

Geneseo Community Unit School District No. 228

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Mr. Scott D. Kuffel
Superintendent

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8:95-E1

Dear Parents/Guardians:

The School Visitation Rights Act permits employed parents/guardians, who are unable to meet with educators because of a work conflict, the right to time off from work to attend necessary educational or behavioral conferences at their child's school. Please review the following copy of this Act to determine if you are entitled to a school visitation leave.

Sincerely,

Scott Kuffel
Superintendent

SCHOOL VISITATION RIGHTS ACT 820 ILCS 147

147/1. **Short title**

This Act may be cited as the School Visitation Rights Act.

147/5. **Policy**

The General Assembly of the State of Illinois finds that the basis of a strong economy is an educational system reliant upon parental involvement. The intent of this Act is to permit employed parents and guardians who are unable to meet with educators because of a work conflict the right to an allotment of time during the school year to attend necessary educational or behavioral conferences at the school their children attend.

147/10. **Definitions**

As used in this Act:

- (a) "Employee" means a person who performs services for hire for an employer for:
 - (1) at least 6 consecutive months immediately preceding a request for leave under this Act; and
 - (2) an average number of hours per week equal to at least one-half the full-time equivalent position in the employer's job classification, as defined by the employer's personnel policies or practices or in accordance with a collective bargaining agreement, during those 6 months."Employee" includes all individuals meeting the above criteria but does not include an independent contractor.
- (b) "Employer" means any of the following: a State agency, officer, or department, a unit of local government, a school district, an individual, a corporation, a partnership, an association, or a nonprofit organization.
- (c) "Child" means a biological, adopted or foster child, a stepchild or a legal ward of an employee and who is enrolled in a primary or secondary public or private school in this State or a state that shares a common boundary with Illinois.

- (d) "School" means any public or private primary or secondary school or educational facility located in this State or a state that shares a common boundary with Illinois.
- (e) "School administrator" means the principal or similar administrator who is responsible for the operations of the school.

147/15. School conference and activity leave

- (a) An employer must grant an employee leave of up to a total of 8 hours during any school year, and no more than 4 hours of which may be taken on any given day, to attend school conferences or classroom activities related to the employee's child if the conference or classroom activities cannot be scheduled during non-work hours; however, no leave may be taken by an employee of an employer that is subject to this Act unless the employee has exhausted all accrued vacation leave, personal leave, compensatory leave and any other leave that may be granted to the employee except sick leave and disability leave. Before arranging attendance at the conference or activity, the employee shall provide the employer with a written request for leave at least 7 days in advance of the time the employee is required to utilize the visitation right. In emergency situations, no more than 24 hours notice shall be required. The employee must consult with the employer to schedule the leave so as not to disrupt unduly the operations of the employer.
- (b) Nothing in this Act requires that the leave be paid.
- (c) For regularly scheduled, non-emergency visitations, schools shall make time available for visitation during regular school hours and evening hours.

147/20. Compensation

An employee who utilizes or seeks to utilize the rights afforded by this Act may choose the opportunity to make up the time so taken as guaranteed by this Act on a different day or shift as directed by the employer. An employee who exercises his rights under this Act shall not be required to make up the time taken, but if such employee does not make up the time taken, such employee shall not be compensated for the time taken. An employee who does make up the time taken shall be paid at the same rate as paid for normal working time. Employers shall make a good faith effort to permit an employee to make up the time taken for the purposes of this Act. If no reasonable opportunity exists for the employee to make up the time taken, the employee shall not be paid for the time. A reasonable opportunity to make up the time taken does not include the scheduling of make-up time in a manner that would require the payment of wages on an overtime basis. Notwithstanding any other provision of this Section, if unpaid leave under this Act conflicts with the unreduced compensation requirement for exempt employees under the federal Fair Labor Standards Act, an employer may require an employee to make up the leave hours within the same pay period.

147/25. Notification

The State Superintendent of Education shall notify each public and private primary and secondary school of this Act. Each public and private school shall notify parents or guardians of the school's students of their school visitation rights. The Department of Labor shall notify employers of this Act.

147/30. Verification

Upon completion of school visitation rights by a parent or guardian, the school administrator shall provide the parent or guardian documentation of the school visitation. The parent or guardian shall submit such verification to the employer. The State Superintendent and the Director of the Department of Labor shall suggest a standard form of documentation of school visitation to schools for use as required by this Section. The standard form of documentation shall include, but not be limited to, the exact time and date the visitation occurred and ended. Failure of a parent or guardian to submit the verification statement from the school to his or her employer within 2 working days of the school visitation subjects the employee to the standard disciplinary procedures imposed by the employer for unexcused absences from work.

147/35. Employee rights

No employee shall lose any employee benefits, except as provided for in Section 20 of this Act, for exercising his or her rights under this Act. Nothing in this Act shall be construed to affect an employer's obligation to comply with any collective bargaining agreement or employee benefit plan. Nothing in this Act shall prevent an employer from providing school visitation rights in excess of the requirements of this Act. The rights afforded by this Act shall not be diminished by any collective bargaining act or by any employee benefit plan.

147/40. Applicability

This Act applies solely to public and private employers that employ at least 50 or more individuals in Illinois, and to their employees.

147/45. Violation

Any employer who violates this Act is guilty of a petty offense and may be fined not more than \$100 for each offense.

147/49. Limits on leave

No employer that is subject to this Act is required to grant school visitation leave to an employee if granting the leave would result in more than 5% of the employer's work force or 5% of an employer's work force shift taking school conference or activity leave at the same time.

Superintendent Review August, 2009