

**ANNUAL READOPTION OF BOARD RULES AND AMENDMENT, MODIFICATION OR REPEALER  
OF CERTAIN BOARD RULES IN ACCORDANCE WITH BOARD RULE 2-19**

**THE GENERAL COUNSEL RECOMMENDS:**

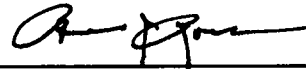
That the Board, in accordance with Board Rule 2-19, readopt its Board Rules, as amended effective August 23, 2007, with the following described amendments, modifications, repealers or suspensions thereto, which are more fully set forth in the attachment to this Board Report:

<b><u>Board Rule</u></b>	<b><u>Title</u></b>	<b><u>Action</u></b>
2-27(d)(4)	<i>Delegation of Board Authority</i>	Amend to permit the Chief Financial Officer to sign grant agreements valued under \$250,000 without approval as to legal form. Also amend to permit the Chief Operating Officer and Chief Purchasing Officer to authorize ratifications within certain dollar values and also to sign certain agreements without approval as to legal form when using the form agreement authorized by the Law Department with no changes except to add business terms.
4-3(f)	<i>Categories of Board Employees</i>	Amend to align with the rules of the Municipal Employees Annuity and Benefit Fund.
4-4(n)	<i>Employment Requirements</i>	Amend to require employees to abide by all laws, rules and regulations, including Board rules and policies, with respect to confidentiality of employee and student information/records.
4-4(o)	<i>Other Pre-Employment and Employment Requirements</i>	Amend to change subsection from (n) to (o).
5-13.1	<i>Purchase of Instructional Materials, Equipment and Supplies</i>	Amend to include a technical change noting 'categories' of materials, equipment and supplies.
6-1	<i>Admission Requirements</i>	Amend to address transfers of students under a suspension and expulsion from a charter school or schools outside District 299.
6-2	<i>Admission to Elementary School</i>	Amend to remove outdated references to sub-districts and for other minor technical changes.
6-4	<i>Exclusion during Epidemics</i>	Amend to update references to city, state and federal public health agencies.
6-5	<i>Fire Drills</i>	Amend to clarify that all employees, not just school-based employees, must observe the Chicago Fire Drill Ordinance.

<b><u>Board Rule</u></b>	<b><u>Title</u></b>	<b><u>Action</u></b>
6-8	<i>Expulsion of Pupils – Cause</i>	Amend to remove references to definitions and procedures that are otherwise outlined in the Student Code of Conduct.
6-9	<i>Suspension of Pupils – Cause</i>	Amend to remove references to definitions and procedures that are otherwise outlined in the Student Code of Conduct.
6-10	<i>Regular School Year</i>	Amend to reflect the establishment of a school calendar for year-round schools and schools operating on an alternate schedule.
6-11	<i>Certificates of Graduation from Evening Schools</i>	Repeal. The District does not operate evening elementary schools.
6-12	<i>Duties of Principals</i>	Amend to refer to the Student Code of Conduct in lieu of the Uniform Discipline Code.
6-12.1	<i>Duties of Assistant Principals</i>	Amend to remove outdated references to associate principals.
6-15	<i>Purchase of Unauthorized Books</i>	Amend to make technical change.
6-16	<i>Contributions and Presents.</i>	Amend to reference donation acceptance procedures in Board Rule 5-29 and the Policy on the Acceptance of All Grants, Gifts and Donations.
6-17	<i>Names and Addresses of Pupils Not to Be Given Out</i>	Amend to replace reference to General Superintendent with Chief Executive Officer.
6-20	<i>Holidays</i>	Amend for possible modifications to designated legal school holidays that are authorized by the Illinois State Board of Education.
6-23	<i>Dismiss Schools for Funeral Services</i>	Amend to replace reference to General Superintendent with Chief Executive Officer.
6-28	<i>LSC Member Eligibility</i>	Amend to: (i) substitute the CEO or designee for the General Counsel as the official who makes eligibility determinations; (ii) modify the appeal provisions for the CEO to receive requests to reconsider eligibility decisions; (iii) clarify that Rule is applicable to elected LSCs, appointed LSCs and Military Boards of Governors; (iv) include various technical changes.

<b><u>Board Rule</u></b>	<b><u>Title</u></b>	<b><u>Action</u></b>
6-29	<i>Loss of Local School Council Eligibility Due to Ethics Violations</i>	Amend to: (i) substitute the CEO or designee for the General Counsel as the official who makes ethics violations determinations; (ii) modify the appeal provisions for the CEO to receive requests to reconsider ethics decisions; (iii) clarify that Rule is applicable to elected LSCs, appointed LSCs and Military Boards of Governors; (iv) include various technical changes.
6-30	<i>Removal of Local School Council Members for Certain Criminal Convictions or Failure to Disclose Criminal Convictions</i>	Amend to: (i) substitute the CEO or designee for the General Counsel as the official who makes removal determinations; (ii) modify the appeal provisions for the CEO to receive requests to reconsider removal decisions; (iii) clarify that Rule is applicable to elected LSCs, appointed LSCs and Military Boards of Governors; (iv) include various technical changes.
6-31	<i>Exercise of Certain Powers of Local School Councils Lacking a Majority of Their Full Membership by the <del>Chief Education Officer</del> <u>Chief Executive Officer</u></i>	Amend to replace reference to the Chief Education Officer with the Chief Executive Officer or designee to authorize action when an LSC lacks a majority.
6-32	<i>Change of an Attendance Center's Local School Council Election Date</i>	Amend to replace reference to General Superintendent with Chief Executive Officer.

Respectfully Submitted: 



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**Patrick J. Rocks**  
**General Counsel**

**CHAPTER II**  
**CONDUCT OF THE BUSINESS OF THE**  
**BOARD OF EDUCATION**

**Sec. 2-27. Delegation of Board Authority.**

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d. *Delegation of Authority to Act.* The Board hereby delegates the following specific authority to the following Officers or their respective designees with respect to making and executing certain agreements, which authority may be exercised without prior Board action or approval. This authority includes the authority to ratify agreements with the scope of the authority delegated in this section. All authority exercised by the Officers pursuant to this Rule shall be reported to the Board on a monthly basis. ~~All of the actions/purchases authorized and taken below shall only be for matters that are presented timely to such officer for future action/purchase. Any and all requests for ratification of an action/purchase already taken which are required to have prior Board approval and/or approval from the respective officers, shall be submitted to the Board for approval or denial, regardless of the dollar amount.~~

1. The Chief Executive Officer has the authority to authorize and execute any and all intergovernmental agreements and other miscellaneous types of agreement that have no financial impact on the Board, subject to approval as to legal form by the General Counsel.

2. The Chief Operating Officer has the authority to authorize and execute any and all real property leases/licenses where the Board is the landlord/licensor, with a term less than ten (10) years, regardless of the dollar amount, subject to approval as to legal form by the General Counsel (except for leases/licenses at 125 S. Clark Street, Chicago, Illinois, which require prior Board approval), provided however that the Chief Operating Officer or designee may authorize and execute such leases/licenses with no further approval from the General Counsel when using the form agreement established by the Law Department with no modifications thereto other than to include business terms; and Further, the Chief Operating Officer has the authority to authorize and execute all real property leases/licenses where the Board is the tenant/licensee, the term is less than ten (10) years, and the dollar amount for the term of the lease/license is \$75,000 or under, subject to approval as to legal form by the General Counsel.

3. The Chief Education Officer has the authority to authorize and execute any and all educational and/or programmatic agreements, including payment of tuition, that have a financial impact on the Board between \$25,001 and \$75,000, subject to approval as to legal form by the General Counsel.

4. The Chief Financial Officer has the authority to accept any and all grants, donations and gifts of any dollar amount; to refund any unspent dollars from grants, donations or gifts. The Chief Financial Officer together with the head of the department receiving the grant, donation or gift have the authority to jointly execute any and all grant, donation or gift acceptance agreements and amendments related thereto required by any grantor, donor or giftor, including agreements to indemnify the grantor with respect to performance of the grant, provided however that any grant, donation or gift acceptance agreements and amendments related there to with a value of \$250,000 or more shall be subject to approval as to legal form by the General Counsel; ~~The Chief Financial Officer together with the head of the department receiving the grant have the authority and also~~ to provide such additional information, assurances and certifications as are necessary in connection with such grant. For grants, gifts and donations and refunds of same, the Chief Financial Officer shall report to the Board on a monthly basis all grants, gifts and donations received in excess of \$50,000, and all refunds of unspent grants, gifts or donations in excess of \$5,000.

5. The Chief Purchasing Officer has the authority, subject to approval as to legal form by the General Counsel, to authorize and execute any and all of the following purchasing agreements when provided such purchases are made in accordance with the Board Rules set forth in Chapter V, provided however that the Chief Purchasing Officer may authorize and execute such purchasing agreements with no further approval from the General Counsel when using the form agreement established by the Law Department with no modifications thereto other than to include business terms:

- a) Non-biddable Items (as defined in Section 5-4) that cost between \$25,001 and \$75,000;
- b) Options to renew and/or mutually-agreed-to renewals of Nonbiddable Items that cost between \$25,001 and \$75,000;
- c) Amendments to Contracts of any dollar amount for Nonbiddable Items, which amendments have no additional financial implications; and
- d) Amendments to Contracts for Non-biddable Items initially costing \$75,000 and under, which amendments do not increase the total obligation to more than \$75,000.

6. The General Counsel has the authority to authorize and execute any and all agreements and documents regarding the following:

- a. access and right of entry to property which may include indemnification;
- b. indemnification related to agreements for the purchase, sale, use, occupancy, license or lease of real estate;
- c. zoning, taxes and other governmental petitions and requests; and,
- d. other legal matters having no direct financial impact on the Board.

## CHAPTER IV

### PERSONNEL POLICIES

**Sec. 4-3. Categories of Board Employees.** Board employees shall be categorized as Teachers, Principals, Assistant Principals, Certificated Administrators, Educational Support Personnel, or Miscellaneous Employees, as defined below. The Chief Executive Officer or his/her designee may create additional categories of employees, as he/she deems necessary. The Chief Executive Officer or his/her designee may create a classification system and job titles within employee categories for purposes of assignment, pay and benefits.

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f. *Miscellaneous Personnel.* Miscellaneous personnel are employed at will on a seasonal, casual, short-term and/or temporary basis and are ineligible for employee benefits, including but not limited to paid sick, personal and vacation benefit days and any Board-sponsored employee health, dental, life or other benefit program. Miscellaneous personnel shall not work more than twelve hundred (1200) hours in a calendar year. Miscellaneous personnel shall be members of the Municipal Employees', Officers' and Officials' Annuity and Benefit Fund of Chicago except for the following groups of miscellaneous personnel:

- 1. Miscellaneous personnel are employed for less than seven hundred (700) hours in any calendar year, if paid on an hourly basis; or
- 2. Miscellaneous personnel are employed for less than four (4) months or less, if paid on monthly basis; or
- 3. Miscellaneous personnel are employed for less than one hundred (100) days or less, if paid on daily basis; or
- 4. Miscellaneous personnel are employed by another unit of local government and, in connection with that employment, are participating in or receiving an annuity from one of the following City of Chicago municipal pension funds: the Municipal Employees' Officers' and

Officials' Annuity and Benefit Fund of Chicago, and the Laborers' and Retirement Board Employees' Annuity and Benefit Fund of the City of Chicago, Policemen's Annuity and Benefit Fund of the City of Chicago, Firemen's Annuity and Benefit Fund of the City of Chicago; or,

- 5. Miscellaneous personnel are receiving a pension or annuity, other than widow's or child's annuity, from any municipal pension fund the Chicago Teachers Pension Fund, who are employed in a capacity for which the Board requires certification from the Illinois State Board of Education.

Effective October 1, 2007, the Board shall not employ a retired Board employee who is drawing an annuity from the Municipal Employees' Officers' and Officials' Annuity and Benefit Fund of Chicago as an employee in the category of miscellaneous personnel.

**Sec. 4-4. Employment Requirements.** Board employees must conduct themselves in a manner that is consistent with the Board's status as a publicly financed primary and secondary educational institution, and with the Board's mission to provide a high quality public education to the children of the City of Chicago. Accordingly, all applicants for employment and employees shall be subject to the following requirements:

...

- n. Employees' duty to maintain confidential records. All employees must comply with all laws, rules and regulations, including Board rules and policies, governing confidentiality of student, employee and family records and information, including but not limited to, the Family Educational Rights and Privacy Act, the Illinois School Student Records Act, the Americans with Disabilities Act, the Illinois Human Rights Act and the Health Insurance Portability and Accountability Act. The Board or the Chief Executive Officer or designee shall establish standards and guidelines concerning student, employee and vendor access to and maintenance and destruction of confidential records and information. For purposes of this Rule, "records and information" include documents, audio-visual recordings, and data stored and accessed electronically.

- no Other Pre-Employment and Employment Requirements. The Board or the Chief Executive Officer or the Chief Executive Officer's designee may establish other hiring and employment criteria and eligibility requirements that are consistent with the position occupied or applied for, the Board's Rules and policies, public policy and local, state and federal law.

## CHAPTER V

### ADMINISTRATIVE AND FINANCIAL POLICIES

#### **Sec. 5-13.1. Purchase of Instructional Materials, Equipment and Supplies.**

To maximize autonomy and decision-making responsibility of local schools and their respective Local School Councils, local schools shall be authorized to recommend and direct the purchase for \$10,000 or less of instructional materials, equipment and supplies. The recommendation made by each Local School Council shall be implemented. The proposed purchase must be in accordance with generally applicable requirements approved by the Chief Purchasing Officer.

All such purchases of instructional materials, equipment and supplies shall be made only pursuant to a purchase order approved by the Chief Purchasing Officer.

The Chief Purchasing Officer or his/her designee shall prepare and circulate to local schools a list of pre-qualified vendors offering volume discounts and shall encourage the use of such vendors. Nevertheless,

each principal and local school council shall retain the authority to recommend the purchase of instructional materials, equipment and supplies from any vendor, except for such categories of materials, equipment and supplies that are subject to the Board's Strategic Sourcing Policy.

## CHAPTER VI

### SCHOOL POLICIES

**Sec. 6-1. Admission Requirements.** No person shall be admitted to any school under the jurisdiction of the Board of Education without meeting the requirements for admission. No person seeking admission into any Chicago Public School who has been suspended or expelled for any reason from any public school in Illinois or any other state may be admitted without first completing the entire term of the suspension or expulsion, except on a case by case review by the Chief Education Officer or designee. Students who have been suspended or expelled from a private school, charter school or public school outside District 299 may not be allowed to enroll in a Chicago Public School if they were suspended or expelled for an offense for which expulsion is a possible sanction according to the Chicago Public Schools Student Code of Conduct ~~Uniform Discipline Code~~.

**Sec. 6-2. Admission to Elementary School.** All children residing in the City of Chicago ~~within the limits of the city who are not otherwise disqualified~~ shall at the beginning of the school year enter kindergarten or first grade if they will have reached the age of five or six years, respectively, on or before September 1. The principal of the elementary school in the attendance area ~~sub-district~~ in which the student resides shall require the parent/legal guardian/temporary custodian to present a birth certificate, baptismal record, or other satisfactory evidence of the date ~~and place~~ of birth. The parent/legal guardian/temporary custodian must also produce proof of residence ~~resident~~ and medical compliance. Lack of proof of residency for homeless students may not be used to exclude them from school. Homeless students must be enrolled in accordance with the Chicago Public Schools' Policy and Procedures on Education of Homeless Children and Youth, 96-1120-PO3, as may be amended.

**Sec. 6-3. Admission to High Schools.** Pupils who have been graduated from ~~accredited elementary schools~~ shall be admitted to a the high schools in the District ~~without further examination; Students who did not graduate from an elementary school and high school transfer students all other candidates for who seek~~ admission to high school may be required to submit school records to evaluate appropriate placement and transfer of course credit, if applicable, and may also be required to take an examination, for evaluation purposes only, for evaluation purposes only, which shall to be conducted in accordance with the ~~regulations~~ policies established by the Board of Education.

**Sec. 6-4. Exclusion During Epidemics.** ~~The Chief Executive Officer~~ General Superintendent of Schools ~~in consultation with a city, state or federal public health departments or agencies~~ shall have the power and duty ~~whenever there shall be brought to the attention of the General Superintendent of Schools upon~~ reasonable evidence that an epidemic of any contagious or infectious disease is prevalent or that an epidemic of such is impending, to exclude temporarily all pupils and employees from the public schools serving the community where the disease has appeared. Such evidence, in order to be considered reasonable, shall be brought to the attention of the ~~Chief Executive Officer~~ General Superintendent of Schools ~~or a city, state or federal public health departments/agencies, the Medical Director of the Division of Medical and School Health Services by the Health Commissioner of the City of Chicago.~~ In reaching the decision to close a school or schools or to exclude any significant number of pupils, the ~~Chief Executive Officer~~ General Superintendent of Schools, in consultation with a city, state or federal public health departments or agencies ~~the Medical Director and Coordinator of School Nurses in the Division of Medical and School Health Services~~, shall consider the nature of the communicable disease, the nature of the preventive vaccine or toxoid, and the results of a survey showing the percentage of students and employees who have been inoculated.

**Sec. 6-5. Fire Drills.** ~~All employees Principals and directors of schools~~ shall strictly observe the Fire Drill Ordinance of the City of Chicago and the regulations with regard to emergency and fire drill dismissals as directed by the ~~Chief Executive Officer~~ General Superintendent of Schools.

**Sec. 6-8. Expulsion of Pupils - Cause.** Expulsion for a pupil without a disability is a suspension for a period exceeding ten consecutive school days. Expulsion for a student with a disability is a suspension for a period exceeding ten school days in a school year. For a pupil with a disability, a prior determination that the behavior is unrelated to the pupil's disability is a prerequisite for expulsion. However, in all cases, a free appropriate public education must be made available to all students with disabilities expelled from school. Whenever a pupil in any school is found guilty of gross disobedience, misconduct or other violation as defined by the Student Code of Conduct of the by-laws, Rules and Regulations of the Board of Education of the City of Chicago, the pupil may be expelled from school. ~~"Gross disobedience, misconduct or other violation of the by-laws, Rules and Regulations of the Board of Education" includes the commission of any criminal offense, behavior which injures persons or property, incidents of verbal disrespect or defiance of the authority of principals, teachers and other school personnel, or other act of conduct detrimental to the good order or discipline of the school as defined in the Student Code of Conduct.~~ The parent or guardian shall be requested to appear at an expulsion hearing before a hearing officer to discuss the pupil's behavior. Such request shall be made by registered or certified mail and shall state the time, place, and purpose of the hearing.

The hearing officer shall report to the Chief Executive Officer or designee a written summary of the evidence taken at the hearing together with the hearing officer's recommendations thereon. If the hearing officer recommends that the pupil be expelled, the hearing officer shall state the reasons for the recommendation and the proposed period of time that the student should be expelled from school, date upon which the student may return to school. The Chief Executive Officer or designee shall determine the appropriate disciplinary action upon the summary and recommendations of the hearing officer. No pupil may be expelled except by the decision of the Chief Executive Officer or designee. The parent or guardian of an expelled student shall have the right to appeal the expulsion decision to the Chief Executive Officer or designee.

Pupils ~~without a disability~~ referred for expulsion whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately reassigned to an alternative school. Procedural safeguards under the Individuals with Disabilities Education Act Amendments of ~~1997~~ 2004 apply to students with disabilities.

**Sec. 6-9. Suspension of Pupils – Cause.** For gross disobedience, misconduct, or other violation as defined by the Student Code of Conduct of the by-laws, Rules and Regulations of the Board of Education of the City of Chicago, a pupil may be suspended temporarily by the principal for a period not exceeding ten consecutive school days for each offense. For a pupil with a disability, the pupil may be suspended for a period not exceeding ten school days in a school year, except where the school has consulted with and received approval from the Chief Specialized Services Officer or their designee. ~~"Gross disobedience, misconduct or other violation of the by-laws, Rules and Regulations of the Board of Education of the City of Chicago," includes the commission of any criminal offense, behavior which injures persons or property, incidents of verbal disrespect or defiance of the authority of principals, teachers and other school personnel, or other act or conduct detrimental to the good order or discipline of the school as defined in the Student Code of Conduct.~~ Every such suspension shall be reported immediately to the Area Instruction Officer or their designee and also to the parent or guardian of the pupil, with a full statement of the reasons for such suspension and also reported to the Area Instruction Officer. The parent or guardian of a suspended student shall have the right to appeal the suspension decision to the appropriate Area Instruction Officer or designee. The Area Instruction Officer or their designee shall have authority to review the action of the principal and make a final determination as to the suspension of the student.

Prior to any suspension, the student shall be given oral or written notice of the charges against the student and an informal hearing with an explanation of the basis of the charge and an opportunity to explain his/her version of the facts. Students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school. In such cases, the necessary notice and informal hearing should follow as soon as practicable.



**Sec. 6-10. Regular School Year.** The regular school year shall begin as approved by the Board in the Annual Regular School Year Calendar, the Annual Year-Round School Calendar and the Calendar for Schools Operating on an Alternate Schedule. ~~and shall consist of nine school months of four weeks each, plus one school month of three weeks for a total of 39 weeks.~~

~~**Sec. 6-11. Certificates of Graduation from Evening Schools.** Students who complete satisfactorily the course prescribed for graduation from the elementary evening schools shall receive certificates of graduation, entitling the holding to admission to the day or evening high schools. Repeal~~

**Sec. 6-12. Duties of Principals.** Principals of schools are the responsible administrative heads of their respective schools and are charged with the organization, supervision, administration, and discipline thereof. They shall establish and enforce such regulations, not contrary to the Rules of the Board of Education, the Student Code of Conduct Uniform Discipline Code, or the regulations of the Chief Executive Officer General Superintendent of Schools, as in their judgment may be necessary for the successful conduct of their schools.

**Sec. 6-12.1. Duties of Assistant Principals.** Assistant Principals shall take charge of their respective schools when their principals and associate principals (in schools to which associate principals are assigned) are absent from the building for any reason. Assistant Principals shall be subject to the supervision of the principal and associate principals (in schools to which associate principals are assigned) and shall perform such duties the principal or associate principals (in school to which associate principals are assigned) may direct. Such duties may include, but are not limited to, providing assistance in the organization, supervision, administration, and discipline of the schools. In the event there are multiple Assistant Principals in a school and the principal is and associate principal (in schools to which associate principals are assigned) are both absent, the principal shall designate which Assistant Principal shall be in charge.

**Sec. 6-15. Purchase of Unauthorized Books.** Principals and teachers shall not request or advise pupils to purchase, for use in the schools, any book, pamphlet, or publication which the Board of Education has not approved.

**Sec. 6-16. Contributions and Presents.** Employees and Local School Council members can solicit contributions for the school, either in money or in kind, but ~~only the General Superintendent can authorize the acceptance of the contribution shall be made in accordance with Board Rule 5-29 and the Board's Policy on the Acceptance of All Grants, Gifts and Donations.~~

**Sec. 6-17. Names and Addresses of Pupils Not To Be Given Out.** No employee shall give out names and addresses of pupils or their parents or any information contained in school records, except as authorized by the Chief Executive Officer General Superintendent of Schools or the General Counsel, or their designees.

**Sec. 6-20. Holidays - Schools.** The schools shall be closed on the following legal holidays occurring when schools are in session: January 1 (New Year's Day); the third Monday in January (the birthday of Dr. Martin Luther King, Jr.); February 12 (Lincoln's birthday); the third Monday in February (President's Day); the first Monday in March (the birthday of Casimir Pulaski); the last Monday in May (Memorial Day); July 4 (Independence Day); the first Monday in September (Labor Day); the second Monday in October (Columbus Day); November 11 (Veteran's Day); and the day appointed by the President of the United States or the Governor of the State of Illinois as a day of fast or thanksgiving, the fourth Thursday in November (Thanksgiving Day); December 25 (Christmas Day); and also on the day following Thanksgiving Day. When any such holidays fall on Sunday, the Monday next following shall be held and considered such holidays; ~~or if~~ If unanticipated school dismissal becomes necessary, school holidays may be adjusted to ensure that the minimum number of pupil attendance days are scheduled and held pursuant to the Illinois School Code, Section 10-19 and the adjustment shall be implemented consistent with collective bargaining agreements. If the Illinois State Board of Education authorizes modifications to the designated legal school holidays, the modification(s) shall be implemented, upon Board approval, at individual schools consistent with collective bargaining agreements.

**Sec. 6-23. Dismiss Schools for Funeral Services.** The Chief Executive Officer General Superintendent of Schools, with the approval of the President, may, in case of the death of the principal, dismiss a school during the session when the funeral service is held and may grant permission for other principals to be absent from their schools to attend the funeral services.

In case of the death of a teacher, the Chief Executive Officer General Superintendent of Schools may permit a delegation of two teachers and the principals to be absent from school to attend the funeral services without loss of salary.

**Sec. 6-28. LSC Member Eligibility.**

A. Definitions

Wherever used in this Section, the following words and phrases shall have the following meaning:

Parent: Means a (a) biological or adoptive parent, (b) stepparent or (c) legal guardian of an enrolled student of an attendance center.

Stepparent: means a person who is (a) married to the child's parent, (b) resides with the child and (c) exercises care and custody of the child. In order to establish that he/she exercises care and custody of a child, the stepparent must provide: (i) a marriage certificate, and (ii) a sworn affidavit by the biological parent attesting that the stepparent, in conjunction with the parent, does exercise care and custody of the child. Other evidence that may demonstrate care and custody includes but is not limited to the following: (iii) the child is declared as a dependent on the stepparent's most recent income tax return; (iv) the child is covered under the stepparent's health insurance; or (v) the child is listed as the stepparent's child for Medicare, Social Security, Medicaid or other public aid programs. This Board Rule shall not be construed to give stepparents any right of to access to student records except as provided in the Illinois School Student Records Act (105 ILCS 10/1 et seq.).

Legal guardian: means a person who has been ~~(a) formally appointed guardian of a child by a court of competent jurisdiction, or (b) a foster parent appointed by the Department of Children and Family Services.~~

Local School Council or LSC: means an elected Local School Council or an appointed Local School Council or Board of Governors, except when otherwise noted.

Employed at the School: Means ~~any person, including an employee of a third party, who is receiving~~ to receive compensation and acting under the direction and supervision of a principal or his/her designee who oversees the detail of the person's work. An employee of a third party may not serve on a local school council at a school at which he or she is employed, however, he or she may be eligible to serve at another school.

Employed by the Board of Education: Means to be ~~any person~~ in the employ of the Board of Education whether or not employed at the school.

~~Child-enrolled~~ Enrolled in a school: means that the student is currently attending the school at which the parent or legal guardian serves.

Graduation is on the last day of the academic school year or semester and not on the date of a graduation ceremony or commencement exercise. Pursuant to the Illinois School Code, the last day of the academic year or semester is determined by the Chicago Board of Education.

## B. Eligibility

Persons who have been elected to serve on a Local School Council (LSC) may serve and continue to serve for the length of their term provided they meet and continue to meet the eligibility requirements set forth below.

1. A person may serve and continue to serve as a parent representative as long as he/she:
  - (i) has a child enrolled in the school in which he/she serves;
  - (ii) is not employed at the school in which he/she serves; and
  - (iii) is not employed by the Board of Education.

If a parent representative of a Local School Council ceases or fails to have a child enrolled in the school at which membership on the Local School Council at which he/she serves, for reasons other than graduation or voluntary transfer of the child, or becomes an employee of the Board of Education, the parent's membership on the local school council and all voting rights shall be terminated immediately upon the written determination of ineligibility by the General Counsel following the challenge procedures set forth below. In cases where the parent representative's membership ends due to graduation of his or her child, he or she serves until the end of the school year or semester in which his or her child graduates. In cases where the parent representative's membership ends due to the voluntary transfer of the child, the parent's membership and voting rights shall be terminated as of the date of the transfer.

2. A person may serve and continue to serve as a community representative as long as he/she:
  - (i) resides in the attendance area served by the school;
  - (ii) is not employed at the school in which he/she serves;
  - (iii) is not employed by the Board of Education; and
  - (iv) is not a parent of a student enrolled at the school.

If a community representative ceases to reside within the attendance area or voting boundaries of, or has a child enrolled in, the school at which he/she serves, or becomes an employee of the school or Board of Education, his or her membership on the Local School Council and all voting rights are terminated immediately upon the written determination of ineligibility by the ~~General Counsel~~ Chief Executive Officer or designee following the challenge procedures set forth below.

3. A teacher representative may continue to serve as long as he or she is employed and assigned to perform a majority of his or her duties at the school, provided that if a teacher representative resigns from employment with the Chicago Board of Education or voluntarily transfers to another attendance center, the teacher's membership on the Local School Council and all voting rights are terminated immediately as of the date the teacher's resignation is received by the Board of Education, or the effective date of the teacher's voluntary transfer to another attendance center.

If a teacher representative resigns from employment with the Board or voluntarily transfers to another attendance center or is absent from employment at the school for an extended and defined period of time due to illness, disability, leave of absence, the initiation of dismissal proceedings, or any other reason, the Board will declare a temporary vacancy and appoint an interim teacher representative following a non-binding poll until such time as the teacher representative returns to his or her duties at the school or for the remainder of the term. ~~The~~ the principal shall notify the Office the Chief Executive Officer of a teacher representative's permanent or temporary extended absence. The Office of the Chief Executive Officer shall certify that a ~~temporary~~ temporary vacancy exists in such teacher representative's position. When a vacancy is certified, the Office of the Chief Executive Officer shall issue a letter to the principal and the local school council advising the school to initiate a non-binding staff ~~the~~ advisory poll. The school shall forward the results of the poll to the Office of Local School Council Relations in a timely manner. After receipt of the results, the Board will declare the existence of a permanent or temporary vacancy in the teacher representative's position and will appoint a replacement teacher representative for the remainder of the term or until such time as the absent teacher resumes service at the attendance center.

C. Audit of Records

The ~~Secretary of the Board shall~~ Chief Executive Officer or designee may periodically cause to be reviewed pertinent records relating to individual LSC members in order to discover any relevant changes in an LSC member's eligibility. If such a review indicates that an LSC member does not meet the eligibility criteria in this Board Rule, an investigation shall be conducted in accordance with the local school council member removal procedures set forth below.

D. Local School Council Removal Procedures

1. Any person may challenge the eligibility of an LSC member based on the eligibility criteria in this Board Rule. Challenges shall be in writing and shall include:
  - a. the name, address, and phone number of the person filing the challenge;
  - b. a statement of facts upon which the challenge is based and any evidence which supports the challenger's position.
2. In cases where an allegation of ineligibility under this Board Rule is made by another LSC member or an employee of the Board, the identity of the LSC member or Board employee may not be disclosed during any investigation of the allegation without his or her written consent. 105 ILCS 5/34-2.4(c) ("Whistle Blower Protection").
3. In addition, the Board, its agents and employees, may act upon anonymous challenges, personal knowledge or other information of council members' ineligibility including, but not limited to, the audit of records described above. A Board employee or agent with information indicating that an LSC member is not eligible under this Board Rule may initiate an investigation by submitting a written request for investigation to the Law Department.
4. Filing of Challenges - Challenges and requests for investigation pursuant to this Rule shall be filed with the Law Department.
5. Investigation of Ineligibility - The General Counsel shall review challenges and requests for investigation. If the General Counsel determines that the challenge or request has merit, the General Counsel ~~may shall~~ refer the matter for investigation if additional information is required. The information provided by the challenger(s) and the results of any the investigation shall be reviewed by the General Counsel. If the results of the investigation indicate that the LSC member may be ineligible, the General Counsel shall convene a hearing to afford the General Counsel's representative the opportunity to present evidence of ineligibility and the concerned council member an opportunity to personally present statements and evidence on his or her behalf. The concerned council member shall be notified in writing of the date, time, and place of the hearing, of his or her right to have a representative at the hearing, and the specific basis for his or her alleged ineligibility.
6. A hearing officer shall conduct a hearing and shall afford the General Counsel's representative the opportunity to present evidence of ineligibility and the concerned council member an opportunity to personally present statements and evidence substantiating his/her eligibility to serve on the council. The General Counsel shall have authority to promulgate rules, including, but not limited to, rules of procedure, procedural manuals and rules of evidence, to govern hearings under this Rule. As soon as possible after the conclusion of the hearing, the hearing officer shall make a recommended finding to the Chief Executive Officer or designee ~~General Counsel~~ regarding the council member's eligibility.
7. The Chief Executive Officer or designee ~~General Counsel~~ shall decide the question of the council member's eligibility. If the Chief Executive Officer or designee ~~General Counsel~~ finds that the concerned council member is ineligible to serve based on the eligibility criteria in this Board Rule, the Chief Executive Officer or designee ~~General Counsel~~ shall declare the

member ineligible and a vacancy on the council which shall be effective on the date the declaration is issued. However, the vacancy may be filled only after: (1) the concerned council member fails to ~~appeal~~ request reconsideration within the time allowed; or (2) the concerned council member's ~~appeal~~ request for reconsideration is denied.

8. Notice of Declaration of Vacancy - The Chief Executive Officer or designee ~~General Counsel~~ shall forward the determination to each challenger and challenged LSC member in writing by regular and certified mail and to the affected LSC by regular mail.

E. Appeal Process Request for Reconsideration

1. Within thirty (30) days ~~after of the date of a the~~ Ddeclaration of Vvacancy by the Chief Executive Officer or designee ~~General Counsel~~, the challenged LSC member may submit a request to reconsider to file an appeal of that decision with the Chief Executive Officer or designee. Failure to request reconsideration ~~file an appeal~~ within 30 days after the declaration of the vacancy will render the declaration of vacancy ~~to be a~~ as final decision. The request for reconsideration ~~appeal~~ should state specific reasons or grounds for rescinding the Chief Executive Officer or designee's ~~General Counsel's~~ prior determination concerning the council member's eligibility.
2. The Chief Executive Officer or designee shall review the determination. New evidence not readily available at the time that the challenge was filed may be submitted. The decision of the Chief Executive Officer or designee shall be final and shall be forwarded to the challenger, the challenged LSC member, and the affected Local School Council.

F. Appointment to Vacancy

If a challenged parent or community LSC member is found to be ineligible to serve on the elected Local School Council pursuant to this process and a vacancy is declared, the LSC shall ~~proceed to~~ fill the vacancy by appointment of a qualified person who meets the eligibility requirements.

If a challenged teacher or student LSC member is determined to be ineligible to serve on the elected Local School Council and a vacancy is declared, the Board shall fill the vacancy by appointment of a qualified person who meets the applicable eligibility requirements after a non-binding advisory poll of school staff or students, whichever is appropriate.

If a challenged member to an appointed Local School Council or Board of Governors is determined to be ineligible to serve on the council or board and a vacancy is declared, the Board shall fill the vacancy by appointment in accordance with the Board's Policy on Governance of Alternative and Small Schools.

**Sec. 6-29. Loss of Local School Council Eligibility Due to Ethics Violations.**

For purposes of this Rule, references to Local School Council ("LSC") shall mean an elected Local School Council or an appointed Local School Council or Board of Governors except when otherwise noted herein.

A. Challenges to Local School Council Members' Eligibility Based on Ethical Violations

1. Any person may challenge a Local School Council member's eligibility to serve based on ethical violations. Filing a false Statement or failure to comply with the Board's Code of Ethics Policy may be grounds for disqualification from the serving on any Local School Council for the remainder of the concerned member's term(s) of office. A challenge ~~Challenges~~ shall be in writing and shall include: ~~may be filed with either the Law Department or the CPS Ethics Manager.~~
2. ~~All challenges should include:~~
  - a. the name, address, and phone number of the person filing the challenge;

- b. a statement of the facts upon which the challenge is based ~~challenger formed the belief that the council member being challenged is no longer eligible to serve;~~ and
- e. any evidence which supports the challenger's position.

2. If the person filing the challenge is a Board employee or Local School Council member, his/her identity shall not be disclosed pursuant to section 5/34-2.4(c) of the Illinois School Code without prior written consent. 105 ILCS 5/34-2.4(c) ("Whistleblower Protection"). In cases where an allegation of an ethical violation under this Board Rule is made by another LSC member or an employee of the Board, the identity of the LSC member or Board employee may not be disclosed during an investigation of the allegation without his or her written consent. 105 ILCS 5/34-2.4(c) ("Whistle Blower Protection").

3. In addition, the Board, its agents and employees, may act upon: (i) anonymous information regarding council members' ~~eligibility based on~~ ethical violations; or (ii) personal knowledge or other information of ethical violations by council members obtained by Board agents or employees. A Board employee or agent with information of an ethical violation by an LSC member may initiate an investigation by submitting a written request for investigation to the Law Department.

4. Filing of Challenges – Challenges, requests for investigation and reports of LSC members' ethical violations may be filed with the Law Department or the Board's Ethics Manager.

4.5. Investigation of Ethical Violations. The General Counsel shall review challenges based on ethical violations, requests for investigation of alleged ethical violations and reports of such violations received from Board agents or employees or anonymous sources shall be reviewed by the General Counsel. If the General Counsel determines that there is merit to the challenge, request or report has merit, he/she shall refer the challenge, request or report for investigation. The General Counsel shall review the results of the investigation. If the results of the investigation indicate that the LSC member may have committed an ethical violation, the General Counsel shall convene a hearing to afford the General Counsel's representative the opportunity to present evidence of ethical violations and determines that there is merit to the challenge or report as revealed by the investigation, the concerned council member shall be afforded an opportunity to personally present statements and evidence on his or her behalf at a hearing conducted by a hearing officer. The concerned council member shall be notified in writing of the date, time, and place of the hearing, of his or her right to have a representative of his or her choice at the hearing and of the specific provisions of this Rule or the Board's Code of Ethics Policy which he or she is alleged to have violated. As soon thereafter as possible, the hearing officer shall make findings whether: (i) the council member is in violation of the Code of Ethics or this Rule; and (ii) should be disqualified from the Local School Council. The hearing officer shall forward his/her findings to the Board's General Counsel, who will rule upon the hearing officer's recommendations.

6. A hearing officer shall conduct a hearing and shall afford the General Counsel's representative the opportunity to present evidence of ethics violation(s) and the concerned council member an opportunity to personally present statements and evidence regarding the allegations of ethics violations. The General Counsel shall have authority to promulgate rules, including, but not limited to, rules of procedure, procedural manuals and rules of evidence, to govern hearings under this Rule. As soon as possible after the conclusion of the hearing, the hearing officer shall make a recommended finding to the Chief Executive Officer or designee regarding the alleged ethical violation.

7. The Chief Executive Officer or designee shall decide the question of whether an ethics violation occurred. If the Chief Executive Officer or designee finds that an ethical violation has occurred, the Chief Executive Officer or designee shall declare the member ineligible effective on the date the declaration is issued. The vacancy on the council which shall be effective on the date the declaration is issued. However, the vacancy may be filled only after: (1) the concerned council member fails to request reconsideration within the time allowed, or (2) the concerned council member's request for reconsideration is denied.

B. Declaration of Vacancy

When a council member has been afforded a hearing pursuant to this Rule and the Chief Executive Officer or designee General Counsel has found that he or she should be disqualified from the Local School Council based upon a violation of the Code of Ethics or this Rule, the Secretary of the Board shall forward a Declaration of Ineligibility and a Declaration of Vacancy to the concerned council member and Local School Council by certified and regular mail to the council member's last known address and to the affected LSC by regular mail, the school where he or she serves. The vacancy shall be effective on the date the declaration is issued. However, the vacancy may be filled only after: (1) the concerned council member fails to appeal request reconsideration within the time allowed; or (2) the concerned council member's appeal request for reconsideration is denied.

C. Appeal Process Request for Reconsideration

1. Within thirty (30) days of the date of a Declaration of Vacancy based upon a ruling by the Chief Executive Officer or designee General Counsel, the challenged council member may submit a request to reconsider to file an appeal with the Chief Executive Officer or designee. The appeal request for reconsideration should state specific reasons or grounds for rescinding the Chief Executive Officer's or designee's General Counsel's prior determination concerning the council member's eligibility. New evidence not readily available at the time that the challenge was filed may be submitted.

2. The Chief Executive Officer or designee shall review the request for reconsideration appeal and issue a final determination.

3. The Secretary of the Board shall forward the final determination to the challenger, if any, and the challenged council member and the concerned Local School Council by certified and regular mail to the concerned council member's last known address and to the affected LSC by regular mail, the school where he or she serves.

4. Failure to file an appeal a request for reconsideration within the time allowed will render final a Declaration of Vacancy based upon a ruling by the Chief Executive Officer or designee General Counsel.

D. Statement of Economic Interests Filing Requirements

Failure to timely file a Statement of Economic Interests (hereinafter "Statement"), or failure to file a complete Statement, shall result in automatic disqualification from the Local School Council for the remainder of the concerned member's term of office. The Secretary of the Board shall every year, transmit to all schools a sufficient number of blank Statements of Economic Interests for all Local School Council members. Local School Council members shall file the Board's Statement of Economic Interests with the Secretary of the Board by the deadline specified in the annual Statement. Council members will have 45 days from the date the Statement is sent to principals to complete and submit such Statement. Council members appointed after the due date of the annual Statement shall initially file the Board's Statement within seven (7) days of their appointment. Council members shall deliver their completed Statements to the principal of the school where they serve by the deadline specified in the annual Statement or, if appointed after the due date of the annual Statement, within seven (7) days of their appointment. Such delivery shall be considered as the filing of the Statement with the Secretary of the Board.

Within seven (7) days of the applicable filing date, principals shall forward to the Secretary of the Board all Statements and/or the names of any council members who have failed to file Statements as required. Local School Councils shall maintain copies of their members' Statements on file at their schools for public inspection.

When a council member has failed to file a complete Statement by the applicable filing date, the Secretary of the Board shall automatically issue a Declaration of Intent to Disqualify to the concerned council member by certified and regular mail to the council member's last known address and the affected LSC by regular mail, the school where he or she serves. The concerned council member shall have thirty (30) days from the date

of the Declaration of Intent to Disqualify to file a complete Statement. If the council member does not file a complete Statement within the time allowed, the Secretary of the Board shall automatically forward a Declaration of Vacancy to the concerned council member and Local School Council by certified and regular mail to the council member's last known address and the school where he or she serves. The vacancy shall be effective on the date the declaration is issued. There shall be no right of appeal to request reconsideration of ~~from~~ a Declaration of Vacancy based upon a failure to timely file a complete Statement. Either the concerned Local School Council or the Board, as appropriate, may immediately proceed to fill the vacancy by appointment of a qualified person who meets all applicable eligibility requirements to serve the remainder of the disqualified member's term.

E. Notice of Declarations

The Secretary of the Board shall forward a Declaration of Intent to Disqualify and Declaration of Vacancy for failure to timely file a complete Statement to the concerned council member ~~and Local School Council~~ in writing by certified and regular mail to the concerned council member's last known address ~~and the affected LSC by regular mail, the school where he or she serves.~~ The Secretary of the Board shall forward a Declaration of Vacancy based upon findings by the General Counsel to the challenger, if any, and the concerned council member and the concerned Local School Council in writing by certified and regular mail to the concerned council member's last known address and the affected LSC by regular mail, the school where he or she serves.

F. Appointment to Vacancy

If a parent or community Local School Council member is determined to be ineligible to serve on a the elected Local School Council pursuant to this Rule and a vacancy is declared by the Secretary of the Board, the Local School Council shall fill the vacancy by appointment of a qualified person who meets the applicable eligibility requirements.

If a teacher or student Local School Council member is determined to be ineligible to serve on a the elected Local School Council pursuant to this Rule and a vacancy is declared by the Secretary of the Board, the Board shall fill the vacancy by appointment of a qualified person who meets the applicable eligibility requirements after a non-binding advisory poll of school staff or students, whichever is appropriate.

If a member of an appointed Local School Council or Board of Governors is determined to be ineligible to serve on the council or board and a vacancy is declared, the Board shall fill the vacancy by appointment in accordance with the Board's Policy on Governance of Alternative and Small Schools.

**Sec. 6-30. Removal of Local School Council Members for Certain Criminal Convictions or Failure to Disclose Criminal Convictions.**

For purposes of this Rule references to Local School Council ("LSC") shall mean an elected Local School Council or an appointed Local School Council or Board of Governors except when otherwise noted herein.

Persons who have been elected to serve on a Local School Council may serve for the length of the term provided that they file a truthful Criminal Conviction Disclosure Form pursuant to Section 34-2.1(f) of the Illinois School Code (105 ILCS 5/34-21(f)), and have cleared a criminal background investigation which indicates that they have not been convicted of crimes enumerated in Section 34-2.1(f-5) of the Illinois School Code for which a person is either permanently ineligible for election to or service on a local school council or ineligible for a period of ten (10) years after conviction.

A. Criminal Conviction Disclosure

All candidates must file a Criminal Conviction Disclosure Form prior to election. A Board- conducted criminal background investigation must be completed for each local school council member before they take office. Failure to file a Criminal Conviction Disclosure Form, filing a false or incomplete Criminal Conviction Disclosure Form, or failure to provide information required requested by the Illinois State Police which shall



~~include, but is not limited to, fingerprints or other personal identification information if additional information is needed in order to complete the background investigation, shall result in the disqualification from the Local School Council for the remainder of the member's term of office. Additional information requested by the State Police in order to complete a criminal background check may include, but is not limited to, fingerprints or other personal identification information.~~

Each candidate must submit a Criminal Conviction Disclosure Form to the principal. Principals shall forward Criminal Conviction Disclosure Forms to the Office of Local School Council Relations ~~School and Community Relations~~.

Principals shall notify the Office of Local School Council Relations ~~School and Community Relations~~ of refusals by Council members to file a Criminal Conviction Disclosure Form.

Principals shall maintain on file at their schools copies of the Councils' Criminal Conviction Disclosure Form for public inspection.

**B. Ineligibility Due to Criminal Conviction**

A person who has been convicted of any of the following offenses at any time shall be ineligible for election or appointment to a local school council:

Indecent Solicitation of a Child, Sexual Exploitation of a Child, Pandering, Keeping a Place of Juvenile Prostitution, Pimping, Juvenile Pimping, Exploitation of a Child, Child Pornography, Criminal Sexual Assault, Aggravated Criminal Sexual Assault, Predatory Criminal Sexual Assault of a Child, Criminal Sexual Abuse, and Aggravated Criminal Sexual Abuse.

A person who has been convicted of any of the following offenses within the 10 years prior to the date of nomination or appointment shall be ineligible for election or appointment to a local school council:

Controlled Substance Trafficking, Criminal Drug Conspiracy, and Street Gang Criminal Drug Conspiracy.

**C. Declaration of Vacancy**

The Chief Executive Officer or designee ~~General Counsel~~ shall declare a vacancy on the Council for (a) failure to file a Criminal Conviction Disclosure Form, (b) filing a false or incomplete Criminal Conviction Disclosure Form, (c) failure to provide ~~additional information~~ required ~~requested~~ by the Illinois State Police in order to complete the background investigation, or (d) having been convicted of a crime for which a person is ineligible to serve on a local school council pursuant to this Board Rule and Section 34-2.1(f-5) of the Illinois School Code. Upon determination by the General Counsel that a Council member failed to file, or filed a false or incomplete Criminal Conviction Disclosure Form, has failed to provide information necessary for the completion of the background check, or has been convicted of a crime for which a person is ineligible to serve on a local school council pursuant to this Board Rule and Section 34-2.1(f-5) of the Illinois School Code, the Chief Executive Officer or designee ~~General Counsel~~ shall notify the Council member by certified mail and the affected LSC by regular mail. If the Council member does not file a form or file an amended form within ten (10) days of receiving notice of the determination, the Chief Executive Officer or designee ~~General Counsel~~ shall declare a vacancy on the Council.

1. Investigation of Ineligibility - The Law Department Office of the Chief Executive Officer shall conduct an investigation of the facts relating to the LSC member's criminal history and the veracity of the LSC member's Criminal Conviction Disclosure Form. The General Counsel shall review the results of the investigation. If the results of the investigation indicate that the LSC member may be ineligible under this Board Rule, the General Counsel shall refer the matter for a hearing.

2. A hearing officer shall conduct a hearing on the LSC member's criminal history and the veracity of the LSC member's Criminal Conviction Disclosure Form and afford an opportunity to the challenged LSC member to personally present statements and evidence substantiating his/her eligibility to serve on the council. The General Counsel shall have authority to promulgate rules, including, but not limited to, rules of procedure, procedural manuals and rules of evidence, to govern hearings under this Rule. The hearing officer shall make a recommended determination to the Chief Executive Officer or designee ~~General Counsel~~ regarding eligibility ~~within two weeks or~~ as soon thereafter as possible.

3. Declaration of Vacancy - Any vacancy on the LSC caused by a disqualification pursuant to this Board Rule shall be declared by the Chief Executive Officer or designee ~~General Counsel~~ in those cases where a finding of ineligibility is made.

Any vacancy that is declared by the Chief Executive Officer or designee ~~General Counsel~~ shall be effective on the date that the determination is issued; however, the vacancy may be filled only after: (1) the concerned council member fails to appeal request reconsideration within the time allowed; or (2) the concerned council member's appeal request for reconsideration is denied.

4. Notice of Declaration of Vacancy - The Chief Executive Officer or designee ~~General Counsel~~ shall forward the determination to the challenged LSC member in writing by regular and certified mail to the member's last known address and the affected LSC by regular mail.

D. Appeal Process Request for Reconsideration

1. Within thirty (30) days of a Declaration of Vacancy by the determination of the Chief Executive Officer or designee ~~General Counsel~~, the challenged LSC member may ~~file an~~ submit a request for reconsideration to appeal of that decision with the Office of the Chief Executive Officer or designee. New evidence not readily available at the time that the vacancy was declared may be submitted.

2. The ~~Office of the~~ Chief Executive Officer or designee shall review the request for reconsideration appeal. The decision of the Chief Executive Officer or designee shall be final and shall be forwarded to the challenged LSC member by certified and regular mail to the member's last known address, and the affected Local School Council by regular mail.

E. Appointment to Vacancy

If a challenged parent or community LSC member is found to be ineligible to serve on the elected Local School Council pursuant to this process and a vacancy is declared, the LSC shall proceed to fill the vacancy by appointment of a qualified person who meets the eligibility requirements. If a challenged teacher LSC member is determined to be ineligible to serve on the elected Local School Council and a vacancy is declared, the Board shall fill the vacancy by appointment of a qualified person who meets the applicable eligibility requirements after a non-binding advisory poll of school staff.

If a member of an appointed Local School Council or Board of Governors is determined to be ineligible to serve on the council or board and a vacancy is declared, the Board shall fill the vacancy by appointment in accordance with the Board's Policy on Governance of Alternative and Small Schools.

**Sec. 6-31. Exercise of Certain of Powers of Local School Councils Lacking a Majority of Their Full Membership by the Chief Executive Officer ~~Chief Education Officer~~.** Whenever the active membership of a local school council, for any reason, falls below a majority of its full membership and the local school council is, therefore, unable to satisfy the quorum requirement for taking official action set forth in section 34-2.2(c) of the School Code, the ~~Chief Education Officer~~ Chief Executive Officer or designee shall exercise the following powers of such council, set forth in section 34-2 of the Code:

- (i) to approve the expenditure plan prepared by the principal with respect to all funds allocated and distributed to the attendance center;
- (ii) to transfer allocations within funds as allowed by section 34-2.3.

**Sec. 6-32. Change of an Attendance Center's Local School Council Election Date.** The Chief Executive Officer ~~General Superintendent of Schools~~ may recommend to the Board a change in the date of the next biennial local school council election for an attendance center from second semester report card pick-up day to first semester report card pick-up day. The Chief Executive Officer ~~General Superintendent of Schools~~ may recommend such a modification if changing the date would facilitate greater participation in the election, as either candidates or electors, by the parents and community residents who would be eligible to vote for and serve on a particular local school council on and after the new election date.

That determination may be based upon an imminent and significant change, increase or decrease in the populations of parents and/or community residents eligible to serve on, and who would be served by, a particular local school council. The circumstances which may be considered in determining the existence of such changes, increases or decreases may include, but shall not be limited to:

1. An imminent and significant change in the composition of the student population eligible to attend the attendance center;
2. An imminent and significant increase in the size of the student population eligible to attend the attendance center, such as occurs when existing schools are consolidated or a new school is opened, either in total or in stages;
3. An imminent and significant decrease in the size of the student population eligible to attend the attendance center;
4. An imminent and significant change in the attendance center's attendance boundaries or, where applicable, local school council voting boundaries, such as a significant expansion or contraction of the boundaries;
5. An imminent and significant expansion of the attendance center's attendance boundaries, or, where applicable, local school council voting boundaries, such as occurs when existing schools are consolidated;
6. An imminent and significant contraction of the attendance center's attendance boundaries, or, where applicable, local school council voting boundaries;
7. A change in the attendance center's grade structure or any other circumstance that would deny the parents or legal guardians of students eligible to attend the attendance center in the next Fall Term all opportunity to participate, as their candidates or electors, in any local school council election for the attendance center during the period of students' anticipated enrollment in the attendance center.

The Board may adopt the Chief Executive Officer's ~~General Superintendent of Schools~~ recommendation pursuant to its authority under Sections 5/34-2.1(n) and 5/34-18 of the Illinois School Code, respectively, to conduct fair and impartial local school council elections and to exercise general supervision and jurisdiction over the Chicago Public Schools. 105 ILCS 5/34-2.1(n); 5/34-18 (2000). If the Board adopts the General Superintendent's recommendation, all subsequent local school council elections for the attendance center may be held on the same date every two years thereafter. This rule is adopted pursuant to the Board's authority under Sections 5/34-2.1(n) and 5/34-18 of the Illinois School Code. The rule shall be effective immediately upon its adoption.