

POLICY #46

**HENRY-STARK COUNTIES SPECIAL
EDUCATION DISTRICT**

PERSONNEL POLICIES

Table of Contents

1. Article I Employee Positions Governing Board Policy
2. Article II Employment Governing Board Policy
Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article II
3. Article III Compensation Governing Board Policy
Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article III
4. Article IV Fringe Benefits Governing Board Policy
Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article IV
5. Article V Evaluations Governing Board Policy
6. Article VI Travel/Conference Governing Board Policy
Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article VI
7. Article VII Absences from Work Policy
Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article VII
8. Article VIII Work Related Injury or Illness Governing Board Policy
Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article VIII
9. Article IX Family and Medical Leave Governing Board Policy
Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article IX
10. Article X Leave Without Pay Governing Board Policy
Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article X
11. Article XI Determination of Temporary and Permanent Disability

Governing Board Policy

- Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article XI
- 12. Article XII Discipline Governing Board Policy
- 13. Article XIII Certified Professional Staff Reduction-In-Force Policy
 - Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article XIII
- 14. Article XIV Non-Certified Staff Reduction-In-Force Policy
 - Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article XIV
- 15. Article XV Equal Employment Opportunity Governing Board Policy
- 16. Article XVI Minority Recruitment and Hiring Policy Governing Board Policy
 - Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article XVI
- 17. Article XVII Drug and Alcohol-Free Workplace Governing Board Policy
 - Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article XVII
- 18. Article XVIII Uniform Grievance Procedure Governing Board Policy
 - Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article XVIII
- 19. Article XIX Sexual Harassment Policy Governing Board Policy
- 20. Article XX Non-Discrimination on the Basis of Disability Governing Board Policy
 - Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article XX
- 21. Article XXI School Visitation Governing Board Policy
 - Rules and Regulations Implementing
Governing Board Personnel #46 – Article XXI
- 22. Article XXII Maintenance, Inspection and Dissemination

of Personnel Records Governing Board Policy

Rules and Regulations Implementing
Governing Board Personnel Policy No. #46 – Article XXII

23. Article XXIII Computer System Use Governing Board Policy

Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article XXIII
24. Article XXIV Requisition of Supplies, Materials and Services Governing Board Policy

Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article XXIV
25. Article XXV Student Governing Board Policy
26. Article XXVI ADHD Training Governing Board Policy
27. Article XXVII Chronic Communicable Disease Governing Board Policy

Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article XXVII
28. Article XXVIII Open Meetings: Governing Board Action, Governing Board Minutes, and Verbatim Records Governing Board Policy

Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article XXVIII
29. Article XXIX Freedom of Information Act Governing Board Policy

Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article XXIX
30. Article XXX Ethics Act Governing Board Policy
31. Article XXXI HIPPA Governing Board Policy

Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article XXXI
32. Article XXXII Use of Tobacco on School Property Governing Board Policy

Rules and Regulations Implementing
Governing Board Personnel Policy #46 – Article XXXII

This manual and policies are intended to inform employees of applicable benefits and personnel procedures. It is also intended to inform the public and its member districts and cooperatives of the policies and procedures that are followed by the Governing Board of the Henry-Stark Counties Special Education District and its employees.

PLEASE NOTE THAT THIS POLICY MANUAL IS NOT A CONTRACT. NOTHING IN THIS MANUAL SHALL BE DEEMED TO CREATE CONTRACTUAL OR LEGALLY ENFORCEABLE RIGHTS ON BEHALF OF AN EMPLOYEE. NEITHER PRIOR PRACTICE NOR ORAL REPRESENTATION BY INDIVIDUAL MEMBERS OF THE GOVERNING BOARD OF THE HENRY-STARK COUNTIES SPECIAL EDUCATION DISTRICT, THE EXECUTIVE BOARD, OR THE ADMINISTRATION SHALL BE DEEMED TO CREATE CONTRACTUAL RIGHTS. ONLY WRITTEN AGREEMENTS EXPRESSLY APPROVED AND AUTHORIZED FOR SIGNATURE BY THE GOVERNING BOARD MAY BE CONSTRUED AS CREATING ANY CONTRACTUAL RIGHT. AT THE SOLE DISCRETION OF THE GOVERNING BOARD OR WHERE APPLICABLE, THE EXECUTIVE BOARD, THE DIRECTOR OR DESIGNEE, POLICIES MAY BE CHANGED WHEN CIRCUMSTANCES SO REQUIRE WITHOUT PRIOR NOTICE TO THE EMPLOYEES. THE GOVERNING BOARD AND WHERE APPLICABLE, THE EXECUTIVE BOARD, THE DIRECTOR, RESERVES THE RIGHT TO AMEND, MODIFY, ALTER, CHANGE, DELETE, REVOKE, OR ADD TO ALL OR ANY PART OF THESE POLICIES, PRACTICES, PROCEDURES OR PLANS. WRITTEN CHANGES WILL BE MADE AVAILABLE TO EMPLOYEES. THIS POLICY MANUAL SUPERSEDES ANY PREVIOUS HANDBOOK, MANUAL, POLICIES, PROCEDURES, OR UNWRITTEN POLICIES.

ARTICLE I - EMPLOYEE POSITIONS GOVERNING BOARD POLICY

Henry-Stark Counties Special Education District generally has the various employee positions listed below. This list of positions may change at any time and may be updated from time to time as new positions are created or deleted or moved. This list of positions is informational only and is not to be used for any other purpose, including but not limited to seniority and recall.

1.1 Certified Professional Staff (i.e., those positions requiring a teacher's certificate)

- A. Director
- B. Coordinator
- C. Principal
- D. Psychologist
- E. Social Worker
- F. Teacher
- G. Speech and Language Specialist

1.2 Non-Certified Staff

- A. Assistant to the Director
- B. Technology/Employee Benefits Manager
- C. EDWIN Manager and Clerical Assistant to the Director
- D. Payroll and Accounts Payable Assistant
- E. Support/Personnel Secretary
- F. School Secretary
- G. Educational Support Employee
 - a. Highly Qualified Instructional Aide
 - b. Motor Aide
 - c. Personal Care Aide
 - d. 1:1 Aide
 - e. Short-term Aide
- H. Custodian

ARTICLE II - EMPLOYMENT GOVERNING BOARD POLICY

The Director is responsible for recruiting personnel and making hiring recommendations to the Executive Board in accordance with Governing Board Policy. All employees must satisfy all hiring criteria as determined by law, the Governing Board and the Director. The employment period, work days and daily work hours of each employee may vary by position, location of employment and differing circumstances as determined by the Director.

It is also the policy of the Henry-Stark Special Education District to employ all non-certified staff on at-will basis, meaning that the employment of non-certified staff may be terminated by the Henry-Stark Special Education District or the employee at any time, with or without cause and with or without notice, at the option of the Governing Board.

The Executive Board and Director respectively are authorized to promulgate rules and regulations implementing this policy.

ARTICLE III - COMPENSATION GOVERNING BOARD POLICY

All employees of the Henry-Stark Special Education District are compensated based on the parameters of the specific assignment.

The Executive Board and Director respectively are authorized to promulgate rules and regulations implementing this policy.

ARTICLE IV - FRINGE BENEFITS GOVERNING BOARD POLICY

The Henry-Stark Counties Special Education District, as determined by the Governing Board, offers insurance and other fringe benefits to eligible employees of the organization.

The Executive Board and Director respectively are authorized to promulgate rules and regulations implementing this policy.

ARTICLE V - EVALUATIONS GOVERNING BOARD POLICY

Please refer to the evaluation plan for information on Henry-Stark Counties Special Education District's procedures for evaluations.

The Executive Board and Director respectively are authorized to promulgate rules and regulations implementing this policy.

ARTICLE VI - TRAVEL/CONFERENCE GOVERNING BOARD POLICY

The Governing Board recognizes that there are occasions when employees should be reimbursed for travel or conference expenses related to their specific assignment.

The Executive Board and Director respectively are authorized to promulgate rules and regulations implementing this policy.

ARTICLE VII - ABSENCES FROM WORK POLICY

Employees of the Henry-Stark Counties Special Education District are permitted absence from work as provided in policies and procedures developed by the Governing Board, Executive Board, and Director. Absences from work shall be monitored and administered by their assigned school and the Henry-Stark Special Education District Office.

The Executive Board and Director respectively are authorized to promulgate rules and regulations implementing this policy.

**ARTICLE VIII - WORK RELATED INJURY OR ILLNESS GOVERNING BOARD
POLICY**

Employees sustaining work related injuries shall have their sick leave benefits coordinated with any benefits such employees receive under the *Illinois Workers' Compensation Act*. No employee, as a result of any work-related injury shall receive more than 100% of normal compensation when sick leave is combined with Workers' Compensation benefits for temporary disability. Employees may, but are not required to take earned and accrued sick leave while receiving workers' compensation benefits.

The Executive Board and Director respectively are authorized to promulgate regulations to implement this Governing Board policy.

ARTICLE IX - FAMILY AND MEDICAL LEAVE GOVERNING BOARD POLICY

9.1 GENERAL REQUIREMENTS FOR FAMILY AND MEDICAL LEAVE ("FMLA LEAVE")

A. Eligibility for Leave, Duration and Purpose of Leave

Pursuant to the Family and Medical Leave Act (the "FMLA"), any employee who has been employed by the Governing Board for at least 12 months, and has worked at least 1,250 hours during the preceding 12 months, shall be entitled to an unpaid leave of absence of up to 12 work weeks during a 12-month period for the following purposes:

- (1) the birth of a child and to care for the newborn child, provided the leave is completed no later than 12 months after the birth of the child;
- (2) the placement of a child with the employee for adoption or foster care, provided the leave is completed no later than 12 months after the placement of the child;
- (3) because the employee is needed to care for the employee's spouse, child or parent with a serious health condition; or
- (4) the treatment of a serious health condition that makes the employee unable to perform the functions of the job.

A full-time instructional employee shall be deemed to have met the 1,250 hour requirement unless the Governing Board can demonstrate that the instructional employee did not work 1,250 hours in the preceding 12 months.

B. Calculation of 12-Month Period

The 12-month period for purposes of calculating availability of FMLA leave within a 12-month period shall be measured forward from the date an employee's first FMLA leave begins. An employee would be eligible to take up to 12 weeks FMLA leave in the 12-month period starting with the date of the employee's first FMLA leave. The next 12-month period would begin the first time FMLA leave is taken after completion of any previous 12-month period.

C. Intermittent or Reduced Schedule Leave

When medically necessary, FMLA leave may be taken on an intermittent, or a reduced schedule basis for an employee's serious health condition or to care for a spouse, child, or parent with a serious health condition.

Intermittent or reduced scheduled leave is only available when the medical need for the leave can be best accommodated through an intermittent or reduced leave schedule. The employee is required to consult with the administration to schedule the taking of intermittent or reduced hours leave so as not to disrupt the operations of the Henry-Stark Counties Special Education District. FMLA intermittent leave may not be taken on such basis after the birth or adoption of a child or placement of a child in foster care unless approved by the Governing Board, except in situations when the mother or newborn child has a serious health condition. If the request for intermittent leave or leave on a reduced schedule is foreseeable based upon planned medical treatment, the Governing Board may require the employee to transfer temporarily to an available alternate position which better accommodates recurring periods of leave. The employer may require medical certification of the need for the intermittent or reduced hours leave, and re-certification every thirty days thereafter.

D. Health Insurance

During FMLA leave, the Governing Board shall maintain group health insurance coverage under the same conditions that would have been provided if the employee were working. If an employee does not return to work after an unpaid FMLA leave, the employee shall repay the cost of health insurance premiums paid by the Governing Board unless the employee's failure to return is due to (a) the continuation, recurrence or onset of a serious health condition which would entitle the employee to FMLA leave or (b) other circumstances beyond the employee's control.

E. Return to Work

Upon return from FMLA leave, the employee shall be placed in the same position the employee held when the leave commenced or an equivalent position with equivalent benefits, pay and other terms and conditions of employment. Nothing herein shall grant the employee greater rights to reinstatement, benefits or conditions of employment than if the employee had been continuously employed. A key employee may be denied restoration to employment if it is necessary to prevent substantial and grievous economic injury to the operations of the Governing Board.

9.2 COMBINATION WITH OTHER LEAVES

Any employee qualifying for FMLA leave *will be required* to first substitute any other applicable earned and accrued paid leave while utilizing FMLA leave. An employee may also use vacation leave or personal leave or sick leave prior to utilizing FMLA leave. If such paid leave is less than 12 weeks, FMLA leave may then be used to allow for a total leave (whether paid or unpaid) of 12 work weeks duration. Any leave, whether paid or unpaid, taken for an FMLA qualifying reason, shall be deducted from an employee's total FMLA leave. The use of FMLA leave shall not preclude the use of other applicable unpaid leave that would extend the employee's leave beyond 12 work weeks, but the use of FMLA

leave shall not serve to extend any such available unpaid leave. Additionally, although not considered a “leave”, if an employee is absent from work due to a compensable injury on the job and/or occupational disease under the Workers’ Compensation Act, such absence will be deducted from the employee’s 12 week FMLA entitlement if the injury/illness is one that meets the criteria for a serious health condition.

9.3 SPECIAL LEAVE RULES FOR INSTRUCTIONAL EMPLOYEES

A. Required Continuation of Leave

The Governing Board may require an instructional employee to continue taking leave until the end of the semester if:

- (1) the leave begins more than five weeks before the end of the semester, the leave will last at least three weeks and the instructional employee would otherwise return to work during the last three weeks of the semester; or
- (2) the leave (which is for a purpose other than the instructional employee's own serious health condition) begins during the last five weeks of the semester, the leave will last for more than two weeks and the instructional employee would otherwise return to work during the last two weeks of the semester; or
- (3) the leave (which is for a purpose other than the instructional employee's own serious health condition) begins during the last three weeks of the semester, and the leave lasts more than five working days.

Any leave required by the Governing Board to be taken until the end of the semester shall not be counted as FMLA leave. However, the Governing Board shall continue to maintain health insurance group coverage, pursuant to D. Health Insurance, and the employee shall be entitled to the restoration rights set forth under E. Return to Work.

B. Reduced Schedule or Intermittent Leave

If an instructional employee requests FMLA intermittent leave or leave on a reduced schedule to care for a spouse, child, or parent with a serious health condition, or for an employee’s own serious health condition, which is foreseeable based on planned medical treatment that would cause such employee to be on leave for more than 20% of the total number of working days over the duration of the leave, the Governing Board may require the employee to choose either to:

- (1) take the leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

- (2) temporarily transfer to an available alternate position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave.

If an employee elects to take the leave for a “period or periods of a particular duration,” the entire period of leave taken will count as FMLA leave.

9.4 SPOUSES EMPLOYED BY SAME EMPLOYER

If leave is taken by spouses who are both employed by the Governing Board for birth or placement of a child for adoption or foster care, or to care for the employee's parent with a serious health condition, such leave is limited to a combined total of 12 work weeks. This limitation does not apply to leave taken by either spouse to care for the other spouse or a child with a serious health condition, or for leave taken due to the employee's own serious health condition.

9.5 RULES AND REGULATIONS

The Director is authorized to adopt rules and regulations, consistent with the FMLA, regarding the provision of notice of leave, medical certification, distribution of FMLA information, and recordkeeping requirements and such other matters necessary to implement the FMLA.

9.6 FMLA CONTROLLING

In the event this Policy or its Rules or Regulations conflict with the FMLA, the FMLA shall control. To the extent that this Policy or its Rules and Regulations is silent on a matter covered by the FMLA, the FMLA and its implementing rules and regulations shall control.

ARTICLE X - LEAVE WITHOUT PAY GOVERNING BOARD POLICY

The Governing Board, in its discretion, may offer its employees leave without pay or benefits to allow employees to cope with serious and pressing medical or personal problems which require extended absence from work (e.g. pregnancy, natural disaster, disability, and other serious matters). Such leave is separate from FMLA leave.

The Executive Board and Director respectively are authorized to promulgate rules and regulations implementing this policy.

**ARTICLE XI - DETERMINATION OF TEMPORARY AND PERMANENT DISABILITY
GOVERNING BOARD POLICY**

The absence of any employee caused by temporary disability, as hereinafter defined, shall not affect his/her tenured status (if any), nor shall any employee be dismissed for reasons of temporary disabilities which prevent the performance of services. If an employee is determined by the Governing Board to be permanently disabled, as defined hereunder, the Governing Board may determine, in its sole discretion and after the employee has exhausted all accumulated sick leave, and leave pursuant to the *Family and Medical Leave Act* (the "FMLA"), to terminate the employment of the permanently disabled employee for inability to perform his/her required services to the Henry-Stark Counties Special Education District.

Permanent disability shall not exist unless the employee has missed 90 consecutive work days in the same school term after having exhausted available paid and FMLA leave.

The Executive Board and Director respectively are authorized to promulgate rules and regulations implementing this policy.

ARTICLE XII - DISCIPLINE GOVERNING BOARD POLICY

When an employee does not perform satisfactorily, violates or attempts to violate any law or local ordinance, Governing Board policy or Administrative rules and regulations, directives, or does not abide by generally accepted rules of good conduct, the employee can expect appropriate disciplinary action will be taken which may include but is not limited to verbal warnings, written warnings, suspension with or without pay, and discharge.

An employee may be terminated by the Governing Board of the Henry-Stark Counties Special Education District at any time with or without cause, consistent with federal and state law.

The Executive Board and Director respectively are authorized to promulgate rules and regulations implementing this policy, including standards of employee conduct.

ARTICLE XIII - CERTIFIED PROFESSIONAL STAFF REDUCTION-IN-FORCE

In its sole discretion, the Henry-Stark Counties Special Education District Governing Board may determine to decrease the number of employees employed at Henry-Stark Counties Special Education District or to discontinue some particular type of service (i.e., "reduction-in-force"). Any employee who is removed or dismissed as a result of a reduction-in-force shall be given written notice as set forth in the *School Code*.

Tenured teachers who are affected by a reduction-in-force shall be dismissed in order of seniority. In all cases of reduction-in-force, the Governing Board shall first remove or dismiss all non-tenured teachers before honorably dismissing any teacher who is tenured and who is legally qualified to hold a position currently held by a teacher who is not tenured.

Seniority shall be defined as total years of continuous service as a tenured full-time teacher in the Henry-Stark Counties Special Education District, computed from the first day of continuous employment leading to tenure; provided, however, the seniority of less than full-time tenured service shall be computed on a pro rata basis and approved unpaid leave of absences of ninety (90) consecutive employment days or more shall not be counted in determining seniority, but shall not be deemed a break in continuous service. Service includes employment both in teacher certificated positions and in administrative positions.

The Governing Board shall annually establish a list, categorized by positions, showing the seniority of each tenured teacher who is qualified to hold any such positions.

Tenured teachers who have been honorably dismissed shall have recall rights to any vacancy which occurs for the following school term or within one (1) calendar year from the beginning of the school term following their reduction-in-force. During this recall period, tenured teachers shall be tendered a vacant position thereby becoming available, so far as the teacher is qualified to hold such vacant position.

A teacher honorably dismissed because of reduction-in-force who accepts the tender of a vacancy during the recall period shall lose no rights which accrued while in contractual continued service.

The Executive Board and Director respectively are authorized to promulgate rules and regulations to implement this Policy.

ARTICLE XIV - NON-CERTIFIED STAFF REDUCTION-IN-FORCE

In its sole discretion, the Henry-Stark Counties Special Education District may determine to decrease the number of employees employed at Henry-Stark Counties Special Education District or to discontinue some particular type of service (i.e., "reduction-in-force"). Any employee who is removed or dismissed as a result of a reduction-in-force shall be given written notice as set forth in the *School Code*.

Full-time non-certified staff who are affected by a reduction-in-force shall be dismissed in order of seniority within the respective category of position in which the employee has accrued seniority.

Seniority shall be defined as the length of continuing service within a category of position in the Henry-Stark Counties Special Education District. For those individuals hired after July 1, 2005, seniority credit for part-time service in the same category of position will be given on a pro-rata basis. Unpaid leaves of absences of ninety (90) consecutive days or more shall not be counted in determining seniority but shall not be deemed a break in continuing service. Accumulation of seniority shall begin from the employee's first day of services within a category of position as an employee.

Educational support personnel, classified staff and classified specialist shall be ranked by their seniority within the following categories of position:

1. Assistant to the Director
2. Technology/Employee Benefits Manager
3. EDWIN Manager and Clerical Assistant to the Director
4. Payroll and Accounts Payable Assistant
5. Support/Personnel Secretary
6. School Secretary
7. Educational Support Employee
 - a. Highly Qualified Instructional Aide
 - b. Motor Aide
 - c. Personal Care Aide
 - d. 1:1 Aide
 - e. Short-term Aide
8. Custodian

Any non-certified staff member who has worked in more than one category of position shall be ranked in each category worked based on years of seniority accrued in such position.

Categories of position shall be established by Henry-Stark Counties Special Education District and, when needed, shall be updated periodically.

If the Governing Board has any vacancies in the Henry-Stark Counties Special Education District within the period prescribed by law, the positions thereby becoming available within a specific category of position shall be tendered to the full-time employees so removed or dismissed from that category of position, or from any category of position in which the employee previously accrued seniority, in reverse

order of layoff, so far as they are qualified to hold such position.

The Executive Board and Director respectively are authorized to promulgate rules and regulations to implement this policy.

**ARTICLE XV - EQUAL EMPLOYMENT OPPORTUNITY GOVERNING BOARD
POLICY**

It is the employment policy and practice of the Henry-Stark Counties Special Education District to comply with all federal and state employment laws. Henry-Stark Counties Special Education District is an equal opportunity employer and does not illegally discriminate on the basis of race, age, marital status, color, creed, religion, sex, national origin, ancestry, citizenship status, arrest record, being a victim of domestic or sexual violence, mental or physical handicap or disability, use of lawful products during non-working hours, military status or unfavorable discharge from military service or any other unlawful basis in the hiring, promotion, firing, pay or privileges of employment. Nothing in this policy waives or diminishes any standards or requirements of employment, and all employees must be capable of performing essential job requirements, with or without reasonable accommodation.

The Henry-Stark Counties Special Education District shall, in the hiring of employees, comply with all of the requirements of the Immigration Reform and Control Act of 1986, including the completion of Form I-9 and the retention of such form for the specified period of time.

The Executive Board and Director respectively are authorized to promulgate rules and regulations implementing this policy.

**ARTICLE XVI - MINORITY RECRUITMENT AND HIRING GOVERNING BOARD
POLICY**

The Governing Board shall recruit and hire minority personnel for the Henry-Stark Counties Special Education District, including teachers, other certificated employees and non-certificated employees, in accordance with the requirements of Section 10-20.7a of *The School Code*.

The Director shall periodically report to the Governing Board on the status of minority recruitment and hiring in the Henry-Stark Counties Special Education District.

The Governing Board authorizes the Director to promulgate rules and regulations to implement and enforce this Policy.

ARTICLE XVII - DRUG AND ALCOHOL-FREE WORKPLACE GOVERNING BOARD POLICY

The Governing Board recognizes its statutory obligations under the Drug-Free Schools and Communities Act of 1986, as amended by Public Law 101-226 in 1989 ("Schools Act"), and the Drug-Free Workplace Act of 1988 ("Workplace Act") and establishes that the Henry-Stark Counties Special Education District shall maintain a drug- and alcohol-free workplace on all school premises and in all Henry-Stark Counties Special Education District activities.

The Henry-Stark Counties Special Education District shall establish a drug and alcohol abuse education and prevention program and a drug-free awareness program for employees and shall take appropriate disciplinary action against any employee who violates this Policy or is convicted under a federal or non-federal criminal statute involving the unlawful manufacture, distribution, dispensing, possession or use of alcohol or a controlled substance in the workplace as defined in Schedule I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 CFR 1308.11 through 1308.15 (attached as Appendix 18-A). Alternatively, the Governing Board may require such employee to complete successfully an appropriate drug or alcohol abuse employee assistance rehabilitation program.

Possession or use of illegal drugs or alcohol in any school or building to which an employee is assigned, or by an employee at any employer-sponsored event is prohibited, and will lead to discipline, including, without limitation, written warning, suspension without pay, or termination from employment.

The Executive Board and Director respectively are authorized to promulgate rules and regulations implementing this Policy.

ARTICLE XVIII - UNIFORM GRIEVANCE GOVERNING BOARD POLICY

Students or their parents, employees or community members may file a complaint in accordance with this grievance procedure if they believe that the Governing Board, its employees or agents has violated their rights guaranteed by the state or federal constitution, state or federal statutes or Governing Board Policy.

- A. Claims to be reviewed under this Policy include, but are not limited to, those arising under the following:
- (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) Claims of sexual harassment under the Illinois Human Rights Act;
 - (5) Title VII of the Civil Rights Act of 1964.

The Governing Board will endeavor to respond to and resolve complaints without the need to resort to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of an individual to prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the individual's pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies.

The Executive Board and Director respectively are authorized to promulgate rules and regulations to implement and enforce this policy.

ARTICLE XIX - SEXUAL HARASSMENT GOVERNING BOARD POLICY

The Governing Board of the Henry-Stark Counties Special Education District has determined that a working environment wherein sexual harassment of employees is permitted fosters disrespect for fellow employees and supervisors, interferes with an employee's work performance, and creates an intimidating, hostile work environment.

Furthermore, the Governing Board of the Henry-Stark Counties Special Education District has determined that an educational environment wherein sexual harassment of students is permitted fosters disrespect for fellow students, faculty and staff, interferes with a student's performance, and creates an intimidating, hostile educational environment.

Accordingly, it is the policy of the Henry-Stark Counties Special Education District that sexual harassment of employees of the Henry-Stark Counties Special Education District and students served by the Henry-Stark Counties Special Education District shall not be permitted.

19.1 Definition

Sexual harassment is defined as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, or related activities; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment.

19.2 Violations of Policy

It shall be a violation of this policy for any employee, student or other person, male or female to sexually harass any student or employee of the Henry-Stark Counties Special Education District

19.3 Effect of Violations

When there is sufficient evidence of a violation of this policy, appropriate disciplinary action of an individual or individuals who have committed an act or acts of sexual harassment will be taken. Any employee who has been found to have committed an act or acts of sexual harassment will be subject to disciplinary action up to and including termination. Any student found to have committed an act or acts of sexual harassment will be subject to discipline up to and including expulsion in accordance with the applicable Student Discipline Policy. Other individuals engaging in sexual harassment of employees or students may be

excluded from school property and/or school activities.

19.4 Responsibility of the Cooperative Henry-Stark Counties Special Education District and of the Aggrieved Person

- A. An aggrieved person who feels comfortable in doing so should immediately inform the person engaging in sexual harassment that such conduct or communication is offensive and should be stopped.
- B. If an aggrieved person does not wish to communicate directly with the person whose conduct is offensive, or if an aggrieved individual has had direct communication with the offending party but that communication has been unavailing, then such aggrieved person should contact the Director. An employee or student who is an aggrieved person may file a complaint in accordance with the Henry-Stark Counties Special Education District's Uniform Grievance Procedure, Article XIX Uniform Grievance Governing Board Policy, found in the Rules and Regulations Manual.
- C. An aggrieved person alleging sexual harassment by the Director shall contact the Chairman of the Governing Board of the Henry-Stark Counties Special Education District
- D. There are no express time limits for initiating complaints under this Policy; however, every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available.
- E. All employees have a special responsibility for implementation of this Policy. If behavior is observed which violates this Policy, the person observing such behavior shall bring the matter to the attention of the Director.
- F. If a student or parent complains of sexual harassment of a student, or if an employee observes the harassment of a student, that employee shall explain to the student, or parent the avenues for informal and formal resolution of the complaint including a description of the complaint handling procedures outlined in the Governing Board's Uniform Grievance Procedure.

19.5 Complaint Procedure

Complaints shall be processed in accordance with the Henry-Stark Counties Special Education District's Uniform Grievance Procedure. The identity of the parties and the events complained of shall remain confidential to the extent feasible. After completing the investigation, the Director shall prepare a report to the Executive Board. Such report shall contain, at minimum:

- A. The date of the receipt of the complaint.
- B. Identification of the complainant.

- C. Identification of the party or parties and the actions complained of including relevant background facts and circumstances.
- D. A statement detailing the scope of the investigation that has been undertaken and the result thereof.
- E. In the event the investigation reveals that corrective measures need to be taken, a statement of the corrective measures pursued, the date such measures were undertaken, and the results achieved.
- F. A written statement signed by the complainant detailing the conduct about which complaint is made shall be submitted, unless unique circumstances make this difficult or impossible to do so.

19.6 Non-Retaliation

Initiation of a good faith complaint of sexual harassment will not adversely affect the aggrieved person's employment, compensation, work assignments, or position as a student.

19.7 Distribution/Review of Policy and Rules and Regulations

- 1. A copy of this Governing Board Policy and implementing Rules and Regulations and the Uniform Grievance Procedure shall be distributed to each employee annually.
- 2. The Director or designee, shall discuss this Policy and implementing Rules and Regulations and the Uniform Grievance Procedure with the Henry-Stark Counties Special Education District's employees each year.

The Executive Board and Director respectively are authorized to promulgate rules and regulations implementing this policy.

**ARTICLE XX - NON-DISCRIMINATION ON THE BASIS OF DISABILITY
GOVERNING BOARD POLICY**

It is the policy of Governing Board of Henry-Stark Counties Special Education District not to illegally discriminate on the basis of disability in access to, use of, its programs, services or activities, or to illegally discriminate in its employment against persons otherwise qualified.

The Executive Board and Director respectively are authorized to establish rules and regulations to implement and enforce this policy.

ARTICLE XXI - SCHOOL VISITATION GOVERNING BOARD POLICY

It is the policy of the Governing Board to afford its employees leave time to attend school conferences or classroom activities related to the employee's child consistent with the provisions of the *School Visitation Rights Act*.

The Governing Board authorizes the Director to establish rules and regulations designed to implement this Policy.

**ARTICLE XXII - MAINTENANCE, INSPECTION AND
DISSEMINATION OF PERSONNEL RECORDS GOVERNING BOARD POLICY**

The Governing Board of the Henry-Stark Counties Special Education District acknowledges that the maintenance, inspection and dissemination of personnel records must reflect an appropriate balance between the needs of the Governing Board for administrative effectiveness, the employee's confidentiality and privacy and third parties who have a legitimate interest in such information. The Governing Board of the Henry-Stark Counties Special Education District hereby states its intention to comply with the laws of Illinois concerning personnel records. All personnel records shall be maintained, inspected and disseminated in accordance with this Policy and Regulations for implementation of this Policy.

The Executive Board and Director respectively are authorized to promulgate rules and regulations to implement and enforce this policy.

ARTICLE XXIII - COMPUTER SYSTEM USE GOVERNING BOARD POLICY

The Governing Board of the Henry-Stark Counties Special Education District hereby determines that it is in the best interests of the Henry-Stark Counties Special Education District, its personnel and its students to promote use of and familiarity with the Henry-Stark Counties Special Education District Computer System and with the services which are available through that system to support learning and enhance instruction and promote efficient and productive use of employee's time and skills.

Knowledge and appropriate use of the Henry-Stark Counties Special Education District Computer System can facilitate access to information resources available on-line, create innovative learning environments, and provide for worldwide communication. For purposes of this policy, implementing rules, and acceptable use guidelines, the term "Henry-Stark Counties Special Education District Computer System" or "System" shall include all computer hardware and/or software owned, leased, licensed or operated by the Henry-Stark Counties Special Education District, including, but not limited to, Henry-Stark Counties Special Education District electronic mail; Henry-Stark Counties Special Education District web sites; Henry-Stark Counties Special Education District Internet access, on-line services, and bulletin board systems; any portion of the Internet accessed through computer hardware and/or software owned, leased, licensed or operated by the Henry-Stark Counties Special Education District; and any computer hardware and/or software owned, leased, licensed or operated by an Henry-Stark Counties Special Education District member district and used by an Henry-Stark Counties Special Education District employee within the scope of his or her employment. "Use" of the Henry-Stark Counties Special Education District Computer System shall include use of or obtaining access to the System from any computer terminal whether or not owned or operated by the Henry-Stark Counties Special Education District

Any employee who uses networks, computer hardware and/or software owned, leased, licensed or operated by a member district shall comply with all policies, regulations, rules, and/or guidelines of the member district governing such use, in addition to all applicable provisions of this policy and its implementing regulations, rules, and/or guidelines.

The Henry-Stark Counties Special Education District Computer System was established to support the delivery of specialized education services for students with disabilities who reside in the member school districts of the Henry-Stark Counties Special Education District. The Henry-Stark Counties Special Education District Computer System does not constitute a public forum. The Henry-Stark Counties Special Education District reserves and retains the right to regulate the content of and links to the Henry-Stark Counties Special Education District Computer System. The Henry-Stark Counties Special Education District also has the right to and does monitor use of its Computer System. Users of the Henry-Stark Counties Special Education District Computer System do not have any expectation of privacy in connection with such use.

The Governing Board recognizes that although the Internet and on-line services afford

access to legitimate sources of information for academic and educational purposes, they also enable access to materials which may be illegal, obscene, vulgar, or inappropriate for an educational setting. Employees' use of the Henry-Stark Counties Special Education District Computer System, including any part of the computer system of an Henry-Stark Counties Special Education District member school district where the employee works, shall be consistent with Henry-Stark Counties Special Education District's educational mission and the activities undertaken by the Henry-Stark Counties Special Education District.

The Governing Board further recognizes that the effective operation of the Henry-Stark Counties Special Education District Computer System depends upon the existence and enforcement of guidelines for the proper and efficient use of the System. The Administration is authorized to and shall adopt and enforce guidelines that provide for the use of the System only for educational and work-related purposes, and describe acceptable and appropriate use of the System. Such guidelines shall be distributed to, and adhered to by, all Henry-Stark Counties Special Education District employees who are afforded access to the System.

Employees who violate this policy or the implementing rules and acceptable use guidelines may be subject to discipline up to and including dismissal, loss of System use privileges, and/or referral to law enforcement or other authorities or other legal action as appropriate.

The Executive Board and Director respectively are authorized to promulgate rules and regulations to implement and enforce this policy, including standards of employee conduct.

**ARTICLE XXIV - REQUISITION OF SUPPLIES, MATERIALS AND SERVICES
GOVERNING BOARD POLICY**

The Governing Board recognizes the importance of making supplies, materials, and other services available to all personnel as necessary for the fulfillment of their duties or to provide comprehensive services to the students served by Henry-Stark Counties Special Education District

The Director is authorized to adopt rules and regulations to implement and enforce this policy.

ARTICLE XXV - STUDENT GOVERNING BOARD POLICY

Henry-Stark Counties Special Education District personnel shall adhere to the policies of the member district to which they are assigned for any student matter.

All employees shall disclose identifiable student record information only as is consistent with the Illinois School Student Records Act and the Family Educational Right to Privacy Act.

The Executive Board and Director respectively are authorized to promulgate rules and regulations to implement and enforce this policy.

ARTICLE XXVI - ADHD TRAINING GOVERNING BOARD POLICY

At least once every 2 years, the Governing Board shall provide in-service training of its certified school personnel and administrators, at a minimum, in the following areas: (1) on the current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, (2) the application of non-aversive behavioral interventions in the school environment, and (3) the use of psychotropic or psycho-stimulant medication for school-age children. Certified school personnel and administrators employed by the Henry-Stark Counties Special Education District shall provide in-service training to the member districts at once every two years.

The Director is authorized to promulgate rules and regulations to implement and enforce this policy.

**ARTICLE XXVII - CHRONIC COMMUNICABLE DISEASE GOVERNING BOARD
POLICY**

“EMPLOYEES WITH CHRONIC INFECTIOUS DISEASES”

An employee who has a chronic infectious disease or is a carrier of an infectious disease shall be permitted to retain his or her position and all job responsibilities whenever, through reasonable accommodation, there is no significant risk of transmission of the disease to others. An employee who cannot retain his or her position or job responsibilities shall remain subject to the Governing Board's employment policies, including, but not limited to, sick leave, physical examinations, temporary and permanent disability and termination.

The Director shall promptly notify the Governing Board when the presence in the District is verified of an employee who has a chronic infectious disease or is a carrier of an infectious disease. The identity of the employee shall be disclosed to the Governing Board only to the extent permitted by law. The Director also shall report to the Governing Board, when necessary, on the employee's medical status and condition and ability to perform his/her job responsibilities.

The Director is authorized to establish rules and regulations designed to implement this Policy.

ARTICLE XXVIII - OPEN MEETINGS: GOVERNING BOARD ACTION, GOVERNING BOARD MINUTES, AND VERBATIM RECORDS

It is the policy of the Governing Board that the Governing Board and the Executive Board, as public bodies, shall comply with the Illinois Open Meetings Act. The Governing Board and the Executive, at least semi-annually, shall review closed session minutes, and make public those minutes which, consistent with applicable law and protection of privacy and public interest, may be made public.

The Executive Board and Director respectively are authorized to promulgate rules and regulations to implement and enforce this policy.

ARTICLE XXIX - FREEDOM OF INFORMATION ACT GOVERNING BOARD POLICY

The Governing Board recognizes that all persons are entitled to request information regarding the official acts, decisions, procedures and policies of the Henry-Stark Counties Special Education District. With this in mind, the Henry-Stark Counties Special Education District shall maintain and make available public records, and shall grant and deny requests for such information as required by the Illinois *Freedom of Information Act*.

The Director is hereby authorized to promulgate rules and regulations implementing this policy.

ARTICLE XXX - ETHICS ACT GOVERNING BOARD POLICY

30.1. General

In accordance with the *State Officials and Employees Act*, it is the policy of the Henry-Stark Counties Special Education District to adhere to the legal requirements set forth below regulating the ethical conduct, political activities, and the solicitation and acceptance of gifts by school officials and employees.

The Director is authorized to establish rules and regulations to implement this policy.

30.2. Definitions

- A. "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: (1) relating to the support or opposition of any executive, legislative, or administrative action; (2) relating to collective bargaining; or (3) that are otherwise in furtherance of the person's official duties.
- B. "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 his or her employment, but for purposes of this Policy, does not include any designated holidays, vacation periods, personal time, compensatory time off, or any period when the employee is on leave of absence. With respect to employees or officers whose hours are not fixed, "compensated time" includes any period of time when the officer or employee is executing his or her official duties, regardless of location.
- C. "Employee" means any person employed by the Henry-Stark Counties Special Education District, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of the Henry-Stark Counties Special Education District with regard to the material details of how the work is to be performed. Employees include both certificated and non-certificated personnel, but does not include independent contractors.
- D. "Employer" means the Governing Board of the Henry-Stark Counties Special Education District.
- E. "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 employment by the Henry-Stark Counties Special Education District or the official position of an officer or employee.

- F. “Officer” means a person who holds, by election or appointment, an office created by statute, regardless of whether the officer is compensated for service in his or her official capacity. The term “officer” includes school board members.
- G. “Political activity” means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (1) relating to the support or opposition of any executive, legislative, or administrative action; (2) relating to collective bargaining; or (3) that are otherwise in furtherance of the person’s official duties.
- H. “Political Organization” means a party, committee, association, fund, or other organization 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 (10 ILCS 5/9-3), but only with regard to those activities that require such filing.
- I. “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 anything of value intended as a campaign contribution.
 - 4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
 - 5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
 - 6. Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
 - 7. Soliciting votes on behalf of a candidate for elective office or a

political organization or for or against any referendum question or helping in an effort to get voters to the polls.

8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
 9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
 10. Preparing or reviewing responses to candidate questionnaires.
 11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
 12. Campaigning for any elective office or for or against any referendum question.
 13. Managing or working on a campaign for elective office or for or against any referendum question.
 14. Serving as a delegate, alternate, or proxy to a political party convention.
 15. Participating in any recount or challenge to the outcome of any election.
- J. "Prohibited source" means any person or entity who (1) is seeking official action by an officer, an employee, or by the officer or another employee directing that employee; (2) does business or seeks to do business with the officer, an employee, or with the officer or another employee directing that employee; (3) conducts activities regulated by the officer, an employee, or by the officer or another employee directing that employee; or (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

30.3. Prohibited Political Activities

- A. No officer or employee shall intentionally perform any prohibited political activity during any compensated time. No officer or employee shall intentionally use any property or resources of the Henry-Stark Counties Special Education District in connection with any prohibited political activity.
- B. At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity as part of that officer or employee's duties, as a condition of employment, or during

any compensated time off (such as holidays, vacation or personal time off).

- C. No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.
- D. Nothing in this Policy prohibits activities that are otherwise appropriate for an officer or employee to engage in as part of his or her official duties or activities that are undertaken by an officer or employee on a voluntary basis that are not prohibited by this Policy.

30.4. Gift Ban

- A. Except as authorized under this Policy, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as “recipients”), shall intentionally solicit or accept any gift from any prohibited source, as defined above, or which is otherwise prohibited by law or policy. No prohibited source shall intentionally offer or make a gift that violates this gift ban provision.
- B. The following are exceptions to the ban on gifts:
 - 1. Opportunities, benefits, and services that are available on the same conditions as for the general public;
 - 2. Anything for which the employee, officer, or his or her spouse or immediate family member pays the fair market value;
 - 3. Any (1) contribution that is lawfully made under the *Election Code* or (2) 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 Henry-Stark Counties Special Education District business;
 - 6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, 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 recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of a personal friendship;

In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

- a. the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; and
 - b. whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
 - c. whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
8. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (1) consumed on the premises from which they were purchased or prepared or (2) catered. "Catered" means food or refreshments that are purchased ready to consume which are delivered by any means;
 9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of the officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances;
 10. Intra-governmental and inter-governmental gifts. "Intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an employee or an officer by an officer or employee of another 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 of the exceptions listed in Section IV.B. is mutually exclusive and independent of every other.

- C. An officer or employee, his or her spouse, or an immediate family member living with the officer or employee, does not violate this Policy if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the *Internal Revenue Code* as amended.

30.5. Inquiries, Complaints, and Penalties

A. Ethics Advisor

An Ethics Advisor may be appointed by the Director to provide guidance to the school board, its officers and its employees concerning the interpretation of and compliance with the provisions of this Policy and the *State Officials and Employees Ethics Act*.

B. Ethics Commission

1. Whenever a complaint has been filed, the Director, or the Governing Board in the event the complaint is against the Director, shall appoint an Ethics Commission made up of three (3) members.
2. The Commission shall have the following powers and duties:
 - a. Adopt procedures for managing the complaint.
 - b. Meet and confer about the complaint.
 - c. Receive information about the complaint.
 - d. Investigate the complaint.
 - e. Request the aid of an attorney.
 - f. Recommend any penalties and/or disciplinary actions.

- C. Anyone who believes that an individual covered by the Policy has violated its prohibitions may submit a written report detailing the incident to Director. If the Director is the subject of the complaint, the report should be submitted to the Governing Board.

- D. Upon receipt of a complaint, the Ethics Commission will investigate the matter and issue recommendations as to any penalties to be imposed consistent with this Policy.

- E. As provided in the *State Officials and Employees Ethics Act*, any individual

who intentionally violates any provision of the Prohibited Political Activities section of this Policy (Section 30.3) may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days and may be fined in an amount not to exceed \$2,500.

- F. Any individual who intentionally violates any provision of the Gift Ban section of this Policy (Section 30.4) may be subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.
- G. Any person who intentionally makes a false report alleging a violation of any provision of this Policy to the local enforcement authorities, the State's Attorney, or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days and may be fined in an amount not to exceed \$2,500.
- H. In addition to any other penalty that may be applicable under law, whether criminal or civil, an employee who intentionally violates any provision of this Policy may be subject to discipline or discharge.

The Executive Board and Director respectively are authorized to promulgate rules and regulations implementing this policy.

**ARTICLE XXXI - HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT
OF 1996 GOVERNING BOARD PRIVACY POLICY**

The Governing Board of the Henry-Stark Counties Special Education District promulgates this Policy pursuant to Title II, Subtitle F, Part C entitled "Administrative Simplification" of the *Health Insurance Portability and Accountability Act of 1996* ("HIPAA"), and its implementing Privacy Regulations ("Regulations"). The purpose of this Policy is to comply with the reporting, disclosure and documentation requirements of HIPAA and its implementing Regulations and to ensure the security and confidentiality of protected health information. The Governing Board reserves the right to modify its privacy policies, practices and procedures. The Association will issue a new Notice of Privacy Practices in the event modifications are made to its privacy practices, policies and procedures.

The Director is authorized to promulgate rules and regulations to implement and enforce this policy.

Legal Reference: *Health Insurance Portability and Accountability Act of 1996*, Public Law 104-191; Code of Federal Regulations 45 C.F.R. Parts 160, 162 and 164.

ARTICLE XXXII - USE OF TOBACCO ON SCHOOL PROPERTY GOVERNING BOARD POLICY

To ensure the health and safety of students, employees and pursuant to state and federal law, the use of tobacco by students, teachers, educational support personnel, administrators, Board members, and visitors to the Henry-Stark Counties Special Education District is hereby prohibited on Henry-Stark Counties Special Education District property when such property is being used for school purposes.

"School purposes" include, but are not limited to, all events or activities or other use of school property that the Governing Board or school officials authorize or permit on school property, including without limitation all interscholastic or extracurricular athletic, academic, or other events sponsored by the Board or in which pupils of the District participate. No smoking shall be permitted within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

In accordance with the law, the Governing Board may not authorize or permit any exception to or exemption from this prohibition at any place or at any time, including without limitation outside of school buildings or before or after the regular school day or on days when school is not in session.

For purposes of this Policy, "tobacco" means: a) cigarettes, b) cigars, c) pipes, or d) smoking tobacco in any other form, including smokeless or "chewing" tobacco.

This prohibition against tobacco pertains to all schools and other building facilities, as well as school grounds and other real estate owned, leased, or contracted for by the Governing Board.

The Director is authorized to promulgate rules and regulations to implement and enforce this policy.

Legal Reference: *The School Code*, 105 ILCS 5/10-20.5b
The Pro-Children Act of 2001, 20 U.S.C. § 7181 *et seq.*

ACKNOWLEDGMENT OF RECEIPT OF THE
HENRY-STARK COUNTIES SPECIAL EDUCATION DISTRICT
PERSONNEL POLICIES

-and-

THE HENRY-STARK COUNTIES SPECIAL EDUCATION DISTRICT
RULES AND REGULATIONS IMPLEMENTING PERSONNEL POLICY #46

It is the policy of the Henry-Stark Counties Special Education District to develop and maintain a Personnel Policies and Procedures Manual intended to serve as a primary medium of communication to inform personnel of approved personnel policies, procedures and practices now in effect.

The Henry-Stark Counties Special Education District reserves the right to change, cancel or modify the provisions of these policies, practices and procedures at its discretion.

I understand that the Henry-Stark Counties Special Education District Personnel Policies and the Rules and Regulations Implementing Policy #46 does not create an employment contract or, if I am an at-will employee, alter my at-will status as an employee.

I have received a copy of the Henry-Stark Counties Special Education District Personnel Policies and the Rules and Regulations Implementing Policy #46 and will follow the policies and procedures stated herein during my employment with the Henry-Stark Counties Special Education District.

Signature

Date

Adopted: 08/18/05
Amended: 05/25/06
Amended: 01/18/07