

**KANKAKEE AREA SPECIAL EDUCATION COOPERTIVE
GOVERNING BOARD POLICY MANUAL
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General Personnel

Equal Employment Opportunity and Minority Recruitment

KASEC shall provide equal employment opportunities to all persons regardless of their race, color, religion, creed, national origin, sex, age, ancestry, marital status, arrest record, military status, order of protection status, or unfavorable military discharge, citizenship status, use of lawful products while not at work, being a victim of domestic or sexual violence, genetic information, physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation; pregnancy, childbirth, or related medical conditions; or other legally protected categories.

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

Administrative Implementation

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

Nondiscrimination Coordinator:

Name _____
Address _____
Telephone No. _____

Complaint Managers:

Name _____
Address _____
Telephone No. _____

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

Minority Recruitment

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

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.
 Americans With Disabilities Act, Title I, 42 U.S.C. §12111 et seq.
 Civil Rights Act of 1991, 29 U.S.C. §§621 et seq., 42 U.S.C. §1981 et seq., §2000e et seq., and §12101 et seq.
 Equal Employment Opportunities Act (Title VII of the Civil Rights Act of 1964), 42 U.S.C. §2000e et seq., 29 C.F.R. Part 1601.
 Equal Pay Act, 29 U.S.C. §206(d).
 Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.
 Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
 Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
 Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.
 Pregnancy Discrimination Act, 42 U.S.C. §2000e(k).
 Title IX of the Education Amendments, 20 U.S.C. §1681 et seq., 34 C.F.R. Part 106.
 Uniformed Services Employment and Reemployment Rights Act (1994), 38 U.S.C. §§4301 et seq.
Ill. Constitution, Art. I, §§17, 18, and 19.
 105 ILCS 5/10-20.7, 5/10-20.7a, 5/10-21.1, 5/10-22.4, 5/10-23.5, 5/22-19, 5/24-4, 5/24-4.1, and 5/24-7.
 Genetic Information Protection Act, 410 ILCS 513/25.
 Ill. Whistleblower Act, 740 ILCS 174/.
 Ill. Human Rights Act, 775 ILCS 5/1-103 and 5/2-102.
 Religious Freedom Restoration Act, 775 ILCS 35/5.
 Ill. Equal Pay Act of 2003, 820 ILCS 112/.
 Victims' Economic Security and Safety Act, 820 ILCS 180/30.
 23 Ill.Admin.Code §1.230.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Sexual Harassment), 5:30 (Hiring Process and Criteria, 5:40 (Communicable and Chronic Infectious Disease), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:250 (Leaves of Absence), 5:270 (Employment, At-Will, Compensation, and Assignment), 5:300, (Schedules and Employment Year), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 7:10 (Equal Educational Opportunities), 7:180 (Preventing Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)

ADOPTED: March 15, 2001

AMENDED: January 15, 2004
March 20, 2008
March 18, 2010
March 15, 2012

General Personnel

Workplace Harassment Prohibited

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

Sexual Harassment Prohibited

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

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

Making a Complaint; Enforcement

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

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

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

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

Whom to Contact with a Report or Complaint

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

Nondiscrimination Coordinator:

Name _____

Address _____

Telephone No. _____

Complaint Managers:

Name _____

Address _____

Telephone No. _____

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

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

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 7:20 (Harassment of Students Prohibited)

ADOPTED: March 15, 2001
May 20, 2010

General Personnel

Hiring Process and Criteria

KASEC hires the most qualified personnel consistent with budget and staffing requirements and in compliance with Governing Board policy on equal employment opportunity and minority recruitment. The Director is responsible for recruiting personnel and making hiring recommendations to the Governing Board. If the Director's recommendation is rejected, the Director must submit another. No individual will be employed who has been convicted of a criminal offense listed in Section 5/21B-80 of the School Code.

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

Job Descriptions

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

Member Districts

A Member District may recruit and employ its own special education staff provided that it:

1. notifies KASEC on or before February 1, of the school year preceding the anticipated employment of the staff;
2. agrees to execute contracts for employment with all full-time staff assigned to it by KASEC at the end of the current school year;
3. agrees to accept any and all special education students from other Member Districts recommended to it by KASEC administration. Space and availability will be the criteria for acceptance. The Member District shall receive reimbursement for all students assigned to it by KASEC.

Investigations

The Director or designee shall ensure that a fingerprint-based criminal history records check and a check of the Statewide Sex Offender Database and Violent Offender Against Youth Database (when available) is performed on each applicant required by State law. The Director or designee shall notify an applicant if the applicant is identified in either database. The School Code requires the Board President to keep a conviction record confidential and share it only with the Director, Regional Superintendent, State Superintendent, State Educator Preparation and Licensure Board, any other person necessary to the hiring decision, or for purposes of clarifying the information, The Department of State Police and/or Statewide Sex Offender Database.

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

KASEC retains the right to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in Section 5/21B-80 of the School Code or who falsifies, or omits facts from, his or her employment application or other employment documents.

The Director shall ensure that KASEC does not engage in any investigation or inquiry prohibited by law and complies with each of the following:

1. KASEC uses an applicant's credit history or report from a consumer reporting agency only when a satisfactory credit history is an established bona fide occupational requirement of a particular position.
2. KASEC does not ask an applicant or applicant's previous employers about claim(s) made or benefit(s) received under the Workers' Compensation Act.
3. KASEC does not request of an applicant or employee access in any manner to his or her social networking website, including a request for passwords to such sites.
4. KASEC provides equal employment opportunities to all persons. See policy 5:10 Equal Employment Opportunity and Minority Recruitment.

Physical Examinations

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

Any employee may be required to have an additional examination by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations, if the examination is job-related and consistent with business necessity. The Governing Board will pay the expenses of any such examination. Orientation Program

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

LEGAL REF.: 105 ILCS 5/10-21.9.
Employee Credit Privacy Act 820 ILCS 70/
Right to Privacy in the Workplace Act, 820 ILCS 55/
Americans With Disabilities Act, 42 U.S.C. § 12112, 29 C.F.R. Part 1630.
Immigration Reform and Control Act, 8 U.S.C. § 1324a et seq.
105 ILCS 5/10-16.7, 5/10-5/10-20.7, 5/10-21.4, 5/10-21.9, 5/21B-80, 5/10-22.34,
5/10-22.34b, 5/22-6.5, and 5/24-1 et seq.
820 ILCS 55/and 70/
Duldulao v. St. Mary of Nazareth Hospital, 483 N.E.2d 956 (1st Dist. Ill. 1985),
aff'd in part and remanded 505 N.E.2d 314 (Ill. 1987).

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

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

CROSS REF.: 3:50 (Administrative Personnel Other Than the Director), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:40 (Communicable and Chronic Infectious Disease), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:220 (Substitute Teachers), 5:280 (Education Support Personnel – Duties and Qualifications)

ADOPTED: March 15, 2001

AMENDED: January 19, 2006
September 20, 2007
January 21, 2010
March 15, 2012
December 20, 2012

General Personnel

Compliance with the Fair Labor Standards Act

Job Classifications

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

Workweek and Compensation

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

Overtime

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

Suspension Without Pay

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

Implementation

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

LEGAL REF.: 820 ILCS 105/4a.
Fair Labor Standards Act, 29 U.S.C. §201 et seq., 29 C.F.R. Parts 516, 541, 548,
553, 778, and 785.

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

ADOPTED: April, 2005

AMENDED: April 23, 2009

General Personnel

Communicable and Chronic Infectious Disease

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

An employee with a communicable or chronic infectious disease is encouraged to inform the Director immediately and grant consent to be monitored by the Cooperative's Communicable and Chronic Infectious Disease Review Team. The Review Team, if used, provides information and recommendations to the Director concerning the employee's medical condition and records in strictest confidence, except to the extent allowed by law.

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

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

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

ADOPTED: March 15, 2001

AMENDED: December 21, 2006
May 19, 2011

General Personnel

Drug - and Alcohol-Free Workplace; Tobacco Prohibition

All KASEC workplaces are drug- and alcohol-free workplaces. All employees are prohibited from engaging in any of the following activities while on KASEC premises or while performing work for KASEC:

1. Unlawful manufacture, dispensing, distribution, possession, or use, of an illegal or controlled substance.
2. Distribution, consumption, use, possession, or being under the influence of an alcoholic beverage.
3. Possession or use of medical cannabis.

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

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

As a condition of employment, each employee shall:

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

Unless otherwise prohibited by this policy, prescription and over-the-counter medications are not prohibited when taken in standard dosages and/or according to prescriptions from the employee's licensed health care provider, provided that an employee's work performance is not impaired.

To make employees aware of the dangers of drug and alcohol abuse, the Director or designee shall perform each of the following:

1. Provide each employee with a copy of this policy.
2. Post notice of this policy in a place where other information for employees is posted.
3. Make available materials from local, state, and national anti-drug and alcohol-abuse organizations.
4. Enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs to provide information to KASEC employees.
5. Establish a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace,
 - b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and

- c. The penalties that KASEC may impose upon employees for violations of this policy.

Tobacco Prohibition

All employees are covered by the conduct prohibitions contained in policy 8:30, *Visitors to and Conduct on School Property*. The prohibition on the use of tobacco products applies both (1) when an employee is on school property, and (2) while an employee is performing work for KASEC at a school event regardless of the event's location. *Tobacco* shall have the meaning provided in section 10-20.5b of the School Code.

KASEC Action Upon Violation of Policy

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

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

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

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. § 12114.
Compassionate Use of Medical Cannabis Pilot Program, 410 ILCS 130/
Controlled Substances Act, 21 U.S.C. § 812; 21 C.F.R. 1308.11 - 1308.15.
Drug-Free Workplace Act of 1988, 41 U.S.C. § 701 et seq.
Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. § 7101 et seq.
Drug-Free Workplace Act, 30 ILCS 580/
105 ILCS 5/10-20.5b.

CROSS REF.: 8:30 (Visitors to and Conduct on School Property)

ADOPTED: March 15, 2001

AMENDED: May 19, 2011
May 13, 2013
December 19, 2013

General Personnel

Expenses

The Governing Board shall reimburse employees for expenses necessary for the performance of their duties which have been approved by the Director. If the anticipated expense amount exceeds budgeted amounts, prior Governing Board approval is required.

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

Travel Reimbursement

Please refer to the “Collective Bargaining Agreement Between Kankakee Area Special Education Cooperative and Kankakee Area Special Education Association.”

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

ADOPTED: March 15, 2001

General Personnel

Religious Holidays

Please refer to the “Collective Bargaining Agreement Between Kankakee Area Special Education Cooperative and Kankakee Area Special Education Association.”

For those not covered by this agreement:

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

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

LEGAL REF.: Religious Freedom Restoration Act, 775 ILCS 35/15
Illinois Human Rights Act, 775 ILCS 5/2-101 and 5/2-102.

ADOPTED: March 15, 2001

AMENDED: August 16, 2012

General Personnel

Court Duty

Please refer to the “Collective Bargaining Agreement Between Kankakee Area Special Education Cooperative and Kankakee Area Special Education Association.”

For those not covered by this agreement:

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

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

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

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

ADOPTED: March 15, 2001

General Personnel

Abused and Neglected Child Reporting

Any KASEC employee who suspects or receives knowledge that a student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability, shall (1) immediately report or cause a report to be made to the Illinois Department of Children and Family Services (DCFS) on its Child Abuse Hotline 800/25-ABUSE or 217/524-2606, and (2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office. The employee shall also promptly notify the Director or Building Principal that a report has been made. All KASEC employees shall sign the “*Acknowledgement of Mandated Reporter Status*” form provided by the Illinois Department of Child and Family Services (DCFS) and the Director or designee shall ensure that the signed forms are retained.

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

Any KASEC employee who observes any act of hazing that does bodily harm to a student must report that act to the Building Principal, Director or designee who will investigate and take appropriate action. If the hazing results in death or great bodily harm, the employee must first make the report to law enforcement and then to the Director or Building Principal. Hazing is defined as any intentional, knowing, or reckless act directed to or required of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team whose members are or include other students.

Abused and Neglected Child Reporting Act (ANCRA), School Code, and *Erin’s Law* Training

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

All KASEC employees shall:

1. Before beginning employment, sign the Acknowledgement of Mandated Reporter Status form provided by DCFS. The Director or designee shall ensure that the signed forms are retained.
2. Complete mandated reporter training as required by law within one year of initial employment and at least every 5 years after that date.

The Director will encourage all KASEC educators to complete continuing professional development that addresses the traits and identifiers that may be evident in students who are victims of child sexual abuse, including recognizing and reporting child sexual abuse and providing appropriate follow-up and care for abused students as they return to the classroom setting.

Special Director Responsibilities

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

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

Special Governing Board Member Responsibilities

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

LEGAL REF.: 105 ILCS 5/10-21.9.
20 ILCS 1305/1-1 et.seq.
20 ILCS 2435/.
325 ILCS 5/.
720 ILCS 5/12/C-50.1.

CROSS REF.: 2:20 (Powers and Duties of the Governing Board), 5:20 (Workplace Harassment Prohibited), 5:100 (Staff Development Program), 5:120 (Ethics and Conduct), 5:150 (Personnel Records), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers) 7:20 (Harassment of Students Prohibited), 7:150 (Agency and Police Interviews)

ADOPTED: March 15, 2001

AMENDED: May 18, 2006
September 20, 2007
January 15, 2009
January 21, 2010
January 19, 2012
December 19, 2013

General Personnel

Staff Development Program

Please refer to the “Collective Bargaining Agreement Between Kankakee Area Special Education Cooperative and Kankakee Area Special Education Association.”

For those not covered by this agreement:

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

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

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

LEGAL REF.: 105 ILCS 5/2-3.60, 5/10-22.39, 5/10-23.12, 5/24-5, and 110/3.
325 ILCS 5/4, Abused and Neglected Child Reporting Act.
745 ILCS 49/, (Good Samaritan Act).

CROSS REF.: 3:40 (Director), 3:50 (Administrative Personnel Other Than the Director), 4:160 (Environmental Quality of Buildings and Grounds), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:120 (Ethics and Conduct) 5:250 (Leaves of Absence), 6:20 (School Year Calendar and Day), 7:20 (Harassment of Students Prohibited), 7:180 (Preventing Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:285 (Food Allergy Management Program), 7:290 (Suicide Awareness and Prevention Program)

ADOPTED: March 15, 2001

AMENDED: April 18, 2002
February 20, 2003
May 18, 2006
March 20, 2008
January 21, 2010
December 19, 2013

General Personnel

Ethics

All KASEC employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional and appropriate relationships with students, parents, staff members, and others. In addition, the *Code of Ethics for Illinois Educators*, adopted by the Illinois State Board of Education, is incorporated by reference into this policy.

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

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

Ethics and Gift Ban

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

Outside Employment and Conflict of Interest

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

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

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

Incorporated
by reference: 5:120-E (Exhibit – Code of Ethics for Illinois Educators)

LEGAL REF.: U.S. Constitution, First Amendment.
5 ILCS 420/4A-101 and 430/
50 ILCS 135/
105 ILCS 5/10-22.39, 5/22-5, and 5/24-22.
775 ILCS 5/5A-102.
23 Ill. Admin. Code Part 22, Code of Ethics for Illinois Educators.
Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).
Garcetti v. Ceballos, 547 U.S. 410 (2006)

CROSS REF: 2:105 (Ethics and Gift Ban); 5:100 (Staff Development Program)

ADOPTED: March 15, 2001

AMENDED: July 15, 2004
April 23, 2009
January 21, 2010
December 19, 2013

General Personnel

Personal Technology and Social Media; Usage and Conduct

Definitions

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

Social media - Media for social interaction, using highly accessible communication techniques through the use of web-based and mobile technologies to turn communication into interactive dialogue. This includes *Facebook, LinkedIn, MySpace, Twitter, and YouTube*.

Personal technology - Any device that is not owned or leased by KASEC or otherwise authorized for KASEC use and: (1) transmits sounds, images, text, messages, videos, or electronic information, (2) electronically records, plays, or stores information, or (3) accesses the Internet, or private communication or information networks. This includes smartphones such as BlackBerry®, android®, iPhone®, and other devices, such as, iPads® and iPods®.

Usage and Conduct

All KASEC employees who use personal technology and social media shall:

1. Adhere to the high standards for appropriate school relationships in policy 5:120, *Ethics and Conduct* at all times, regardless of the ever-changing social media and personal technology platforms available. This includes KASEC employees posting images or private information about themselves or others in a manner readily accessible to students and other employees that is inappropriate as defined by policy 5:20, *Workplace Harassment Prohibited*; 5:120, *Ethics and Conduct*; 6:235, *Access to Electronic Networks*; 7:20, *Harassment of Students Prohibited*; and the Ill. Code of Educator Ethics, 23 Ill.Admin.Code §22.20.
2. Choose a KASEC-provided or supported method whenever possible to communicate with students and their parents/guardians.
3. Not interfere with or disrupt the educational or working environment, or the delivery of education or educational support services.
4. Comply with policy 5:130, *Responsibilities Concerning Internal Information*. This means that personal technology and social media may not be used to share, publish, or transmit information about or images of students and/or KASEC employees without proper approval. For KASEC employees, proper approval may include implied consent under the circumstances.
5. Refrain from using the KASEC’s logos without permission and follow Board policy 5:170, *Copyright*, and all KASEC copyright compliance procedures.
6. Use personal technology and social media for personal purposes only during non-work times or hours. Any duty-free use must occur during times and places that the use will not interfere with job duties or otherwise be disruptive to the school environment or its operation.

7. Assume all risks associated with the use of personal technology and social media at school or school-sponsored activities, including students' viewing of inappropriate Internet materials through KASEC employee's personal technology or social media. The Board expressly disclaims any responsibility for imposing content filters, blocking lists, or monitoring of its employees' personal technology and social media.
8. Be subject to remedial and any other appropriate disciplinary action for violations of this policy ranging from prohibiting the employee from possessing or using any personal technology or social media at school to dismissal and/or indemnification of KASEC for any losses, costs, or damages, including reasonable attorney fees, incurred by KASEC relating to, or arising out of, any violation of this policy.

The Director shall:

1. Inform KASEC employees about this policy during the in-service on educator ethics, teacher-student conduct, and school employee-student conduct required by Governing Board policy 5:120, *Ethics and Conduct*.
2. Director will annually:
 - a. Provide building staff with a copy of this policy.
 - b. Inform building staff about the importance of maintaining high standards in their school relationships.
 - c. Remind building staff that those who violate this policy will be subject to remedial and any other appropriate disciplinary action up to and including dismissal.
3. Build awareness of this policy with students, parents, and the community.
4. Ensure that no one for KASEC, or on its behalf, requests of an employee or applicant access in any manner to his or her social networking website or requests passwords to such sites.
5. Periodically review this policy and any procedures with KASEC employee representatives and electronic network system administrator(s) and present proposed changes to the Board.

LEGAL REF.: 105 ILCS 5/21B-75 and 5/21B-80.

Ill. Human Rights Act, 775 ILCS 5/5A-102.

Code of Ethics for Ill. Educators, 23 Ill.Admin.Code §22.20.

Garcetti v. Ceballos, 547 U.S. 410 (2006).

Pickering v. High School Dist. 205, 391 U.S. 563 (1968).

Mayer v. Monroe County Community School Corp., 474 F.3d 477 (7th Cir. 2007).

CROSS REF.: 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:120 (Ethics and Conduct), 5:130 (Responsibilities Concerning Internal Information), 5:150 (Personnel Records), 5:170 (Copyright), 5:200 (Terms and Conditions of Employment and Dismissal), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:340 (Student Records)

ADOPTED: September 15, 2011

AMENDED: March 15, 2012
December 20, 2012

General Personnel

Responsibilities Concerning Internal Information

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

- LEGAL REF.: Family Educational and Privacy Rights Act, 20 U.S.C. §1232g.
 Uses and Disclosures of Protected Health Information; General Rules, 45 C.F.R.
 §164.502.
 Ill. Freedom of Information Act, 5 ILCS 140/
 Local Records Act, 50 ILCS 205/
 105 ILCS 10/
 Personnel Record Review Act, 820 ILCS 40/
- CROSS REF.: 2:140 (Communications To and From the Board), 2:250 (Access to District
 Public Records), 5:150 (Personnel Records), 7:340 (Student Records)
- ADOPTED: March 20, 2008
- AMENDED: August 16, 2012

General Personnel

Solicitations By or From Staff

Cooperative employees shall not solicit donations or sales, nor shall they be solicited for donations or sales, on school grounds without prior approval from the Director.

ADOPTED: March 15, 2001

General Personnel

Personnel Records

Please refer to the “Collective Bargaining Agreement Between Kankakee Area Special Education Cooperative and Kankakee Area Special Education Association.”

For those not covered by this agreement:

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

Access to personnel records is available as follows:

1. An employee will be given access to his or her personnel records according to State law and guidelines developed by the Director.
2. An employee’s supervisor or other management employee who has an employment or business-related reason to inspect the record is authorized to have access.
3. Anyone having the respective employee’s written consent may have access.
4. Access will be granted to anyone authorized by State or federal law to have access.
5. All other requests for access to personnel information are governed by Board policy 2:250, *Access to Cooperative Public Records*.

The Director or designee shall manage a process for responding to inquiries by a prospective employer concerning a current or former employee’s job performance. The Director shall execute the requirements in the Abused and Neglected Child Reporting Act whenever another school district asks for a reference concerning an applicant who is or was a Cooperative employee and was the subject of a report made by a Cooperative employee to DCFS.

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

LEGAL REF.: 745 ILCS 46/10.
 820 ILCS 40/
 23 Ill. Admin. Code § 1.660.

CROSS REF.: 2:250 (Cooperative records), 7:340 (Student Records)

ADOPTED: March 15, 2001

AMENDED: December 21, 2006
 January 15, 2009
 May 19, 2011

General Personnel

Copyright

Works Made for Hire

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

Copyright Compliance

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

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

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

ADOPTED: March 15, 2001

AMENDED: December 21, 2006

General Personnel

Temporary Illness or Temporary Incapacity

Please refer to the “Collective Bargaining Agreement Between Kankakee Area Special Education Cooperative and Kankakee Area Special Education Association.”

For those not covered by this agreement:

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

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

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

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

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

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

ADOPTED: March 15, 2001

AMENDED: February 20, 2003
 September 18, 2003
 January 19, 2006
 March 20, 2008
 September 17, 2009

General Personnel

Family and Medical Leave

Please refer to the “Collective Bargaining Agreement Between Kankakee Area Special Education Cooperative and Kankakee Area Special Education Association.”

For those not covered by this agreement:

Leave Description

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

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

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

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

1. The birth and first-year care of a son or daughter;
2. The adoption or foster placement of a son or daughter, including absences from work that are necessary for the adoption or foster care to proceed and expiring at the end of the 12-month period beginning on the placement date.
3. The serious health condition of an employee’s spouse, child, or parent.
4. The employee’s own serious health condition that makes the employee unable to perform the functions of his or her job.
5. The existence of a qualifying exigency arising out of the fact that the employee’s spouse, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation. A “covered military member” must be either a member of a Reserve component or a retired member of the regular Armed Forces or Reserve. “Qualifying exigencies” exist in the following categories: short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, rest and recuperation, post-deployment activities, and additional activities as provided in the FMLA regulations.

6. To care for the employee's spouse, child, parent, or next of kin who is a covered servicemember with a serious injury or illness. A "covered servicemember" is a member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty for which he or she is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list.

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

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

Eligibility

To be eligible for FMLA leave, an employee must be employed at a worksite where at least 50 employees are employed within 75 miles. In addition, one of the following provisions must describe the employee:

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

Requesting Leave

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

Certification

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

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

2. When the leave is due to the employee's own serious health condition, the employee must provide a certificate completed by the employee's health care provider.
3. When the leave is to care for a covered servicemember with a serious illness or injury, the employee must provide a certificate completed by an authorized health care provider for the covered servicemember.
4. When the leave is because of a qualified exigency, the employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military indicating that the military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service.

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

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

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

Continuation of Health Benefits

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

Changed Circumstances and Intent to Return

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

Return to Work

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

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

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

Implementation

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

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

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

ADOPTED: March 15, 2001

AMENDED: November 20, 2002
April 23, 2009

Professional Personnel

Teacher Qualifications

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

1. Each teacher must:
 - a. Have a valid Illinois certificate that legally qualifies the teacher for the duties for which the teacher is employed.
 - b. Provide the Administrative Office with a complete transcript of credits earned in institutions of higher education.
 - c. On or before September 1 of each year, unless otherwise provided in applicable collective bargaining agreement, provide the Administrative Office with a transcript of any credits earned since the date the last transcript was filed.
 - d. Notify the Director of any change in the teacher's transcript.
2. All teachers with primary responsibility for instructing students in the core academic subject areas (science, the arts, reading or language arts, English, history, civics and government, economics, geography, foreign language, and mathematics) must be *highly qualified* for those assignments as determined by State and federal law.

The Director or designee shall:

1. Monitor compliance with State and federal law requirements that teachers be appropriately certified and *highly qualified* for their assignments;
2. Through incentives for voluntary transfers, professional development, recruiting programs, or other effective strategies, ensure that minority students and students from low-income families are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers; and

Certificates must be registered with the Regional Superintendent's office and filed with the Cooperative' Administrative Office.

LEGAL REF.: 20 U.S.C. §6319

34 C.F.R §200.55, 56, and 61.

105 ILCS 5/10-20.15, 5/21-10, 5/21-11.4, 5/21B-20 and 5/24-23.

23 Ill.Admin.Code §1.610 et seq., §1.705 et seq., and Part 25.

Professional Personnel

ADOPTED: March 15, 2001

AMENDED: November 18, 2008
September 16, 2010
November 16, 2010
March 15, 2012

Professional Personnel

Terms and Conditions of Employment and Dismissal

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

School Calendar, Work Day, Salary, Assignments and Transfers, Evaluation

Please refer to the "Collective Bargaining Agreement Between Kankakee Area Special Education Cooperative and Kankakee Area Special Education Association."

Nursing Mothers

KASEC accommodates employees who are nursing mothers according to provisions in State and federal law.

Duty-Free Lunch

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

Dismissal

KASEC will follow State law when dismissing a teacher.

LEGAL REF.: 105 ILCS 5/10-19, 5/18-8, 5/22.4, 5/24-16.5 24-2, 5/24-8, 5/24-9, 5/24-11.5/24-12, 5/24-21, 5/24A-1 through 24A-20.
820 ILCS 260/1 et seq.
23 Ill.Admin.Code Parts 50 (Evaluation of Certified Employees) and 51 (Dismissal of Tenured Teachers).
Cleveland Board of Education v. Loudervill, 105 S.Ct. 1487(1985).

CROSS REF.: 5:290 (Employment Termination and Suspensions), 6:20 (School Year Calendar and Day)

ADOPTED: March 15, 2001

AMENDED: November 20, 2002
April 21, 2005
May 19, 2011
January 19, 2012
December 19, 2013

Professional Personnel

Resignations

Tenured teachers may resign at any time with consent of the Governing Board or by written notice sent to the Governing Board Secretary at least 30 days before the intended date of resignation. No teacher may resign during the school term in order to accept another teaching position without the consent of the Governing Board.

Probationary teachers may resign during their contract period only with the Governing Board's consent.

LEGAL REF.: 105 ILCS 5/24-14.

ADOPTED: March 15, 2001

Professional Personnel

Substitute Teachers

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

A substitute teacher must hold either a valid teaching or substitute certificate and may teach in the place of a certified teacher who is under contract with the Board. There is no limit on the number of days that a substitute teacher may teach in KASEC during the school year. However, there is a limit on the number of days that a substitute teacher may teach for any one certified teacher under contract with KASEC in the same school year. The following limitations apply:

1. A substitute holding a substitute certificate may teach only for a period not exceed 90 school days.
2. A teacher holding a valid early childhood, elementary, high school, or special certificate may teach only for a period not to exceed 120 school days.

The Teachers' Retirement System (TRS) in Illinois limits a substitute teacher who is a TRS annuitant to substitute teaching for a period not to exceed 100 paid days or 500 paid hours in any school year, unless the subject area is one where the Regional Superintendent has certified that a personnel shortage exists.

The Governing Board establishes a daily rate of pay for substitute teachers. Substitute teachers receive only monetary compensation for time worked and no other benefits.

Emergency Situations

A substitute teacher may teach when no certified teacher is under contract with the Board if KASEC has an emergency situation as defined in State law. During an emergency situation, a substitute teacher is limited to 30 calendar days of employment per each vacant position. The Director will notify the appropriate Regional Office of Education within 5 business days after the employment of a substitute teacher in an emergency situation.

Please refer to the "Collective Bargaining Agreement Between Kankakee Area Special Education Cooperative and Kankakee Area Special Education Association."

LEGAL REF.: 105 ILCS 5/21-9, 5/21B-20(3), and 24-5
23 Ill. Admin. Code § 1.790.

CROSS REF.: 5:30 (Hiring Process and Criteria)

ADOPTED: March 15, 2001

AMENDED: April 21, 2005
September 17, 2009
March 15, 2012

Professional Personnel

Maintaining Student Discipline

Maintaining an orderly learning environment is an essential part of each teacher's instructional responsibilities. A teacher's ability to foster appropriate student behavior is an important factor in the teacher's educational effectiveness. The Director shall ensure that all teachers, other certificated employees, and persons providing a student's related services: (1) maintain discipline in the schools as required in the School Code, and (2) follow the Governing Board policies and administrative procedures on student conduct and discipline.

When a student's behavior is unacceptable, the teacher should first discuss the matter with the student.

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

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

LEGAL REF.: 105 ILCS 5/24-24.
23 Ill.Admin.Code §1.280.

CROSS REF.: 7:190 (Student Discipline), 7:230 (Misconduct by Students with Disabilities)

ADOPTED: March 15, 2001

AMENDED: August 16, 2012

Professional Personnel

Suspension

Suspension Without Pay

The Governing Board may suspend without pay (1) a professional employee pending a dismissal hearing, or (2) a teacher as a disciplinary measure for up to 30 employment days for misconduct that is detrimental to the Cooperative. Administrative staff members may not be suspended without pay as a disciplinary measure.

Misconduct that is detrimental to the Cooperative includes:

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

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

Suspension With Pay

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

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

Repayment of Compensation and Benefits

If a professional employee is suspended with pay, either voluntarily or involuntarily, pending the outcome of a criminal investigation or prosecution, and the employee is later dismissed as a result of his or her criminal conviction, the employee must repay to KASEC all compensation and the value of all benefits received by him or her during the suspension. The Director will notify the employee of this requirement when the employee is suspended.

LEGAL REF.: 5 ILCS 420/5-60(b).
105 ILCS 5/24-12.
Cleveland Board of Education v. Loudermill, 105 S.Ct. 1487 (1985).
Barszcz v. Community College District No. 504, 400 F.Supp. 675 (N.D. 1976), Ill., 1975).
Massie v. East St. Louis School Cooperative No. 189, 561 N.E.2d 246 (5th Dist. 1990).
392 N.E.2d 148 (1st Dist. 1979).

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

ADOPTED: March 15, 2001

AMENDED: May 15, 2003
April 21, 2005
January 15, 2009
January 19, 2012

Professional Personnel

Leaves of Absence

Sick and Bereavement Leave, Personal Leave, Temporary Unpaid Leave of Absence, Unpaid Leave of Absence, Professional Leave, Child Rearing

Please refer to the “Collective Bargaining Agreement Between Kankakee Area Special Education Cooperative and Kankakee Area Special Education Association.”

Leaves For Service in the Military

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

General Assembly Leave

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

Leave for Employment in Department of Defense

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

School Visitation Leave

An eligible professional staff member is entitled to 8 hours during any school year, no more than 4 hours of which may be taken on any given day, to attend school conferences or classroom activities related to the teacher's child, if the conference or activity cannot be scheduled during non-work hours. Professional staff members must first use all accrued vacation leave, personal leave, compensatory leave, and any other leave that may be granted to the professional staff member, except sick and disability leave.

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

Leaves for Victims of Domestic or Sexual Violence

An unpaid leave from work is available to any staff member who: (1) is a victim of domestic or sexual violence, or (2) has a family, or household member, who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence. The unpaid leave allows the employee to seek medical help, legal assistance, counseling, safety planning, and other assistance without suffering adverse employment action.

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

Leaves to serve as an Officer or Trustee of a Specific Organization

Upon request, the Governing Board will grant (1) an unpaid leave of absence to a teacher who is an elected officer of a State or national teacher organization that represents teachers in collective bargaining negotiations, (2) 20 days of paid leave of absence per year to a trustee of the Teachers' Retirement System in accordance with 105 ILCS 5/24-6.3, and (3) a paid leave of absence for the local association president of a State teacher association that is an exclusive bargaining agent in the Cooperative, or his or her designee, to attend meetings, workshops, or seminars as described in 105 ILCS 5/24-6.2.

LEGAL REF.: 20 ILCS 1805/30.1 et seq.
105 ILCS 5/24-6, 5/24-6.1, 5/24-6.2, 5/24-6.3, 5/24-13, and 5/24-13.1.
820 ILCS 147/1 et seq.
820 ILCS 147/15.
Victims' Economic Security and Safety Act, P.A. 93-591.

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

ADOPTED: March 15, 2001

AMENDED: February 20, 2003
January 15, 2004
January 19, 2006
September 20, 2007
January 21, 2010

Professional Personnel

Student Teachers

The Director is authorized to accept students from university-approved teacher-training programs to do student teaching in KASEC. Prior to a student teacher beginning any field experiences in KASEC the Director or designee will ensure that KASEC performs a complete criminal history records check pursuant to 105 ILCS 5/10-21.9; i.e. *background check or background investigation*.

A complete criminal history records check pursuant to 105 ILCS 5/10-21.9 shall include:

1. Fingerprint-based checks through (a) the Illinois State Police (ISP) for criminal history records information (CHRI) pursuant to the Uniform Conviction Information Act (20 ILCS 2635/1). and (b) the FBI national crime information databases pursuant to the Adam Walsh Child Protection and Safety Act (P.L. 109-248);
2. A check of the Illinois Sex Offender Registry (see the Sex Offender Community Notification Law (730 ILCS 152/101 et seq.), and
3. A check of the Illinois Murderer and Violent Offender Against Youth Registry (Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105, amended by 97-154.

Each student teacher must provide written authorization for, and pay the costs of, his or her criminal history records check (including any applicable vendor's fees), and the Director or designee will provide each student teacher with a copy of his or her report.

Assignment

The Director or designee shall be responsible for coordinating placements of all student teachers within KASEC. Student teachers should be assigned to supervising teachers whose qualifications are acceptable to KASEC and the students' respective colleges or universities. A teacher may be eligible for continuing Professional Development Unites (CPDU) for supervising a student teacher or teacher education candidate in clinical supervision.

Please refer to the “Collective Bargaining Agreement Between Kankakee Area Special Education Cooperative and Kankakee Area Special Education Association.”

LEGAL REF.: Adam Walsh Child Protection and Safety Act, P.L. 109-248.
Uniform Conviction Information Act, 20 ILCS 263/1.
105 ILCS 5/10-22.34.

CROSS REF.: 5:190 (Teacher Qualifications)

ADOPTED: March 15, 2001

AMENDED: April 21, 2005
March 15, 2012
May 13, 2013

Educational Support Personnel

Employment At-Will, Compensation, and Assignment

Employment At-Will

Unless otherwise specifically provided, Cooperative employment is at-will, meaning that employment may be terminated by the Cooperative or employee at any time for any reason, other than a reason prohibited by law, or no reason at all. Nothing in Governing Board policy is intended or should be construed as altering the employment at-will relationship.

Compensation and Assignment

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

LEGAL REF.: 105 ILCS 5/10-22.34 and 5/10-23.5.
Cook v. Eldorado Community Unit School District, No. 03-MR-32 (Ill.App.5, 2004).
Duldulao v. St. Mary of Nazareth Hospital, 483 N.E. 2d 956 (1st Dist. Ill. 1985),
aff'd in part and remanded, 505 N.E.2d 314 (Ill. 1987).
Kaiser v. Dixon, 468 N.E. 2d 822 (Ill. App. 2d Dist. 1984).

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:35 (Compliance with the Fair Labor Standards Act), 5:290 (Educational Support Personnel – Employment Termination and Suspensions), 5:310 (Educational Support Personnel – Compensatory Time Off)

ADOPTED: March 15, 2001

AMEMDED: April 21, 2005

Educational Support Personnel

Duties and Qualifications

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

Paraprofessionals and Teacher Aides

Please refer to the "Collective Bargaining Agreement Between Kankakee Area Special Education Cooperative and Kankakee Area Special Education Association."

"Paraprofessionals" and "teacher aides" are noncertificated personnel with supervised instructional duties; the terms are synonymous. Service as a paraprofessional or teacher aide requires a "statement of approval" issued by the Illinois State Board of Education (ISBE), unless the individual holds any certificate indicative of completion of at least a bachelor's degree or a provisional vocational certificate, is completing an approved clinical experience, and/or is student teaching.

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

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

Noncertificated Personnel Working with Students and Performing Non-Instructional Duties

Noncertificated personnel performing non-instructional duties may be used:

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

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

Coaches and Athletic Trainers

Athletic coaches shall have the qualifications required by any association in which KASEC maintains a membership.

Regardless of whether the athletic activity is governed by an association, the Director or designee shall ensure that each athletic coach: (1) is knowledgeable regarding coaching principles, (2) has first aid training, and (3) is a trained Automatic External Defibrillator user according to rules adopted by the Illinois Department of Public Health. Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State Law.

Bus Drivers

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

LEGAL REF.: No Child Left Behind Legislation of 2001, 20 U.S.C. § 6319c.
34 C.F.R. §§ 200.58 and 200.59.
105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b
625 ILCS 5/6-104 and 5/6-106.1.
23 Ill.Admin.Code §§ 25.510, 25.520.

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

ADOPTED: March 15, 2001

AMENDED: November 20, 2002
September 18, 2003
January 20, 2005
May 18, 2006
January 21, 2010
September 16, 2010
August 16, 2012

Educational Support Personnel

Drug and Alcohol Testing For School Bus and Commercial Vehicle Drivers

KASEC shall adhere to State and federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers. The Director or designee manage a program to implement federal and State law defining the circumstances and procedure for the testing

LEGAL REF.: 625 ILCS 5/6-106.1 and 5/6-106.1c.
49 U.S.C. 31301 et seq., Alcohol and Controlled Substances Testing (Omnibus Transportation Employee Testing Act of 1991).
49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs), 382 (Controlled Substance and Alcohol Use and Testing), and 395 (Hours of Service of Drivers).

CROSS REF.: 4:110, 5:30

ADOPTED: March 15, 2001

AMENDED: May 19, 2011
March 15, 2012

Educational Support Personnel

Employment Termination and Suspensions

Resignation and Retirement

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

Non-RIF Dismissal

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

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

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

Reduction in Force and Recall

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

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

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

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

Final Paycheck

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

Suspension

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

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

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

ADOPTED: March 15, 2001

AMENDED: April 21, 2005
March 20, 2008
January 15, 2009
November 16, 2010

Educational Support Personnel

Schedules and Employment Year

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

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

Breaks

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

LEGAL REF.: Fair Labor Standards Act, 29 U.S.C. §207 et seq.
820 ILCS 105/ Minimum Wage Law.
820 ILCS 260/ Nursing Mothers in the Workplace Act.
105 ILCS 5/10-20.14a, 5/10-22.34, and 5/10-23.5

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

ADOPTED: March 15, 2001

AMENDED: April 18, 2002
December 21, 2006
May 19, 2011

Educational Support Personnel

Compensatory Time-Off

This policy governs the use of compensatory time-off by employees who: (1) are covered by the overtime provisions of the Fair Labor Standards Act, 29 U.S.C. §201 et seq., and (2) are not represented by an exclusive bargaining representative.

Employees may be given 1-1/2 hours of compensatory time-off in lieu of cash payment for each hour of overtime worked. Other than as provided below, at no time may an employee's accumulated compensatory time-off exceed 240 hours, which represents compensation for 160 hours of overtime. An employee whose work regularly includes public safety, emergency response, or seasonal activities may accumulate a maximum of 480 hours of compensatory time, which represents compensation for 320 hours of overtime. If an employee accrues the maximum number of compensatory time-off hours, the employee (1) is paid for any additional overtime hours worked, at the rate of one and one-half times the employee's regular hourly rate of pay, and (2) does not accumulate compensatory time-off until the employee uses an equal amount of accrued time-off.

An employee who has accrued the maximum number of compensatory hours shall be permitted to use such time in at least half-day components provided such requests do not unduly disrupt the Cooperative's operations. The employee's supervisor must approve a request to use compensatory time-off.

Upon termination of employment, an employee will be paid for unused compensatory time at the higher of:

1. The average regular rate received by such employee during the last three years of employment; or
2. The final regular rate received by such employee.

Compensatory time-off is time during which the employee is not working and is, therefore, not counted as "hours worked" for purposes of overtime compensation.

Implementation

The Director or designee shall implement this policy in accordance with the FLSA. In the event of a conflict between the policy and the FLSA, the latter shall control.

LEGAL REF.: Fair Labor Standards Act, 29 U.S.C. § 201 et seq.; 29 C.F.R. § 785.

CROSS REF: 5:35 (Compliance with the Fair Labor Standards Act), 5:185 (Family and Medical Leave), 5:270 (Employment At-Will, Compensation, and Assignment).

ADOPTED: March 15, 2001

AMENDED: April 21, 2005
April 23, 2009

Educational Support Personnel

Evaluation

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

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

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

ADOPTED: March 15, 2001

AMENDED: August 16, 2012

Educational Support Personnel

Sick Days, Vacation, Holidays, and Leaves

Please refer to the “Collective Bargaining Agreement Between Kankakee Area Special Education Cooperative and Kankakee Area Special Education Association.”

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

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

Other Leaves

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

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

LEGAL REF.: 20 ILSC 1805/30.1 et.seq.
105 ILCS 5/10-20.7b, 5/24-2, and 5/24-6.
820 ILCS 147 and 180/1 et seq.

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

ADOPTED: March 15, 2001

AMENDED: January 15, 2004
January 19, 2006
January 21, 2010