

Operational Services

Waiver of Student Fees ¹

The Superintendent will recommend to the School Board for adoption what a schedule of fees, if any, will to be charged students for the use of textbooks, consumable materials, extracurricular activities, and other school student fees. Students will must also pay for the loss of or damage to school books or other school-owned materials.

Fees for textbooks, other instructional materials, and driver education are waived for students who meet the eligibility criteria for a fee waiver contained as described in this policy. ² In order that no student is denied educational services or academic credit due to the inability of parents/guardians to pay student fees and charges, the Superintendent will recommend to the Board ~~for adoption what~~ which additional fees, if any, the District will waive for students who meet the eligibility criteria for fee waiver. ³ Students receiving a fee waiver are not exempt from charges for lost and damaged books, locks, materials, supplies, and equipment. ⁴

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State ~~or federal~~ law requires this subject matter be covered by policy and controls its content (105 ILCS 5/10-20.13). ~~State or federal law controls this policy's content; 23 Ill.Admin.Code §1.245). State law provides that "[n]o discrimination or punishment of any kind, including the lowering of grades or exclusion from classes, may be exercised against a student whose parents or guardians are unable to purchase required textbooks or instructional materials or to pay required fees."~~ (105 ILCS 5/28-19.2). This policy concerns an area in which the law is unsettled (see footnotes 2 and 3).

² Districts must waive textbooks fees (105 ILCS 5/10-20.13) and driver education fees (105 ILCS 5/27-23) for students whose parents/guardians are unable to afford them. In order to effectuate the law's intent, the term "textbook" should be interpreted broadly to include fees for instructional materials, laboratory fees, and workbooks. The enforceability of 105 ILCS 5/10-20.13(b) and implementing ISBE regulations (23 Ill.Admin.Code §1.245) requiring districts to waive "other fees" are is questionable because they are unfunded mandates. ~~According to an 8-5-91 letter from the State Superintendent to all superintendents;~~ ISBE regulations on school fees will may not be ~~enforced~~ enforceable because the General Assembly failed to make necessary appropriations (see ~~also~~ the Weekly Message from State Superintendent Robert Schiller, 8-15-03).

A school district may charge up to \$50 for district residents between 15 and 21 years of age who participate in the driver education course. The fee must be waived for any such resident who is unable to pay. When space permits, the district also may provide driver education for residents above age 55 who have never been licensed to drive and may charge a fee not to exceed actual costs of the course (105 ILCS 5/27-23).

Resident tuition fees are not permissible. Hamer v. Board of Education, School District No. 109, 292 N.E.2d 569 (Ill.App. 2, 1977); Polzin v. Rand, McNally & Co., 95 N.E. 623 (1911).

³ ~~This sentence is optional even though~~ 105 ILCS 5/10-20.13(b) was added in 1983 to require districts to waive "other fees" in addition to the costs of textbooks (P.A. 83-603). The General Assembly, however, never appropriated the necessary funds ~~making. Thus,~~ the amendment may be unenforceable because it violated the State Mandates Act (30 ILCS 805/1; see above footnote). Alternatively, if a Use the following alternative if the board wants to make a longstanding commitment to waiving waive specific fees, it may amending the list ~~them by using this alternative of fees that will be waived as desired.~~ Alternatively a board may decide to waive all school student fees and substitute the following sentence for the first 2 sentences of this paragraph:

All school student fees as defined by the Illinois State Board of Education (ISBE) are waived for students who meet the eligibility criteria for a fee waiver contained in this policy.

In order that no student is denied educational services or academic credit due to the inability of parents/guardians to pay fees and charges, the following fees are also waived for students who meet the eligibility criteria for fee waiver: athletic participation fees, lock fees, towel fees, shop fees, ~~lab~~ laboratory fees, and registration fees, ~~and driver education fees.~~

⁴ Districts in which a referendum was approved to provide students with free textbooks must have a policy on textbook care and preservation (105 ILCS 5/28-17). The textbook loan program operated by the ~~State Board of Education~~ ISBE is found at 105 ILCS 5/18-17.

Notification

The Superintendent shall ensure that applications for fee waivers are widely available and distributed according to State law and ISBE rule and that provisions for assisting parents/guardians in completing the application are available.

Eligibility Criteria

A student shall be eligible for a fee waiver when ~~The the~~ student currently lives in a household that meets the ~~free lunch or breakfast eligibility same income~~ guidelines, ~~established by with the same limits based on household size, that are used for the federal free meals program. government pursuant to the National School Lunch Act, 42 U.S.C. §1758; 7 C.F.R. Part 245; or~~

~~The student or student's family is currently receiving aid under Article IV of The Illinois Public Aid Code (Transitional Assistance to Needy Families) 5~~

The Superintendent or designee will give additional consideration where one or more of the following factors are present: ⁶

- Illness in the family;
- Unusual expenses such as fire, flood, storm damage, etc.;
- ~~Seasonal unemployment;~~
- Unemployment;
- Emergency situations;
- When one or more of the parents/guardians are involved in a work stoppage.

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

⁵ ~~Required by 105 ILCS 5/10-20.13, amended by P.A. 96-360. The federal free meals program is found at 42 U.S.C. §1758; 7 C.F.R. Part 245. A board has a choice regarding verification – it may: (1) establish a process for the determination of to determine eligibility for fee waivers that is completely independent of the free lunch or breakfast federal free meals eligibility guidelines, or (2) tie the application for fee waivers to the free meals program and only ask for verification in accordance with the free or reduced-price meals program. This sample policy assumes that option #1 will be chosen but would allow for option #2 if the alternative is used in the Verification section. See footnote 7. 42 U.S.C. 1758; 7 C.F.R. 245 et seq. 105 ILCS 5/10-20.13 (e), amended by P.A. 96-360.~~

⁶ This paragraph is optional and may be omitted.

Verification 7

~~The Superintendent or designee must follow the verification requirements of 7 C.F.R. 245.6a when using the free lunch or breakfast eligibility guidelines pursuant to The National School Lunch Act as the basis for waiver of the student's fee(s).~~

~~When using a District established or other independent verification process, The Superintendent or designee shall establish a process for determining a student's eligibility for a waiver of fees in accordance with State law requirements. The Superintendent or designee may not require family income verification at the time an individual applies for a fee waiver and anytime thereafter but not more often than once every 60 calendar days. The Superintendent or designee shall not use any information from this or any independent verification process to determine free lunch or breakfast or reduced-price meal eligibility pursuant to The National School Lunch Act.~~

Determination and Appeal

~~The If a student receiving a fee waiver is found to be no longer eligible during the school year, the Superintendent or designee will shall notify the student's parent(s)/guardian(s) and charge the student a prorated amount based upon the number of school days remaining in the school year, promptly as to whether the fee waiver request has been granted or denied. The denial of a fee waiver request may be appealed to the Superintendent by submitting the appeal in writing to the Superintendent within 14 days of the denial. The Superintendent or designee shall respond within 14 days of receipt of the appeal. The Superintendent's decision may be appealed to the Board. The decision of the Board is final and binding.~~

~~Questions regarding the fee waiver request process should be addressed to the Building Principal's office.~~

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~~7 By using a process for determining eligibility for fee waivers that is completely separate from the process for determining eligibility for free meals, a district may require income verification at the time an application is submitted for a fee waiver and may do so thereafter, but not more than once every 60 calendar days. 105 ILCS 5/10-20.13-(e), amended by P.A. 96-360-, 23 Ill.Admin.Code §1.245(d). Income verification may include such things as payroll stubs, tax returns, or evidence of receipt of food stamps or Temporary Assistance for Needy Families.~~

~~An application for fee waivers that is completely separate from the application for free lunches cannot ask whether a student lives in a household that meets free lunch eligibility guidelines and request income verification with reference to free lunch eligibility guidelines. In the completely separate fee waiver application, the district should supply its own income guidelines with the same limits based on household size that are used for the federal meals program and have the parents indicate if they meet the income guidelines used to determine eligibility for fee waivers. The independent fee waiver income guidelines should not be any higher than those for eligibility for free lunch (or reduced-price, if the district voluntarily provides fee waivers for those students who qualify), but the district should not reference or indicate that the guidelines are for the free meals program. In this completely separate application process for fee waivers, the district may ask for verification, but cannot use any information it receives for fee waiver verification though this process for determining eligibility for free or reduced meals.~~

~~Alternatively, a board should replace both paragraphs in this section with the following alternative if it wants to use eligibility for free meals as the basis for waiving school fees:~~

~~The Superintendent or designee must follow the verification requirements of 7 C.F.R. 245.6a when using the free lunch or breakfast eligibility guidelines pursuant to The National School Lunch Act as the basis for waiver of the student's fee(s).~~

Determination and Appeal 8

Within 30 calendar days after the receipt of a waiver request, the Superintendent or designee shall mail a notice to the parent/guardian whenever a waiver request is denied. The denial notice shall include: (1) the reason for the denial, (2) the process and timelines for making an appeal, and (3) a statement that the parent/guardian may reapply for a waiver any time during the school year if circumstances change. If the denial is appealed, the District shall follow the procedures for the resolution of appeals as provided in the Illinois State Board of Education rule on waiver of fees.

LEGAL REF.: 105 ILCS 5/10-20.13 ~~and~~, 5/10-22.25 and 5/28-19.2.
23 Ill.Admin.Code §1.245 [may contain unenforceable provisions].

CROSS REF.: 4:130 (Free and Reduced-Price Food Services)

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

8 An ISBE rule requires that the policy state that the district will mail a copy of a denial notice within 30 calendar days after the receipt of the waiver request (23 Ill.Admin.Code §1.245(c)(3). This rule also specifies timelines and procedures, including a requirement that “the person who decides the appeal shall not be the person who initially denied the fee waiver or a subordinate of this person.” Thus, a board may be required to hear an appeal if the superintendent made the initial decision to deny a fee waiver. The board’s participation is avoided by the principal making initial fee waiver decisions and the superintendent or other main office administrator deciding the appeals.

Work Load Plan for Special Educators

The Geneseo Community Unit School District 228 (hereafter referred to as “District” in cooperation with the Geneseo Education Association (hereafter referred to as GEA), and other affected special educators employed by the District have developed the Work Load Plan for Special Educators (hereafter referred to as the “Plan”) to become effective on July 1, 2010 as set forth in the Illinois Administrative Code 23, Section 226.735.

The purpose of the Plan is to ensure that students with IEPs are provided the free, appropriate education to which they are entitled.

The purpose of this Plan is not intended to address employee assignment, job descriptions, working conditions, or other factors otherwise contained in the District 228 Board policy or the Board of Education District 228/Geneseo Education Association Professional Agreement.

The Workload Plan is an understanding of the parties and shall not be deemed to be part of, or included in, any collective bargaining agreement at the District. The Workload Plan is expressly excluded from any grievance procedure in any District collective bargaining agreement.

The purpose of this Plan is not intended to address services which may be provided to students without IEPs.

Special Educator

For the purpose of this Plan, “special educator” shall include all personnel who are directly employed by the District and who are responsible for the direct provision of special education services and/or ancillary supports to the students served in programs operated in the District. For the purpose of this Plan, the following District positions covered under this plan: Special Education Teachers, School Social Workers, Classroom Paraprofessionals, Hearing Impaired Interpreters and other positions as deemed to meet the definition of special educator as listed above.

Class Size

For the purpose of this Plan, “class size” is defined as the total number of students an educator serves during any “special education class.” When an IEP calls for placement in a “special education class,” a) the student will be placed in a class where only students with IEPs are served, b) at least one qualified special education teacher or related service provider is assigned, and c) the instruction and therapy is provided exclusively to students with IEPs.

The Geneseo Community Unit School District 228 is committed to complying with the class size limits set forth in Illinois Administrative Code 23, Section 226.730, “Class Size

for 2009-10 and Beyond.”

Under rare circumstances, exceptions to the class size limits and the definition of a special education class may be approved by the District’s Board of Education upon request of the District Superintendent. The request will be discussed in advance with the affected personnel, and when applicable, with legal counsel, parents of affected students, and other parties as necessary.

Work Load Analysis

At a minimum of one time per year, the District 228 administrative personnel, including the Case Managers will analyze and review the activities of District special educators to ensure all special education services required under student’s IEPs, as well as all needed ancillary and support services, are being provided at the requisite level of intensity. This analysis will occur no later than June 30th of each school year in preparation for each upcoming school year.

This analysis and review will include, but may not be limited to, a review of:

1. The individualized instruction being provided,
2. The required consultative services and other collaboration among staff members,
3. Attendance required at IEP meetings and other staff conferences, and
4. The paperwork and reporting obligations.

Individualized Instruction

Analysis of individualized instruction may consider:

- Direct IEP service minutes
- Intensity of service delivery
- Severity of student needs
- Interventions
- Amount of instructional services needed to meet unique needs of each student
- Lesson planning time
- Preparation and modification of instructional materials

Information may be gathered from:

- Data from state reporting (i.e., FACTS)
- Data from IEPs (i.e., Filemaker)
- Educator input

Consultative Services and Collaboration

Analysis of consultative services and collaboration among staff members may include:

- IEP consult minutes
- IEP supplementary aides and supports
- Team meetings
- Parent communication
- Communication and collaboration with private providers
- Problem-solving meetings

- Modeling and training
- Co-teaching planning periods

Information may be gathered from:

- Data from state reporting (i.e., FACTS)
- Data from IEPs (i.e., Filemaker)
- Contact Summary Forms completed by Special Educator
- Referral logs
- Available reports and forms (e.g., Medicaid Fee-for-Service records)
- Educator input

IEP Meetings and Staff Conferences

Analysis of attendance at IEP meetings and other staff conferences may include attendance at:

- Annual reviews
- Transition meetings
- Domain meetings
- Eligibility meetings
- Additional IEP meetings
- Staff conferences and departmental meetings pertaining to the planning of special education services and/or the analysis of student data

Information may be gathered from:

- State and local data reporting sources (e.g., FACTS, Filemaker, Medicaid Fee-for-Service, etc.)
- Educator input

Paperwork and Reporting

Analysis of the special educator's paperwork and reporting obligations may include:

- Estimation of time to complete IEP forms
- Estimation of time to complete quarterly goal updates
- Estimation of time to complete evaluation reports
- Estimation of time to review records
- Estimation of time to complete required reports, including Medicaid Fee-for-Service, time studies, etc.

Estimates will consider:

- Special educator's case management responsibilities (e.g., number of students case management is provided for)
- Number of students a special educator provides consultative services for
- Special educator's position of employment

Speech-Language Pathologists Caseload

The number of children served by a speech-language pathologist shall be based on the speech-language needs of each child. At no time shall the caseload of a speech-language pathologist exceed 60 students.

Reporting of Concerns Regarding Work Load by Special Educator

All concerns regarding Work Load must be made on the basis that the special educator is unable to ensure that students with IEPs, for whom the special educator is responsible for providing services to, are being provided the free, appropriate education to which they are entitled, due to the special educator's participation in the activities involving students with IEPs of those being referred and/or evaluated for special education, including: 1) individualized instruction, 2) consultative services and other collaboration among staff members, 3) attendance at IEP meetings and other staff conferences, and 4) paperwork and reporting.

Upon written request from the individual special educator, the Superintendent or his designee, must provide, within a reasonable amount of time, an explanation on the appropriateness of the educator's work load, including a general summary of factors taken into consideration in the analysis used to determine the appropriateness of the work load.

Any special educator with concerns about his or her work load should request a meeting with the District Superintendent, or his/her administrative designee. The Superintendent, or designee, shall agree to meet with the special educator within one week of the complaint. The special educator shall submit in writing a summary of his/her concerns. The Superintendent, or designee, will review the special educator's work load and will make changes, which, in the opinion and discretion of the administrator, are necessary. Information derived from the Workload survey completed by Special Educators in February, 2009 will be taken into account for each of the following areas attached: Certified Teacher, School Social Worker, and Paraprofessionals.

Board Adoption

On this __14th__ day of _October_____, __2010____, the Board of Education of the Geneseo Community Unit School District 228, adopt the Work Load Plan for Special Educators contained hereinto this document developed by the Geneseo Community Unit School District 228 and its entity's affected employees, including representatives of the Geneseo Education Association.

Signatures

School Board President

Date

Superintendent

Date

GEA President

Date

Community Relations

Advertising and Distributing Materials in Schools Provided by Non-School Related Entities

No material or literature shall be posted or distributed that would: (1) disrupt the educational process, (2) violate the rights or invade the privacy of others, (3) infringe on a trademark or copyright, or (4) be defamatory, obscene, vulgar, or indecent.

Community, Educational, Charitable, or Recreational Organizations

Community, educational, charitable, recreational, or similar groups may, under procedures established by the Superintendent, advertise events pertinent to students' interests or involvement. This may include displaying posters in areas reserved for community posters, having flyers distributed to students, or being included in the school's or District's website where appropriate. All material and literature must be student-oriented and have the sponsoring organization's name prominently displayed. **All requests to post or distribute material or literature that would: (a) disrupt the educational process, (b) violate the rights or invade the privacy of others, (c) infringe on a trademark or copyright, or (d) be defamatory, obscene, vulgar, or indecent will be rejected. Any inappropriate communication through any media will result in immediate removal from District communications.**

Commercial Companies and Political Candidates or Parties

Commercial companies may purchase space for their advertisements in or on: 1) athletic field fences, (2) athletic, theater, or music programs, (3) scoreboards, or (4) other appropriate location, provided the advertisements are consistent with administrative procedures and approved by the School Board. No Board approval is needed for commercial material related to graduation, class pictures, or class rings.

No part of the School District, including facilities, the name, the staff, and the students, shall be used for advertising or promoting the interests of any commercial company except as authorized by and consistent with administrative procedures and approved by the Board.

Material from candidates and political parties will not be accepted for posting or distribution, except when used as part of the curriculum.

LEGAL REF.: Berger v. Rensselaer Central School Corp., 982 F.2d 1160 (7th Cir. 1993), *cert. denied*, 113 S.Ct. 2344 (1993).
DiLoreto v. Downey Unified School Dist., 196 F.3d 958 (9th Cir. 1999).
Hedges v. Wauconda Community Unit School Dist., No. 18, 9 F.3d 5 (7th Cir. 1993).
Lamb's Chapel v. Center Moriches Union Free School Dist., 113 S.Ct. 2141 (1993).
Sherman v. Community Consolidated School Dist. 21, 8 F.3d 1160 (7th Cir. 1993), *cert. denied*, 114 S.Ct. 2109 (1994).

CROSS REF.: 7:325 (Student Fund-Raising Activities), 7:330 (Student Use of Buildings - Equal Access)

Adopted by Board Action 11/04/2002
Amended by Board Action 03/11/2008
Amended by Board Action 10/14/2010