Board elects a Secretary for a 1-year term. The duties of the Secretary are to:

1. Keep Board meeting minutes for all Board meetings and keep the verbatim record for all closed Board meetings;
2. Mail meeting notifications and agenda to news media who have officially requested copies;
3. Keep records of the Board’s official acts, and sign them, along with the President;

# Four Rivers Special Education District 2:110

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1. Report to the Treasurer on or before July 7, annually, such information as the Treasurer is required to include in the Treasurer’s report to the Regional Superintendent;
2. Act as the local election official for the District;
3. Arrange public inspection of the budget before adoption;
4. Publish required notices;
5. Sign official District documents requiring the Secretary’s signature; and
6. Maintain Board policy, and such other official documents as directed by the Board.

The Secretary may delegate some or all of these duties, except when State law prohibits the delegation. The Board appoints a secretary pro tem, who may or may not be a Board member, if the Secretary is absent from any meeting or refuses to perform the duties of the office. A permanent vacancy in the office of Secretary is filled by special Board election.

Assistant Secretary

The Board may appoint an Assistant Secretary. The Assistant Secretary shall:

1. Perform the duties of the Secretary if:
* The Secretary is absent; or
* The Secretary is unable to perform the duties

Treasurer

The Treasurer of the Board shall be a non-Board member who is an employee. The Treasurer must:

* Be at least 21 years old;
* Not be a member of the County Board of School Trustees; and
* Have a financial background or related experience, or 12 credit hours of college-level accounting.

The Treasurer shall:

1. Furnish a bond, which shall be approved by a majority of the full Board;
2. Maintain custody of school funds;
3. Maintain records of school funds and balances;
4. Prepare a monthly reconciliation report for the Director; and
5. Receive, hold, and expend District funds only upon the order of the Board.

LEGAL REF.: 5 ILCS 420/106.

105 ILCS 5/8-1, 5/8-2, 5/8-3, 5/8-6, 5/8-16, 5/9-17, 5/10-1, 5/10-5, 5/10-7, 5/10-8, 5/10-13, 5/10-13.1, 5/10-14, and 5/17-1.

CROSS REF.: 2:80 (Board Member Oath and Conduct),2:105 (Ethics and Gift Ban) 2:150 (Committees) 2:210 (Organizational Board Meeting), 2:220 (Board Meeting Procedure).

ADOPTED: December 18, 2019

# Four Rivers Special Education District 2:125

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# Governing Boards

## Board Member Compensation; Expenses

Operating Board members provide volunteer service to the community and may not receive compensation for services, except that a Board member serving as the Board Secretary may be paid an amount up to the statutory limit if the Board so provides.

Roll Call Vote

All Board member expense requests for travel, meals, and/or lodging must be approved by roll call vote at an open meeting of the Board.

Regulation of School District Expenses

The Board regulates the reimbursement of all travel, meal, and lodging expenses in the District by resolution. No later than approval of the annual budget and when necessary, the Director will recommend a maximum allowable reimbursement amount for expenses to be included in the resolution. The recommended amount should be based upon the District’s budget and other financial consideration.

Money shall not be advanced or reimbursed, or purchase orders issued for: (1) the expenses of any person except the Board member, (2) anyone’s personal expenses, or (3) entertainment expenses. Entertainment includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless the entertainment is ancillary to the purpose of the program or event.

Exceeding the Maximum Allowable Reimbursement Amount(s)

All requests for expense advancements, reimbursements, and/or purchase orders that exceed the maximum allowable reimbursement amount set by the Board may only be approved by it when:

1. The Board’s resolution to regulate expenses allows for such approval;
2. An emergency or other extraordinary circumstance exists; and
3. The request is approved by a roll call vote at an open Board meeting.

Advancements

The Board may advance to its member’s actual and necessary expenses to be incurred while attending:

1. Meetings sponsored by the Illinois State Board of Education or by the Regional Superintendent of Schools;
2. County or regional meetings and the annual meeting sponsored by any school board association complying with Article 23 of the School Code; and
3. Meetings sponsored by a national organization in the field of public school education.

Expense advancement requests must be submitted to the Director or designee on the Board’s standardized estimated expense approval form. After spending expense advancements, Board members must use the Board’s standardized expense reimbursement form and submit to the Director: (a) the itemized, signed advancement voucher that was issued, and (b) the amount of actual expenses by attaching receipts. A Board member must return to the District any portion of an expense advancement not used. If an expense

# Four Rivers Special Education District 2:125

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advancement is not requested, expense reimbursements may be issued by the Board to its members for the activities listed in numbers one through three, above, along with registration fees or tuition for a course(s) that allowed compliance with the mandatory trainings described in policy 2:120, *Board Member Development* and other professional development opportunities that are encouraged by the School Code (see the **Reimbursements and Purchase Orders** subhead, below). Expense advancements and vouchers shall be presented to the Board in its regular bill process.

Credit and Procurement Cards

Credit and procurement cards shall not be issued to Board members.

Standardized Expense Form(s) Required

All requests for expense advancement, reimbursement, and/or purchase orders in the District must be submitted on the appropriate itemized, signed standardized form(s). The form(s) must show the following information:

1. The amount of the estimated or actual expense, with attached receipts for actual incurred expenses.
2. The name and office of the Board member who is requesting the expense advancement or reimbursement. Receipts from group functions must include the names, offices, and job titles of all participants.
3. The date(s) of the official business on which the expense advancement or reimbursement will be or was expended.
4. The nature of the official business conducted when the expense advancement or reimbursement will be or was expended.

Types of Official Business for Expense Advancements, Reimbursements, and Purchase Orders

1. Registration. When possible, registration fees will be paid by the District in advance.
2. Travel. The least expensive method of travel will be used, providing that no hardship will be caused to the Board member. Board members will be reimbursed for:
3. Air travel at the coach or economy class commercial airline rate. First class or business class air travel will be reimbursed only if emergency circumstances warrant. The emergency circumstances must be explained on the expense form and Board approval of the additional expense is required. Copies of airline tickets must be attached to the expense form.
4. Rail or bus travel at actual cost. Rail or bus travel costs may not exceed the cost of coach airfare. Copies of tickets must be attached to the expense form to substantiate amounts.
5. Use of personal automobiles at the standard mileage rate approved by the Internal Revenue Service for income tax purposes. The reimbursement may not exceed the cost of coach airfare. Mileage for use of personal automobiles in trips to and from transportation terminals will also be reimbursed. Toll charges and parking costs will be reimbursed.
6. Automobile rental costs when the vehicle’s use is warranted. The circumstances for such use must be explained on the expense form.
7. Taxis, airport limousines, or other local transportation costs.
8. Meals. Meals charged to the School District should represent mid-fare selections for the hotel/meeting facility or general area, consistent with the maximum allowable reimbursement amount set by the Board. Tips are included with meal charges. Expense forms must explain the meal charges incurred. Alcoholic beverages will not be reimbursed.

# Four Rivers Special Education District 2:125

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1. Lodging. Board members should request conference rate or mid-fare room accommodations. A single room rate will be reimbursed. Board members should pay personal expenses at checkout. If that is impossible, deductions for the charges should be made on the expense form.
2. Miscellaneous Expenses. Board members may seek reimbursement for other expenses incurred while attending a meeting sponsored by organizations described herein by fully describing the expenses on the expense form, attaching receipts.

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

 Local Government Travel Expense Control Act, 50 ILCS 150/.

CROSS REF.: 2:100 (Board Member Conflicts of Interest), 2:120 (Board Member Development), 2:240 (Board Policy Development), 4:50 (Payment Procedures), 4:55 (Use of Credit and Procurement Cards), 5:60 (Expenses)

ADOPTED: December 14, 2016

# Four Rivers Special Education District 2:140

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# Governing Boards

## Communications To and From the Boards

The Operating Board welcomes communications from staff members, parents/guardians, students, and community members. Individuals may submit questions or communications for the Governing Board’s consideration to the Director, or may use the electronic link to the Board’s email address(es) posted on the District’s website.

The Director or designee shall:

1. Ensure that the home page for the District’s website contains an active electronic link to the email address(es) for the Board, and
2. During the Board’s regular meetings, report for the Board’s consideration all questions or communications submitted through the active electronic link along with the status of the District’s response in the Board meeting packet.

If contacted individually, Board Members will refer the person to the appropriate level of authority, except in unusual situations. Board members’ questions or communications to staff or about programs will be channeled through the Director’s office. Board Members will not take individual action that might compromise the Board or District. There is no expectation of privacy for any communication sent to the Board or its members, whether sent by letter, e-mail, or other means.

Board Member Use of Electronic Communications

For purposes of this section, *electronic* communications includes, without limitation, electronic mail, electronic chat, instant messaging, texting, and any form of social networking. Electronic communications among a majority or more of a Board-quorum, shall not be used for the purpose of discussing District business. Electronic communications among Board members shall be limited to: (1) disseminating information; and (2) messages not involving deliberation, debate, or decision-making. The following list contains examples of permissible electronic communications:

* Agenda item suggestions
* Reminders regarding meeting times, dates, and places
* Board meeting agendas or information concerning agenda items
* Individual emails to community, members, subject to the other limitations in this policy.

In accordance with the Open Meetings Act and the Oath of Office taken by Board members, individual Board members will not (a) reply to an email on behalf of the entire Board, or (b) engage in the discussion of District business through electronic communications with a majority of a Board-quorum.

LEGAL REF.: 5 ILCS 120/, Open Meetings Act

 50 ILCS 205/20, Local Records Act

CROSS REF.: 2:220 (School Board Meeting Procedures), 3:30 (Chain of Command), 8:110 (Public Suggestions and Concerns)

ADOPTED: September 25, 2019

# Four Rivers Special Education District 2:150

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# Governing Boards

## Committees

The Operating Board of Directors may establish committees to assist with the Board’s governance function and, in some situations, to comply with State law requirements. These committees are known as Board committees and report directly to the Board. The Board President makes all Board committee appointments unless specifically stated otherwise. Board committee meetings shall be given in the same manner as notice for special meetings, and Board committee meetings shall comply with the Open Meetings Act. A Board committee may not take final action on behalf of the Board – it may only make recommendations to the Board.

 Standing Board Committee

A standing committee is created for an indefinite term although its members will fluctuate. Standing committees are:

1. Board Policy Committee. This committee researches policy issues, and provides information and recommendations to the Board.

Nothing in this policy limits the authority of the Director or designee to create and use committees that report to him or her or to other staff members.

LEGAL REF.: 5 ILCS 120

 105 ILCS 5/10-20.14 and 5/14-8.05

CROSS REF.: 2:110 (Qualifications, Term and Duties of Board Officers), 2:200 (Types of School Board Meetings), 2:240 (Board Policy Development), 7:190 (Student Discipline), 7:230 (Misconduct by Students with Disabilities).

ADOPTED: January 27, 2016

# Four Rivers Special Education District 2:160

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# Governing Boards

## Board Attorney

The Board may retain legal services with one or more attorneys or law firms to be the

Board Attorney(s). The Board Attorney represents the Board in its capacity as the governing body for the

School District. The Board attorney serves on a retainer or other fee arrangement, as the

Governing Boards and attorney determine in advance. The Board Attorney will provide services as

described in the agreement for legal services or as memorialized by an engagement letter. The District

will only pay for legal services that are provided in accordance with the agreement for legal services, as

memorialized by an engagement letter, or that are otherwise authorized by this policy or a majority of the

Board.

The Director, his or her designee, and Board President, are each authorized to confer with and/or seek the

legal advice of the Board Attorney. The Board may also authorize a specific Board member to confer

 with the Board Attorney on its behalf.

The Director may authorize the Board Attorney to represent the District in any legal matter until the Board has an opportunity to be informed of and/or consider the matter.

The Governing Boards shall retain the right to consult or employ other attorneys on matters of special concern and to terminate the service of any attorney.

LEGAL REF.: Rule 1.7 (Conflict of Interest: Current Clients) and Rule 1.13 (Organization as Client) of the Ill. Rules of Professional Conduct adopted by the Ill. Supreme Court.

CROSS REF.: 4:60 (Purchases and Contracts

ADOPTED: June 23, 2020

# Four Rivers Special Education District 2:170

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# Governing Boards

## Procurement of Architectural, Engineering, and Land Surveying Services

The Governing Boards shall select architects, engineers, and land surveyors to provide professional services to the District on the basis of demonstrated competence and qualifications, and in accordance with State law.

LEGAL REF.: Shively v. Belleville Township High School District 201, 769 N.E.2d 1062 (Ill.App.5, 2002), *appeal denied.*

 50 ILCS 510/0.01 et seq., Local Government Professional Services Selection Act.

 105 ILCS 5/10-20.21.

 40 U.S.C. § 541.

ADOPTED: July 25, 2018

# Four Rivers Special Education District 2:200

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# Governing Boards

## Types of Meetings

General

For all meetings of the Governing Boards and committees, the Director or designee shall satisfy all notice

and posting requirements contained herein, as well as the Open Meetings Act - This shall include mailing

meeting notifications to news media that have officially requested them, and to others as approved by the

Governing Boards. Unless otherwise specified, all meetings are held in the District’s main office. Board

policy 2:220, *School Board Meeting Procedure*, governs meeting quorum requirements.

The Director is designated on behalf of the Board and each Board committee to receive the training on

compliance with the Open Meetings Act that is required by Section 1.05(a) of that Act. The Director may

identify other employees to receive the training - In addition, each Board member must complete a course

of training on the Open Meetings Act as required by Section 1.05(b) or (c) of that Act.

Regular Meetings

The Four Rivers Special Education District Council shall meet a minimum of two times each year, once

in the Fall and once in the Spring, and at other times as deemed necessary for the proper operation of the

Four Rivers Special Education District. The Operating Board of Directors announces the time and place

for its regular meetings at the beginning of each fiscal year. The Director shall prepare and make

available the calendar of regular School Board meetings. The regular meeting calendar may be changed

with ten days’ notice in accordance with State law.

A meeting agenda shall be posted at the District’s main office and the Board’s meeting room, or other

location where the meeting is to be held, at least 48 hours before the meeting.

Closed Meetings

The Governing Boards and committees of the Governing Boards may meet in a closed meeting to

consider the following subjects:

1. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors in a park, recreational, or educational setting, or specific volunteers of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor in a park, recreational, or educational setting, or a volunteer of the public body or against legal counsel for the public body to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with [the Open Meetings Act]. 5 ILCS 120/2(c)(1), amended by P.A. 101-459.

# Four Rivers Special Education District 2:200

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1. Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees. 5 ILCS 120/2(c)(2).
2. The selection of a person to fill a public office, as defined in the Open Meetings Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance. 5 ILCS 120/2(c)(3).
3. Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in the Open Meetings Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning. 5 ILCS 120/2(c)(4).
4. The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired. 5 ILCS 120/2(c)(5).
5. The setting of a price for sale or lease of property owned by the public body. 5 ILCS 120/2(c)(6).
6. The sale or purchase of securities, investments, or investment contracts. 5 ILCS 120/2(c)(7).
7. Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. -5 ILCS 120/2(c)(8).
8. Student disciplinary cases. 5 ILCS 120/2(c)(9).
9. The placement of individual students in special education programs and other matters relating to individual students. 5 ILCS 120/2(c)(10).
10. Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting. 5 ILCS 120/2(c)(11.
11. The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member. -5 ILCS 120/2(c)(12).
12. Self-evaluation, practices and procedures, or professional ethics, when meeting with a representative of a statewide association of which the public body is a member. -5 ILCS 120/2(c)(16).

# Four Rivers Special Education District 2:200

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1. Discussion of minutes of meetings lawfully closed under the Open Meetings Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. 5 ILCS 120/2(c)(21).
2. Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America. 5 ILCS 120/2(c)(28).

The Boards may hold a closed meeting, or close a portion of a meeting, by a majority vote of a quorum, taken at an open meeting. The vote of each Board member present, and the reason for the closed meeting, will be publicly disclosed at the time of the meeting and clearly stated in the motion and the meeting minutes.

A single motion calling for a series of closed meetings may be adopted when such meetings will involve the same particular matters and are scheduled to be held within three months of the vote.-

No final action will be taken at a closed meeting.

Reconvened or Rescheduled Meetings

A meeting may be rescheduled or reconvened. Public notice of a rescheduled or reconvened meeting shall be given in the same manner as that for a special meeting, except that no public notice is required when the original meeting is open to the public and: (1) is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda.

Special Meetings

Special meetings of the Four Rivers Special Education District Council may be called by the President or by any 6 members of the Council by giving notice thereof, in writing, stating the time, place, and purpose of the meeting to remaining Board members by mail at least 3 calendar days before the meeting. The notice shall include the date, time, location and agenda of the meeting.

Special meetings of the Operating Board of Directors may be called by the President or by any three members of the Operating Board by giving notice thereof, in writing, stating the time, place, and purpose of the meeting to remaining Board members by mail at least 3 calendar days before the meeting. The notice shall include the date, time, location and agenda of the meeting.

Public notice of a special meeting is given by posting a notice at the District’s office at least 48 hours before the meeting and by notifying the news media that have filed a written request for notice. A meeting agenda shall accompany the notice.

# Four Rivers Special Education District 2:200

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All matters discussed by the Board at any special meeting must be related to a subject on the meeting agenda.

Emergency Meetings

Public notice of emergency meetings shall be given as soon as practical, but in any event, before the meeting to news media, or anyone that requests that have filed a written request for notice.

Posting on the District Website

In addition to the other notices specified in this policy, the Director or designee shall post the following on the District website: (1) the annual schedule of regular meetings, which shall remain posted until the Board approves a new schedule of regular meetings; (2) a public notice of all Board meetings; and (3) the agenda for each regular meeting which shall remain posted until the regular meeting is concluded.

LEGAL REF.: 5 ILCS 120/, Open Meetings Act

 105 ILCS 5/10-6 and 5/10-16

CROSS REF.: 2:210 (Organizational Governing Boards Meetings), 2:220 (Governing Boards Meeting Procedure), 2:230 (Public Participation at Governing Boards Meetings and Petitions to the Board), 6:235 (Access to Electronic Networks).

ADOPTED: December 18, 2019

# Four Rivers Special Education District 2:210

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# Governing Boards

## Organizational Governing Board meetings

The Governing Boards shall meet to organize and appoint officers as indicated in the “Amended Joint

Agreement of the Four Rivers Special Education District.”

CROSS REF.: 2:200, 2:220, 2:230

ADOPTED: February 23, 2000

# Four Rivers Special Education District 2:220

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# Governing Boards

## Board Meeting Procedure

Agenda

The Board President is responsible for focusing the Board meeting agendas on appropriate content. The

Director shall prepare agendas in consultation with the Board President. The President shall designate a

portion of the agenda as a consent agenda for those items that usually do not require extensive discussion

before Board action. –Any Board member may request the withdrawal of any item under the

consent agenda and placed on the regular agenda for independent consideration.

Each Board meeting agenda shall contain the general subject matter of any item that will be the subject of final action at the meeting. Items submitted by Board members to the Director or the President shall be placed on the agenda for an upcoming meeting. District residents may suggest inclusions for the agenda. The Board will take final action only on items contained in the posted agenda; Items not on the agenda may still be discussed.

The Director shall provide a copy of the agenda, with adequate data and background information, to each Board member at least 48 hours before each meeting, except a meeting held in the event of an emergency. The meeting agenda shall be posted in accordance with policy 2:200, Types of School Board Meetings.

The order of business at regular meetings shall be determined by the Board President. –Upon consent of a majority of members present, the order of business at any meeting may be changed.

Voting Method

Unless otherwise provided by law, when a vote is taken upon any measure before the Governing Boards, with a quorum being present, a majority of the votes cast shall determine its outcome. –A vote of “abstain” or “present,” or a vote other than “yea” or “nay,” or a failure to vote, however, is not counted as a “yea” or “nay” in determining whether a measure has been passed by the Board unless otherwise stated in law. The sequence for casting voted shall be rotated.

On all questions involving the expenditure of money and on all questions involving the closing of a meeting to the public, a roll call vote shall be taken and entered in the Board’s minutes.

Minutes

The Board Secretary shall keep written minutes of all Board meetings, whether open or closed, which shall be signed by the President and the Secretary.

The minutes include:

# Four Rivers Special Education District 2:220

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1. The meeting’s date, time, and place;
2. Board members recorded as either present or absent;
3. A summary of the discussion on all matters proposed, deliberated, or decided, and a record of any votes taken;
4. On all matters requiring a roll call vote, a record of who voted “yeas” and the “nays”;
5. If the meeting is adjourned to another date, the time and place of the adjourned meeting;
6. The vote of each member present when a vote is taken to hold a closed meeting or portion of a meeting and the reason for the closed meeting with a citation to the specific exception contained in the Open Meetings Act (OMA) authorizing the closed meeting;
7. A record of all motions, the member making the motion and the second; and
8. Upon request by a Board member, a record of how he or she voted on a particular motion; and
9. The type of meeting, including any notices and, if a reconvened meeting, the original meeting’s date.

The minutes shall be submitted to the Board for approval or modification at its next regularly-scheduled open meeting. Minutes for open meetings must be approved within 30 days after the meeting or at the second subsequent regular meeting, whichever is later.

At least semi-annually in an open meeting, the Board: (1) reviews minutes from closed meetings that are currently unavailable for public release, and (2) decides which, if any, no longer require confidential treatment and are available for public inspection. The Board may meet in a prior closed session to review the minutes from closed meetings that are currently unavailable for public release.

The official minutes are in the custody of the Board Secretary. Open meetings’ minutes are available for inspection during regular office hours within 10 days after the Board’s approval. They may be inspected in the District’s main office, in the presence of the Secretary, the Director, or any member of the Board. Minutes from closed meetings are likewise available, but only if the Board has released them for public inspection, except that Board members may access closed session minutes not yet released for public inspection (1) in the District’s administrative offices or their official storage location, and (2) in the presence of the Recording Secretary, the Director or designated administrator, or any elected Board member. The minutes, whether reviewed by members of the public or the Board, shall not be removed from the District’s administrative offices or their official storage location except by vote of the Board or by court order.

The Board’s open meeting minutes shall be posted on the District website within 10 days after the Board approves them; the minutes will remain posted for at least 60 days.

# Four Rivers Special Education District 2:220

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Verbatim Record of Closed Meetings

The Director, or the Board Secretary when the Director is absent, shall audio record all closed meetings. If neither is present, the Board President or presiding officer shall assume this responsibility. After the closed meeting, the person making the audio recording shall label the recording with the date and store it in a secure location.- The Director shall ensure that: (1) an audio recording device and all necessary accompanying items are available to the Board for every closed meeting, and (2) a secure location for storing closed meeting audio recordings is maintained close to the Board’s regular meeting location.

After 18 months have passed since being made, the audio recording of a closed meeting is destroyed provided the Board approved: -(1) its destruction, and (2) minutes of the particular closed meeting.

Individual Board members may access verbatim recordings in the presence of the Recording Secretary, the Director or designated administrator, or any elected Board member. Access to the verbatim recordings is available at the District’s administrative offices or the verbatim recording’s official storage location. Requests shall be made to the Director or Board President. While a Board member is listening to a verbatim recording, it shall not be re-recorded or removed from the District’s main office or official storage location, except by vote of the Board or by court order.

Before making such requests, Board members should consider whether such requests are germane to their responsibilities, service to District, and/or Oath of Office in policy 2:80, *Board Member Oath and Conduct.*  In the interest of encouraging free and open expression by Board members during closed meetings, the recordings of closed meetings should not be used by Board members to confirm or dispute the accuracy of recollections.

Quorum and Participation by Audio or Video Means

A quorum of the Board must be physically present at all Board meetings. A majority of the full membership of the Board constitutes a quorum.

Provided a quorum is physically present, a Board member may attend a meeting by video or audio conference if he or she is prevented from physically attending because of: - (1) personal illness or disability, (2) employment or District business, or (3) a family or other emergency. If a member wishes to attend a meeting by video or audio means, he or she must notify the recording secretary or Director at least 24 hours before the meeting unless advance notice is impractical. The recording secretary or Director will inform the Board President and make appropriate arrangements. A Board member who attends a meeting by audio or video means, as provided in this policy, may participate in all aspects of the Board meeting including voting on any item.

No Physical Presence of Quorum and Participation by Audio or Video; Disaster Declaration

The ability of the Board to meet in person with a quorum physically present at its meeting location may be affected by the Governor or the Director of the Ill. Dept. of Public Health issuing a disaster declaration related to a public health emergency. The Board President or, if the office is vacant or the President is absent or unable to perform the office’s duties, the Vice President determines that an in-person meeting or

# Four Rivers Special Education District 2:220

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a meeting conducted under the **Quorum and Participation by Audio or Video Means** subhead above, is not practical or prudent because of the disaster declaration; if neither the President nor Vice President are present or able to perform this determination, the Director shall serve as the duly authorized designee for purposes of making this determination.

The individual who makes this determination for the Board shall put it in writing, include it on the Board’s published notice and agenda for the audio or video meeting and in the meeting minutes, and ensure that the Board meets every OMA requirement for the Board to meet by video or audio conference without the physical presence of a quorum.

Rules of Order

Unless State law or Board-adopted rules apply, the Board President, as the presiding officer, will use Robert’s Rules of Order, Newly Revised 11th Edition, as a guide when a question arises concerning procedure.

Broadcasting and Recording Board Meetings

Any person may record or broadcast open meetings of the Governing Boards. Requests for special needs, such as seating, writing surfaces, lighting, and access to electrical power, should be directed to the Director at least two (2) hours before the meeting.

Recording meetings shall not distract or disturb Board members, other meeting participants, or members of the public. The Board President may designate a location for recording equipment, may restrict the movements of individuals who are using recording equipment, or may take such other steps as are deemed necessary to preserve decorum and facilitate the meeting.

LEGAL REF.: 5 ILCS 120/2a, 120/2.02, 120/2.05, 120/2.06, and 120/7.

 105 ILCS 5/10-6, 5/10-7, 5/10-16, and 5/120/2.05

CROSS REF.: 2:80 (Board Member Oath and Conduct), 2:150 (Committees), 2:200 (Types of Meetings), 2:210 (Organizational Board meeting), 2:230 (Public Participation at Board Meetings and Petitions to the Board).

ADOPTED: December 16, 2020

# Four Rivers Special Education District 2:230

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# Governing Boards

## Public Participation at Board Meetings and Petitions to the Boards

For an overall minimum of 30 minutes during each regular and special open meeting, any person may

comment to or ask questions of the Operating Board (public participation), subject to the reasonable

constraints established and recorded in the policy’s guidelines below. During public participation, there

will be a 20-minute minimum total length of time for any one subject. When public participation takes less

time than these minimums, it shall end.

To preserve sufficient time for the Board to conduct its business, any person appearing before the Board is

expected to follow these guidelines:

1. Address the Board only at the appropriate time as indicated on the agenda and when recognized by the Board President.
2. Identify himself or herself and be brief. Ordinarily, the time for any one person to address the Board during public participation shall be limited to five minutes. In unusual circumstances, and when an individual has made a request to speak for a longer period of time, the person may be allowed to speak for more than five minutes.
3. Observe when necessary and appropriate, the:
4. Shortening of the time for each person to address the Board during public participation to conserve time and give the maximum number of people an opportunity to speak;
5. Expansion of the overall minimum of 30 minutes for public participation and/or the 20-minute minimum total length of time for any one subject; and/or
6. Determination of procedural matters regarding public participation not otherwise covered in Board policy.
7. Conduct oneself with respect and civility toward others and otherwise abide by Board policy, 8:30, *Visitors to and Conduct on School Property*.

Petitions or written correspondence to the Board shall be presented to the Governing Boards at the next regularly scheduled Board meeting.

LEGAL REF.: 5 ILCS 120/2.06, Open Meetings Act.

105 ILCS 5/10-6 and 5/10-16.

CROSS REF.: 2:220 (School Board Meeting Procedure), 8:10 (Connection with the Community), 8:30 (Visitors to and Conduct on School Property).

ADOPTED: September 25, 2019

# Four Rivers Special Education District 2:240

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# Governing Boards

## Board Policy Development

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

Policy Development

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

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

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

Policy Adoption and Dissemination

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

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

Board Policy Review and Monitoring

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

# Four Rivers Special Education District 2:240

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Director Implementation

The Board will support any reasonable interpretation of Operating Board policy made by the Director. – if reasonable minds differ, the Board will review the applicable policy and consider the need for further clarification.

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

Suspension of Policies

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

LEGAL REF.: 105 ILCS 5/10-20.5

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

ADOPTED: September 25, 2019

# Four Rivers Special Education District 2:250

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# Governing Boards

## Access to District’s Public Records

Full access to the District’s *public records* is available to any person as provided in the Illinois Freedom of Information Act (FOIA), this policy, and implementing procedures. The Director or designee shall: (1) provide the Board with sufficient information and data to permit the Board to monitor the District’s compliance with FOIA and this policy, and (2) report any FOIA requests during the Board’s regular meeting along with the status of the District’s response.

Freedom of Information Officer

The Director shall serve as the District’s Freedom of Information Officer and is assigned all the duties and powers of that office as provided in FOIA and this policy. The Director may delegate these duties and powers to one or more designees but the delegation shall not relieve the Director of the responsibility for the action that was delegated.

Definition

The District’s *public records* are defined as records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary material pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of the School District.

Requesting Records

A request for inspection and/or copies of public records must be made in writing and may be submitted by personal delivery, mail, telefax, or email directed to the District’s Freedom of Information Officer. Individuals making a request are not required to state a reason for the request other than to identify when the request is for a commercial purpose or when requesting a fee waiver. The Director or designee shall instruct District employees to immediately forward any request for inspection and copying of a public record to the District’s Freedom of Information Officer or designee.

Responding to Requests

The Freedom of Information Officer shall approve all requests for public records unless:

1. The requested material does not exist;

# Four Rivers Special Education District 2:250

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1. The requested material is exempt from inspection and copying by the Freedom of Information Act; or
2. Complying with the request would be unduly burdensome.

Within 5 business days after receipt of a request for access to a public record, the Freedom of Information Officer shall comply with or deny the request, unless the time for response is extended as specified in Section 3 of FOIA. The Freedom of Information Officer may extend the

Time for a response for up to 5 business days from the original due date. If an extension is needed, the Freedom of Information Officer shall: (1) notify the person making the request of the reason for the delay, and (2) either inform the person of the date on which a response will be made or agree with the person in writing on a compliance period.

The time periods are extended for responding to requests for records made for a *commercial* *purpose*, requests by a *recurrent (requestor,* or *voluminous requests*, as those terms are defined in Sections 3.1, 3.2, and 3.6 of FOIA.

When responding to a request for a record containing both exempt and non-exempt material, the Freedom of Information Officer shall redact exempt material from the record before complying with the request.

Fees

Persons making a request for copies of public records must pay any and all applicable fees. The Freedom of Information Officer shall, establish a fee schedule that complies with FOIA and this policy and is subject to the Board’s review. The fee schedule shall include copying fees and all other fees to the maximum extent they are permitted by FOIA, including without limitation, search and review fees for responding to a request for a *commercial purpose* and fees, costs, and personnel hours in connection with responding to a *voluminous request.*

Copying fees, except when fixed by statute, shall be reasonably calculated to reimburse the District’s actual cost for reproducing and certifying public records and for the use, by any person, of its equipment to copy records. In no case shall the copying fees exceed the maximum fees permitted by FOIA. If the District’s actual copying costs are equal to or greater than the maximum fees permitted by FOIA, the Freedom of Information Officer is authorized to use FOIA’s maximum fees as the District’s fees. No copying fees shall be charged for: (1) the first 50 pages of black and white, letter or legal sized copies, or (2) electronic copies other than the actual cost of the recording medium, except if the response is to a *voluminous request,* as defined in FOIA.

# Four Rivers Special Education District 2:250

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A fee reduction is available if the request qualified under Section 6 of FOIA. The Freedom of Information Officer shall set the amount of the reduction taking into consideration the amount of material requested and the cost of copying.

A fee reduction is available if the request qualifies under Section 6 of FOIA. The Freedom of Information Officer shall set the amount of the reduction taking into consideration the amount of material requested and the cost of copying.

Provision of Copies and Access to Records

A public record that is the subject of an approved access request will be available for inspection or copying at the District’s administrative office during regular business hours, unless other arrangements are made by the Freedom of Information Officer.

Many public records are immediately available from the District’s website including but not limited to, the process for requesting a public record. The Freedom of Information Officer shall direct a requester to the District’s website if a requested record is available there. If the requester is unable to reasonably access the record online, he or she may resubmit the request for the record, stating his or her inability to reasonably access the record online, and the District shall make the requested record available for inspection and copying as otherwise provided in this policy.

Preserving Public Records

Public records, including email messages, shall be preserved and cataloged if: (1) they are evidence of the District’s organization, function, policies, procedures, or activities, (2) they contain informational data appropriate for preservation, (3) their retention is required by State or federal law, or (4) they are subject to a retention request by the Board Attorney (e.g. a litigation

hold), District auditor, or other individual authorized by the Board or State or federal law to make such a request. Unless its retention is required as described in items numbered 3 or 4 above, a public record, as defined by the Illinois Local Records Act, may be destroyed when authorized by the Local Records Commission.

# Four Rivers Special Education District 2:250

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LEGAL REF.: 105 ILCS 5/10-16 and 5/24A-7.1

 820 ILCS 130/5

 820 ILCS 40/11

 5 ILCS 140/, Illinois Freedom of Information Act.

CROSS REF.: 2:140 (Communications to and from the Board), 5:150 (Personnel Records), 7:340 (Student Records)

ADOPTED: December 18, 2019

# Four Rivers Special Education District 2:260

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# Governing Boards

## Uniform Grievance Procedure

A student, parent/guardian, employee, or community member should notify any District

Complaint Manager if he or she believes that the Governing Boards, their employees, or its

agents have violated his or her rights guaranteed by the State or Federal statute, or Board policy,

or have a complaint regarding any one of the following:

1. Title II of the Americans with Disabilities Act, 42 U.S.C. §12101 et seq.
2. Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., excluding Title IX sexual harassment complaints governed by policy 2:265, *Title IX Sexual Harassment Grievance Procedure.*
3. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
4. Title VI of the Civil Rights Act, 42 U.S.C. § 2000d et seq.
5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. § 2000e et seq.
6. Sexual harassment prohibited by the State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a); Illinois Human Rights Act, 775 ILCS 5/; and Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq. (Title IX sexual harassment complaints are addressed under policy 2:265, *Title IX Sexual Harassment Grievance Procedure).*
7. Breastfeeding accommodations for students, 105 ILCS 5/10-20.60
8. Bullying, 105 ILCS 5/27-23.7
9. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children;
10. Curriculum, instructional materials, and/or programs;
11. Victims’ Economic Security and Safety Act, 820 ILCS 112; or
12. Illinois Equal Pay Act of 2003, 820 ILCS 112; or

# Four Rivers Special Education District 2:260

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1. Provision of services to homeless students.
2. Illinois Whistleblower Act, 740 ILCS 174
3. Misuse of genetic information prohibited by the Illinois Genetic Information Privacy Act 410 ILCS 513/ and Titles I and II of the Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et. Seq.
4. Employee Credit Privacy Act, 820 ILCS 70/.

The Complaint Manager will first attempt to resolve complaints without resorting to this grievance procedure. If a formal complaint is filed under this policy, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this policy may forego any informal suggestions and/or attempts to resolve it and may proceed directly to this grievance procedure. The Complaint Manager will not require a student or parent/guardian complaining of any form of harassment to attempt to resolve allegations directly with the accused (or the accused’s parents/guardians); this includes mediation.

Right to Pursue Other Remedies Not Impaired

The right of a person to prompt and equitable resolution of a complaint filed under this policy shall not be impaired by the person’s pursuit of other remedies, e.g., criminal complaints, civil actions, etc. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. If a person is pursuing another remedy subject to a complaint under this policy, the District will continue with a simultaneous investigation under this policy.

Deadlines

All deadlines under this policy may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, *school business days* means days on which the District’s main office is open.

Filing a Complaint

A person who wishes to avail him or herself of this grievance procedure may do so by filing a complaint with any District Complaint Manager. The Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same gender. The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with the student’s parent(s)/guardian(s). The Complaint Manager shall assist the Complainant as needed.

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For any complaint alleging bullying and/or cyber-bullying of students, the Complaint Manager shall process and review the complaint according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment,* in addition to any response required by this policy. For any complaint alleging sexual harassment or other violation of Board policy 5:20, *Workplace Harassment Prohibited,* the Complaint Manager shall process and review the complaint according to that policy, in addition to any response required by this policy 2:260*.*

Investigation Process

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. The Complaint Manager shall ensure both parties have an equal opportunity to present evidence during an investigation. If the complainant is a student under 18 years of age, the Complaint Manager will notify his or her parent(s)/guardian(s) that they may attend any investigatory meetings in which their child is involved. The complaint and identity of the Complainant will not be disclosed except (1) as required by law, or this policy, (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

The identity of any student witnesses will not be disclosed except: (1) as required by law or any collective bargaining agreement, (2) as necessary to fully investigate the complaint, or (3) as authorized by the parent/guardian of the student witness, or by the student is 18 years of age or older.

The Complaint Manager will inform, at regular intervals, the person(s) filing a complaint under this policy about the status of the investigation. Within 30 school business days after the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Director. The Complaint Manager may request an extension of time. If a complaint of sexual harassment contains allegations involving the Director, the written report shall be filed with the Operating Board, which will make a decision in accordance with Section 3 of this policy. The Director shall keep the Operating Board informed of all complaints.

If a complaint contains allegations involving the Director or Board member(s), the written report shall be filed directly with the Board, which will make a decision in accordance with paragraph four of the following section of this policy.

Decision and Appeal

Within five school business days after receiving the Complaint Manager’s report, the Director shall mail his or her written decision to the Complainant and the accused by

# Four Rivers Special Education District 2:260

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first class, U.S. mail as well as to the Complaint Manager. All decisions shall be based upon the *preponderance of evidence* standard.

Within 10 school business days after receiving the Director’s decision, the Complainant or the accused may appeal the decision to the Board by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the Operating Board.

Within 30 school business days, the Board shall affirm, reverse, or amend the Director’s decision or direct the Director to gather additional information. Within five school days after the Board’s decision, the Director shall inform the Complainant and the accused of the Board’s action.

For complaints containing allegations involving the Director or Board member(s), within 30 school business days after receiving the Complaint Manager’s or outside investigator’s report, the Board shall mail its written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager.

This policy shall not be construed to create an independent right to a hearing before the Director or Board. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.

Appointing a Nondiscrimination Coordinator and Complaint Managers

The Director shall appoint a Nondiscrimination Coordinator to manage the District’s efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of employees, students, and others. The Nondiscrimination Coordinator also serves as the District’s Title IX Coordinator.

The Director shall appoint at least one Complaint Manager to administer this policy. If possible, the Director will appoint two Complaint Managers, one of each gender. The District’s Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

The Director shall insert into this policy and keep current the names, office addresses, email addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Managers.

# Four Rivers Special Education District 2:260

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Nondiscrimination Coordinator:

Name: Tracey Fair, Director

Address: 936 W. Michigan Avenue, Jacksonville, IL 62650

Email: tfair@frsed.org

Telephone No.: 217/245-7174, ext. 220

Complaint Managers:

Name: Valerie Hasting

Address: 936 W. Michigan Avenue, Jacksonville, IL 62650

Email: vhasting@frsed.org

Telephone: 217/245-7174, ext. 257

Name: Cindy Moore

Address: 936 W. Michigan Avenue, Jacksonville, IL 62650

Email: cmoore@frsed.org

Telephone: 217/245-7174, ext. 309

Legal Ref.: Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.

 Americans With Disabilities Act, 42 U.S.C. § 12101 et seq.

 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.

McKinney Homeless Assistance Act, 42 U.S.C. § 11431 et seq.

 Rehabilitation Act of 1973, 29 U.S.C. § 791 et seq.

 Title VI of the Civil Rights Act. 42 U.S.C. § 2000d et seq.

Title IX of the Education Amendments, 20 U.S.C. § 1681 et seq; 34 C.F.R. Part 106

State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a)

Equal Pay Act of 2003, P.A. 93-0006

Employee Credit Privacy Act, 820 ILCS 70/.

Victims’ Economic Security and Safety Act, 826 ILCS 180/56 Ill.Admin. Code Part 280

775 ILCS 5/1-101 et seq.

105 ILCS 5/2-3.8, 5/3-10. 5/10-20.7a, 5/10-20.60 (P.A. 100-29, final citation pending)5/10-22.5, 5/22-19, 5/24-4, and 5/27-1,23.7, and 45/1-15.

Illinois Genetic Information Privacy Act, 410 ILCS 513/.

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Illinois Whistleblower Act, 740 ILCS 174

23 Ill.Admin Code §§ 1.240 and 200-40.

CROSS REF.: 2:105 (Ethics and Gift Ban), 2:265 (Title IX Sexual Harassment Grievance Procedure; 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:90 (Abused and Neglected Child Reporting), 6:120 (Education of Children with Disabilities), 6:140 (Education of Homeless Children), 6:170 (Title I Programs), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy Rights), 7:20 (Harassment of Students Prohibited), 7:180 (Preventing Bullying, Intimidation, and Harassment,7:185 (Teen Dating Violence Prohibited), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications, High Schools), 8:70 (Accommodating Individuals With Disabilities), 8:95 (Parental Involvement), 8:110 (Public Suggestions and Complaints).

ADOPTED: October 28, 2020

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# Governing Boards

## Title IX Sexual Harassment Grievance Procedure

Sexual harassment affects a student’s ability to learn and an employee’s ability to

work. Providing an educational and workplace environment free from sexual harassment is an

important District goal. The District does not discriminate on the basis of sex in any of its

education programs or activities, and it complies with Title IX of the Education Amendments of

1972 (Title IX) and its implementing regulations (34 C.F.R. Part 106) concerning everyone in

the District’s education programs and activities, including applicants for employment, students,

parents/guardians, employees, and third parties.

Title IX Sexual Harassment Prohibited

Sexual harassment as defined in Title IX (Title IX Sexual Harassment) is prohibited. Any

person, including a District employee or agent, or student, engages in Title IX Sexual

Harassment whenever that person engages in conduct on the basis of an individual’s sex that

satisfies one or more of the following:

1. A District employee conditions the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct; or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s educational program or activity; or
3. *Sexual assault* as defined in 20 U.S.C. §1092(f)(6)(A)(v), *dating violence* as defined in 34 U.S.C. §12291(a)(10), *domestic violence* as defined in 34 U.S.C. §12291(a)(8), or *stalking* as defined in 34 U.S.C. §12291(a)(30).

Examples of sexual harassment include, but are not limited to, touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, spreading rumors related to a person’s alleged sexual activities, rape, sexual battery, sexual abuse, and sexual coercion.

Definitions from 34 C.F.R. §106.30

*Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

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*Education program or activity*  includes locations, events, or circumstances where the District has substantial control over both the *Respondent* and the context in which alleged sexual harassment occurs.

*Formal Title IX Sexual Harassment Complaint* means a document filed by a *Complainant* or signed by the Title IX Coordinator alleging sexual harassment against a *Respondent* and requesting that the District investigate the allegation.

*Respondent* means an individual who has been reported to be the perpetrator of the conduct that could constitute sexual harassment.

*Supportive measures* mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the *Complainant* or the *Respondent* before or after the filing of a *Formal Title IX Sexual Harassment Complaint* or where no *Formal Title IX Sexual Harassment Complaint* has been filed.

Title IX Sexual Harassment Prevention and Response

The Director or designee will ensure that the District prevents and responds to allegations of Title IX Sexual Harassment as follows:

1. Ensures that the District’s comprehensive health education program in Board policy 6:60, *Curriculum Content,* incorporates (a) age-appropriate sexual abuse and assault awareness and prevention programs in grades pre-K through 12, and (b) age-appropriate education about the warning signs, recognition, dangers, and prevention of teen dating violence in grades 7-12. This includes incorporating student social and emotional development into the District’s educational program as required by State law and in alignment with Board policy 6:65, *Student Social and Emotional Development.*
2. Incorporates education and training for school staff as recommended by the Director, Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, or Complaint Manager.
3. Notifies applicants for employment, students, parents/guardians, employees, and collective bargaining units of this policy and contact information for the Title IX Coordinator by, at a minimum, prominently displaying them on the District’s website, if any, and in each handbook made available to such persons.

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Making a Report

A person who wishes to make a report under this Title IX Sexual Harassment grievance procedure may make a report to the Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, a Complaint Manager, or any employee with whom the person is comfortable speaking. A person who wishes to make a report may choose to report to a person of the same gender.

School employees shall respond to incidents of sexual harassment by promptly making or forwarding the report to the Title IX Coordinator. An employee who fails to promptly make or forward a report may be disciplined, up to and including discharge.

The Director shall insert into this policy and keep current the name, office address, email address, and telephone number of the Title IX Coordinator.

**Title IX Coordinator:**

Valerie Hasting **\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Name

936 W. Michigan, Jacksonville, IL 62650\_\_\_\_\_\_\_\_\_\_\_

Address

vhasting@frsed.org\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email

217/245-7174, ext. 257 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone

Processing and Reviewing a Report or Complaint

Upon receipt of a report, the Title IX Coordinator and/or designee will promptly contact the *Complainant* to: (1) discuss the availability of supportive measures, (2) consider the *Complainant’s* wishes with respect to *supportive measures,* (3) inform the *Complainant* of the availability of *supportive measures* with or without the filing of a *Formal Title IX Sexual Harassment Complaint,* and (4) explain to the *Complainant* the process for filing a *Formal Title IX Sexual Harassment Complaint.*

Further, the Title IX Coordinator will analyze the report to identify and determine whether there is another or an additional appropriate method(s) for processing and reviewing it. For any report received, the Title IX Coordinator shall review Board policies 2:260, *Uniform Grievance Procedure;* 5:20, *Workplace Harassment Prohibited;* 5:90, *Abused and Neglected Child Reporting;* 5:120, *Employee Ethics; Conduct; and Conflict of Interest;* 7:20, *Harassment of Students Prohibited;* 7:190, *Prevention of and Response to Bullying, Intimidation, and*

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*Harassment;* 7:180, *Prohibited;* and 7:190, *Student Behavior,* to determine if the allegations in the report require further action.

Reports of alleged sexual harassment will be confidential to the greatest extent practicable, subject to the District’s duty to investigate and maintain an educational program or activity that is productive, respectful, and free of sexual harassment.

Formal Title IX Sexual Harassment Complaint Grievance Process

When a *Formal Title IX Sexual Harassment Complaint* is filed, the Title IX Coordinator will investigate it or appoint a qualified person to undertake the investigation.

The Director or designee shall implement procedures to ensure that all *Formal Title IX Sexual Harassment Complaints* are processed and reviewed according to a Title IX grievance process that fully complies with 34 C.F.R. §106.45. The District’s grievance process shall, at a minimum:

1. Treat *Complainants* and *Respondents* equitably by providing remedies to a *Complainant* where the *Respondent* is determined to be responsible for sexual harassment, and by following a grievance process that complies with 34 C.F.R. §106.45 before the imposition of any disciplinary sanctions or other actions against a *Respondent.*
2. Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person’s status as a *Complainant, Respondent,* or witness.
3. Require that any individual designated by the District as a Title IX Coordinator, investigator, decision-maker, or any person designated by the District to facilitate an informal resolution process:
4. Not have a conflict of interest or bias for or against complainants or respondents generally or an individual *Complainant* or *Respondent.*
5. Receive training on the definition of sexual harassment, the scope of the District’s *education program or activity,* how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially.
6. Require that any individual designated by the Director as an investigator receiving training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

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1. Require that any individual designated by the District as a decision-maker receive training on issues of relevance of questions and evidence, including when questions and evidence about the *Complainant’s* sexual predisposition or prior sexual behavior are not relevant.
2. Include a presumption that the *Respondent* is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
3. Include reasonably prompt timeframes for conclusion of the grievance process.
4. Describe the range of possible disciplinary sanctions and remedies the District may implement following any determination of responsibility.
5. Base all decisions upon the *preponderance of evidence* standard.
6. Include the procedures and permissible bases for the *Complainant* and *Respondent* to appeal.
7. Describe the range of *supportive measures* available to *Complainants* and *Respondents.*
8. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Enforcement

Any District employee who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any third party who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent, invitee, etc. Any District student who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with student behavior policies. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action.

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This policy does not increase or diminish the ability of the District or the parties to exercise any other rights under existing law.

Retaliation Prohibited

The District prohibits any form of retaliation against anyone who, in good faith, has made a report or complaint, assisted, or participated or refused to participate in any manner in a proceeding under this policy. Any person should report claims of retaliation using Board policy 2:260, *Uniform Grievance Procedure.*

Any person who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary action, up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments of 1972; 34 C.F.R. Part 106.

 Davis v. Monroe County Bd. Of Educ., 526 U.S. 629 (1999).

 Gebser v. Lago Vista Independent Sch.Dist., 524 U.S. 274 (1998).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Conduct, and Conflict of Interest), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior).

ADOPTED: October 28, 2020