

OFFICIAL MINUTES OF THE BOARD OF EDUCATION  
SCHOOL DISTRICT 68, COOK COUNTY, ILLINOIS

Regular Board of Education Meeting – April 15, 2008

The Board of Education of School District 68, Cook County, Illinois, met on the 15<sup>th</sup> day of April, 2008, in regular session at the Educational Service Center, according to the rules of the Board.

The meeting was called to order at 7:30 p.m. by the President of the Board John Frendreis, who presided. Members of the Board were present as follows:

Present: David Beller  
David Ehrlich  
John Frendreis  
Paul Livieri  
Hank Schneider  
Tanja Tuck (entered at 7:33 p.m.)

Absent: Elaine Steiner

Administrative staff members were present as follows:

Frances McTague, Superintendent  
Terry Baranowski, Old Orchard Jr. High School, Interim Principal  
Leslie Gordon, Highland School Principal  
Kimberly Heath, Old Orchard Junior High School Assistant Principal  
Beth Millard, Assistant Superintendent for Business  
Randy Needlman, Devonshire School Principal  
Susan O’Neil, Jane Stenson School Principal  
Connie Powell, Director of Special Services  
Barbara Phillips, Assistant Superintendent for Instruction

Absent: None

Visitors:

Natalie Dandino	Melissa Rothman
Clifton Dahlgren	Erika Souder
Curtis House	Cyndi Stevens
Chrisy Lee	Steven Spiegel
Brooke Rolek	

1. INTRODUCTION OF BOARD MEMBERS AND VISITORS AND PUBLIC COMMENT

President Frendreis asked the Board members and administrators at the head table to introduce themselves. He asked for comments from the audience regarding items not on the agenda. There were no comments.

2. CONSENT AGENDA

It was moved by Member Ehrlich, seconded by Member Beller, that the Board of Education approve items on the Consent Agenda, which contained the following:

- a. Minutes
  - Regular Board of Education Meeting – March 18, 2008
  - Closed Board of Education Meeting – March 18, 2008
- b. Review of Closed Meeting Minutes
- c. Financial Reports
- d. March expenditures as follows: (a) accounts payable checks for March in the amount of \$417,536.14, (b) handwritten checks in the amount of \$189,503.26, (c) payroll checks in the amount of \$1,327,178.17, for a total of \$1,934,217.57 checks issued for March.

Upon roll call, the members voted as follows:

AYE: Beller, Ehrlich, Frendreis, Livieri, Schneider, Tuck

NAY: None

Motion carried.

3. FULL DAY KINDERGARTEN UPDATE

The ELL Kindergarten teacher and a group of her students demonstrated some of the skills the children have learned this year. Assistant Superintendent Phillips presented a report on the implementation of full day kindergarten. There was discussion about the impact of full day on student progress and possible refinements for next year. President Frendreis thanked the teachers, administrators, and parents for this success.

4. DISTRICT 68 NEW TEACHER MENTORING PROGRAM

Superintendent McTague presented an overview of the current new teacher induction program in the District. She summarized the work of the Mentoring Committee which was established through the teacher negotiations process to review District needs and the resulting recommendation for a Building Mentor Program to be implemented for next year. There was discussion about how the program will work and the positive aspects of the idea. President Frendreis thanked the members of the committee for their work.

It was moved by Member Beller, seconded by Member Livieri, that the Board of Education accept the recommendations to initiate a K-8 New Teacher Mentoring Program effective with the 2008-09 school year.

Upon roll call, the members voted as follows:

AYE: Beller, Ehrlich, Frendreis, Livieri, Schneider, Tuck

NAY: None

Motion carried.

5. REVISION OF POLICIES 5116, 5141 AND 6161

It was moved by Member Tuck, seconded by Member Ehrlich, that the Board of Education revise policies 5118, 5141 and 6161 as follows:

**Policy 5118 - Determination of Residency for School Enrollment**

Only students who are residents of District 68 may attend school within the District without a tuition charge, except as authorized by State law and except as provided for herein.

Generally, Illinois law provides that the residence of a student is deemed to be the same as the residence of the person who has legal custody of the student and permits only students who are residents of the School District to enroll and attend on a tuition-free basis. The person claiming legal custody must also reside in the School District. The grounds for legal custody are set forth in the School Code along with certain exceptions to legal custody and residence requirements.

The criteria for determining the residency of special education students and homeless students are set forth in the School Code and must be applied in place of the criteria and procedures generally applicable to students, when appropriate.

**Tuition for Non-Residents**

Under Section 10-22.5 of the Illinois School Code, the Board of Education may, but is not required to, admit non-resident students. It is generally the policy of the Board to deny admission to non-resident students. If in exceptional circumstances a non-resident student is permitted to enroll or if an unauthorized non-resident student attends, the student must be charged tuition in accordance with the mandate of the School Code. A regular education student who becomes a non-resident during the school term may attend school until the completion of the school term in June on a tuition-free basis so long as there is no break in enrollment after becoming a non-resident. However, the attendance and tuition obligations of a special education student who becomes a non-resident during the school year shall be determined in accordance with the provisions of Article 14 of the Illinois School Code.

If, at the time of enrollment, a dependent child of military personnel is housed in temporary housing located outside of the District, but will be living within the District within 60 days after the time of initial enrollment, the child is allowed to enroll, subject to the requirements of State law, and must not be charged tuition.

When a student's change of residence is due to the military service obligation of the student's legal custodian, the student's residence is deemed to be unchanged for the duration of the custodian's military service obligation if the student's custodian made a

written request. The District, however, is not responsible for the student's transportation to or from school.

### **Payment of Tuition**

Tuition shall be paid by certified or cashier's check in advance on a semester-by-semester basis. However, non-resident students whose parents or legal guardians demonstrate sufficient intent to establish residency within 31 calendar days from the student's first day of attendance shall be permitted to attend subject to the payment of tuition in advance by cashier's or certified check for the number of school days within the 31 calendar day period. Demonstration of sufficient intent must be by a real estate purchase contract with all significant contingencies satisfied, a closing statement or a lease, showing entitlement to possession within the 31 day period. If residency is not established within the 31 day period, the student shall be disenrolled effective at the end of the 31 day period or as soon thereafter as reasonably possible, subject to the payment of tuition for any additional days of attendance beyond the 31 days. If residency is established within the 31 day period, the tuition for this period will be refunded.

### **Residency Investigation**

The Superintendent may investigate and determine the residency of any student before or after enrollment in accordance with the applicable provisions of Illinois law and may require the involved persons to provide additional information to be considered by the District in determining residency. Such information may include, but is not limited to, real estate contracts, leases, financial documents, voter registration, tax documents, bills, and vehicle registrations and licenses. The investigation may include, but is not limited to, interviews, completion of questionnaires, observations and home visits. Whenever the Superintendent receives information believed to be reliable questioning the residency of the student, the Superintendent shall conduct an investigation to determine whether the student is a resident of the district.

If a student has not begun attendance in school when residency is questioned, the Superintendent shall generally deny attendance pending determination of the student's residency; however, students who are considered homeless under the School Code must be enrolled immediately. At the conclusion of the investigation and after providing the student and the student's parents or other appropriate person an opportunity to discuss the matter, the Superintendent shall make a decision as to the student's residency. If the Superintendent determines that the student is not a resident, the Superintendent will take appropriate action which may include refusing to enroll the student.

If the Superintendent determines that a student already enrolled is not a resident of the School District, notice of the decision and an opportunity for a hearing shall be given, a hearing held before the Board or its hearing officer if timely requested, and a decision made in accordance with the procedures specified in the School Code. The student may be disenrolled and tuition charged for the period of non-residency, if non-residency is found by the Superintendent, subject to appeal to, and/or affirmation by, the Board. However, pending any appeal to, and/or affirmation by, the Board of the Superintendent's determination of non-residency, a student enrolled and attending school in the district may continue to attend school. The person responsible for the student is also responsible for tuition pending an appeal if non-residency is found by the Board, as well as tuition for the balance of the period of non-residency.

As used in this policy, the term “Superintendent” includes the Superintendent's designee.

### **Criminal Punishment for Misrepresentation of Residency**

Illinois law has made it a crime, punishable by imprisonment and fine, to knowingly or willfully present any false information regarding the residency of a student for purposes of enabling that student to attend on a tuition-free basis or to knowingly enroll or attempt to enroll a student on a tuition-free basis when the student is known to be a non-resident of the District. The Superintendent is authorized to seek prosecution to the full extent of the law of any person who the Superintendent believes has committed any residency-related crime. Civil proceedings may also be initiated with the approval of the Board.

### **Residency for Summer School**

Non-resident children may be accepted provided:

- a. Residents are given priority;
- b. There is sufficient space in the program; and
- c. The enrollment of the non-resident student is approved by the Summer School Director;
- d. Tuition is paid in accordance with established deadlines.

## **GUIDELINES FOR DETERMINING STUDENT RESIDENCY**

### **Residency Categories**

Generally, a student will be regarded as a resident and enrolled on a tuition-free basis if the student falls within one of the following categories:

1. The student and the person with legal custody of the student live in the school district on a full-time and indefinite length of time basis. If the residency in the District of the person with whom the student lives is on a temporary basis, it must not be as a visitor or for educational purposes. A person usually will be deemed to have custody of the student when the person is an adult and has immediate and predominant authority and control over most of the major aspects of the student's life. Major aspects of the student's life include medical treatment, discipline, financial support, education, social activities and day-to-day nourishment, care and sleeping arrangements. Legal custody exists in any one of the following circumstances:
  - a. Custody is exercised by a natural or an adoptive parent with whom the student resides.
  - b. Custody has been granted by court order to a person with whom the student resides for reasons other than to have access to the educational programs of this District.
  - c. Custody is exercised under a short-term guardianship for reasons other than to have access to the educational programs of this District. Short-term guardianship is transferred by a document containing information specified by law and signed by the parent transferring

guardianship to another person. Unless Court approval is obtained, the transfer cannot exceed 60 days.

- d. Custody is exercised by a caretaker adult relative who is receiving aid under the Illinois Public Aid Code for the student who resides with that caretaker for purposes other than to have access to the educational programs of this District.
  - e. Custody is exercised by an adult who demonstrates that, in fact, he or she has assumed and exercises legal responsibility for the student and provides the student with a regular fixed nighttime dwelling for purposes other than to have access to the educational programs of this District.
2. The student is a foreign exchange student in a program approved by the State Board and the Superintendent.
  3. The student has been placed with a foster parent or child care facility by the Department of Children and Family Services outside this District, but DCFS has determined it to be in the best interests of the student to maintain attendance in this District. In this instance, the School District will look to DCFS to provide or fund transportation for the student.
  4. An enrolled resident student becomes a non-resident during the school term. The student may continue to attend tuition-free until the end of the regular school term in June so long as the student maintains enrollment.
  5. The student is homeless.
  6. The student is a dependent child of military personnel and is housed in temporary housing located outside of the District, but will be living within the District within 60 days after the time of initial enrollment.

If the student does not meet one of these criteria, the student should not be enrolled, or the disenrollment process should be started if the student has already been attending school.

### **Residency Investigation**

A residency investigation:

1. should be conducted if any of categories 1(a) - (d), 3, 4, or 5 are applicable, but not clearly satisfied;
2. should be conducted if category 1(e) or 5 is claimed as the basis for residency;
3. need not be undertaken with respect to category 4;
4. need not be conducted if category 2 applies, but approval of the exchange program by the ISBE and Superintendent should be confirmed.

As part of the investigation, facts should be gathered through completion of residency questionnaires, review of additional documents relating to residency, interviews, a visit to the residence and/or observations as appropriate to the situation.

### **Residency of Special Education Students**

The residency of a special education student involves a separate set of criteria. A student with an active IEP or who has been identified as eligible for special education services will be regarded as a resident and enrolled on a tuition-free basis in any one of the following circumstances:

1. The student's parent with legal guardianship of the student, or an individual guardian who has been appointed for the student by the courts, resides in the School District.
2. The student's parents are legally separated or divorced, both parents retain legal guardianship or custody and the student's parent who provides the student's primary regular fixed nighttime abode resides in the School District. However, the election of the resident district by the parents may be made only once per school year.
3. An Illinois public agency has guardianship of the student and
  - a. the student and parent both reside in the School District; or
  - b. the agency has placed the student residentially in the School District; or
  - c. the student has been residentially placed outside the State and the School District was the last school district to provide at least 45 days of educational service to the student.
4. An Illinois court has ordered residential placement of the student, but the student's parent has legal guardianship and resides in the School District.
5. The student resides in the School District and:
  - a. a parent or court appointed guardian has legal guardianship, but the location of the parent or guardian is unknown; or
  - b. the student is age 18 or older and no legal guardian has been appointed; or
  - c. the student is legally an emancipated minor.

When the parent, or other person, with legal guardianship lives outside the State, the parent, legal guardian, or other placing agent is responsible for making arrangements to pay the School District for the educational services rendered to a special education student.

### **Homeless Students**

A homeless student is one who:

1. lacks a fixed, regular and adequate nighttime place of abode; or
2. has a primary nighttime place of abode that is:
  - a. a supervised publicly or privately operated shelter designated to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing);

- b. an institution that provides a temporary residence for individuals intended to be institutionalized; or
- c. a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings.

A parent or guardian of a homeless student may enroll that student in either the "school of origin" or in the school for the attendance area in which the student actually lives. "School of origin" is the school that the student attended when permanently housed or the school in which the student was last enrolled.

*Homeless students shall be enrolled immediately, even if they are unable to provide records normally required for enrollment, and will be referred promptly for necessary immunizations in order to facilitate their prompt admission.*

### **Guidelines Regarding Custody and Control**

Like most aspects of student residency issues, the question whether custody and control of a student has been transferred by a custodial parent or guardian of the student to another person with whom the student lives in the school district must be answered by collection and analysis of facts. Although no single fact is necessarily determinative nor do all of the following facts have to be present, the following facts suggest a change in custody and control sufficient to establish residency for purposes of tuition-free attendance at school:

1. The custodial parent or guardian seldom sees the student on weekends, at mealtimes, overnight, or on school holidays and vacations.
2. The custodial parent or guardian seldom converses by telephone with the student or the person with whom the student lives in the school district.
3. The custodial parent or guardian lives such a distance from the student that effective control over the student is unlikely.
4. The person with whom the student lives, and not the custodial parent or guardian:
  - a. disciplines the student;
  - b. arranges for medical care;
  - c. determines when the student comes and goes from the place of residence;
  - d. determines who the student sees as friends;
  - e. provides meals for the student;
  - f. meets much of the day-to-day financial needs of the student.
5. The student lives apart from the custodial parent or guardian for reasons other than attendance at school, such as financial difficulties of the custodial parent or guardian, marital or family strife in the home of the custodial parent or guardian, inability of the custodial parent or guardian to control the student, emotional, alcohol or drug-related problems of the student or the custodial parent or guardian.
6. The custodial parent or guardian does not claim the student as a dependant on his or her federal income tax return.

In addition to the factors summarized above, the student must live in the school district on a full-time and indefinite length of time basis.

### **Enrollment/Disenrollment Decisions**

Generally, a student should not be enrolled until the investigation is completed and a final decision made. A final decision should generally not be made on residency until the results of the investigation are discussed with the person seeking to enroll the student. However, if a student is enrolled, the student should not be disenrolled until after a conference is held with the parent and the person with whom the student lives and the School Code procedures set forth in the next section are followed. If the student is an adult, the student should be included in the conference.

If the School District denies enrollment to a child claiming to be homeless, the parent or guardian must be referred to the Regional Superintendent and to sources of low-cost or free legal or other advocacy services in the community.

### **Notice and Hearing Procedure Prior to Disenrollment**

1. Notice of Tuition Due

Upon determining that a currently enrolled student is not a resident of the School District, the Board, or the Superintendent on behalf of the Board, must give notice to the person who enrolled the student of the amount of tuition owed to the School District and, if applicable, the intention to disenroll the student. The notice must be given by certified mail, return receipt requested.

2. Request for Review

The person who enrolled the student may request a review hearing within 10 days of receipt of the tuition notice. If a hearing is requested, the Board, or the Superintendent, must notify the requestor within 10 days, by certified mail, of the time and place of the hearing. The hearing must be not less than 10 and not more than 20 days after the date of the notice of hearing.

3. Hearing Procedure

The Board may hold the hearing itself or designate a hearing officer to do so. The requestor may also be represented by the representative of its choice, and has the burden of providing evidence of the pupil's residency. The hearing procedure will be substantially as follows:

- a. Opening statements.
- b. Presentation of evidence by the person who enrolled the student/cross-examination.
- c. Presentation of evidence by the school administration/cross-examination.
- d. Rebuttal/cross-examination.
- e. Closing statements.

4. Post-Hearing Procedure

If a hearing officer conducted the hearing, the hearing officer must send his or her findings to the Board and the person who enrolled the pupil within 5 days after the close of the hearing. The person who enrolled the pupil may file written objections to the hearing officer's findings with the Superintendent within 5 days

of receiving the findings. Within 15 days of the hearing, the Board must make a final determination as to the pupil's residency and send its decision to the person who enrolled the pupil.

Policy adopted by the Board of Education on 2/27/62

Revised 4/20/04, 4/15/08

### **Policy 5141 Physical, Dental, and Vision Examinations and Inoculations**

Physical examinations and inoculations, as prescribed by the State Department of Public Health, shall be required of all pupils in the schools of this District within one year prior to their entrance into the pre-kindergarten program, kindergarten or the first grade, and upon entrance into the fifth sixth grade. Dental examinations shall be required of all pupils in the schools of this District within one year prior to their entrance into kindergarten, second grade, and upon entrance into the sixth grade. All pupils entering the public schools of District 68 by transfer shall furnish a physical and dental examination records to school authorities. Pupils objecting to physical, dental, or vision examinations or immunizations on religious grounds shall not be required to submit themselves thereto if they present a statement of such objection signed by a parent or guardian. Immunizations shall not be required if the examining physician endorses on the examination form that the physical condition of the child directs that the immunization(s) not be administered.

Effective January 1, 2008, all children enrolling in kindergarten after January 1, 2008, and any children enrolling for the first time in a public, private, or parochial school after January 1, 2008, must have an eye examination and present proof of the eye examination to the school before October 15th of the school year. If not, the school may hold the child's report card, but may not deny school attendance to the child.

Legal Reference: 105 ILCS 5/27-8.1

Policy adopted by the Board of Education in March, 1969

Readopted 4/20/04 Revised 4/15/08

### **Policy 6161 Computer Network and Information Services Access**

Teacher and student access to the computer network and information services, including the Internet, is consistent with and beneficial to the educational mission of the school district. Such access serves as a natural extension of the educational lessons learned within the classroom by providing access to educational resources and reference materials, by reinforcing the specific subject matter taught, by requiring the use of critical thinking skills and by teaching socially appropriate forms of civil discourse and expression. Therefore, both teachers and students shall be allowed access to information services through school computers.

With access to the Internet comes the risk that students may encounter material that may not be considered to be of educational value, or that may be harmful or disruptive to the school environment. Accordingly, use of computers and access to the Internet may be

restricted in light of the maturity level of students involved and the special characteristics of the school environment. Therefore, the school district will not permit uses which:

- (a) cause substantial disruption of the proper and orderly operation of the school or school activities;
- (b) violate the rights of others;
- (c) are socially inappropriate or inappropriate due to the maturity level of the student; or
- (d) are primarily intended as an immediate solicitation of funds.

Each District computer with Internet access shall have a filtering device that blocks entry to visual depictions that are (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by the Children's Internet Protection Act and as determined by the Superintendent or designee. The Superintendent or designee shall enforce the use of such filtering devices. An administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose, provided the person receives prior written permission from the Superintendent or system administrator.

Moreover, no technology is guaranteed to be error-free or totally dependable, nor is it safe when used irresponsibly. Among other matters, the District is not liable or responsible for:

- 1. any information that may be lost, damaged, or unavailable due to technical or other difficulties;
- 2. the accuracy or suitability of any information that is received through technology;
- 3. breaches of confidentiality; or
- 4. defamatory material.

The District's electronic network is part of the curriculum and is not a public forum for general use. Users may access technology only for educational purposes. The actions of users accessing networks through the District reflect on the School District; therefore, users must conduct themselves accordingly by using good judgment and complying with this policy and any accompanying administrative procedures and guidelines. Users are responsible for their behavior and communications when using the District's computers and networks.

The Superintendent is authorized to adopt Administrative Procedures implementing this Policy, to draft an implementation plan and to appoint a System Administrator to execute the plan and monitor use of the Internet and other such services.

Legal Ref.: Children's Internet Protection Act, P.L. 106-554  
Communications Act of 1934, 47 U.S.C. §254(h) and (l)

Adopted by the Board of Education 8/20/96

Revised 12/14/04, 4/15/08

Upon roll call, the members voted as follows:

AYE: Beller, Ehrlich, Frendreis, Livieri, Schneider, Tuck

NAY: None

Motion carried.

6. NILES TOWNSHIP DISTRICT FOR SPECIAL EDUCATION #807

Member Schneider presented a report on the March 25, 2008, NTDSE meeting. He reported on projected staffing changes, including increases in speech and RTI staffing. He also explained an issue that has come up with regard to the intergovernmental agreement between NTDSE and District 69 for classroom space in return in return for administrative support and construction money. President Frendreis thanked Member Schneider for his report.

7. DEVONSHIRE CLASSROOM RENOVATION BIDS

It was moved by Member Ehrlich, seconded by Member Schneider, that the Board of Education award a contract to The Dubs Company for the amount of \$221,013 and reject Alternates #1 and #2.

Upon roll call, the members voted as follows:

AYE: Beller, Ehrlich, Frendreis, Livieri, Schneider, Tuck

NAY: None

Motion carried.

8. COMMUNICATIONS

The Board reviewed several communication items.

9. CLOSED SESSION

It was moved by Member Beller, seconded by Member Livieri, to move the meeting to closed session at 8:42 p.m., to discuss a personnel matter, per 5 ILCS 120/2(c)(1), as amended by P.A. 93-0057, and potential litigation, per 5 ILCS 120/2(c)(11).

Upon roll call, the members voted as follows:

AYE: Beller, Ehrlich, Frendreis, Livieri, Schneider, Tuck

NAY: None

Motion carried.

10. RECONVENE MEETING

The meeting was reconvened at 9:40 p.m.

11. PERSONNEL

It was moved by Member Beller, seconded by Member Tuck, that the Board of Education confirm the suspension of a staff member, as listed in the agenda materials.

Upon roll call, the members voted as follows:

AYE: Beller, Ehrlich, Fren dreis, Livieri, Schneider, Tuck

NAY: None

Motion carried.

12. ADJOURNMENT

It was moved by Member Beller, seconded by Member Ehrlich, that the Board of Education adjourn the meeting at 9:44 p.m.

Upon roll call, the members voted as follows:

AYE: Beller, Ehrlich, Fren dreis, Livieri, Schneider, Tuck

NAY: None

Motion carried.

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Beth Millard, Secretary

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John Fren dreis, President