



GLENBARD TOWNSHIP HIGH SCHOOL DISTRICT #87

596 Crescent Boulevard, Glen Ellyn, IL 60137-4297, (630) 469-9100, www.glenbard87.org

POLICY COMMITTEE MEETING MINUTES GLENBARD DISTRICT 87 ADMIN. CENTER

Monday, August 24, 2020

On August 24, 2020, the Policy Committee convened via Google Meet video conference. The meeting was called to order at 4:30 p.m.

In attendance:

Cindy Christensen, Committee
Jennifer Jendras, Board Member
John Kenwood, Board Member
Richard Mazzolini, Committee Member
Martha Mueller, Board Member
Josh Chambers, Asst. Superintendent HR

Janet Cook, Asst. Superintendent for
Student Services
Brady Hanson, GEA Representative
Darcy Kriha, Kriha Boucek LLC
Diana Flint, Recording Secretary

Quorum requirements were met and the meeting was able to proceed.

Approval of Minutes

The minutes of the Policy Committee meeting for July 13, 2020 were reviewed.

Action: Motion made to accept, seconded, and carried.

Public Participation

Glen Ellyn resident, Grayson Breen, asked to speak regarding 7:10-AP1, *Accommodating Transgender Students or Gender Non-Conforming Students*. Breen stated there were concerns over the suggested terminology and definition changes creating a gatekeeping effect thereby preventing some students from gaining the necessary support needed. Mr. Chambers advised that 7:10-AP1 was not going to be modified as provided in the agenda packet. An incorrect version had been included. Only portions that directly related to the requirements under Title IX were being modified and not the section in question. However, Breen could proceed in order to have the concerns noted on record. Examples were then given as: 1) Under gender cues, realizing that students may not necessarily present the same way each day; 2) biological sex should be referred to as sex assigned at birth to be less offensive; and 3) being cognizant that within the gender identity portion it talks about having evidence. Students may not have access to provide documents based on their age and possible non-parental support, as well as the cost of having legal documentation changed.

Items for Discussion:

Mr. Chambers noted that several documents within the District's policy manual were recommended for review and revision to ensure full compliance with the recent Title IX changes. In particular he called attention to new policy, 2:265, *Title IX Sexual Harassment Grievance Procedure*, along with its two correlating administrative procedures and one exhibit. All four were reviewed by the District's attorney, Darcy Kriha, who is in attendance to answer questions. A point of clarification was provided that all suggested policy revisions were recommended by P.R.E.S.S., the Illinois Association of School Board's Policy Reference Education Service Subscription.

1. Administrative Procedure 2:150-AP1, *Superintendent Committees*: The procedure was updated to incorporate designated responsibilities for potential Superintendent Committees. Mr. Chambers clarified that not all the committees noted are mandated. The District wanted to include the full list of suggested ones for future options. Concern was raised on whether the district has a medical advisor designated for certain committees. The response was that the District typically works with the health department. However, in the case of the Concussion Oversight Team, the district does have a physician who volunteers. Another concern was raised about HIPPA guidelines. The Committee was advised that the District has established protocols in place for student privacy.
2. Exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*: The exhibit was updated in response to recent revisions in the law for three areas: 1) regarding the requirement that educational technology vendors, student covered information, and data breaches be posted on the district website, 2) the requirement for districts to post their remote and blended remote learning day plans on their website, and 3) the requirement that the Title IX Coordinator's name and training materials be posted on the website.
3. Policy 2:260, *Uniform Grievance Procedure*: The policy, legal references and cross references were updated in response to new Title IX regulations and directs any sexual harassment complaints involving Title IX to new policy 2:265.
4. Administrative Procedure 2:260-AP2, *Nondiscrimination Coordinator and Complaint Manager*: The procedure now differentiates the responsibilities for each role and cross references where you would find these individuals located in other policies.
5. Policy 2:265, *Title IX Sexual Harassment Grievance Procedure*: This new policy and its correlating administrative procedures and exhibit, were created to facilitate implementation of the new Title IX regulations which require districts to take a number of actions in response to reports of sexual harassment in its education program or school activity. It also gives Title IX Coordinators the flexibility to appoint another qualified individual to conduct an

investigation. This may be appropriate when the neutrality or efficacy of the Title IX Coordinator is an issue, and/or where the District wishes to have the expertise of legal counsel. Concern was raised on Item 6 being one-sided for the respondent. It was requested that the attorney revise the language to be more neutral or equal. Concern was also raised on Item 9's verbiage shown as "clear and convincing evidence." The attorney advised that clear and convincing evidence is held to a higher standard and typically used at the collegiate level. Preponderance is normally used by K-12 schools and can be interpreted as more than 51% likely that the incident occurred. However, the District is allowed to choose the standard. Consensus was to utilize "preponderance" and to have the attorney generate a definition to include within the policy. The question was raised on whether a respondent can also hire their own investigator. The attorney advised yes, but the decision can only be based on the District's investigation and report.

6. *Administrative Procedure 2:265-AP1, Title IX Sexual Harassment Response*: This new procedure notes the District's required response to reports of sexual harassment regardless of whether a complainant files an official report or not.
7. *Administrative Procedure 2:265-AP2, Formal Title IX Sexual Harassment Complaint Grievance Process*: This new procedure notes the District's investigation and response process after a formal complaint is made. Several concerns were raised. Revise Section A, Item 1 to be more neutral and also Item 5 by changing verbiage to include preponderance to match the policy. Section C needs to be more clearly stated that the District remains neutral between the respondent and complainant until the conclusion. Section G, Item 1: Under "Action" it talks about questions on prior sexual behavior being offered to prove consent. The attorney advised that Section G, Item 1 is required under the new regulations by the Department of Education and cannot be changed. However, it does appear to conflict with policy's glossary section. She will look into this further. Concern was raised on Section G, Item 2 on the time limitation. The attorney advised that five days works within the reasonable time limits set. Families will need to be notified of this requirement.
8. *Exhibit 2:265-E1, Title IX Sexual Harassment Glossary of Terms*: This new exhibit provides a list of appropriate terminology to use and their definitions. The Committee requested that the definition for "preponderance of the evidence" be drafted by the attorney and inserted. Discussion took place on terms being more easily recognized as those used by students, for example they may use groping instead of fondling. The attorney recommended the terminology remain as written since each is defined in the statute referenced.
9. *Policy 5:10, Equal Employment Opportunity and Minority Recruitment*: Updates within the policy directly relate to changes under Title IX. It now states that the district's Nondiscrimination Coordinator will also serve as the Title IX Coordinator. The committee

was advised that HR works with adults and Student Services works with students, but both groups support each other.

10. Administrative Procedure 5:10-AP3, *Nondiscrimination Notification*: This is a Glenbard specific administrative procedure - not in PRESS that simply required a change in title for an administrator.
11. Policy 5:20, *Workplace Harassment Prohibited*: The policy was updated to expand the details regarding inappropriate conduct, how to make a complaint, and the investigation process for complaints of sexual harassment in order to comply with the Title IX changes -- it adds to the list of prohibitions and where that is covered. The second page talks more about how to make a complaint. This policy is more for the adults versus kids.
12. Administrative Procedure 5:90-AP1, *Coordination with Children's Advocacy Center*: The procedure was updated to coincide with policy 2:265. Within the procedure is a table describing who is responsible to take certain actions. It also reflects a name change from "Abused and Neglected Child Reporting" to "Coordination with Children's Advocacy Center." The Committee was advised that the procedure is basically talking about the District's responsibility to make a report anytime a staff member suspects abuse or neglect. It is much more robust than the previous procedure. Clarification was provided that the Children's Advocacy Center establishes one point of direct contact for a multidisciplinary team which includes DCFS, local law enforcement, and the State attorney's office -- the three agencies coming together. Concern was raised on Page 6, Item 1 identifying the age of consent at 13. Clarification was provided that the MHHDC (Mental Health and Developmental Disabilities Confidentiality Act) says for a child 12 and younger the parent has all the rights for consent to take a statement. When the child is 13 or older it requires the child to also give consent.
13. Policy 5:100, *Staff Development Program*: The policy had minor changes to the legal references, incorporating the Title IX grievance process.
14. Policy 7:10, *Equal Educational Opportunities*: The majority of the changes to this policy were in the legal references and cross references. One minor change was made to note that the Nondiscrimination Coordinator will also serve as the District's Title IX Coordinator.
15. Administrative Procedure 7:10-AP1, *Accommodating Transgender Students or Gender Non-Conforming Students*: It was noted that the Committee spent a great deal of time going through this procedure a year ago working on language. The red-lined version went out with an error that revised terminology and definitions on pages two and three. At this time, the District administrators believe it would be egregious to proceed with revisions on this section until it can be looked into further. The remainder of the changes with the exception of an additional item 10 shown on page 5 are recommended to align with the IL State Board of

Education non-regulatory guidance, *Supporting Transgender, Nonbinary and Gender Nonconforming Students*, and Title IX changes. References to policies 2:265, 6:60, and 7:185 have been incorporated.

16. Administrative Procedure 7:10-AP2, *Nondiscrimination Notification*: This is a Glenbard specific administrative procedure - not in PRESS that simply required a change in title for an administrator and that the HR contact be stricken since the procedure is student related.
17. Policy 7:20, *Harassment of Students Prohibited*: The policy was updated to incorporate recent changes made under Title IX and to insert contact information for the Nondiscrimination Coordinator and Complaint Manager. Concern was raised why the title, "Bullying, Intimidation, and Harassment Prohibited, was recommended to be removed. Clarification provided by the attorney was that it is all contained under the umbrella of "Harassment."
18. Administrative Procedure 7:20-AP1, *Harassment of Students Prohibited*: This new procedure informs: (1) the Building Principal of the potential steps to prevent harassment of students, and (2) staff members of the appropriate response to allegations of harassment -- who is responsible to take what action.
19. Policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*: Minor changes were made to this policy. The Nondiscrimination Coordinator and complaint managers were revised and a reference to new policy 2:265 (*Title IX Sexual Harassment Grievance Procedure*) incorporated.
20. Policy 7:185, *Teen Dating Violence Prohibited*: The policy was updated to incorporate references to 2:260 (*Uniform Grievance Procedure*), 2:265 (*Title IX Sexual Harassment Grievance Procedure*). It also connects to Erin's Law.
21. Exhibit 7:190-E2, *Student Handbook Checklist*: This is a newly suggested list of all policies and notices that schools give to their students and parents in handbooks. After review, the Committee asked the attorney to provide suggested language for student handbooks to ensure that students know they have the right to request the presence of a parent/guardian when being questioned by school personnel. The notification should be placed under the student rights section. An inquiry was raised on whether there would be links provided for the Illinois Principals Association Model Student Handbook (IPA MSH) or the Illinois Association of School Boards Policy Reference Manual (IASB PRF) shown in the table. Clarification was provided that the exhibit was for the District to identify which items to include in the student handbook, but our own policies and/or documents would be referenced.

The agenda items were recommended to be forwarded to the School Board as noted. The Policy Committee meeting adjourned at 5:38 p.m.

Signed:

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Jennifer Jendras 9/14/20
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Jennifer Jendras
Policy Committee Chairman, or acting designee