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SCHOOL BOARD LEGAL STATUS

The Board of Education is legally empowered by the General Assembly of the State of Illinois as prescribed by the Illinois State Board of Education to maintain the public schools with responsibility to the electorate within the District.

The elected board members collectively constitute a body politic with all powers as prescribed by law, including but not limited to the power to sue and be sued, purchase, hold and sell personal property and real estate, and enter into other obligations as are authorized or implied by law. The powers of the Board of Education listed herein are not exclusive. The Board of Education may exercise all other powers not inconsistent with the Illinois School Code that may be requisite or proper for the maintenance, operations, and development of any school or schools under the jurisdiction of the Board. The Board of Education shall consist of seven members, each elected by the registered voters of the school district pursuant to the Illinois School Code for a regular term of four years.

LEGAL REF.: Illinois School Code, Section 10-10; 105 ILCS 5/10-2, -10; 105 ILCS 5/10-20; 105 ILCS 5/10-20.5; 105 ILCS 5/10-21

1986/1987/1989/1997/2001/2004/2018

Amended: 11/05/2018

BOARD OPERATIONAL GOALS

The Board of Education exists for the purpose of providing a program of quality educational opportunities that are responsive to the needs of the students in the district. The Board, as elected representatives of the people, and accountable for its actions, will endeavor to render judgments and decisions that reflect sound educational planning for present and future needs. Recognizing that superior administrative and professional staffs are essential to a sound educational program, the Board will support the ideals of this commitment, within the District's resources.

Additionally, the Board commits itself to the following objectives:

1. To interpret the educational needs and aspirations of the community.
2. To formulate policies which support an effective learning environment.
3. To provide leadership by establishing policies that effectively carry out the goals and objectives of the school system.
4. To maintain communication with the various publics served by the schools.
5. To provide within available financial resources an effective and equitable educational program for all students.

SCHOOL BOARD POWERS AND DUTIES

The School Board powers listed in the Illinois School Code or in this policy are not exclusive meaning that the Board of Education may exercise all other powers not inconsistent with the Illinois School Code that may be requisite or proper for the maintenance, operation and development of any school or schools in the District.

The Board of Education derives its authority from the Illinois School Code and functions legally only as a collective body at official meetings, with responsibility for the District's educational and operational programs. As stated in the Board member oath of office prescribed by the Illinois School Code, a Board member has no legal authority as an individual.

The Board of Education shall function as the general agent of the state and faithfully discharge the duties of public school education as prescribed by the Illinois School Code, the Illinois State Board of Education and all Federal Regulations.

The powers and duties of the School Board include but are not limited to:

1. Formulating, adopting and modifying School Board policies, at its sole discretion, subject only to mandatory provisions of collective bargaining agreements and State and federal law;
2. Employing a Chief Executive Officer/Superintendent and other personnel, determining their compensation, and disciplining and dismissing personnel and establishing an equal employment opportunity policy that prohibits unlawful discrimination;
3. Approving the annual budget, tax levies, or expenditures, payment of obligations, annual audit, and other aspects of the District's financial operation, and making available a statement of financial affairs as provided in State law;
4. Letting contracts utilizing the public bidding procedure when required;
5. Providing, constructing, controlling, supervising, and maintaining adequate physical facilities, making school buildings available for use as civil defense shelters and establishing a resource conservation policy;
6. Approving the curriculum, textbooks, and educational services;
7. Evaluating the educational program and approving School and District Improvement Plans;

8. Establishing and supporting student discipline policies designed to maintain an environment conducive to learning, including deciding individual student suspension or expulsion cases brought before it;
9. Establishing attendance units within the District and assigning students to the school;
10. Establishing the school year;
11. Visiting the District's schools;
12. Providing student transportation services;
13. Entering into joint agreements with other school boards to establish cooperative educational programs or provide educational facilities;
14. Complying with requirements in the Abused and Neglected Child Reporting Act that state if an allegation is raised to a Board Member during an open or closed Board meeting that a student is an abused child as defined in the Act, the Board Member shall direct or cause the Board to direct the Chief Executive Officer/Superintendent or other equivalent school administrator to comply with the Act's requirements concerning the reporting of child abuse; and
15. Communicating the school's activities and operations to the community and representing the needs and desires of the community in educational matters.

LEGAL REF.: Illinois School Code, 105 ILCS 5/2-3.25d, 5/10-1 et seq., 5/17-1, and 5/27-1;
115 ILCS 5/1 et seq.; 325 ILCS 5/4.

1986/1987/1989/1997/2001/2004/2010/2013/2018
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SCHOOL DISTRICT GOALS AND OBJECTIVES

It is the desire of the Board of Education to achieve the following overall goals in the governance and operation of the school system.

These eight goals are established to indicate ways of accomplishing the goals for students, within the means made available by public support.

In consideration of the students, the District will:

1. Develop policies and procedures for efficient and effective governance.
2. Develop a structure and related practices appropriate for efficient and effective administration.
3. Respect the rights of the individual and promote an awareness of individual responsibilities.
4. Provide a program of instruction containing high expectations for achievement that will enable all students to develop to their fullest potential.
5. Provide within available financial resources facilities that offer an optimum physical environment for learning and teaching.
6. Provide appropriate support services.
7. Encourage continued growth and improvement in the performance of all employees.
8. Promote open and effective communication, collaborative problem solving and shared decision making.

BOARD MEMBER AUTHORITY

All powers of the Board of Education are derived from the state statutes and are granted in terms of action of a majority of the Board. Individual Board members exercise authority over District affairs only as they vote to take action at a legal meeting of the board. In other instances, an individual Board member, including the president, will have power only when the Board, by vote, has delegated authority to him or her. As stated in the Board member oath of office prescribed by the Illinois School Code, a Board member has no legal authority as an individual. It is contrary to the spirit of the statutes for any board member to seek individually to influence the official functions of the School District. The Board of Education and its members will deal with administrative services through the Chief Executive Officer/Superintendent and will not give orders to any subordinates of the Chief Executive Officer/Superintendent either publicly or privately.

LEGAL REF.: Illinois School Code, Article 10

1986/1987/1989/1997/2001/2018

Amended: 11/05/2018

SCHOOL BOARD ELECTIONS

Board of Education members are elected for a term of four years except when elected to fill an unexpired term. Board members are elected at large by the voters of the District. Elections for School Board members are held on the first Tuesday in April in odd-numbered years, unless postponed due to Passover, wherein the election will then be held the first Tuesday following the last day of Passover. The canvass of votes is conducted by the election authority within 21 days after the election.

The School Board may, by proper policy, place public policy propositions on the ballot.

LEGAL REF.: Illinois School Code: 10 ILCS 5/2A-1.1 et seq., 5/22-17 and 5/22-18; 105 ILCS 5/9-1 et seq., 105 ILCS 5/10-10

1986/1987/1989/1997/1998/2004/2010

BOARD MEMBER TERM OF OFFICE

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

1. The election authority canvasses the votes and declares the winner(s); this occurs within 21 days after the consolidated election held on the first Tuesday in April in odd-numbered years; and,
2. The successful candidate takes the oath of office as provided in Board Policy 2.129 School Board Member Oath of Office.

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

A Board member may resign his/her elected or appointed position on the Board at his/her discretion by submitting, in writing, said resignation to the secretary of the Board.

LEGAL REF.: Illinois School Code: 10 ILCS 5/2A-1.1; 5/22-17; and 5/22-18; 105 ILCS 5/10-10; 5/10-11; 5/10-16; and 5/10-16.5

BOARD MEMBER QUALIFICATIONS

As established by law, a member of the School Board must be a citizen of the United States, of the age of 18 or over at the time of election, a resident of Illinois and of the territory of the District for at least one year immediately preceding his/her election, and a registered voter in the District. He/she may not concurrently hold an incompatible office or certain types of State or federal employment, or be a child sex offender as defined in State law. Members of the Board of Education shall serve without compensation.

Candidates for the Board of Education must file a verified statement of economic interest with the County Clerk of Kane County, the form of which shall be determined by the County Clerk.

LEGAL REF.: Illinois School Code: 105 ILCS 5/9-10; 105 ILCS 5/10-3; 105 ILCS 5/10-10;
105 ILCS 5/22-1
Illinois Government Ethics Act: 5 ILCS 420/4A-102 et seq.

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Code: 2.041

SCHOOL BOARD MEMBERSHIPS

The Board of Education, in recognizing their commonality of purpose with boards across the nation, may subscribe to and maintain annual membership in regional, state, and national associations seeking to promote excellence in the public schools through effective board leadership.

LEGAL REF.: Illinois School Code, Article 23

1986/1987/1989/1997

VACANCIES ON THE SCHOOL BOARD – FILLING VACANCIES

Vacancies

The elective office of a School Board member becomes vacant before the term's expiration when any of the following occurs:

1. Death of the incumbent;
2. Resignation in writing filed with the Secretary of the School Board;
3. Legal disability of the incumbent;
4. Conviction of a felony, bribery, perjury or of any offense involving a violation of official oath or of a violent crime against a child;
5. Removal from office;
6. The decision of a competent tribunal declaring his or her election void;
7. An illegal conflict of interest;
8. Ceasing to be an inhabitant of the District; or
9. Acceptance of a second public office that is incompatible with School Board membership.

Filling Vacancies

The Board of Education has the power to fill, by appointment, any vacancy which occurs on the Board. Whenever a vacancy occurs, the remaining members shall notify the Regional Superintendent of Schools of that vacancy within 5 days after its occurrence and shall fill the vacancy until the next regular school board election, when a successor shall be elected to serve the remainder of the unexpired term. However, if the vacancy occurs with less than 868 days remaining in the term, the person so appointed shall serve the remainder of the unexpired terms and no election to fill the vacancy shall be held. Members appointed by the remaining members of the Board to fill vacancies shall meet any residential requirements as set forth by the School Code. The Board shall fill the vacancy within 45 days after it occurred by a public vote at a meeting of the Board.

Residents of the District who wish to be considered for a vacancy on the Board of Education should send a letter and/or a resume to the secretary of the Board of Education.

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-10, 5/10-11

1986/1987/1989/1997/2004

BOARD OFFICERS

President

The President of the Board of Education, in addition to the duties prescribed by law, will exercise such powers as properly pertain to the office. In carrying out his or her responsibilities, the President will:

1. Bring before the Board such matters as, may require the attention of the Board.
2. Work with other members of the Board to insure that the policies of the Board are properly enforced.
3. When appropriate appear on behalf of the Board of Education in all actions brought by or against it, unless individually a part, in which case this duty will be performed by the Vice President or Secretary.
4. Consult with the Chief Executive Officer/Superintendent/designee in planning agendas.
5. Confer with the Chief Executive Officer/Superintendent/designee on crucial matters which may occur between Board meetings.
6. Call special meetings of the Board of Education as deemed necessary.
7. Appoint committees, subject to the approval of the Board.
8. Act as public spokesperson for the Board except as this responsibility is delegated to others.
9. Be responsible for the orderly conduct of Board meetings.
10. Allow an absent Board member to participate by phone or video for good reason as defined in the Illinois Open Meetings Act.

Vice-President

The Vice-President of the Board of Education in the absence of the Board President will have the powers of the President and perform the President's duties.

Secretary

The Secretary of the Board of Education shall keep the minutes of Board meetings, perform all functions of official notification and correspondence, and all other duties pertaining to his/her office and such as directed by law or by action of the Board of Education. Through this policy, the Board of Education shall assign the duties of secretary to the Chief Legal Officer or his designee who shall serve at the discretion of the Board for an indefinite term.

Treasurer

The Treasurer of the Board of Education, properly bonded, shall be the only lawful custodian of all school funds, and shall be responsible for receiving, safe keeping, and dispensing of all Board funds in accordance with the school code. His/her investment decisions will be final within the parameters of Board policy. Through this policy, the Treasurer shall hold Chief School Business Official credentials and shall serve at the discretion of the Board for an indefinite term.

Secretary Pro Tem

In the absence of the Secretary or his/her designee, the Secretary Pro tem of the Board of Education shall perform the duties of the Secretary.

LEGAL REF.: Illinois School Code: 105 ILCS 5/8-1, -2, -3; 105 ILCS 5/10-7, -8, -13, -13.1, -14;
105 ILCS 5/10-22.2

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NEW BOARD MEMBER ORIENTATION / DEVELOPMENT OPPORTUNITIES

New members of the Board of Education will receive assistance from the incumbent board members and the Chief Executive Officer/Superintendent/designee in the form of printed material, orientation meetings, professional board journals designed to facilitate maximum participation in all matters of the Board.

Members of the Board of Education are encouraged to keep abreast of current developments in educational board leadership through attendance at local, regional, state, and national conferences, meetings, conventions, and the reading of educational publications.

New Board Member Orientation:

The following steps are taken to orient newly elected or appointed School Board Members:

1. The Board President or designee shall arrange a meeting with new Board member(s) for the purpose of explaining and answering questions about Board processes and procedures.
2. The Chief Executive Officer/Superintendent or designee shall arrange a meeting of the Board President, the Chief Executive Officer/Superintendent, and the new member for the purpose of answering questions and acquainting the member with the District.
3. The Chief Executive Officer/Superintendent shall give each new School Board member copies of the School Board Policy Manual, the School Board meetings minutes for the past year, and other helpful information including material explaining the School Board's roles and responsibilities.
4. The Board President may request a veteran Board member to mentor a new member.
5. New members are encouraged to attend workshops for new members conducted by the Illinois Association of School Boards.

Mandatory Board Member Training

Each Board member is responsible for his or her own compliance with the mandatory training laws that are described below:

1. Each Board member taking office after June 13, 2011 must complete at least 4 hours of professional development leadership training in education and labor law, financial oversight and accountability, and fiduciary responsibilities within the first year of his or her first term that begins after that date.

The District shall maintain on its website the names of all Board members who have successfully completed the training. (This only applies to #1)

2. Each Board member who was in office on January 1, 2012 must complete training on the Open Meetings Act within one year of that date. Each Board member taking office after January 1, 2012 must complete this training no later than 90 days after taking the oath of office. After completing the training, each Board member must file a copy of his or her certificate of completion with the Board.

SCHOOL BOARD CONFERENCES,
CONVENTIONS, AND WORKSHOPS

The Board of Education encourages the participation of its members at appropriate conferences, conventions, seminars, and similar meetings. Examples include:

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 an organization in the field of public school education.

Such attendance will be approved by the Board of Education. All Board members' expenses for travel, meals and or lodging must be approved by roll call vote at an open meeting of the Board pursuant to Illinois Law and the District's Travel Guidelines.

Funds for participation at such meetings will be budgeted for on an annual basis. Reimbursement to board members for their actual and necessary expenses will be in accord with the travel expense policy for staff members subject to the approval of the Board of Education.

When an approved meeting is not attended by the full Board, those who do participate will be requested to share information, recommendations, and materials acquired at the meeting. In the event a Board Member attends an event not approved by the Board, expenses or registration fees shall not be reimbursed without prior approval by the Board.

LEGAL REG.: Illinois School Code: 105 ILCS 5/10-22.32

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BOARD MEMBER INSURANCE

In accordance with Illinois School Code, members of the Board of Education, will be indemnified and protected from damage claims and suits involving civil rights, constitutional rights, death, and bodily injury and property. Any allegations for wrongful acts will apply in the normal scope of responsibilities as a member of the Board of Education.

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-20.20, -22.3

1986/1987/1989/1997/2001

ETHICS AND GIFT BAN

Definitions.

For purposes of this Policy:

“**Appointee**” means a person appointed to a position in or with the Board, regardless of whether the position is compensated.

“**Administrative action**” means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual arrangement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by any executive agency, department, board or commission of the State.

“**Board**” means the duly elected and constituted Board of Education of School District U-46 and any committees thereof.

“**Campaign for elective office**” means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as defined herein), (ii) relating to collective bargaining (as defined herein), or (iii) that are otherwise in furtherance of the person's official duties.

“**Candidate**” means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general primary election or general election.

“**Catered**” means food or refreshments that are purchased ready to eat and delivered by any means.

“**Collective bargaining**” means bargaining over terms and conditions of employment, including hours, wages, and other conditions of employment, as detailed in Section 10 of and which are not excluded by Section 4 of the Illinois Educational Labor Relations Act.

“**Compensated time**” means any time worked by or credited to an employee that counts toward any minimum work time requirement imposed as a condition of employment with the Board, but does not include any designated holidays or any period when the employee is on a leave of absence.

“**Compensatory time off**” means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment with the Board.

“**Contribution**” means

(1) a gift, subscription, donation, dues, loan, advance, or deposit of money or anything of value, knowingly received in connection with the nomination for election or election of any person to public office or in connection with any question of public policy;

(2) the purchase of tickets for fund-raising events, including but not limited to dinners, luncheons, cocktail parties, and rallies made in connection with the nomination for election or election of any person to public office or in connection with any question of public policy;

(3) a transfer of funds between political committees; and

(4) the services of an employee donated by an employer, in which case the contribution shall be listed in the name of the employer, except that any individual services provided voluntarily and without promise or expectation of compensation from any source shall not be deemed a contribution; but

(5) does not include –

(a) the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities; provided the value of the service provided does not exceed an aggregate of \$150 in a reporting period; or

(b) the sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.

“Employee” means (i) any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, including, but not limited to, the Chief Executive Officer/Superintendent, assistant superintendents, directors, supervisors, principals and certified staff, or (ii) any appointee.

“Executive action” means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a State entity of a rule, regulation, order, decision, determination, contractual arrangement, purchasing agreement or other quasi-legislative or quasi-judicial action or proceeding.

“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.

“Leave of absence” means any period during which an employee does not receive (i) compensation for Board employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the Board.

“Legislative action” means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment, or passage or defeat of any bill, amendment, resolution, report, nomination, administrative rule or other matter by either house of the General Assembly or a committee thereof, or by a legislator. Legislative action also means the action of the Governor in approving or vetoing any bill or portion thereof, and the action of the Governor or any agency in the development of a proposal for introduction in the legislature.

“Member” means an elected or appointed member of the Board of Education of School District U-46.

“Political” means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as defined herein), (ii) relating to collective bargaining (as defined herein), or (iii) that are otherwise in furtherance of the person's official duties.

“Political organization” means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

“Prohibited 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 payment 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 any thing 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 in connection with a campaign for elective office or on behalf of a political organization for political purposes.

(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.

“Prohibited source” means any person or entity who:

(1) is seeking official action (i) by the member or (ii) in the case of an employee, by the employee or by the member or other employee directing the employee;

(2) does business or seeks to do business (i) with the member or (ii) in the case of an employee, with the employee or with a member or other employee directing the employee;

(3) conducts activities regulated (i) by the member or (ii) in the case of an employee, by the employee or by a member or other employee directing the employee;

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the member or employee; or

(5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members.

“Chief Executive Officer/Superintendent” means the duly appointed and acting Chief Executive Officer/Superintendent or interim Chief Executive Officer/Superintendent of the District.

Prohibited Political Activities.

(a) Employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). Employees shall not intentionally misappropriate any District property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.

(b) At no time shall any member or employee intentionally misappropriate the services of any employee by requiring that employee to perform any prohibited political activity (i) as part of that employee's duties, (ii) as a condition of employment, or (iii) during any time off that is compensated by the Board (such as vacation, personal, or compensatory time off).

(c) An employee shall not be required at any time to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.

(d) An employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the employee's participation in any prohibited political activity.

(e) Nothing in this section prohibits activities that are otherwise appropriate for an employee to engage in as a part of his or her official employment duties or activities that are undertaken by an employee on a voluntary basis as permitted by law.

(f) No person in a position that is subject to recognized merit principles of public employment shall be denied or deprived of Board employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

Gift Ban.

Except as otherwise provided in this Policy, no member or employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any federal or State statute, rule, or regulation. This ban applies to and includes the spouse of an immediate family living with the member or employee. No prohibited source shall intentionally offer or make a gift that violates this Policy.

Gift Ban Exceptions.

The restrictions set forth in the “Gift Ban” section of this Policy do not apply to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the member or employee pays the market value.

(3) Any (i) contribution that is lawfully made under the Election Code, or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials and missions.

(5) Travel expenses for a meeting to discuss Board business that is not otherwise covered or reimbursed by the Board, when attendance at the meeting is approved by the Board or the Chief Executive Officer/Superintendent.

(6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, 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, 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.

(7) Anything provided by an individual on the basis of a personal friendship, unless the member or employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the member or employee and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the member or employee shall consider the circumstances under which the gift was offered, including:

(i) 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;

(ii) whether to the actual knowledge of the member or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(iii) whether to the actual knowledge of the member or employee the individual who gave the gift also at the same time gave the same or similar gifts to other members or employees.

(8) Food or refreshments not exceeding \$75 per person in value on a single calendar day, provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared, or (ii) catered.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the member or employee as an office holder or employee) of the member or employee, or the spouse of the member or employee, if the benefits have not been offered or enhanced because of the official position or employment of the member or employee, and are customarily provided to others in similar circumstances.

(10) Any gift given to a member or employee of the Board by another member or employee of the Board, and any gift given to a member or employee of the Board by a member, officer, or employee of another State agency, federal agency or governmental entity.

(11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each exception listed in this Section is mutually exclusive and independent of any other.

Disposition of Gift.

A member or employee does not violate this Policy if the member or employee promptly takes reasonable action to return the prohibited gift to its source or gives the gift or an amount equal to its value to a charitable organization that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

Enforcement – Employees (Other Than the Chief Executive Officer/Superintendent).

Any person wanting to file a complaint against any employee of the School District for violating this Policy shall file such a complaint with the Chief Executive Officer/Superintendent. The complaint must be (i) in writing, (ii) signed and notarized, and (iii) specify which provision(s) of this Policy the employee has allegedly violated. The Chief Executive Officer/Superintendent shall refer the complaint to an independent investigator to investigate within 10 days of its receipt, and the independent investigator shall have 30 days to conduct his or her investigation; except that the Chief Executive Officer/Superintendent may, at the request of the independent investigator, extend the investigation period up to an additional 30 days for cause. The Chief Executive Officer/Superintendent shall also send a copy of the complaint, by certified mail, return receipt requested, to the alleged violator. Any complaint not filed in strict accordance with this Section shall not be investigated.

Enforcement – Members and Chief Executive Officer/Superintendent.

A person who seeks to file a complaint against a member of the Board or the Chief Executive Officer/Superintendent for violating this Policy shall file such a complaint with the President of the Board. The complaint must be (i) in writing, (ii) signed and notarized, and (iii) specify which provision(s) of this Policy the member or Chief Executive Officer/Superintendent has allegedly violated. (In the event that the complaint is against the President of the Board, the complaint may be filed with the Vice President of Board.) The President (or the Vice-President) shall refer the complaint to an independent investigator to investigate within 10 days of its receipt, and the independent investigator shall have 30 days to conduct his or her investigation, except that the President (or Vice President), at the request of the independent investigator, extend the investigation period up to an additional 30 days for cause. The President (or Vice President) shall also send a copy of the complaint, by certified mail, return receipt requested, to

the alleged violator. Any complaint not filed in strict accordance with this section shall not be investigated.

Reports.

An independent investigator who conducts investigations pursuant to this Policy shall prepare and submit to the Chief Executive Officer/Superintendent, President or Vice President, as the case may be, a written report setting forth the nature of the investigation and the factual findings of the investigator. The investigator shall also make a finding as to whether the evidence is sufficient to support the violation alleged.

Penalties.

(a) Based on the report issued pursuant to the “Reports” section of this Policy and any additional evidence produced pursuant to this section, the Board shall determine whether sufficient evidence exists to support a finding that the member or employee has violated this Policy. If the Board concludes that a violation has occurred, it may impose a penalty, consistent with this Policy, State law and Board resolutions and policies, on the violator, as it deems appropriate, based on the totality of the circumstances. If the violator is an employee, the Board may solicit the opinion of the Chief Executive Officer/Superintendent as to an appropriate penalty.

(b) Before making any determinations or imposing any penalties under this Section, the Board shall provide the member or employee alleged to have violated this Policy with a copy of the report issued pursuant to the “Reports” section hereof. Within 14 days after his or her receipt of the report, the member or employee may request an opportunity to provide the Board with evidence that counters the allegation. Such a request shall be in writing and shall state whether the member or employee wishes to appear in person before the Board or whether the member or employee wishes to submit written evidence. Upon receipt of a request by a member or employee, the Board shall schedule a date and time for the member or employee to either appear before him or by which to submit written evidence, as the case may be. Such date shall be at least 14 days but not more than 30 days after receipt of the member’s or employee’s request. Any member or employee seeking to counter an allegation against him or her may submit for the Board’s consideration any evidence that he or she believes relevant to refute the allegations. If the member or employee has requested an in person meeting, the member or employee may, at his or her expense, be accompanied by an attorney. The member or employee may, at his or her expense, also have an attorney submit written evidence on his or her behalf.

(c) After any appearance or submission authorized under the preceding subsection (b), the Board shall make a determination whether sufficient evidence exists to support the complaint and, if so, impose a penalty. The Board shall vote on such matters no later than its next regularly scheduled meeting after the appearance or submission.

(d) The Board may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous, or bad faith allegation arising under this Policy.

Confidential Nature of the Complaints and Investigations.

To the fullest extent permitted by law, the names of persons filing complaints alleging a violation of this Policy, written reports prepared pursuant to this Policy and all documents related to employees' personnel files that may be used in investigations shall be treated as confidential and not disclosed. Further, to the fullest extent permitted by law, all deliberations related to any disciplinary actions stemming from alleged violations of this Policy shall be undertaken in confidence.

Implementation.

(a) The Chief Executive Officer/Superintendent, consistent with the terms and provisions of this Policy, may propose rules and procedures for its implementation, provided, however, that such rules and procedures shall only become effective upon their approval by the Board.

(b) The Chief Executive Officer/Superintendent shall be responsible for disseminating this Policy and making it available to all employees within ten (10) business days after its adoption and for making all new employees and board members aware of this Policy prior to assuming their positions.

Ethics Advisor.

The Board may appoint an Ethics Advisor for the School District. The Ethics Advisor shall provide guidance to members and employees concerning the interpretation of and compliance with this Policy. If no Ethics Advisor is appointed, the Chief Legal Officer of the School District shall serve as the Ethics Advisor.

LEGAL REF.: Governmental Ethic/State Gift Ban Act (Public Act 90-737)

1999/2001/2004/2005/2010/2018

Amended: 11/05/2018

SCHOOL BOARD MEMBER CODE OF CONDUCT

Members of the Board of Education shall:

- ☐ represent all school district constituents honestly and equally and refuse to surrender responsibilities to special interest or partisan political groups;
- ☐ avoid any conflict of interest or the appearance of impropriety which could result from being on the board and shall not use board membership for personal gain or publicity;
- ☐ recognize that a board member has no legal authority as an individual and that decisions can be made only by a majority vote at a board meeting;
- ☐ take no private action that might compromise the board or administration and shall respect the confidentiality of privileged information;
- ☐ abide by majority decisions of the board, while retaining the right to seek changes in such decisions through ethical and constructive channels;
- ☐ encourage and respect the free expression of opinion by other board members and other individuals who seek a hearing before the board;
- ☐ be involved and knowledgeable about not only local education concerns, but also about state and national issues.

In addition, Board Members will support the development of:

- ☐ educational programs which meet the individual needs of every student, regardless of race, religion, gender, sexual orientation, age, national origin, ancestry, marital status, disability, or any other legally protected status in accordance with applicable legal requirements;
- ☐ procedures for the regular and systematic evaluation of programs, staff performance, and board operations to ensure progress toward educational and fiscal goals;
- ☐ effective school board policies which provide direction for the operation of the schools and delegate authority to the superintendent for their administration;
- ☐ systematic communications which ensure that the school board, administration, staff, students, and community are fully informed and that the staff understands the community's aspirations for its schools;
- ☐ sound business practices which ensure that every dollar spent produces maximum benefits.

CROSS REF.: IASB Code of Conduct

2000/2018

Amended: 11/05/2018

SCHOOL BOARD MEMBER OATH OF OFFICE

Effective January 1, 2019, each school board member, before taking his or her seat on the board, shall take an oath of office in substantially the following form:

I, (name of member or successful candidate), do solemnly swear (or affirm) that I will faithfully discharge the duties of the office of member of the Board of Education of School District U-46 of Kane County, Illinois, in accordance with the Constitution of the United States, the Constitution of the State of Illinois, and the laws of the State of Illinois, to the best of my ability.

I further swear (or affirm) that:

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

I shall represent all school district constituents honestly and equally and refuse to surrender my responsibilities to special interest or partisan political groups;

I shall avoid any conflict of interest or the appearance of impropriety which could result from my position, and shall not use my board membership for personal gain or publicity;

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

I shall take no private action that might compromise the board or administration and shall respect the confidentiality of privileged information;

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

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

As part of the Board of Education, I shall accept the responsibility for my role in the equitable and quality education of every student in the school district.

I shall foster with the Board extensive participation of the community, formulate goals, define outcomes, and set the course for Illinois School District U-46.

I shall assist in establishing a structure and an environment designed to ensure all students have the opportunity to attain their maximum potential through a sound organizational framework.

I shall strive to ensure a continuous assessment of student achievement and all conditions affecting the education of our children, in compliance with State law.

I shall serve as education's key advocate on behalf of students and our community's schools to advance the vision for Illinois School District U-46.

I shall strive to work together with the Superintendent/Chief Executive Officer to lead the school district toward fulfilling the vision the Board has created, fostering excellence for every student in the areas of academic skills, knowledge, citizenship, and personal development.

LEGAL REF: 105 ILCS 5/10-16.5

2007/2018 (effective January 1, 2019)

Amended: 11/05/2018

BOARD - CHIEF EXECUTIVE OFFICER/SUPERINTENDENT RELATIONSHIP

The legislation of policies is the most important function of the Board of Education. The execution of the policies is the function of the Chief Executive Officer/Superintendent. The Board shall direct, through policy, the Chief Executive Officer/Superintendent in his or her charge of the administration of the school district, including without limitation considering the recommendations of the Chief Executive Officer/Superintendent concerning the budget, building plans, the locations of sites, the selection, retention, and dismissal of employees, and the selection of textbooks, instructional material, and courses of study.

Delegation by the Board of Education of its executive powers to the Chief Executive Officer/Superintendent provides freedom for the Chief Executive Officer/Superintendent to manage the schools within the Board's policies and frees the Board to devote its time to policy making and appraisal functions.

The Board holds the Chief Executive Officer/Superintendent responsible for the administration of its policies, the execution of Board decisions, the operations of the internal procedures designed to serve the school programs, and for keeping the Board informed about school operations and problems.

The Board shall make all employment decisions pertaining to the Chief Executive Officer/Superintendent. The Board of Education will strive to procure, when a vacancy exists, the best professional leader available for the Chief Executive Officer/Superintendent post. Then the Board as a whole, and individual members, will:

1. Give the Chief Executive Officer/Superintendent full administrative authority for properly discharging all professional duties, holding the Chief Executive Officer/Superintendent responsible for acceptable results.
2. Act only upon the recommendation of the Chief Executive Officer/Superintendent in matters of employment or dismissal of school personnel.
3. Hold all meetings of the Board of Education in the presence of the Chief Executive Officer/Superintendent except when the Chief Executive Officer/Superintendent's contract, salary and evaluation are under consideration.
4. Refer all complaints to the Chief Executive Officer/Superintendent for appropriate investigation and action.

5. Strive to provide adequate support for the Chief Executive Officer/Superintendent and other staff members to the end that they can discharge their functions on a thoroughly professional basis.
6. Present any personal criticisms of any employee directly to the Chief Executive Officer/Superintendent.

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-21.4, 105 ILCS 5/10-16.7

1986/1987/1989/1997/2001/2007/2018

Amended: 11/05/2018

EVALUATION OF THE CHIEF EXECUTIVE OFFICER/SUPERINTENDENT

It is the responsibility of the Board of Education to maintain and improve the quality of administration and instruction. One of the primary methods used in carrying out this responsibility is to work with the Chief Executive Officer/Superintendent in improving his or her effectiveness. In this regard the Board of Education will formally evaluate the Chief Executive Officer/Superintendent on an agreed upon timeline as developed by the Chief Executive Officer/Superintendent and the Board. All members of the Board of Education should be involved in this evaluation except in extenuating circumstances.

LEGAL REF.: Illinois School Code, 105 ILCS 5/10-23.8

1986/1987/1989/1997/2001/2018

Amended: 11/05/2018

COMMUNICATIONS TO THE BOARD

Staff members, parents, organization and community members should submit questions or communications to the Board of Education through the Chief Executive Officer/Superintendent's office or may use the electronic link to the Board's email address that is posted on the District's website. Board members' questions or communications to staff or about programs will be channeled through the Chief Executive Officer/Superintendent's office. In accordance with the Open Meetings Act (OMA) and the Oath of Office taken by Board members, individual Board members will not reply to an email or any other means of electronic communication on behalf of the entire Board or engage in the discussion of District business with a majority of a Board quorum.

If contacted individually, Board members will follow the District's Communication Guidelines. Board members' questions or communications to staff or about programs will be channeled through the Chief Executive Officer/Superintendent's office. Board members will not take private action that may compromise the Board or District administration. There is no expectation of privacy for any communication sent to the Board or its members, whether sent by letter, email, or other means of electronic communication except as provided by law.

Board Member Use of Electronic Communications

For purposes of this section, electronic communications include, without limitation, electronic mail, electronic chat, instant messaging, texting, and any form of social networking. Electronic communications to, by, and among Board members, in their capacity as Board members, shall not be used for the purpose of discussing District business. Electronic communications among Board members shall be limited to:

1. Disseminating information.
2. Messages not involving deliberation, debate, or decision-making.

Examples of acceptable communications are:

1. Agenda item suggestions.
2. Reminders regarding meeting times, dates, places.
3. Board meeting agendas or information concerning agenda items.
4. Individual responses to questions posed by community members, subject to the other limitations in this policy.

A Board member sending an e-mail concerning the District shall copy the Chief Executive Officer/Superintendent/designee, who shall store the message in order to comply with Local Records Act requirements, facilitate responses to Freedom of Information Act requests, and demonstrate compliance with the Illinois Open Meetings Act. The central files shall be maintained in such a way that hard copies shall be accessible when necessary. Board members may use their District issued email accounts to send messages concerning Board matters, and may also provide this address for purposes of receiving messages related to Board matters.

LEGAL REF.: 5 ILCS 120/ and 50 ILCS 205/20

1986/1987/1989/1997/2001/2004/2008/2013/2015/2018

Amended: 11/05/2018

BOARD COMMITTEES

The Board of Education has authority to appoint sub-committees of the Board as it finds desirable. Board committees shall comply with the Open Meetings Act.

Special Board Committees

Through Resolution, special committees may be created for specific purposes or to investigate special issues. A special committee shall be automatically dissolved after presenting its final report to the board or at the Board's discretion. Citizen advisory committees may be used to interpret school needs to the community and gather information from the community.

Standing committees are created for indefinite terms to fulfill continuing District needs regarding specific issues.

The following will serve as standing committees:

1. Committee on Personnel/Staff Relations
2. Committee on Finance
3. Committee on Community Relations
4. Committee on Curriculum
5. Committee on Facilities
6. Committee on Legislation
7. Parent-Teacher Advisory Committee, which shall assist in the development of student discipline policy and procedure
8. Behavioral Interventions Committee, which shall develop, implement and monitor procedures for using behavioral interventions in accordance with Board Policy governing misconduct by students with disabilities.

The Board president will name committee members after conferring with individual Board members. The president and the superintendent/designee will serve as *ex-officio* members of each committee.

All matters referred to committee at the direction of the Board or its president will be thoroughly investigated by it. A committee will not have the power to act for the Board, but will make reports to the Board. Committee reports will become an official part of the Board of Education minutes.

LEGAL REF.: 105 ILCS 5/10-20.14; 105 ILCS 5/14-8.05

1986/1987/Rev. 1989/1997/2001/2004/2018

Amended: 11/05/2018

BOARD LIAISONS

The President of the Board of Education will appoint board members to serve as representatives to various local, state, county, and regional organizations and boards. It will be the responsibility of such representatives to keep the organizations informed of appropriate board actions, and the Board informed of pertinent organization activities. The liaisons will actively seek input regarding school affairs from the members of these organizations.

The Chief Executive Officer/Superintendent/designee may be named as liaison when appropriate.

ADVISORY COMMITTEES TO THE BOARD

The Board of Education may appoint advisory committees to counsel it as one means of discerning the needs and desires of the school district and its residents. Advisory committees shall be comprised of parents, community members and other District stakeholders. The central purpose of all advisory committees is to contribute to the educational program by conducting studies, identifying problems, and developing recommendations that will enhance the effectiveness of the decision making process. The ultimate authority to make decisions will continue to reside in the powers and duties of the Board of Education as imposed by law.

Generally, advisory committees will be assigned to investigate areas of the District's educational program which need development, change, or reorganization and areas of community involvement in district affairs.

The administrative liaison to each advisory committee or a committee member will report annually to the Board of Education, keeping it informed of progress and problems. The Board may designate the intervals at which it will hear from the committee, but any significant developments will be reported as they occur. No announcement should be made by any committee or its members to the public or press until such release has been cleared with the Board President/designee.

The Board will provide advisory committees with a suitable meeting place and administrative assistance.

Recognizing the contributions to be made by staff members in the deliberation of advisory groups, the Board may authorize participation of school personnel in various advisory committees. In such cases, the Chief Executive Officer/Superintendent/designee will appoint the staff member or members to serve on the committee.

CHIEF LEGAL OFFICER

The Board may employ an attorney as Chief Legal Officer. The Chief Legal Officer shall represent the Board of Education in its capacity as the governing body for the District and shall also represent the Chief Executive Officer/Superintendent. The Chief Executive Officer/Superintendent and the Board President are each authorized to confer with and/or seek legal advice of the Chief Legal Officer on behalf of the Board of Education. The Board of Education may also retain outside legal counsel. The outside legal counsel's fees will be set at the time of appointment, with periodic review and assessment by the Chief Legal Officer.

The Chief Legal Officer may attend regular meetings of the Board and other meetings of the Board or its committees upon request, and will make his or her counsel available to the Board of Education, the Chief Executive Officer/Superintendent/ designee and other members of the Administration as needed.

The Chief Legal Officer will have expertise with the requirements of the school laws of the State of Illinois to enable him or her to offer the necessary advice.

The Board of Education will receive at least an annual review by the Chief Executive Officer/Superintendent of the work by the legal counsel and services provided in the prior year.

1986/1987/1989/1997/2001/2004/2018

Amended: 11/05/2018

BOARD NEGOTIATING AGENTS

The Board of Education is responsible for labor negotiations with employee bargaining units. The Chief Executive Officer/Superintendent/designee will be the chief negotiator for the Board of Education.

AGENDA PREPARATION AND DISSEMINATION

After conferring with the president of the Board of Education, the Chief Executive Officer/Superintendent/designee will, for all meetings, plan and prepare any agenda items for the consideration of the Board. Items of business recommended for inclusion in the agenda should be received in writing, stating the purpose and intent of the request, in the Chief Executive Officer/Superintendent's office at least five days prior to a board meeting. The Chief Executive Officer/Superintendent/designee will be responsible for the orderly preparation of materials, arrangements for personnel, and other items which may assist the Board in its deliberation.

The agenda, minutes of the previous meeting or meetings, and other supportive material will be mailed or carried by personal service to each Board member prior to the meeting.

SCHOOL BOARD MEETINGS

The Board of Education will transact all business at official meetings of the Board. A School Board Meeting includes any gathering, whether in person or by video or audio conference, telephone call, e-mail or instant messaging, or other means of contemporaneous interactive communication with a majority of a quorum of the Board members held for the purpose of discussing District business. In order to proceed with an open or closed meeting, a quorum of Board members must be physically present. If a quorum of the members are present, absent members may participate by video or audio conference when the absent member is unable to attend due to: (i) personal illness or disability; (ii) employment purposes or the business of the Board; or (iii) a family or other emergency. For all meetings of the School Board and its committees, the Chief Executive Officer/Superintendent/designee shall satisfy all notice and posting requirements contained herein, as well as the Illinois Open Meetings Act. These may be regular, special, or adjourned meetings, defined as follows:

1. Regular meeting – the Board of Education shall meet at least once a month to discuss and act on all matters that may come before it. The Board shall announce the time and place for its regular meetings at the beginning of each fiscal year. The Chief Executive Officer/Superintendent/designee shall prepare and make available the calendar of regular school board meetings in accordance with the Illinois School Code. Meeting dates may be changed with 10 days notice, in accordance with state law. A meeting agenda shall be posted at the District administrative office and the Board meeting room, or other location where the meeting is to be held, at least 48 hours before the meeting. Items not specifically on the agenda may still be considered.
2. Special meeting – the Board of Education may convene a special meeting to consider or act upon items requiring attention prior to the next regular meeting. The meeting may be called by the President or any three members of the Board as provided for in the Illinois School Code, and the purpose or purposes for which the meeting is being called shall be stated in the official written notification.
3. 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 not a change in the agenda.
4. Emergency meetings – public notice of emergency meetings shall be given as soon as practical, but in any event, before the meeting to news media that have filed a written request of notice.

LEGAL REF.: 105 ILCS 5/10-16; Open Meetings Act; 5 ILCS 120/1 et seq.
1986/1987/1989/1997/2007/2008/2010/2018
Amended: 11/05/2018

CLOSED SESSIONS

Meetings of the Board of Education will be open to the public with the exception of closed sessions which will be held for the purposes of:

1. Collective negotiating matters between the school board and its employees or deliberations concerning salary schedules for one or more classes of employees. [NOTE: Collective bargaining sessions are exempt from Open Meetings Act/notice and minutes requirements.]
2. Meetings at which the acquisition, sale, or lease of real property is being considered, including the setting of a price for sale or lease of property owned by the public body.
3. Meetings to discuss litigation when an action against or on behalf of the school district has been filed and is pending in a court or administrative tribunal or when the school board finds such a suit is probable or imminent. [The basis for the finding will be recorded and entered into the minutes.]
4. Meetings to consider information regarding the discipline, performance, appointment, employment, or dismissal of an employee or to hear testimony on a complaint lodged against an employee to determine its validity.
5. Meetings relating to individual student discipline (suspension and expulsion cases) and/or a student's special education program placement.
6. Meetings with advisors to provide professional consultation on matters germane to its field of competence held to consider matters of professional ethics or performance.
7. Meetings to consider an appointment to fill a vacancy on the school board.
8. Meetings to establish reserves or settle claims in accord with the local government and governmental employees tort immunity act, risk-management and the District's self-insurance program.
9. Meetings to review Closed Session minutes.
10. Meetings with an IASB representative to discuss board self-evaluation, practices, procedures and professional ethics.
11. Meetings to discuss safety of staff, students and school premises, security related issues (in motion, include a description of the actual danger).
12. Meetings to discuss the sale or purchase of securities, investments or investment contracts.

13. 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.
14. 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 Board of Education will reconvene in open session to take *any* final action discussed in closed session.

Closed session meetings will be recorded on audiotape as required by law. Each recording will be retained for at least 18 months after it is created. After the 18 month retention period concludes, the recording will be destroyed if the Board approves both (1) the destruction of the recording and (2) the written minutes documenting the relevant closed session proceedings. Minutes and recordings will not be released if confidentiality is necessary to protect either the public interest, the interest of the School District, or the privacy of an individual. Recordings or portions of a recording will be made publicly available only after the Board's approval or pursuant to a Court order.

Written minutes of closed session meetings must include the date, time, and place of the meeting, the members present and absent, and an accurate summary of the matters discussed. At least every six months, the Board will review the minutes of all closed sessions not previously released and will decide which, if any, no longer require confidentiality and should be made available for public inspection. The Board will report the results of this review in open session. The Board will vote in open session to approve any minutes of closed session meetings and to destroy recordings of those sessions (after the 18 month retention period has expired).

Unless the Board of Education has made a determination that the closed session audio recording no longer requires confidential treatment or otherwise consents to disclosure, the audio record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce the Illinois Open Meetings Act.

Access to Audio Recordings of Closed Sessions

Audio recordings of closed sessions are highly sensitive and confidential because the issues discussed are matters which are legally protected from disclosure to unauthorized parties. Maintaining such recordings in confidentiality is a legal obligation of the Board of Education that cannot be compromised.

Access to closed session audio recordings shall be granted to Board members at the Educational Services Center where the Board Secretary's Office is located in the presence of any of the

following; the Board Secretary or his designee, the Chief Executive Officer/Superintendent/designee or any other Board member not making the request.

The review of closed session audio recordings shall take place during business hours or at a time mutually agreed upon by the requesting Board of Education Member(s) and the Chief Executive Officer/Superintendent/designee. Notice of a request to review closed session audio recordings shall be given, whenever possible, to the Chief Executive Officer/Superintendent/designee 3-5 business days in advance. Notice of any request to listen to audio recordings of closed sessions shall be given to all Board Members

No audio recordings of closed sessions shall be recorded or removed from the Board Secretary's Office, except by vote of the Board of Education or by court order.

LEGAL REF.: Open Meetings Act, 5 ILCS 120/1 et seq. 5 ILCS 120/2.06; Public Act 099-0515

1986/1987/1989/1994, 1997/2001/2004/2008/2010/2013/2015/2016

BOARD ORGANIZATIONAL MEETING

The Board of Education will hold an annual meeting to reorganize by electing officers and establishing a time and place for regular meetings within 28 days after the first Tuesday after the first Monday in April. On election years, the Board will hold a reorganization meeting sometime after the election authority canvasses the vote, but within 28 days after the consolidated election. At the organizational meeting the following shall occur:

1. Each successful candidate, before taking his or her seat on the Board, shall take the oath of office as provided in Board policy #2.129 School Board Oath of Office.
2. The new Board members shall be seated.
3. The Board shall elect its officers who assume office immediately upon their election.
4. The Board shall fix a time and date of its regular meetings.

The President of the Board of Education shall be elected by the members thereof from among their number.

The Vice President of the Board of Education shall be elected by the members thereof from among their number.

The Chief Legal Officer/designee shall serve as Secretary of the Board of Education for an indefinite period at the pleasure of the Board.

The Treasurer shall hold Chief School Business Official credentials and shall serve at the discretion of the Board for an indefinite term.

The Secretary Pro Tem of the Board of Education may be elected by the members from among their number.

Officers of the Board are elected on an annual basis and serve a one year term to conclude when their successors are elected.

LEGAL REF.: Illinois School Code: 105 ILCS 5/8-1; 105 ILCS 5/10-13; 105 ILCS 5/10-14;
105 ILCS 5/10-16

1986/1987/1989/1997/1998/2001/2010/2018

Amended: 11/05/2018

RULES OF ORDER

The Board of Education will use Robert's Rules of Order, as revised from time-to-time, as a guide, except that the President may discuss and vote on all matters before the Board, as otherwise provided for in the Illinois School Code.

The Board of Education may, when so deemed necessary and proper, suspend its own rules by a majority vote of the membership present at an official meeting.

VOTING METHOD AT BOARD MEETINGS

A majority of the full membership of the Board of Education shall constitute a quorum.

In most instances, the failure of a Board member to vote has the effect of acquiescence or concurrence with the request of the votes cast. For example, a motion passes with two yes votes, one no vote and four abstentions. A motion fails with a vote of two yes, three no votes and two abstentions. A motion fails with three yes votes, three no votes and one abstention. Exceptions are listed below. When a vote is taken upon a measure before the Board, a quorum being present, a majority of the votes of the members voting on the measure will determine the outcome except as follows or as otherwise provided by law:

1. A Resolution directing a sale of District real property or improvements thereon shall be approved by at least $\frac{2}{3}$ of the Board members.
2. In the dismissal of a tenured teacher, a majority of the entire board membership will be required.
3. A motion or Resolution to make or review a lease of school property to another school district or municipality or corporation for a term of longer than 10 years, or to alter the terms of such a lease whose unexpired term exceeds 10 years, shall be approved by at least $\frac{2}{3}$ of the Board members.
4. A motion or Resolution to lease any building, rooms, grounds and appurtenances to be used by the District for school or administration purposes for a term of longer than 10 years, or to alter the terms of such a lease whose unexpired term exceeds 10 years, shall be approved by $\frac{2}{3}$ of the Board's members.
5. A motion or Resolution to obtain personal property by lease or installment contract shall be approved by $\frac{2}{3}$ of the Board's full membership. "Personal Property" includes computer hardware and software and all equipment, fixtures, and improvements to existing District facilities necessary to accommodate computers.
6. A motion to obtain personal property by lease or installment contract (i.e., computer hardware and software) must be approved by two-thirds of the entire board membership.

The Board of Education shall conduct voting on all issues to come before the Board by means of:

1. A rotating roll call vote on all matters.
2. An abstention of the voting privilege to be recorded as "present but not voting." The secretary of the Board shall record all votes taken and incorporate the votes into the official minutes of the Board of Education.

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-7, -9, -12, -22.11, -22.12, -20.21, -22.25a, -23.3, -23.4a, -24.12; 105 ILCS 5/17-3.2 10 ILCS 5/2A-1.4; 105 ILCS 5/9-1.5

1986/1987/1989/1997/2001/2004/2018

Amended: 11/05/2018

MINUTES

In accordance with state statutes, the Board of Education will maintain accurate records of the actions taken at each board meeting. The Secretary of the Board is, by law, responsible for keeping the minutes. The minutes will include:

1. The type of the meeting, regular or special, including any notices thereof, the date, time, place; the board members present and absent, the staff members present, the approval of minutes of preceding meeting or meetings, and, if a reconvened meeting, the original meetings date.
2. School Board members recorded as either present or absent.
3. A record of all motions passed or denied by the Board, together with the names of the members making and seconding the motions, and a record of the members yes and no except in the case of unanimous votes.
4. A record of the disposition of all matters on which the Board considered but did not take action.
5. If a meeting is adjourned to another date, the time and place of the adjourned meeting.
6. Summary of remarks by the public in attendance at the meeting.
7. 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 citation to the specific exception contained in the Open Meetings Act authorizing the closed meeting.

The minutes will be signed by the Board president and attested by the Secretary of the Board following their approval at the subsequent meeting. The minutes will become permanent records of the Board of Education and will be in the custody of the Secretary of the Board, who will make them available to interested citizens upon request.

LEGAL REF.: Illinois School Code: 105 ILCS 5/10-7, -14, -22.1

1986/1987/Rev. 1989/1997/2001

NOTIFICATION OF BOARD MEETINGS

The Board of Education shall publicize all board meetings as set forth in the following procedures:

1. Regular meetings - the Board shall set the time and place for its regular meetings at its annual reorganization meeting. The Chief Executive Officer/Superintendent or designee shall prepare and make available the calendar of regular School Board meetings to the public and those members of the media who so request. Regular meeting dates may be changed with 10 days' notice, in accordance with state law.
2. Special and rescheduled meetings - the Board shall give notice thereof, in writing, to board members, the public and the news media so requesting, stating the time, place and purpose of the meetings at least forty-eight hours in advance of the meeting unless an emergency meeting is called. An agenda must accompany the notice of the meeting.
3. Adjourned meetings - the Board of Education may serve notice as set forth in the procedures for special meetings, or by motion of the Board in a regular meeting or a special meeting, stating the place, date, and time.
4. In addition the other notices specified in this policy, the Chief Executive Officer/Superintendent 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.: Illinois School Code: 105 ILCS 5/10-16
Open Meetings Act, 5 ILCS 120/1 et seq.

1986/1987/1989/1997/2001/2006/2018
Amended: 11/05/2018

AGENDA FORMAT

The Chief Executive Officer/Superintendent, conferring with the Board President, will be responsible for arranging the order of items on meeting agendas so that the Board can accomplish its business as expeditiously as possible. The particular order may vary from meeting to meeting in keeping with the business at hand.

The Board will follow the order of business established by the agenda except as it votes to rearrange the order for the convenience of visitors, individuals appearing before the Board, or to expedite Board business.

The following will normally be the order of business at regular meetings of the Board of Education:

1. Roll call
2. Pledge of Allegiance
3. Comments from the audience
4. Approval of minutes of previous meeting
5. Approval of Administrative Recommendations
6. Other business
7. Work Session Items

The Chief Executive Officer/Superintendent or designee shall provide a copy of the agenda to each School Board member at least 48 hours before each meeting, except for meetings held in the event of an emergency.

1986/1987/1989/1995/1997/2001/2004/2018

Amended: 11/05/2018

BOARD POLICY DEVELOPMENT

The Board of Education will adopt clearly defined written policies. The Board will establish and maintain a system for the development of policies. The establishment of board policies will be a continuing process with revision of existing policies and creation of new policies.

The formal adoption of policies will be recorded in the minutes of the Board. Only those written statements so adopted and so recorded will be regarded as official board policy.

Board policies will be reviewed and revised as necessary.

LEGAL REF.: Illinois School Code: 105 ILCS 10-20.5

1986/1987/1989/1997/2004

POLICY ADOPTION

Adoption of new policies or the revision or repeal of existing policies is solely the responsibility of the Board of Education.

The Board of Education will officially adopt statements of policy only after a minimum elapsed period of fourteen days has occurred from the initial review to the final adoption at a scheduled meeting.

During discussion of a policy proposal, the views of the public and staff will be considered.

The Board of Education may grant temporary approval for policies to meet emergency conditions in lieu of formal action. Formal adoption of the policies will occur at a subsequent meeting pursuant to the procedures herein described.

POLICY DISSEMINATION

The Chief Executive Officer/Superintendent/designee is directed to establish and maintain an orderly plan for preserving and making accessible the policies adopted by the Board of Education.

Accessibility is to extend to at least all employees of the school district, to members of the Board, and, insofar as conveniently possible, to the public.

The Board of Education's policy manual will be considered a public record and will be open for inspection at the administrative offices, schools, and the public libraries.

LEGAL REF.: 105 ILCS 5/10-20.5

1986/1987/1989/1997/2004/2018

Amended: 11/05/2018

ADMINISTRATION IN THE ABSENCE OF POLICY

The Board of Education delegates to the Chief Executive Officer/Superintendent/designee the power to act in situations where no specific policies or guidelines are evident to prescribe administrative action.

The Chief Executive Officer/Superintendent/designee will inform the Board of Education promptly of such actions which will be subject to a review by the Board at a scheduled meeting.

SUSPENSION OF POLICIES

The Board, by a majority vote of members present at any meeting may temporarily suspend a Board policy not established by law or contract.

POLICY REVIEW AND EVALUATION/MANUAL ACCURACY CHECK

In an effort to keep its written policies up-to-date so they may be used consistently as a basis for Board action and administrative decision, the Board of Education will review its policies periodically.

The Chief Executive Officer/Superintendent/designee is given the continuing responsibility of calling to the Board's attention all policies that are out-of-date or appear to need revision for other reasons. The Board directs the Chief Executive Officer/Superintendent/designee to recall all policy and procedure manuals periodically for purposes of administrative updating and Board review.

POLICY IMPLEMENTATION

The Chief Executive Officer/Superintendent/designee has the responsibility for carrying out, through supplementary procedures and directives, the policies established by the Board of Education.

The policies developed by the Board and the procedures and directives developed to implement policy are designed to achieve an effective and efficient school district.

Administrators and supervisors are responsible for informing staff members in their schools, or departments, of existing policies and procedures and for seeing they are implemented in the spirit intended.

Staff, student and parent handbooks, will be used for disseminating policies and procedures to persons directly affected by them.

Within the policies and procedures of the Board of Education and the procedures of the Chief Executive Officer/Superintendent/designee, Principals are authorized to establish rules and procedures for the staff and student bodies of their schools.

SITE EXCEPTIONS

The Board of Education, to encourage innovation, creativity and collaboration, may grant site exceptions to its policies upon a site's request which is supported by the Partnership for Excellence in Learning Council; or other process as agreed to by interested parties.

EQUITY POLICY

The Board of Education of Illinois School District U-46 is committed to the success of every student in every school. A primary objective of the District is that by graduation, all students will meet or exceed college and career ready standards and be fully prepared to become contributing members of society. It is our belief that it is the responsibility of this school District to give each student the opportunity and support to meet his or her highest potential.

We also recognize historic and persistent achievement and/or excellence gaps, disparities in data with respect to graduation rates, and inequities in reported incidents of student misconduct when comparing students of various ethnic and racial backgrounds. Closing these gaps and addressing these disparities, while raising achievement for all students, are top priorities of the Board of Education, the Chief Executive Officer/Superintendent, and all District staff, and it will remain the District's responsibility to continue to address these issues.

Illinois School District U-46 will continue to modify its practices in order to achieve and maintain equity in education. We seek to foster a barrier-free educational environment where all students, regardless of race, language and zip code, have the opportunity to benefit equally.

To achieve this goal, the District will provide differentiated resources to support the success of all students and be guided by the following mandates:

- The District shall provide every student with equitable access to high quality and culturally relevant instruction, curriculum, and other educational resources;
- The District shall create multiple pathways to success in order to meet the needs of our diverse student body;
- The District shall actively encourage, support and expect high academic achievement from all students;
- The District shall actively strive to have a teacher and administrative workforce that reflects the diversity of the student body;
- The District shall provide professional development to strengthen employee knowledge and skills in eliminating disparities in achievement based on race and/or ethnicity;
- The District shall remedy any practices that lead to over-representation of students of color in special education and student discipline;
- The District shall remedy any practices that lead to under-representation of students of color in programs such as gifted programs, honors academies, and advanced placement courses;
- The District shall welcome, empower and recognize students and families of all racial and ethnic backgrounds as essential partners in their student's education, school planning and District decision making;
- The District shall include and consider the input of government agencies, non-profit organizations, business and the community in general in ensuring equity of programs to all students, and;
- All students shall have equal access to all programs for which they qualify.

The Board of Education will hold the Chief Executive Officer/Superintendent, school and central office administrative leadership, and all remaining District staff accountable for their contributions toward measurable progress in ensuring these mandates.

The Board directs the Chief Executive Officer/Superintendent to develop action plans with clear accountability and metrics – including prioritizing staffing and budget allocations, as well as ensuring equity in the allocation of resources used to accomplish these mandates. Updated action plans and progress towards these mandates shall be reported to the Board annually.

UNIFORM GRIEVANCE PROCEDURE

Uniform Grievance Procedure

Students, parents, guardians, employees, or community members should notify any District Complaint Manager if they believe that the School Board, its employees, or agents have violated their rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy, or have a complaint regarding:

1. Title II of the Americans with Disabilities Act;
2. Title IX of the Education Amendments of 1972;
3. Section 504 of the Rehabilitation Act of 1973;
4. Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.;
5. Title VI of the Civil Rights Act, 42 U.S.C. § 2000d et seq.;
6. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. § 2000e et seq.;
7. Sexual harassment (Illinois Human Right Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972);
8. Bullying, 105 ILCS 5/27-23.7 (2012);
9. The misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children;
10. Curriculum, instructional materials, programs; or
11. Provision of services to homeless students;
12. Victims' Economic Security and Safety Act, 820 ILCS 180;
13. Illinois Equal Pay Act of 2003, 820 ILCS 112; or
14. Illinois Whistleblower Act, 740 ILCS 174/1 et seq.;
15. Misuse of genetic information (Illinois Genetic Information Privacy Act (GIPA), 410 ILCS 513/ and Titles I and II of the Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. §200ff et seq.);
16. Employee Credit Privacy Act, 820 ILCS 70/.

The Complaint Manager will attempt to resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable Resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. 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. All deadlines under this procedure may be extended by the Complaint Manager as he/she deems appropriate. As used in this Policy, "school business days" means days on which the District's main office is open.

1. Filing a Complaint

A person (hereinafter Complainant) 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 sex. The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with the parent(s)/guardian(s) of a student. The Complaint Manager shall assist the Complainant as needed.

2. Investigation

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. If the Complainant is a student, 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, or (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

Within 20 school days of the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Chief Executive Officer/Superintendent. The Complaint Manager may request an extension of time. If a complaint of sexual harassment contains allegations involving the Chief Executive Officer/Superintendent, the written report shall be filed with the School Board, which will make a decision in accordance with Section 3 of this policy. The Chief Executive Officer/Superintendent will keep the Board informed of all complaints.

3. Decision and Appeal

Within 5 school days after receiving the Complaint Manager's report, the Chief Executive Officer/Superintendent shall mail his or her written decision to the Complainant by US mail, first class, as well as the Complaint Manager.

Within 5 school days after receiving the Chief Executive Officer/Superintendent's decision, the Complainant may appeal the decision to the School 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 School Board. Within 30 school days, the School Board shall affirm, reverse, or amend the Chief Executive Officer/Superintendent's decision or direct the Chief Executive Officer/Superintendent to gather additional information for the Board. Within 5 school days of the Board's decision, the Chief Executive Officer/Superintendent shall inform the Complainant of the Board's action. The Complainant may appeal the School Board's decision to the Regional

Superintendent pursuant to Section 3-10 of The School Code and, thereafter, to the State Superintendent pursuant to Section 2-3.8 of The School Code.

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

Appointing Complaint Managers

The Chief Executive Officer/Superintendent shall appoint at least two Complaint Managers, one of each gender. The District's Nondiscrimination Coordinator, if any, may be appointed a Complaint Manager. The Non Discrimination Coordinator and the Complaint Manager are the District's Chief Legal Officer and the Director of Human Resources or designee, both of whom can be reached at 355 East Chicago Street, Elgin, Illinois, 847-888-5000).

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 of 2003, 820 ILCS 112/ Employee Credit Privacy Act, 820 ILCS 70/ Immigration Reform and Control Act, 8 U.S.C. § 1324a et seq.
Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.
McKinney Homeless Assistant 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.
Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. § 2000e et seq.
Illinois Whistleblower Act, 740 ILCS 174/
Illinois Human Rights Act, 775 ILCS 5/
Victims' Economic Security and Safety Act, 820 ILCS 180, 56 Ill.Admin.Code Part 280
Title IX of the Education Amendments, 20 U.S.C. § 1681 et seq.
775 ILCS 5/1-101 et seq.
105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-22.5, 5/22-19, 5/24-4, 5/27.1, 5/27-23.7, and 45/1-15.
23 Ill. Admin. Code §§ 1.240 and 200-40
GIPA 410 ILCS 513/; GINA 32 U.S.C. § 2000ff et seq.

CONTRACT REF.: The Elgin Agreement; District U-46 Educational Assistants; District U-46 Secretarial Association; District U-46 Transportation Union; SEIU Local 73 Food Services Employees; Education Support Service Organization

1986/1987/1989/1997/2001/2004/2008/2010/2013/2018
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