



**RULES**

**BOARD OF EDUCATION**

**OF THE**

**CITY OF CHICAGO**

**Revised December 2017**

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**RULES**  
**BOARD OF EDUCATION**  
**OF THE**  
**CITY OF CHICAGO**

**Published by Authority of the  
Board of Education of the City of Chicago**

**Revised December 2017**

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**It is the policy of the Board to prohibit unlawful discrimination on the basis of any classifications protected by the Constitution of the United States, the Constitution of the State of Illinois and applicable federal, state or local laws or ordinances, including but not limited to discrimination on the basis of race, color, sex, gender identity/expression, age, religion, disability, national origin or sexual orientation.**

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**CHAPTER I**  
**ORGANIZATION OF THE BOARD OF EDUCATION**

**Sec. 1-1. Officers.** The officers of the Board of Education shall be the President, Vice President and Secretary. The President and Vice President shall be elected annually in July or whenever a vacancy exists, by majority vote of the full membership. The Board shall select and appoint a Secretary and an Assistant Secretary who shall be employees of the Board and shall have the powers and duties prescribed by these Rules.

**Sec. 1-2. Election of Officers.** The President and Vice President of the Board of Education shall be elected from the members of the Board of Education by a roll call vote of the members of the Board of Education. The President and the Vice President shall each receive the votes of a majority of the full membership of the Board of Education before being declared elected. The President and the Vice President, respectively, shall hold their offices for one year and until their successors shall be duly elected and qualified.

**Sec. 1-3. Special Committees.** The President, with the approval or at the direction of the Board of Education, may appoint special committees to consider and report on matters referred to them.

**Sec. 1-4. President.** The President shall preside at all meetings of the Board of Education at which the President is present. The President shall perform such duties and exercise such powers as usually pertain to the office of President, and shall also have such additional powers as may be granted by statute or by the Board of Education.

**Sec. 1-5. Vice President.** The Vice President shall preside at all meetings of the Board of Education in the absence of the President, and shall perform such other duties as may be enjoined upon the Vice President by the Board of Education. In the case of the absence or disability of the President, or if there be a vacancy in the office of the President, all the powers and duties of that office shall devolve upon the Vice President, who shall continue to exercise such powers and duties until the President returns or the vacancy is filled.

**Sec. 1-6. Chairman Pro Tem.** In the case of the absence or disability of the President and the Vice President at any regular or special meeting of the Board of Education when a quorum is present, as determined by the Secretary by roll call, the members present shall proceed to the election of a Chairman Pro Tem who shall act at such meeting in lieu of the President and the Vice President.

**Sec. 1-7. Secretary.** The Secretary shall cause to be developed and kept a record of all of the agendas and proceedings of the Board of Education; shall give notice to members and the public of regular, special and recessed meetings of the Board of Education; shall have general supervision of all

records of the agendas and proceedings of the Board of Education and of each committee and subcommittee thereof, and of such other records as the Board of Education may direct; shall sign all records of proceedings of the Board of Education; shall cause to be prepared expeditiously the agendas and proceedings of the Board of Education and such reports and other matters as the Board of Education may direct or are by law required, and shall send copies thereof to all members; shall publish and make available, at a minimum once a year, an up-to-date copy of these Board Rules; shall maintain an up-to-date file on policies approved by the Board; shall publish in May of each year a calendar of Board meetings for the upcoming fiscal year; shall maintain a list of reports that require annual Board approval; shall accept all liens and summons served on the Board; shall sign all checks drawn by order of the Board of Education and present the same to the Mayor and the City Comptroller for countersigning, shall sign all contracts and legal instruments approved by the Board of Education and shall perform such other duties as usually pertain to the Office of Secretary or such as may be directed by the Board of Education and by these Rules.

The Secretary shall be responsible for the administration of the Policies, for all records management (including computer, electronic, paper and film), records retention, records management and records destruction for the Board of Education and the Chicago Public Schools.

**Sec. 1-8. Assistant Secretary.** The Assistant Secretary shall perform the duties of the Secretary in case of the Secretary's absence or inability to act. The Assistant Secretary shall perform such other duties as may be enjoined upon the Assistant Secretary by the Board of Education.

**Sec. 1-9. Discrimination.** It is the policy of the Board to prohibit unlawful discrimination on the basis of any classifications protected by the Constitution of the United States, the Constitution of the State of Illinois and applicable federal, state or local laws or ordinances, including but not limited to discrimination on the basis of race, color, sex, gender identity/expression, age, religion, disability, national origin or sexual orientation.

**Sec 1-10. Finance and Audit Committee.** The Finance and Audit Committee shall consist of all members of the Board of Education. The Finance and Audit Committee is authorized to review the status of the Board's budget and expenditures, review the expenses of the Office of the Board, decide all requests for reimbursement of expenses by the President of the Board, receive reports from the Chief Executive Officer or the Chief Financial Officer regarding issues related to the Board's financial condition, and review the Board's procurement and expense reimbursement policies and related matters. The Finance and Audit Committee also shall perform other responsibilities as are designated by the Board or the Board President.

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

**Sec. 2-1. Regular Meetings.** The Board of Education shall establish a schedule of regular meetings in May of each year and shall state the regular dates, times and places of such meetings.

**Sec. 2-2. Special Meetings.** Special meetings may be held at any time on call of the President or any three or more members. Such call shall be in writing, duly signed, and shall be presented to the Secretary who shall proceed immediately to prepare notices and an agenda on the same and shall cause them to be served on members of the public and the members of the Board of Education at least 48 hours prior to the day and hour set for said special meeting.

**Sec. 2-3. Public Hearings on One School Issue or School Problem - Regular Meeting.** Upon the written request of the President or any majority of the members, any one school issue or school problem presented by any member, person, civic group or organization, may be set for public hearing at a regular meeting of the Board, at a fixed hour and stating the time allowed for oral presentation. The Secretary shall promptly notify the person, civic group or organization that presented the said school issue or school problem to be heard, of the day and hour of the regular meeting of the Board at which the public hearing is to be held, and stating the time allowed by the Board for oral presentation. Procedures for presentations at public hearings shall follow the current Guidelines for Public Participation.

**Sec. 2-4. Order of Business; Quorum.** At each meeting of the Board of Education, the President shall take the chair at the time appointed for the meeting and shall call the same to order. The Secretary shall immediately call the roll of members. If no quorum be present, the Board of Education shall not stand adjourned thereby, but the member or members present may adjourn to a subsequent date by a majority vote of those present. Provided a quorum of Board members is physically present for a meeting, a Board member may participate by video or audio conference if he or she is prevented from physically attending because of: (i) personal illness or disability; (ii) personal employment purposes; (iii) business obligations of the Board; (iv) a family or other emergency; or (v) such other reasons authorized under Section 7 of the Open Meetings Act (5/ILCS 120/7). A Board member who attends a meeting by audio or video means, as provided herein, may participate in all aspects of the Board meeting including voting on any item. If a member wishes to attend a meeting by video or audio conference, the member shall notify the Secretary before the meeting unless advance notice is impractical. The Secretary shall indicate in the meeting minutes whether the members of the Board were physically present for the meeting or present by means of video or audio conference.

A quorum for the transaction of business shall consist of a majority of the full membership of the Board of Education then serving. When a quorum is physically present, the order of business shall be as noted in the agenda published for the particular meeting.

**Sec. 2-4.1. Public Participation at Meetings.** At each regular and special meeting which is open to the public, members of the public and employees of the district shall be afforded time, subject to reasonable constraints, to comment to or ask questions of the Board. The Board President shall establish and publish guidelines that will govern the public participation portion of each meeting.

**Sec. 2-5. Rules of Order.** The Rules of Parliamentary Practice embraced in the most recent edition of Robert's Rules of Order shall govern the Board of Education in all cases in which they are not inconsistent with the Rules of the Board of Education.

**Sec. 2-6. Amendment and Suspension of Rules.** The Rules of the Board of Education may be repealed, amended or added to only at a regular meeting and by a vote of two-thirds of the full membership. Any and all amendments to these Rules shall specify therein the chapter and section thereof sought to be amended.

The Rules may be suspended at any regular meeting by a majority of the full membership then serving; provided, however, that these Rules shall not be suspended for the purpose of repealing, amending, or adding to the same except by a vote of two-thirds of the full membership.

**Sec. 2-7. Annual Adoption of Rules.** The Board of Education shall re-adopt these Board Rules, and any amendments, modifications, repealers, or suspension thereto, by a vote of two-thirds of the full membership of the Board at its first regular meeting after the start of each fiscal year or at such other times as the Board deems appropriate. If the Board fails to readopt these Board Rules as set forth in this Rule, the existing Rules shall continue in full force and effect.

**Sec. 2-8. Withdrawing Reports and Laying Over Reports.**

a. Prior to a vote on any report presented to the Board, the Chief Executive Officer or any other Officer sponsoring the report may withdraw the report from the agenda.

b. Upon the request of any member, any report presented by any department head or any motion, resolution, order, or Rule presented by any member shall be laid over for one meeting; provided, however, that no matter shall be so laid over for more than three consecutive meetings. The report,

motion, resolution, order or Rule so deferred shall be published in the proceedings of the Board of Education.

**Sec. 2-9. Vote Required - Recording of Vote.** Except as otherwise provided by law or in these Rules, all questions pending before the Board of Education shall be decided by a majority of the members voting upon them, a majority of the entire Board of Education voting. The Ayes and Noes shall be taken and entered of record by the Secretary.

**Sec. 2-10. Reconsideration.** No motion for a reconsideration of any vote shall be entertained unless such motion shall be made at the meeting at which the vote sought to be reconsidered was taken, or at the next regular meeting thereafter, by any member of the Board of Education who shall have voted with the prevailing side or shall have been absent when the vote was taken. Any member may second the motion.

Where the Ayes and Noes have not been called on a question, any member may make the motion to reconsider.

**Sec. 2-11. Records of Proceedings.** The record of the proceedings of the Board shall be prepared and maintained by the Secretary and include a record of the following (1) the date, time and place of the meeting, (2) the members of the Board who were present, absent and whether members were physically present or present by means of video or audio conference, and (3) a summary of discussion on all matters proposed, deliberated or decided and any votes taken. The Board of Education may direct that the remarks of any member made during a meeting shall be included in the record of proceedings.

**Sec. 2-12. Approval and Posting of Proceedings.** The Secretary shall affix his or her signature to the records of Board proceedings. Such signed records, when approved by a majority vote of the full membership of the Board shall be the official records of such proceedings. Within seven (7) days of the approval of such proceedings, the Secretary shall post the approved proceedings on the Board's website for a period of not less than 60 days.

**Sec. 2-13. Delegation of Board Authority.**

a. Manner and Effect of Delegation of Authority. With the exception of those powers and authority exclusively reserved to the Board by the Illinois School Code, as it exists now, or as it may be hereafter amended, the Board may delegate its authority by Board Rule, Board Policy, Board Resolution, Board Report or other Board action. Where the Board has delegated authority to an Officer or his/her designee, that Officer or his/her designee may take all actions consistent with the delegation without further Board action or authority and the action shall be binding upon the Board at the time the Officer acts.

b. Authority Not Specifically Delegated. The Board reserves to itself all authority and power it has not specifically delegated to another by Board Rule, Board Policy, Board Resolution, Board Report or other Board action.

c. Authority over Departments and Delegated Authority. Chiefs, Officers and heads of departments have the authority to supervise their respective departments or units, including all employees within their departments or units, and to take all actions delegated to them by Board Rule, Policy, Resolution, Board Report or other Board action. Said Chiefs, Officers and heads of departments or units may delegate their authority to employees within their departments or units, including any authority delegated to them by the Board.

**Sec. 2-14. Line Item Veto.** For any Board Report requesting authority for multiple actions/items/transactions, the Board shall have the right, at its discretion, to strike or decline approval for any one or more action/item/transaction identified on such Board Report without voiding the remainder of the Board Report.

**Sec. 2-15. Reporting to the Board. (Repealed 08-25-10)**

**Sec. 2-16. Approval to Make Donations.** Donations may be issued to students enrolled in the Chicago Public Schools and third parties for the benefit of students enrolled in the Chicago Public Schools only upon approval by a majority vote of the Board. For purposes of this Rule, the term donation means the voluntary contribution of funds by the Board to one or more individual students enrolled in the Chicago Public Schools or a not-for-profit entity that provides services to or advocates on behalf of students enrolled in the Chicago Public Schools. Donations are not authorized by or subject to the provisions of Chapter VII. of these Rules.

**CHAPTER III  
ADMINISTRATIVE ORGANIZATION**

**Sec. 3-1. Chief Executive Officer.** The Chief Executive Officer shall have all the duties and powers authorized by the Illinois School Code and all such additional duties and powers as may be granted by the Board of Education.

**Sec. 3-2. Law Department.** The General Counsel shall have charge and control, subject to the approval of the Board of Education, of the Law Department and of all litigation, legal questions, and such other legal matters as may be referred to the department by the Board of Education or by the Chief Executive Officer. The General Counsel shall have authority to issue legal opinions, to bring actions on behalf of the Board, to take any actions required by law and to settle any matter before the Law Department, including, but not limited to, federal and state court cases, administrative enforcement agency cases, workers' compensation claims, employment issues, and contract disputes, for a sum up to and including \$50,000, without Board approval. The General Counsel shall report any settlements in excess of \$10,000 to the Board in an appropriate manner on a monthly basis. The General Counsel shall also review all contracts, bonds, and leases subject to the exceptions noted in Section 7-15 herein.

Assistants and Deputies General Counsel shall work under the direction and supervision of the General Counsel and are expressly prohibited from performing legal work for or undertaking legal representation of any person or entity other than the Board of Education. Violation of the prohibition against outside practice by an Assistant or Deputy General Counsel shall constitute cause for immediate dismissal from employment.

**Sec. 3-3. Retention of Outside Legal Counsel.** The retention of outside legal counsel is reserved to the Board. Subject to approval by the Board, the General Counsel may retain outside legal counsel to appear in legal proceedings on his/her behalf or to provide other legal services to the Board. The General Counsel is also authorized to retain hearing officers, arbitrators, mediators, expert consultants and witnesses and court reporters and to authorize payment of fees, expenses and costs related to those retentions. Any actions taken pursuant to this section shall be reported to the Board on a monthly basis.

**Sec. 3-4. Payment of Judgments and Awards.** The General Counsel is authorized to approve payment of any judgments, awards, fines or penalties rendered against or imposed upon the Board when, in the opinion of the General Counsel, no further proceedings are justified. The General Counsel shall report payment of any judgments, awards, fines or penalties in excess of \$10,000 to the Board on a monthly basis.

**Sec. 3-5. Attorney's Appearance in Legal Proceedings.** The General Counsel shall appear for and protect the rights and interests of the Board of Education in all cases, suits, and proceedings brought by or against the Board of Education. The General Counsel also shall take all actions necessary to fulfill the Board's obligations pursuant to Section 105 ILCS 5/34-18.1 of the School Code. If a current or former member, officer or employee of the Board is required to appear in any matter or defend against or respond to any claim, in their individual or official capacity, the General Counsel may elect to represent such person, appoint outside counsel to represent such person or approve reimbursement of reasonable legal expenses and costs provided that the person was acting in the scope of the person's office or employment during the events giving rise to the matter or claim. No Board funds shall be expended for payment of legal services rendered on behalf of any person in the event the person is identified as the target of a criminal investigation or upon the charge of such person by criminal complaint, information or indictment in criminal proceedings. Upon the conclusion of the criminal investigation or proceedings in which the person was a target or defendant, however, such person may request reimbursement of reasonable legal expenses and costs if such person has not been charged or has been acquitted or found not guilty or if all charges against such person in the action have been dismissed. All requests for reimbursement are subject to approval of the General Counsel and the Board.

**Sec. 3-6. Workers' Compensation - Authority to Make Statutory Payments.** The Chief Financial Officer or his designee shall have authority, in proper cases under the Workers' Compensation Act and Occupational Diseases Act as determined with advice of the General Counsel, to issue requisitions directing the payment of temporary total disability and statutory losses including statutory permanent total disability benefits to Board of Education employees who have sustained accidental injuries or incurred occupational diseases, and of medical and hospital expenses in such cases, without the adoption of Board Reports. Settlements of any Workers' Compensation claims shall be in accordance with Board Rule 3-2.

**Sec. 3-7. Administrative Organizational Units.** The Board of Education shall establish such administrative organization units as it may deem necessary or appropriate to ensure the effective and efficient operation of the system and determine the duties and functions of each. Chiefs, officers and the heads of departments shall be appointed by the Board in accordance with Chapter IV of these Rules.

**Sec. 3-8. Inspector General.** The Inspector General, who is appointed by the Mayor of the City of Chicago, shall investigate allegations of fraud, waste and financial mismanagement in the District by a Local School Council member or an employee, contractor or member of the Board or involving school projects managed or handled by the Public Building Commission and shall perform other duties requested by the Board including, but not limited to,

investigations into employee misconduct, including allegations of criminal activity by employees. Based on the nature, extent or combination of allegations, the Inspector General may refer any matter involving allegations of fraud, waste, financial mismanagement, employee misconduct or employee criminal activity to another appropriate District department for investigation and handling. The Inspector General shall report on and make recommendations to the Board about the investigations completed by the Office of the Inspector General. From time to time the Board acknowledges by Board Resolution the Mayor's appointment of an individual to serve as Inspector General and the terms of that Resolution will be in full force and effect for the duration of the Inspector General's tenure unless further amended by the Board. Prior to the beginning of each fiscal year, the Board shall determine the budget allocation for operation of the Office of the Inspector General.

**Sec. 3-9. Internal Audits.**

a. The Chief Executive Officer or his/her designee is responsible for ensuring that internal audits are conducted and for the ongoing improvement of the internal audit process.

b. The Chief Executive Officer's or his/her designee's responsibilities shall include, but not be limited to (i) developing an annual internal audit plan for purposes of providing objective analyses, appraisal and evaluation of risks associated with fiscal and programmatic activities of the school district, (ii) determining that the school district is effectively allocating resources on programs, external activities, partnerships and consultants; (iii) ensuring the integrity of the financial reporting system and the efficacy of internal financial controls established to minimize waste and mismanagement; and (iv) recommending policies and systematic improvements regarding internal controls based upon audit analyses and findings.

c. The Chief Executive Officer or his/her designee will review the annual internal audit plan with the Inspector General to obtain recommendations for additional areas of audit and to avoid any audit duplication of any area or department designated for review in the annual internal audit plan.

d. The Chief Executive Officer or his/her designee shall report quarterly to the Board on the status of the internal audit process.

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## **CHAPTER IV BOARD EMPLOYMENT**

### **Sec. 4-1. Delegation of Authority and Reporting to the Board.**

- a. *Delegation to Chief Executive Officer or His/Her Designee.* Subject to the limitations set forth in the Illinois School Code, these Rules and the Board's Policies, and except as provided in Rule 4-1c below, the Chief Executive Officer and his/her designee(s) are hereby delegated the following authority with respect to Board employees, which may be exercised without Board action:
1. Except as provided in 4-1(c)(1) to hire, appoint, or promote based on merit employees upon his/her own recommendation or the recommendation of the Chief Talent Officer, General Counsel, the Chief Financial Officer, executive officers, officers or principals, and to establish eligibility criteria for hire, appointment or promotion;
  2. To classify and reclassify employees;
  3. To establish a schedule of basic salaries and wage rates, and to set compensation, wages and/or salary based on employee classifications or job titles or other criteria;
  4. To establish policies with respect to overtime pay;
  5. To grant annual increases to wages and salary based on cost of living for employees not subject to a performance management program or merit pay plan and to grant or withhold annual increases to wages and salary based upon merit to employees subject to a performance management program or merit pay plan adopted by the Chief Executive Officer or designee;
  6. To establish employee benefit plans, including employee medical, dental and life insurance plans, disability plans, and tax-deferred savings plans, and the eligibility criteria for participation in those plans;
  7. To establish work schedules for all employees, including hours of work and days of work;
  8. To establish performance management procedures and evaluation procedures for all employees, including, but not limited to, teachers and principals;
  9. To grant paid time off for excused days, holidays, sick leave, parental leave, personal leaves or vacation;
  10. To grant voluntary leaves of absence to employees and to order involuntary leaves of absence for employees;

11. To grant paid and unpaid leaves of absence to eligible employees in accordance with collective bargaining agreements, Board Rules and Policies;
  12. To establish employee discipline protocols and commence disciplinary or dismissal proceedings against employees;
  13. To demote, transfer, discipline or dismiss employees;
  14. To lay off employees, reduce the Board's workforce, or alter compensation for employees;
  15. To accept resignations and retirements from employees and to grant related revocations; and,
  16. To exercise all other authority over employees that is not specifically reserved for Board action.
- b. *Chief Executive Officer's Quarterly Workforce Planning Report.* The Chief Executive Officer or his/her designee(s) shall submit a quarterly workforce planning report (which shall be made public) to the Board that summarizes the previous quarter's workforce actions made by the Chief Executive Officer or his/her designee in accordance with Rule 4-1a, provided however, that the reason or cause for any employee dismissal shall not be made public.
- c. *Authority Reserved for Board Action.* The Board shall exercise all authority over the following employee matters, which authority is non-delegable under the Illinois School Code or which the Board has reserved to itself:
1. To appoint the Board Secretary, the Assistant Board Secretary, the Chief Executive Officer, the General Counsel, deputies and assistants general counsel, executive officers, officers, and contract principals at schools with Appointed Local School Councils and contract principals at schools with Local School Councils that fail to directly select a principal in accordance with section 34-2.3(2) of the Illinois School Code;
  2. To establish salaries upon hire for the Board Secretary, the Assistant Board Secretary, the Chief Executive Officer, the General Counsel, deputies and assistants general counsel, executive officers and officers;
  3. To dismiss the Board Secretary, the Assistant Board Secretary, the Chief Executive Officer, the General Counsel, deputies and assistants general counsel, executive officers and officers upon majority vote of the full membership of the Board;
  4. To dismiss probationary appointed teachers in accordance with the Illinois School Code;

5. To dismiss contract principals and tenured teachers for cause after adoption, modification or rejection of an Illinois State Board of Education hearing officer's recommendation;
6. To terminate the contract of and to dismiss a contract principal upon recommendation of the Chief Executive Officer, after notice and a hearing, in accordance with the Section 5/34-8.3(d) of the Illinois School Code or, upon consent of the contract principal and the applicable Local School Council; and,
7. To, upon recommendation of the Chief Executive Officer or his/her designee, dismiss for cause non-probationary educational support personnel whose employment is governed by collective bargaining agreements.

**Sec. 4-2. Collective Bargaining Agreements – Effect of Rules.** The Chief Executive Officer or his/her designee shall negotiate all collective bargaining agreements on behalf of the Board, and submit tentative agreements to the Board for adoption and approval. These Rules shall be construed consistently with any collective bargaining agreement entered into by the Board. Where a collective bargaining agreement is silent on a subject addressed by these Rules, these Rules shall control. In the event that a Rule is in direct conflict with a provision of a collective bargaining agreement, the provision of the collective bargaining agreement shall control, except where the provision of the collective bargaining agreement has been waived or declared void. Nothing in this Rule shall revive a provision of a collective bargaining agreement that was voided pursuant to 115 ILCS 5/4.5, as it existed from 1995 to 2003, unless revival of that provision has been specifically negotiated and agreed to by the Board. Nothing in this Rule shall affect the Board's rights or obligations with respect to permissive subjects of bargaining as set forth in 115 ILCS 5/4.5.

**Sec. 4-3. Categories of Board Employees.** Board employees shall be categorized as Teachers, Principals, Assistant Principals, Certificated Administrators, Educational Support Personnel, or Part-time/Seasonal 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.

a. *Teachers.* Teachers are employees with teaching certificates issued by the Illinois State Teacher Certification Board, who are hired to perform instructional or related administrative services. Teachers shall be further categorized as follows:

1. *Appointed Teachers.* Appointed teachers are full-time teachers who are hired and assigned to vacant teaching positions. Appointed teachers shall be further classified as either tenured or probationary, as follows:

a. *Tenured Teachers.* Tenured teachers are either: 1) teachers who have been appointed to a teacher position, completed the statutory probationary period of continuous service as an appointed teacher necessary to attain tenure, and have not had a break in service or, 2) appointed teachers who lost their tenure but who meet the requirements to be reappointed with tenure set forth in subparagraph (a) (1) (a) (ii) of this Rule. For purposes of this Rule, a “teacher position” includes classroom teacher positions, city-wide teachers, lead teachers, librarians, guidance specialists, counselors, social workers, speech pathologists, school-based nurses, and psychologists. The Board may dismiss tenured teachers from Board employment only for just cause, in accordance with the Illinois School Code, and the Chief Executive Officer or his/her designee may lay off or otherwise remove tenured teachers from their positions in accordance with the Board’s Rules and Policies.

i. *Loss of tenure.* A tenured teacher’s right to contractual continued service or tenure is lost upon the occurrence of any of the following:

1. the tenured teacher’s dismissal for cause;
2. the tenured teacher’s resignation from his/her teacher position, which includes the tenured teacher’s voluntary transfer from his/her teacher position to an educational support personnel employee, a certificated administrator, an assistant principal or an interim or contract principal position; and,
3. the tenured teacher’s honorable dismissal from his/her teacher position.

ii. *Reappointment with Tenure.* Formerly tenured teachers who lost tenure under subparagraph (a)(1)(a)(i)(2) or (a)(1)(a)(i)(3) of this Rule shall be granted tenure upon reappointment to a teacher position under the following circumstances:

1. when the former tenured teacher is reappointed to a teacher position within one (1) calendar year from the effective date of his/her resignation;
2. when the former tenured teacher lost tenure by accepting a position as an educational support personnel, a certificated administrator, an assistant principal or an interim or contract principal and he/she is reappointed to a teacher position without a break in service to the Board of Education; and,

3. when the former tenured teacher is reappointed to a teacher position within two (2) calendar years of his/her honorable dismissal. Nothing in this Section shall be construed to guarantee reappointment to a teacher position or to alter the status of employees, including formerly tenured teachers, employed as an educational support personnel employee, a certificated administrator, an assistant principal or an interim or contract principal.

b. *Probationary Appointed Teachers.* Probationary appointed teachers are either: (1) newly appointed teachers who have not completed the statutory probationary period of continuous service necessary to attain tenure; or, (2) formerly tenured teachers who have had a break in service, been reappointed and have not completed the statutory probationary period of continuous service necessary to attain tenure since their reappointment. Probationary appointed teachers are appointed on an annual basis and their continued employment is conditioned on the Chief Executive Officer's recommendation to reappoint them each year in accordance with Board Rules. Probationary appointed teachers may be dismissed from Board employment, or may be laid off or not reappointed in accordance with the Illinois School Code and Board Rules and Policies. Probationary appointed teachers become tenured teachers after serving the statutory period of continuous service necessary to attain tenure in accordance with collective bargaining agreements.

2. *Temporarily Assigned Teachers.* Temporarily assigned teachers are certified teachers who are not appointed to a full-time, permanent position, but are employed on a temporary, provisional or conditional basis, as follows:

a. Regularly certified teachers assigned to fill a full-time teaching position, which is encumbered by an appointed teacher, but which has become temporarily vacant as a result of a leave taken by the appointed teacher; or

b. Teachers with provisional or conditional teaching certificates who are assigned to fill a full-time, vacant teaching position pending receipt of full teaching certification.

3. *Substitute Teachers.* Substitute teachers are teachers who are not appointed but are, at a minimum, certified by the Illinois State Board of Education to substitute teach and serve on a temporary basis, as follows:

a. *Day-to-Day Substitute Teachers.* Day-to-day substitute teachers are employed on a day-to-day basis to fill temporary, day-to-day vacancies, as needed, with no guarantee of daily assignments. Day-to-

day substitute teachers may not be assigned to fill the same position on a day-to-day basis for more than twenty (20) consecutive student attendance days. Day-to-day substitutes may be classified as regular day-to-day substitutes or provisional day-to-day substitutes, based upon their type of certification.

b. **CADRE Substitute Teachers.** CADRE substitute teachers are employed on a full-time and year-to-year basis. They are entitled to receive daily assignments for each student attendance day throughout a school year in which they are employed. CADRE substitutes may only be assigned to fill the same position for up to twenty (20) consecutive student attendance days. The employment of a CADRE substitute teacher terminates at the end of each school year and must be renewed by assignment annually, except that the employment of a CADRE substitute teacher who: 1) is a displaced temporarily assigned teacher due to a position closing; and 2) has been a CADRE substitute teacher for less than twelve (12) continuous months since his/her displacement as a temporarily assigned teacher will terminate at the end of the school year following twelve (12) continuous calendar months from his/her assignment as a CADRE substitute teacher.

4. *Half-Time Teachers.* Half-time teachers are regularly certified to teach by the Illinois State Board of Education, and are employed on a half-time basis.

b. *Principals.* Principals are full-time employees with administrative certificates/licenses issued by the Illinois State Board of Education who are hired to act as the instructional and administrative leader of one or more student attendance centers. Principals are classified as follows:

1. *Contract Principals.* A contract principal is appointed from an eligibility list maintained by the Board. A contract principal shall be hired under a contract with a duration of four (4) years, which shall be terminable for various causes, including removal of the contract principal under section 5/34-8.3 of the Illinois School Code. A contract principal has the powers and authority of a principal provided in the Illinois School Code. A contract principal may be removed and replaced and/or dismissed from employment and his/her contract terminated, as provided by the principal's contract and/or Board Rules and Policies, and the Illinois School Code.

2. *Interim Principals.* An interim principal is a temporary principal whom the Chief Executive Officer or his/her designee may assign to a student attendance center for either up to one (1) year or until a student attendance center's Local School Council selects a contract principal, whichever comes first; or, in the case of a student attendance center on probation, where the Local School Council does not possess the authority to select a contract principal, for an indeterminate period until the student attendance center is

removed from probation status under the Board's policy on probationary schools, or in the case of a newly established school, for an indeterminate period until the school has a duly constituted Local School Council or an Appointed Local School Council. An interim principal may exercise all of the powers and authority of a contract principal. The Chief Executive Officer or his/her designee may remove an interim principal at his/her discretion.

3. *Acting Principals.* An acting principal is a temporary principal who does not have a contract and is assigned to a student attendance center by the Chief Executive Officer or his/her designee for a period of up to one hundred (100) school days to fill a temporary vacancy in a student attendance center's principalship. Where a tenured teacher is made acting principal, the tenured teacher shall be returned to his/her former position upon removal from the acting principalship. An acting principal may not dismiss or seek the dismissal of an assistant principal, teacher or any educational support personnel employee assigned to the school to which they are appointed without the prior approval of the Chief Executive Officer or his/her designee. The Chief Executive Officer or his/her designee may remove an acting principal at his/her discretion.

c. *Assistant Principals.* Assistant principals are full-time employees with administrative certificates/licenses issued by the Illinois State Board of Education who are recommended for hire by a contract principal, interim principal or, where there is no contract or interim principal, assigned by the Chief Executive Officer or his/her designee, to assist contract, interim or acting principals in the performance of their duties as the instructional and administrative leader of a student attendance center. Assistant principals may be assigned direct instructional responsibilities. Assistant principals may be displaced (i) annually at the end of a fiscal year, (ii) at the expiration of the principal's contract, (iii) upon the resignation or retirement of the contract principal, (iv) upon the removal or dismissal of the contract principal, or (v) upon the termination of the interim principal's assignment to the attendance center. The displacement notice and benefits afforded to assistant principals shall be established by the Chief Executive Officer or his/her designee. Assistant principals may further be dismissed at any time pursuant to Board Rules or Policies. The Chief Executive Officer or his/her designee shall establish transition rules for former quota assistant principals.

d. *Certificated Administrators.* Certificated administrators are full-time employees who hold administrative certificates/licenses issued by the Illinois State Board of Education, other than principals and assistant principals, who are assigned to administrative positions without direct instructional duties. Certificated administrators are "members of the teaching force" for purposes of the Illinois Pension Code. Certificated administrators are employed at-will.

e. *Educational Support Personnel or Paraprofessional and School-Related Personnel.* Educational support personnel or paraprofessional and school-related personnel are full or part-time employees who are not required to have teaching or administrative certificates/licenses issued by the Illinois State Board of Education to perform the duties of their position. Educational support personnel and paraprofessional and school-related personnel are employed at-will, unless the Board has entered into a specific agreement granting a particular class of educational support personnel a property interest in their employment by the Board.

f. *Part-Time/Seasonal Employees.* Part-Time/Seasonal Employees 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. Part-Time/Seasonal Employees shall not work more than twelve hundred (1200) hours in a calendar year. Part-Time/Seasonal Employees shall be members of the Municipal Employees', Officers' and Officials' Annuity and Benefit Fund of Chicago except for the following groups of Part-Time/Seasonal Employees:

1. Individuals employed for less than seven hundred (700) hours in any calendar year, if paid on an hourly basis; or
2. Individuals employed for less than four (4) months, if paid on monthly basis; or
3. Individuals employed for less than one hundred (100) days, if paid on daily basis; or
4. Individuals 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. Individuals receiving a pension or annuity, other than widow's or child's annuity, from the Chicago Teachers Pension Fund, who are employed in a capacity for which the Board requires certification from the Illinois State Board of Education.

In accordance with P.A. 97-0912, the Board shall not re-employ an individual receiving a pension or annuity from the Chicago Teachers Pension Fund as a teacher (as defined the Illinois Pension Code) on a temporary and non-annual

basis or on an hourly basis unless the person: (1) does not work as a teacher for compensation on more than 100 days in a school year, and (2) does not accept gross compensation for the re-employment in a school year in excess of (i) \$30,000, or (ii) in the case of a person who retires with at least 5 years of service as a principal, an amount that is equal to the daily rate normally paid to retired principals multiplied by 100. 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 part-time/seasonal employees.

**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:

a. *Residency.* All employees must comply with the Board's Residency Policy. Employees hired by the Board shall be advised in writing of the Residency Policy's requirements, including application procedures for waivers of the policy for teachers in special needs positions. Employees' continued employment shall be subject to compliance with the policy. Employees who violate the Residency Policy shall be subject to discipline or dismissal.

b. *Background Investigations.* As a condition of hiring and continuing to employ all employees, the Board shall conduct a fingerprint or other criminal history verification, as well as a check for substantiated reports of child abuse or neglect, with appropriate authorities, in accordance with the provisions of the Illinois School Code. To ensure that the Board does not employ and is not knowingly employing a person who has committed the crimes and offenses enumerated in 105 ILCS 5/21-23a or 105 ILCS 5/34-18.5, the Chief Executive Officer or his/her designee shall establish procedures and guidelines for conducting criminal and child-abuse-and neglect-background investigations for: (1) applicants prior to hire; (2) employed teachers at the time of their teacher certificate or educator-license renewal or at some other periodic interval that is administratively convenient; (3) all other employees at regular periodic intervals that are administratively convenient; and (4) any employee or group of employees at the direction of the Chief Executive Officer or his/her designee. Any applicant or employee whose criminal background or adjudication for child physical or sexual abuse in juvenile court child-protection proceedings excludes him/her from Board employment under the Illinois School Code shall not be hired or, if employed, shall be dismissed. Regardless of whether an applicant or employee's criminal or child-abuse-and-neglect history excludes him/her from employment under the Illinois School Code, the Chief Executive Officer or his/her designee shall consider that history, and whether the applicant or employee has made a full disclosure of

that history, in determining whether to hire an applicant or whether to dismiss an employee.

c. *Convictions After Employment.* An employee who is convicted of a felony or *any* crime involving the consumption, possession, sale, distribution or manufacture of any controlled substance, as defined in 21 U.S.C. §812, 720 ILCS 570/102 or under the Cannabis Control Act, 720 ILCS 550/1 *et seq.*, or any drug that is legally obtainable but has not been legally obtained, or that is not being used for prescribed purposes or taken according to prescribed dosages must notify the Chief Executive Officer or his/her designee, by letter via certified mail, of the date, factual basis and nature of the conviction, as well as the name and location of the court in which the conviction occurred. Failure to report any conviction, as required by this Rule, in writing within five (5) days of the conviction shall constitute cause for discipline or dismissal from employment. Compliance with this Rule shall not exempt the employee from discipline or dismissal because of the conviction. Additional requirements and procedures may be set forth in the Board's Drug and Alcohol Free Workplace Policy.

d. *Certification/Licenses.* No applicant for employment or promotion to a position that requires certification and/or licensure under the Illinois School Code, or any other law or Board policy, may be hired until he or she has presented proof of proper certification or licensing by the appropriate authority. If an employee's certificate or license lapses, or is invalid, suspended or revoked, the employee shall be subject to layoff and/or discipline or dismissal.

e. *Fitness for Duty Examinations.* All applicants for employment and employees may be required, as a condition of hire or continued employment, to submit to a post-offer or post-employment fitness for duty examination by an appropriate healthcare professional to demonstrate that they can perform the essential functions of their position and are fit for duty.

f. *Ethics Policy.* All employees and applicants for employment shall comply with the Board's Ethics Policy. Employees who violate the Board's Ethics Policy shall be subject to discipline and dismissal.

g. *Failure to Pay Municipal Debts.* The Chief Executive Officer or his/her designee may require that applicants for employment verify that they have paid all debts due and owing to the City of Chicago as a condition of employment. The failure by any Board employee to pay a debt due and owing to the City of Chicago shall be cause for discipline or dismissal. For purposes of this Rule, "a debt due and owing" means a specified sum of money owed to the City for city services, work or goods after the period granted for payment has expired and/or a specified sum of money owed to the City pursuant to a court or administrative order after the exhaustion of or failure to exhaust judicial review. Upon request of the City Comptroller, the Board may withhold wages to

pay municipal debts in accordance with the provisions of the Illinois School Code and state law.

h. *Drug and Alcohol Free Workplace.* Board workplaces shall be drug and alcohol free. Accordingly, employees shall not unlawfully manufacture, distribute, possess, consume, use, or be under the influence of drugs or alcohol on Board property or premises or at any site of Board-sponsored activities. For purposes of this Rule, the term “drugs” means any controlled substance, as defined in 21 U.S.C. §812 and 720 ILCS 570/102, or any drug that is legally obtainable but has not been legally obtained, or that is not being used for prescribed purposes or taken according to prescribed dosages. The Board and/or the Chief Executive Officer or his/her designee shall establish policies and procedures to comply with federal and state Drug Free Workplace Acts and Drug Free Schools and Communities Acts. Additional requirements may be set forth in the Board Drug and Alcohol Free Workplace Policy. The Board and/or the Chief Executive Officer or his/her designee may establish additional policies and procedures for drug and alcohol testing for applicants prior to their hire, or for employees, post-hire. Such policies and procedures shall be consistent with applicable law. Applicants for employment, who violate this Rule, or Board Policies and procedures, shall be excluded from consideration for employment. Employees who violate this Rule shall be dismissed from employment.

i. *Respectful, Violence Free Workplace and Learning Environment.* It is the Board’s policy that its facilities and workplaces shall be free of violence and that students, employees and visitors to its facilities conduct themselves in a manner that is respectful to others. Accordingly, employees shall not engage in any acts that are inconsistent with a respectful working and learning environment and shall not engage in any acts of violence at the workplace, or engage in any acts of violence outside of Board workplaces that have a nexus to their Board employment. For purposes of this Rule, acts of violence include use of physical force, when it is not reasonably necessary to protect persons or property from imminent harm, and acts of intimidation including, but not limited to, threats of physical force.

j. *Authorization to Work in the United States.* All employees must be legally present in the United States and possess legal authorization for employment in the United States.

k. *Compliance with Laws and Board Policies and Rules Prohibiting Discrimination.* All employees must comply with laws and Board Policies and Rules prohibiting discrimination, including laws and policies prohibiting sexual harassment.

l. *Statement Concerning Employment in a Job Not Covered by Social Security.* All employees who are employed in positions that are not covered by Social

Security shall receive a “Statement Concerning Your Employment in a Job Not covered by Social Security” at the time of their hire.

m. *Obligation to Cooperate in Inspector General Investigations and to Answer Inspector General’s Questions.* All employees are obligated to cooperate with the Board’s Inspector General in investigations or inquiries conducted by the Inspector General as required by 105 ILCS 5/34-13.1. Employees who are interviewed by the Inspector General or his/her authorized agents and who are given a notice of administrative rights by the Inspector General or his/her agents are directed by the Board of Education to answer all questions by the Inspector General. Employees who receive a notice of administrative rights from the Inspector General or his authorized agents may not refuse to answer questions based upon the assertion of that employee’s privilege against self-incrimination. Any employee who refuses to answer questions by the Inspector General or his authorized agents after receiving a notice of administrative rights shall be considered flagrantly insubordinate and to have grossly disrupted the educational process. In addition to the penalties set forth in 105 ILCS 5/34-13.1, any employee who refuses to answer the questions of the Inspector General or his authorized agent after receipt of a notice of administrative rights shall be subject to dismissal from Board employment.

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.

o. *Other Requirements for Pre-Employment, Employment, Association or Affiliation.* The Board or the Chief Executive Officer or the Chief Executive Officer’s designee may establish other hiring, employment, affiliation and association 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.

#### **Sec. 4-5. Hiring, Appointment and Status of Employees.**

a. *Hiring and Appointment of Employees.* The Chief Executive Officer or his/her designee shall establish the hiring selection process and procedures, hire, appoint and assign employees, except those management level employees reserved for the Board in Board Rule 4-1(c). The Board and/or the Chief

Executive Officer or his/her designee may establish policies and eligibility criteria for the appointment of employees.

b. *Status of Employees.* All employees shall serve at the pleasure of the Board and shall be considered at-will employees unless a statute or Board agreement or Board Rule expressly provides to the contrary.

**Sec. 4-6. Layoff of Employees and Reductions in Force.** The Chief Executive Officer shall decide whether and when a layoff of employees or a reduction in the Board's workforce should occur. The decision to lay off employees or conduct a reduction in force may be based upon enrollment projections, reorganizations, and/or budgetary, financial, and/or operational needs. The Chief Executive Officer or his/her designee shall implement such layoffs or reductions in force. Selection of employees for layoff who are covered by collective bargaining agreements shall be in accordance with such collective bargaining agreements and the Board's layoff policies.

**Sec. 4-7 Discipline and Dismissal of Employees.**

a. *Discipline of Employees.* The CEO or designee shall establish employee discipline protocols for employees who are not subject to a collective bargaining agreement and also not subject to an employee discipline policy adopted by the Board. Such employee discipline protocols shall set forth the procedures for administering such employee discipline. Principals, school-based supervisors, officers, heads of general departments now in existence or hereafter established, nonschool based supervisors, the Chief Executive Officer or his/her designee or the General Counsel may discipline employees in accordance with the applicable employee discipline policy adopted by the Board, the applicable collective bargaining agreement, or employee discipline protocols established by the CEO or designee.

b. *Dismissal of Employees.*

1. *Dismissal of Executive Officers, Officers, and Heads of Departments.* The Board may dismiss executive officers, officers, and heads of departments either upon recommendation of the Chief Executive Officer and a majority vote of the full membership of the Board, or upon majority vote of the full membership of the Board.

2. *Dismissal, Non-Renewal and Reappointment of Probationary Appointed Teachers.* Upon recommendation of the Chief Executive Officer, the Board shall dismiss or deny reappointment for the next school year to a probationary appointed teacher, as follows:

a. Principals may recommend to the Chief Executive Officer the non-renewal of a probationary teacher's appointment for the following school year provided that they must provide a reason to the Chief

Executive Officer for the non-renewal. The Chief Executive Officer may accept or reject the principal's recommendation. If the Chief Executive Officer accepts the recommendation to non-renew a probationary appointed teacher, the Chief Executive Officer shall recommend that the Board non-renew and dismiss the probationary appointed teacher and provide the Board the reasons for that recommendation, which shall not be made public. The Chief Executive Officer or his/her designee shall notify probationary appointed teachers of non-renewal no later than thirty (30) calendar days before the end of the school year. In the case of non-renewed probationary appointed teachers, the Chief Executive Officer's or designee's notice of non-renewal shall notify the probationary appointed teacher of the reason(s) for nonrenewal.

- b. If a probationary appointed teacher engages in misconduct, or the principal is not satisfied with the probationary appointed teacher's performance, the principal may recommend that the probationary appointed teacher be dismissed before the end of the school year in accordance with procedures established by the Chief Executive Officer or designee. If the Chief Executive Officer agrees with the principal's recommendation, he or she shall recommend that the Board dismiss the probationary appointed teacher, and provide the Board the reasons for that recommendation.
- c. Probationary appointed teachers shall be deemed reappointed from school year to school year unless the Chief Executive Officer or designee notifies the probationary appointed teacher that he or she will not be reappointed in accordance with this Rule.

3. *Dismissal of Other Probationary Employees, Part-Time/Seasonal Employees, At-Will Educational Support Personnel and Assistant Principals.* The Chief Executive Officer or his/her designee may dismiss at-will employees, including but not limited to probationary employees and managerial, supervisory and confidential educational support personnel, part-time/seasonal employees and assistant principals. Nothing in the Board's employee discipline policy or the employee discipline protocols established by the Chief Executive Officer or his/her designee shall confer, or be construed to confer, upon probationary employees or other at-will employees a property interest in Board employment or an expectation of continued Board employment.

4. *Dismissal of Educational Support Personnel Covered by Collective Bargaining Agreements.* Upon recommendation of the Chief Executive Officer or his/her designee, the Board may dismiss educational support personnel covered by collective bargaining agreements for cause.

5. *Dismissal of Contract Principals.* Contract principals may be dismissed from Board employment and their contracts terminated prior to the agreed upon end of their contract, as follows:

- a. In accordance with section 34-85 of the Illinois School Code (105 ILCS 5/34-85), and applicable provisions of the Board's discipline policy, the Board may dismiss a contract principal for cause after a hearing before an Illinois State Board of Education ("ISBE") hearing officer. In deciding whether to dismiss a contract principal, the Board shall consider the hearing officer's recommendation, any arguments made by the Chief Executive Officer or his/her designee or the contract principal with respect to the ISBE hearing officer's recommendation and other material necessary to make an informed decision. The Board may adopt, modify or reject the ISBE hearing officer's recommendation, and enter orders it deems appropriate under the circumstances.
- b. Upon recommendation of the Chief Executive Officer, after hearing, the Board may remove, replace and dismiss contract principals and terminate their contracts in accordance with the principal's contract and the provisions of 105 ILCS 5/34-8.3.

6. *Dismissal of Tenured Teachers.* In accordance with section 34-85 of the Illinois School Code (105 ILCS 5/34-85) the Board may dismiss a tenured teacher for cause after a hearing before an Illinois State Board of Education ("ISBE") hearing officer. In deciding whether to dismiss a tenured teacher, the Board shall consider the hearing officer's recommendation, any arguments made by the Chief Executive Officer or the contract principal with respect to the ISBE hearing officer's recommendation and other material necessary to make an informed decision. The Board may adopt, modify or reject the ISBE hearing officer's recommendation, and enter orders it deems appropriate under the circumstances.

c. *Suspension Pending Investigation and/or a Discharge or Dismissal Hearing.* Where the Chief Executive Officer or his/her designee, or the General Counsel, deems it to be in the best interests of the Board, the Chief Executive Officer or his/her designee may remove an employee from active employment with pay, or may suspend an employee without pay pending an investigation and/or dismissal hearing in accordance with (i) the employee discipline policy adopted by the Board if applicable, (ii) the applicable collective bargaining agreement or, if (i) and (ii) are not applicable, the employee discipline protocols established by the CEO or designee.

**Sec. 4-8. Hours of Work.** The Chief Executive Officer or his/her designee shall assign employees to work full- or part-time schedules, consistent with their job category, in accordance with applicable collective bargaining agreements and this Rule.

a. *Other Exempt Employees.* Employees who are classified as exempt under the United States Fair Labor Standards Act are subject to principles of public accountability, as defined by the United States Fair Labor Standards Act. Exempt employees are required to work as necessary to fulfill all of their duties and responsibilities, and full-time, exempt employees are required, at a minimum, to be performing their duties during the normal hours of operation of their assigned student attendance center or department.

b. *Part-Time/Seasonal Employees.* Part-time/seasonal employees may be employed on either a full-time or part-time basis or full-time seasonal or temporary basis in accordance with Board Rule 4-3.

**Sec. 4-9. Overtime Premium Pay - Timekeeping – Public Accountability - No Compensatory Time Banks.** The Chief Executive Officer or his/her designee shall designate all employee classifications and job titles as exempt or nonexempt in accordance with the United States Fair Labor Standards Act and the Illinois Minimum Wage Law.

a. *Non-Exempt Positions.* Employees who occupy non-exempt positions shall account for all hours worked on electronic timekeeping systems maintained by the Board, or alternative systems approved by the Chief Executive Officer or his/her designees. Non-exempt employees shall be paid for all hours worked in excess of forty (40) hours in a workweek in accordance with applicable law or as provided in applicable collective bargaining agreements.

b. *Teachers.* Teaching positions are exempt positions. Teachers shall be required to account for the hours that they are scheduled to be at the student attendance center and shall be required to use appropriate available accumulated sick or personal business benefit days for full or partial day absences.

c. *Other Exempt Positions.* Employees who occupy other exempt positions shall be required to account for their presence at work on each work day. Said employees must adhere to principles of public accountability, and may be docked for full days of absence. Other exempt employees shall also use accumulated sick, personal or vacation benefit time for full days of absence. Said employees shall not be required to use accumulated benefit time for partial days of absence.

d. *Timekeeping.* The Chief Executive Officer or his/her designee shall establish procedures for electronic timekeeping, which shall be the primary means for keeping employees' time. Nothing in this Rule shall prevent the Chief Executive Officer, the General Counsel, a department head or supervisors from establishing additional or alternative timekeeping methods if operational needs require them.

e. *No Banks of Compensatory Time In Lieu of Overtime.* Non-exempt employees shall not accumulate compensatory time off in lieu of overtime.

**Sec. 4-10. Holidays.**

a. *Holidays.* Employees otherwise scheduled to work shall not be scheduled to work on Board holidays, except as necessary for the security and maintenance of facilities. Holidays that fall on a Sunday shall be observed on the Monday following the holiday. Holidays that fall on a Saturday shall not be observed.

b. *Holiday Pay and Conditions for Holiday Pay.* Employees, other than substitute teachers, and part-time/seasonal employees, shall be paid their regular pay for the holiday. In the case of teachers, “regular pay” includes pay for extended day and regularly scheduled classes authorized on an overtime basis. To be eligible for holiday pay, employees must work either the day before or the day after the holiday, unless the employee has been approved to use sick or vacation benefit time on those days, except that appointed and temporarily assigned teachers and principals who are appointed or assigned on the day after Labor Day shall be eligible for holiday pay for the Labor Day holiday. Other eligibility requirements may be established by collective bargaining agreements or Board policies.

c. *Teachers’ Religious Holidays.* Appointed teachers shall be granted up to three (3) non-attendance days with pay in a school year for the observance of religious holidays, which shall not be considered an absence, provided that:

1. The appointed teacher must give written notice to the school principal at least two (2) days in advance of non-attendance for the religious holiday; and
2. The cost of providing a substitute teacher shall be deducted from the appointed teacher’s pay.

**Sec. 4-11. Employee Benefit Days and Paid Excused Days.** The Board shall establish sick (including short-term disability and maternity), parental, personal business and vacation leave policies for employees, other than substitute teachers and part-time/seasonal employees, which shall set forth rules for the accrual, accumulation and payout upon termination of employment of sick, parental, personal business and vacation benefits days. The Chief Executive Officer or his/her designee shall have the authority to grant paid excused days off to employees.

**Sec. 4-12. Family and Medical Leaves of Absence and Supplemental Leaves.**

a. *Applicability of Rule.* This Rule applies to all Board employees.

b. *Types of Family and Medical Leaves Authorized by this Rule.* The Board shall establish policies for Family and Medical Leave Act (“FMLA”) leaves and

supplemental leaves, including, child-rearing leaves, personal illness leaves, and family illness leaves. Said policies shall establish eligibility criteria for leaves, leave duration, any employee rights to return to a position at termination of leave, and rights to pay during leave. Notwithstanding anything in these leave policies to the contrary, principals and assistant principals shall only have position protection during the first twelve (12) workweeks of FMLA leave and will not have position protection during any supplemental leave.

c. *Coordination with Other Laws, Regulations and Policies.* All leaves granted under this Rule to employees eligible for an FMLA leave shall be designated as an FMLA leave for the first twelve (12) workweeks of the leave during any twelve (12) month period. The Chief Executive Officer or his/her designee shall make the FMLA leave retroactive to the first day of an employees' continuous absence prior to the employee's request for the FMLA leave except where the employee has previously provided the Chief Executive Officer or his/her designee with the information sufficient for the Chief Executive Officer or his/her designee to make a determination that the leave qualifies as an FMLA leave and the Chief Executive Officer or his/her designee has failed to designate the leave as FMLA, in which case the FMLA leave shall commence on the date the employee submits an application for FMLA leave to the Chief Executive Officer or his/her designee. FMLA leaves shall be concurrent with any other leave authorized by this Rule.

d. *Coordination of Leaves.* All leaves the Chief Executive Officer or his/her designee grant under this Rule to employees eligible for an FMLA leave shall be designated as an FMLA leave for the first twelve (12) workweeks of the leave during any twelve (12) month period. The Chief Executive Officer or his/her designee shall make the FMLA leave retroactive to the first day of an employees' continuous absence prior to the employee's request for the FMLA leave except where the employee has previously provided the Chief Executive Officer or his/her designee with the information sufficient for the Chief Executive Officer or his/her designee to make a determination that the leave qualifies as an FMLA leave and the Chief Executive Officer or his/her designee has failed to designate the leave as FMLA, in which case the FMLA leave shall commence on the date the employee submits an application for the FMLA leave to the Chief Executive Officer or his/her designee. FMLA leaves shall be concurrent with any other leave authorized by this Rule.

e. *Effect of Leave on Probationary Periods.* Any probationary appointed teacher granted a leave of thirty (30) or more consecutive calendar days, including an FMLA leave, shall have his/her probationary period extended by the duration of the leave granted under this Rule. This Rule shall not apply to intermittent leaves.

f. *Leave Required.* Any employee subject to this Rule shall be required to seek a leave if the employee is absent from work or anticipates that he/she will be

absent from work for more than ten (10) consecutive workdays, or if the employee anticipates the need for an on-going, intermittent leave. The Chief Executive Officer or his/her designee may seek to discipline or dismiss an employee who fails to apply for a leave under this Rule.

*g. Medical Certification for Leave.* All requests for leave or, where available, requests for leave extensions, must be supported by a certification from an appropriately licensed health-care provider. In accordance with applicable law, the Chief Executive Officer or his/her designee may require that an employee seeking a leave or on a leave to submit to periodic evaluation by an appropriately licensed health-care provider regarding the necessity of a leave or continued necessity of a leave.

1. In cases of a dispute regarding the necessity of a leave, the Chief Executive Officer or his/her designee shall direct an employee to submit to an evaluation by an appropriately licensed healthcare provider and request the health-care provider's opinion regarding the necessity of a leave.
2. Where appropriately licensed health-care providers issue conflicting opinions or certifications regarding the necessity for a leave, the Chief Executive Officer or his/her designee shall direct the employee to submit to an evaluation of a third appropriately licensed health-care provider, whose opinion and certification regarding the necessity for a leave will be controlling.
  - a) The employee or his/her healthcare provider shall select the third health-care provider from a list maintained by the Chief Executive Officer or his/her designee.
  - b) The cost of the evaluation and opinion by the third healthcare provider shall be borne by the Board.
3. An employee's failure or refusal to submit to any evaluation directed by the Chief Executive Officer or his/her designee or to cooperate in the evaluation or the health-care provider's selection shall be grounds for discipline or dismissal from employment.
4. Where the health-care provider's opinion is that the employee should be on a leave, the health-care provider shall establish a date for re-evaluation to determine the continued necessity of the leave.

*h. Maintenance of Insurance Benefits During Leaves.* An employee granted a leave under this Rule shall maintain all insurance benefits during his/her leave provided that the employee pays the employee's premium contribution for the insurance.

i. *Prohibition Against Secondary Employment During Certain Leaves of Absence.* Employees who are granted a leave of absence for their own serious medical condition or their own personal illness under this Rule shall not work secondary employment during the period of the leave, including any leave extension.

**Sec. 4-13. Involuntary Personal Illness Leaves – Fitness for Duty Leaves.**

The Chief Executive Officer or his/her designee shall have the authority to place an employee on an involuntary illness leave if the Chief Executive Officer or his/her designee determines that the employee's physical or mental health renders the employee unfit to perform the duties of the employee's position.

a. *Examination of Employees Deemed Unfit for Duty.* The Chief Executive Officer or his/her designee may require employees whose fitness for duty is at issue to submit to examinations and evaluations by appropriately licensed health-care providers to determine the employee's fitness to perform his or her duties.

b. *Involuntary Personal Illness Leave for Employees Determined to be Unfit for Duty.* If an employee is determined to be unfit to perform the employee's duties, the employee shall be placed on an involuntary personal illness leave and shall have all the same rights afforded to employees on voluntary personal illness leaves in accordance with the applicable personal illness leave policy.

c. *Disputes Over Fitness for Duty.* If an employee who is placed on an involuntary personal illness leave disputes the appropriately licensed healthcare provider's determination that he/she is unfit to perform his/her duties, the employee must submit an opinion from another appropriately licensed health-care provider that he/she is fit for duty, and the resulting dispute shall be resolved in accordance with the provisions of Rule 4-12(g).

d. *Duration of Involuntary Personal Illness Leave.* An involuntary personal illness leave shall have a duration of no more than twenty-five (25) work months.

e. *Termination of Involuntary Personal Illness Leave.* An involuntary personal illness leave shall terminate on the earlier of: 1) certification that the employee is fit for duty by an appropriate health-care professional approved by the Chief Executive Officer or his/her designee, or, 2) the expiration of twenty-five (25) work months.

f. *Tenured Teachers and Contract Principals Who Remain Unfit for Duty at the Expiration of Twenty-Five (25) Work Months.* If, after the expiration of twenty-five (25) work months on an involuntary personal illness leave, a tenured teacher or a contract principal remains unfit for duty, the tenured teacher or contract principal shall be dismissed in accordance with the Illinois School

Code. For purposes of this Rule, an employee who has remained unfit for duty due to a mental or physical incapacity for six (6) or more work months shall not be deemed to be suffering from a temporary mental or psychological impairment, as defined by the Illinois School Code, and nothing in this Rule shall prevent the Board from dismissing a tenured teacher or a contract principal who has been mentally or psychologically incapacitated for more than six (6) months.

*g. All Other Employees Who Remain Unfit for Duty at the Expiration of Twenty-Five Work Months.* If, after the expiration of twenty-five (25) work months on an involuntary personal illness leave, an employee, other than a tenured teacher or a contract principal, remains unfit for duty and is not collecting a permanent disability pension from the Chicago Municipal Employees Annuity Fund, the employee shall be deemed absent without leave and honorably terminated. For purposes of this Rule, an employee who has remained unfit for duty due to a mental or psychological impairment for six (6) or more work months shall not be deemed to be suffering from a temporary mental or psychological impairment, as defined by the Illinois School Code, and nothing in this Rule shall prevent the Board from dismissing an employee who has been mentally or psychologically incapacitated for more than six (6) months.

**Sec. 4-14. Other Leaves with Pay.** Except as otherwise provided in this Rule, the Chief Executive Officer, or his/her designee, may grant leaves with pay to eligible employees, as set forth in this Rule. The Chief Executive Officer or his/her designee shall establish procedures for applying for paid leaves under this Rule, which may include additional procedural eligibility criteria. Employees granted leaves under this Rule shall continue to be eligible to participate in employee health and dental benefit plans, provided that they pay any required employee premium contributions to maintain those benefits. Nothing in this Rule shall be construed to grant a contract principal a leave of absence beyond the termination date of the contract principal's contract, or to extend the termination date of the principal's contract.

*a. Military Leave*

1. *Eligibility.* The Chief Executive Officer or his/her designee shall grant military leaves or reserve military leaves to full-time employees for any period the full-time employee spends in military service, including basic training, special or advanced training, and annual training, whether or not within the State of Illinois, and whether or not voluntary.
2. *Seniority and Benefits During Military Leave.* An employee on any military leave provided in this Rule shall continue to accrue seniority and other benefits.

3. *Pay During Military Leave.*

- a. *Annual Training.* Any full-time employee granted a leave of absence for annual training under this Rule shall receive his regular compensation.
- b. *Basic, Special or Advanced Training.* During the first sixty (60) days of military leave for basic, special or advanced training, an employee will receive the employee's regular compensation minus the amount of his/her base pay for military activities.

4. *Return to Work at Conclusion of Leave.* An employee, other than a part-time/seasonal employee, who is granted a military leave under this Rule and who: (1) receives a certificate described in section 9(a) of the Military Selective Service Act, 50 USCS Appx. § 459(a) (relating to the satisfactory completion of military service); and (2) makes application for reemployment within ninety (90) days after the employee is relieved from such training and/or service or from hospitalization continuing after discharge for a period of not more than one year, the employee shall be returned to work, as follows: (1) if qualified to perform the duties of the employee's former position, and returns within the job protection period, the employee shall be reinstated to the former position or a position of like seniority, status or pay; or (2) if not qualified to perform the duties of the former position due to a disability sustained during the military leave, or has exceeded their job protection period, the employee will be offered a vacant position for which the employee is qualified.

b. *Bereavement Leave.* The Chief Executive Officer or his/her designee shall grant employees, other than substitute teachers, and part-time/seasonal employee, paid bereavement leaves, as follows:

1. A leave not to exceed ten (10) week days, including holidays and layoff days, at the death of the eligible employee's parent, spouse, domestic partner, grandparent, child, brother, or sister of the employee, or step-parent married to a parent of the employee, provided that the last five (5) days of such a leave shall be applied against the employees' sick leave bank; and
2. A leave not to exceed five (5) week days, including holidays and layoff days, at the death of the eligible employee's grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, nephew, niece, uncle, aunt, or first cousin of the employee, provided that all days of such leave shall be applied against the employee's sick leave bank.

c. *Jury Duty Leave.* The Chief Executive Officer or his/her designee shall grant employees, other than day-to-day substitute teachers, and part-time/seasonal employee, a paid leave of absence when summoned for jury duty, provided that

the amount of jury duty pay shall be deducted from the employee's pay for each day of jury duty. Day-to-day substitute teachers, and part-time/seasonal employee shall be excused from work without pay when summoned for jury duty. The provisions of this Rule shall be applicable during summer school assignments.

d. *Court Attendance Leave.* The Chief Executive Officer or his/her designee shall grant employees a paid leave of absence for court attendance when:

1. the employee is required to attend court, or other judicial proceedings, in connection with litigation in which school interests or records are involved, or when the State of Illinois, the City of Chicago, or the Board is a party and the employee is not personally interested in the outcome of the litigation; or
2. the employee is subpoenaed to appear in court within Cook County, Illinois, in a matter in which the employee has no personal interest in the outcome of the case, in which case, the subpoena fee shall be deducted from the employee's pay.

e. *Conference Leave.* The Chief Executive Officer or his/her designee shall grant an employee, other than substitute teachers, or part-time/seasonal employee, paid conference leave to attend professionally-related conferences, meetings, workshops, conventions, or commencement exercises for the employee, if in the Chief Executive Officer or his/her designee's judgment, the employee's attendance is beneficial or related to the work of the schools.

f. *Sabbatical Leave for Appointed Teachers.* The Chief Executive Officer or designee may grant paid leaves of absence to tenured teachers, who have completed six (6) continuous years of satisfactory service, for the purposes of full-time resident study programs, or other purposes, for a period of at least five (5) months but no more than ten (10) school months (equivalent to one continuous semester or one continuous school year respectively), if the Chief Executive Officer or designee determines that the leave will improve the service of the teacher or principal to the public schools. The employee must be enrolled in a full-time program. An employee who is granted a leave under this provision may not hold secondary employment or accept other employment or draw a salary/stipend without express approval from the Chief Executive Officer or designee from another agency while on this leave. Upon return from this leave, the employee must work for a minimum of (2) two years or be responsible for paying back any sums of money paid to the employee during the sabbatical leave by the Board of Education. Eligibility for and the terms and conditions of sabbatical leaves will be established by the Chief Executive Officer or designee.

**Sec. 4-15. Other Leaves without Pay.** The Chief Executive Officer or his/her designee may grant leaves without pay to eligible employees as set forth in this Rule without Board action and shall report all such leave in his/her quarterly workforce planning report to the Board. The Chief Executive Officer or his/her designee shall establish procedures for applying for unpaid leaves under this Rule, which may include additional procedural eligibility criteria. Employees granted leaves under this Rule shall continue to be eligible to participate in employee health and dental benefit plans, provided that they pay any required employee premium contributions to maintain those benefits. Nothing in this Rule shall be construed to grant a contract principal a leave of absence beyond the termination date of the contract principal's contract or to extend the termination date of the principal's contract.

a. *Personal Leaves of Absence for Educational Support Personnel.* The Chief Executive Officer or his/her designee may grant educational support personnel employees who have been employed for not less than three (3) months personal leaves of absence without pay. The Chief Executive Officer or his/her designee, in the exercise of his/her discretion, may permit educational support personnel granted a personal leave of absence to be paid appropriate accumulated benefit time during the leave. Any employee who is granted a leave under this provision may not accept secondary employment or draw a salary/stipend without express approval from the Chief Executive Officer or designee. Educational support personnel granted a personal leave of absence under this Rule shall be restored to their former positions at the termination of the leave if the former position is available. If the former position is not available, the educational support personnel employee may apply for any position for which the employee is qualified.

b. *Student Teaching Leaves of Absence for Educational Support Personnel.* The Chief Executive Officer or designee may grant educational support personnel employees who have been employed for not less than three (3) months a student teaching leave of absence without pay. Educational Support Personnel must show proof that they are enrolled in an accredited program and need the time off work, for a maximum of (10) ten school months, to student teach or complete a practicum. Student teaching leave of absence shall be without pay unless otherwise approved by the Chief Executive Officer or designee. Any Educational Support Personnel employee granted a student teaching leave of absence under this rule shall be restored to the employee's former position at the termination of the leave if the former position is available, If the former position is not available, the Educational Support Personnel employee may apply for any position for which they are qualified. Any employee who is granted leave under this provision may not accept secondary employment or draw a salary/stipend without express approval from the Chief Executive Officer or designee.

c. *Tenured Teachers' Leave for Travel or Study.* The Chief Executive Officer or designee may grant an unpaid leave of absence for one (1) year or less to a tenured teacher for educationally-related travel or for full-time study in accredited institutions of learning. At the conclusion of the leave, the tenured teacher must present credentials showing the course work pursued and the amount of work done to the Chief Education Officer. In case of leave for travel, evidence of such travel shall be presented to the Chief Education Officer. When a leave has been granted under this Rule, the absence shall not be construed as a break in service so far as seniority is concerned and the tenured teacher shall be returned to his/her position at the termination of the leave. A tenured teacher granted a leave under this Rule shall be ineligible for another leave under this Rule for a period of at least four (4) years after the conclusion of the leave. Any employee who is granted a leave under the provisions may not accept secondary employment or draw a salary/stipend without express approval from the Chief Executive Officer or designee. Any person who is granted leave under the provisions of this Rule, who fails to devote the entire period of the leave to the purposes specified in the application for leave shall pay to the Board the cost of maintaining benefits for the teacher during the leave and may be subject to discipline or dismissal. The employee shall maintain insurance benefits while on leave of absence as long as the employee pays the employee portion of the insurance premium.

d. *Tenured Teachers' Leave for Charter School Employment.* The Chief Executive Officer or his/her designee may grant unpaid leaves of absence to tenured teachers who accept employment with a charter school in accordance with 105 ILCS §27A-10(b). Charter school leaves shall be granted in one (1) school year increments. Successive charter school leaves may be granted for up to maximum of five (5) school years. A tenured teacher who is granted a leave of absence for charter school employment may return to his/her former position only if the leave terminates after his/her first year of charter school leave; if the leave terminates after more than one (1) year of leave, the teacher shall be assigned to the Reassigned Teacher Pool in accordance with Board policies. Health insurance will not be offered during this leave. Upon return from this leave, the employee must provide a termination or resignation letter within (30) thirty days of the last day of employment in order to return to work at Chicago Public Schools.

e. *Tenured Teachers' and Certificated Administrators' Personal Leave of Absence.* The Chief Executive Officer or his/her designee may grant an unpaid personal leave of absence with full loss of salary for a period of two (2) years or less to any tenured teacher or certificated administrator, if in the judgment of the Chief Executive Officer or his/her designee, such leave will enable the tenured teacher or certificated administrator to engage in an activity which will be beneficial to the work of the Chicago Public Schools. Certificated administrators who are contract principals and assistant principals are not

eligible for a personal leave of absence. Upon conclusion of the personal leave of absence, the tenured teacher may apply for vacant positions.

*f. Tenured Teachers' and Educational Support Personnel Union Leaves.*

1. Upon application by the Chicago Teachers Union ("CTU"), the Illinois Federation of Teachers ("IFT"), or the American Federation of Teachers ("AFT"), the Chief Executive Officer or designee may, without Board action, grant employees who are elected or appointed to full-time positions with the CTU, IFT or AFT leaves of absence without pay for the purpose of accepting positions, provided that no more than forty-five (45) employees shall be granted such a leave at any one time. Employees granted a union leave of absence shall retain all other benefits as if they were in regular service. They shall continue to accrue seniority for salary increments and all other purposes where seniority is a factor, and their absence shall not be construed as a break in service for any purpose. As condition of such leave, the CTU, IFT, and AFT must agree to pay the cost of maintaining any benefits for the employee.
2. The Chief Executive Officer or his/her designee may, without further Board action, grant union leaves of absences authorized by collective bargaining agreements approved by the Board to employees who are elected or appointed to union offices. The Chief Executive Officer or designee shall approve such leaves in accordance with the terms of the collective bargaining agreement approved by the Board.
3. An appointed teacher or clinician who is elected as President, Vice President, Recording Secretary or Financial Secretary of the CTU and who decides to return to Board employment following the conclusion of his or her first term in office shall be returned to his or her original position in his or her original school or unit. A teacher or clinician on Union leave to an unelected position with the CTU who decides to return to Board employment at the conclusion of his or her Union leave shall be assigned to an equivalent position in the area of his or her certification.

The teacher or clinician shall not have the right to return to his or her original school or unit.

*g. Tenured Teachers' Pension Office Employment Leave.* Upon application by the Chicago Teachers' Pension Fund, the Chief Executive Officer or designee may grant an unpaid leave of absence to tenured teachers to accept appointments to full-time positions with the Chicago Teachers' Pension Fund. As condition of such leave, the Chicago Teachers' Pension Fund must agree to pay the cost of maintaining any benefits for the employee. Upon termination of the leave, employees shall be treated as laid off employees and afforded the rights and benefits provided in the applicable Board's layoff policies.

h. *Family Military Leave of Absence.* The Chief Executive Officer or designee may grant an unpaid family military leave of absence of up to thirty (30) calendar days to an employee who: 1) is the spouse or parent of any person called to military service for a period of more than thirty (30) calendar days pursuant to orders of the Governor of the State of Illinois or the President of the United States, 2) has been employed by the Board for at least twelve (12) months, and, 3) has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. Employees who request unpaid family military leave for five (5) or more consecutive work days must make their request for the leave fourteen (14) days prior to the commencement of the leave; employees who request unpaid family military leave for less than five (5) consecutive work days shall make their request as soon as practicable. Upon termination of the leave, the employee shall be restored to the position held by the employee prior to commencement of the leave or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment, unless the employee would not have maintained his/her position regardless of the leave. The Chief Executive Officer or designee shall establish procedures and requirements for applying for leaves, including requirements for submission of certification from the proper military authority to verify the employee's eligibility for the family military leave and procedures for return of employees at the conclusion of the family military leave.

**Sec. 4-16. Resignations and Retirement.**

a. Except as provided in subparagraph b of this Rule, employees' resignations and notices of intent to retire are irrevocable upon receipt by the Talent Department.

b. The Chief Executive Officer or designee may permit an employee to rescind a resignation or notice of intent to retire that was made based on a good faith mistake or which would otherwise cause significant and undue hardship to the employee. The Chief Executive Officer or designee shall develop guidelines under which s/he will permit an employee to rescind a resignation or notice of intent to retire.

**Sec. 4-17. Domestic Partners and Parties to a Civil Union; Definitions and Applicability of Terms.**

a. *Domestic Partner Definition.* The term domestic partner(s), as referred to in Board Rules and Policies, shall mean individuals who (1) are at least 18 years of age; (2) are of the same sex; (3) are unmarried (single, divorced or widowed) and not a party to a civil union; (3) are each other's sole partner; (4) are responsible for each other's common welfare; (5) are residing in the same residence; (6) are not related by blood closer than would bar marriage in the State of Illinois; and (7) satisfy two of the following additional requirements: (i) have been residing together for at least 12 months; (ii) have common or joint

ownership of a residence; (iii) jointly own a motor vehicle, credit account, checking account, or residential lease; or (iv) one or both have declared the other as the primary beneficiary on his or her will.

b. *Civil Union Definition.* The term civil union means a legal relationship between two persons of either the same or opposite sex established pursuant to the Illinois Religious Freedom Protection and Civil Union Act (P.A. 096-1513, effective June 1, 2011), referred to herein as the “Illinois Civil Union Act”. Under the Illinois Civil Union Act, a marriage between persons of the same sex, a civil union, or a substantially similar legal relationship other than common law marriage, legally entered into in another jurisdiction, shall be recognized in Illinois as a civil union.

c. *Party To A Civil Union Definition.* A party to a civil union means a person who has established a civil union as defined in section b. of Board Rule 4-17.

d. *Applicability of Terms to Board Rules and Policies.* A party to a civil union and a domestic partner shall be considered included in any definition or use of the terms “spouse”, “family”, “immediate family”, “dependent”, “next of kin”, “in-law”, “married”, “relative” and other related terms that denote the spousal relationship or affiliation as those terms are used throughout Board Rules and Policies.

**Sec. 4-18. Employee Safety and Health.** The Chief Executive Officer or his/her designee shall establish an occupational blood borne pathogen exposure control plan, review the plan at least annually and update the plan when necessary and further may establish any other plan necessary to comply with applicable regulations and standards that serve to protect employee safety and health.

## **CHAPTER V FINANCIAL RULES**

**Sec. 5-1. Fiscal and School Year.** The fiscal year of the Board of Education shall commence on the first day of July of each year.

**Sec. 5-2. Office Hours.** The general offices of the Board of Education and District shall be open on Monday through Friday each week from 8:00 o'clock A.M. to 5:00 o'clock P.M. (Holidays designated in section 5-3 excepted.) An individual employee's work hours are based on their assigned duties and subject to determination by their immediate supervisor or department head.

**Sec. 5-3. Holidays - Offices.** The general offices of the Board of Education and District shall be closed on the following holidays: 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 (Presidents' Day); the first Monday of 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); the fourth Thursday and Friday in November (Thanksgiving Day Recess); December 25 (Christmas Day); and on such other days as the President, with the approval of or ratification by the Board of Education, may direct. When any such holidays fall on Sunday, the Monday next following shall be held and considered such holiday. Notwithstanding the foregoing, the Board may adopt a school calendar that indicates observed holidays which are different from those indicated in this Rule, in which case, the general offices of the Board of Education and District shall be closed on the observed holidays designated in the Board-approved school calendar.

**Sec. 5-4. Report Condition of Finance.** At least once each quarter the Chief Financial Officer shall present to the Board of Education a summary report of appropriations and encumbrances by funds, showing the condition of Board finances. A copy shall be filed with the Board Secretary.

**Sec. 5-5. Investment of School Funds.** The Board hereby delegates to the Chief Financial Officer the authority to invest its school funds in investment instruments as authorized by law. The Chief Financial Officer shall purchase and sell all investment instruments on behalf of the Board pursuant to law and the Board's Investment Policy.

**Sec. 5-6. Lunchroom Receipts.** All moneys received in the lunchroom shall be forwarded in accordance with the schedule established by Chief Financial Officer through a carrying company approved by the Board of Education and deposited in a bank that is on the approved municipal depository list. The

Chief Financial Officer shall establish the procedures and schedule for the collection, transfer and deposit of lunchroom receipts.

**Sec. 5-7. Sale of Refreshments at Stadia.** Sale of refreshments at the stadia shall be under the charge and control of the Chief Administrative Officer. Proceeds from the sale of refreshments shall be credited to the Lunchroom Fund.

**Sec. 5-8. Payroll Attendance Reports.** Payroll attendance reports for each budget organization unit shall be prepared promptly under the charge and control of the Chief Administrative Officer and be promptly certified by the Chief, Officer or head of the department in which the employees are employed.

**Sec. 5-9. Use of Roll-Over Funds.**

a. Where the Board approves a budget for the current fiscal year that identifies roll-over unspent funds from the previous year's budget and authorizes the use of such funds in the current fiscal year budget, the Chief Executive Officer or his/her designee shall designate the roll-over funds for particular uses or projects and shall report the designations annually to the Board for approval. Only the following specified funds which remain from the prior year's original budget are eligible for roll-over designation hereunder:

1. non-personnel general funds in school and central/area offices, and
2. building Operation and Maintenance fund from the following accounts:
  - a. Commodities – Supplies;
  - b. Services – Contractual; and
  - c. Services – Repair Contracts.

b. Once designated, transfer of the roll-over funds to the designated account(s) is subject to Board approval and the use of the funds is subject to the following limitations:

1. roll-over funds will be expended within the current fiscal year;
2. no liability beyond the current fiscal year may be incurred in using the roll-over funds; and
3. roll-over funds may not be used to hire employees, except part-time/seasonal employees as defined in Board Rule 4-3.f. whose positions will close at or before the end of the fiscal year.

This Rule does not apply to a school special income fund or funds that are otherwise subject to federal or state requirements or grant agreement obligations regarding carry over.

**Sec. 5-10. Reporting Fraud, Waste, Mismanagement; Whistle Blower Protection.** In accordance with the Whistle Blower Protection provisions found in the Illinois School Code, Section 34-2.4c, no disciplinary action may be taken against an employee or Local School Council member for the disclosure of information by that employee or Local School Council member

that evidences (a) violation of any law, rule, regulation or policy, or (b) waste, fraud, mismanagement, abuse of authority, or (c) a danger to health or safety of a student or the public.

**Sec. 5-11. Annual Notice.** The Chief Executive Officer or designee shall provide employees with annual notice regarding the appropriate use and safeguarding of Board resources, compliance with funding source obligations and responsibilities to prevent misuse or misappropriation Board resources.

**Sec. 5-12. Non-Resident Pupils - Tuition.** Pupils must reside within the limits of the City of Chicago to attend a Chicago Public School. For purposes of enrolling or completing enrollment in an Options for Knowledge school or program, a student must establish Chicago residency on or before July 1<sup>st</sup> prior to the start of the upcoming school year.

Pupils whose parent(s) or legal guardian(s) do not reside within the limits of the City of Chicago and who are staying in Chicago for the primary purpose of attending Chicago Public Schools shall be considered non-resident pupils. The parent or legal guardian of a non-resident pupil determined to be in violation of this residency requirement shall be charged tuition as determined by the District's Department of Revenue, in accordance with the Illinois School Code and the student is subject to transfer. Pupils who become non-resident during the school term shall not be charged tuition for the remainder of the school term in which they become non-resident.

**Sec. 5-13. Foreign Pupils – Tuition.** Foreign students living in the City of Chicago with F-1 non-immigrant student visas and participating in the Board's Visiting Foreign Student Program may enroll in the Chicago Public Schools. Such student's must satisfy F-1 visa requirements including but not limited to paying the per capita cost of tuition as determined by the District's Department of Revenue as well as meet applicable grade level and duration of visit requirements. In accordance with the Illinois School Code, foreign students participating in an organized foreign exchange program authorized by the Chief Education Officer or designee may enroll tuition-free in a Chicago Public School.

**Sec. 5-14. Estimate of Taxes to be Levied.** The Board hereby delegates to the Chief Financial Officer the authority to annually determine the estimate of property taxes to be levied as required under 35 ILCS 200/18-60. Not less than 20 days prior to the adoption of the Board's aggregate levy, the Chief Financial Officer shall determine the amounts of money estimated to be necessary to be raised by taxation for that year upon taxable property in the district. The Chief Financial Officer shall file a report of the estimate with the Secretary of the Board. The estimate shall be deemed an act of the corporate authority upon receipt of the Chief Financial Officer's report by the Secretary of the Board.

**Sec. 5-15. Use of Proceeds From Sale of Real Estate.** Amounts received from the sale of real estate including common school lands and any investments purchased with such proceeds (not including earnings derived therefrom) shall be deposited in a "Capital Assets Account". Amounts received upon the sale of real estate deposited in the Capital Assets Account shall be used solely for any of the following purposes:

1. erecting, purchasing or otherwise acquiring building for school purposes, including, without limitation, for the use of schools and school administration,
2. erecting additions to, rehabilitating, modernizing and replacing existing buildings;
3. furnishing, equipping, repairing and maintaining such buildings;
4. purchasing and replacing fixtures generally used in such buildings;
5. purchasing or otherwise acquiring and improving sites for any of the above specified purposes; and
6. payment of brokerage and or commission fees for services rendered in the purchase or sale of real estate.

Sales or other disposition of real estate purchased, in whole or in part, with the proceeds of federal tax-exempt bonds are subject to the requirements of the Internal Revenue Code of 1986, as amended, (the Code) and the related regulations. Proceeds from the sale of such real estate shall be used only in accordance with the Code and the related regulations.

## **CHAPTER VI SCHOOL RULES**

**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.

**6-1.1. Re-admission Requirements.** A student who plans to leave the enrollment of a magnet school or selective enrollment school on a short-term basis due to a family circumstance may be considered for re-admission to the same magnet school or selective enrollment school pursuant to the eligibility criteria, documentation requirements and review process established by the Chief Executive Officer or designee. All such requests for re-admission are subject to determination by the Chief Executive Officer or designee.

**Sec. 6-2. Admission to Elementary School.** All children residing in the City of Chicago are eligible, at the beginning of the school year, to enter kindergarten or first grade if they will have reached the age of five or six years, respectively, on or before September 1, with the following noted exceptions:

Children who will reach the age of six on or before December 31 may, at the beginning of the school year, enter first grade if the parent/legal guardian/temporary custodian presents satisfactory evidence that their child (i) attended a nonpublic preschool and continued their education at that school through kindergarten, (ii) was taught in kindergarten by an appropriately certified teacher and (iii) was assessed to be ready for first grade.

The principal of the elementary school in the attendance area 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 of birth. The parent/legal guardian/temporary custodian must also produce proof of residence 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 elementary school shall be admitted to a high school in the District. Students who did not graduate from an elementary school and high school transfer students 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 which shall be conducted in accordance with the policies established by the Board of Education.

**Sec. 6-4. Health-Related Exclusions**

a. *Exclusion During Epidemics.* The Chief Executive Officer in consultation with a city, state or federal public health departments or agencies shall have the power and duty 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 or a city, state or federal public health departments/agencies. In reaching the decision to close a school or schools or to exclude any significant number of pupils, the Chief Executive Officer, in consultation with a city, state or federal public health departments or agencies, 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.

b. *Exclusion For Communicable Disease or Health Condition.* The Chief Executive Officer or designee shall have the power to temporarily exclude from school any individual pupil or employee with a known or suspected communicable disease or health condition. The duration of exclusion shall be based on factors that include the medically-accepted period of communicability, evidence of treatment and return to school authorization from a licensed medical provider. The Chief Executive Officer or designee, in consultation with a city, state or federal public health departments or agencies, shall consider the nature of the communicable disease or health condition and take all reasonable measures necessary for its control or prevention at school and to reduce further pupil or employee infection.

c. *Exclusion For Failure to Satisfy Immunization and Health Examination Requirements.* The Chief Executive Officer or designee shall have the power to temporarily exclude from school any individual pupil who does not present proof of health examination and immunizations as required by state law and Board policy.

**Sec. 6-5. School Emergency Planning and Safety Drills.** Every school and administrative support office will establish an Emergency Plan for each academic year that meets the standards and requirements of the National

Incident Management System. All schools and their employees shall strictly observe the requirements for the conduct of evacuation drills, shelter-in-place drills, shooting incident drill, lockdown drills and other school safety drills as mandated by law and as directed by the Chief Executive Officer, or designee.

**Sec. 6-6. Health Requirements of Pupils. (Repealed 09-28-05)**

**Sec. 6-7. Permits - Residence in Sub-District. (Repealed 01-24-96)**

**Sec. 6-8. Expulsion of Pupils - Cause.** Expulsion of a pupil is a suspension for a period exceeding ten consecutive school days. 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 Board of Education of the City of Chicago, the pupil may be expelled from school. 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. 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 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 Improvement Act of 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 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 Officer of

Diverse Learner Supports and Services or their designee. Every such suspension shall be reported to the parent or guardian of the pupil, with a full statement of the reasons for such suspension and also reported to the Chief of Schools. The parent or guardian of a suspended student shall have the right to appeal the suspension decision to the appropriate Chief of Schools or designee. The Chief of Schools 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. Academic Calendar.** The academic school year shall begin and end on dates specified in the school year calendar(s) approved by the Board.

**Sec. 6-11. School Uniforms and Dress Codes.** A school may regulate student dress to promote order, safety and a positive learning environment by establishing a school uniform or dress code policy. Any such school uniform or dress code policy must conform with the requirements and procedures as may be established by the Chief Executive Officer or designee and must also be approved by the school's Local School Council.

**Sec. 6-12. Duties of Principals.** Principals of schools are the responsible administrative heads of their respective schools and are charged with the direction, organization, supervision, evaluation, administration, and discipline thereof. They shall establish and enforce such regulations, not contrary to the Rules and Policies of the Board of Education, the Student Code of Conduct, or the regulations of the Chief Executive Officer or his/her designee(s), 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 are absent from the building for any reason. Assistant Principals shall be subject to the supervision of the principal and shall perform such duties the principal may direct. Such duties may include, but are not limited to, providing assistance in the direction, organization, supervision, evaluation, administration, and discipline of the schools and related employees. In the event there are multiple Assistant Principals in a school and the principal is absent, the principal shall designate which Assistant Principal shall be in charge.

**Sec. 6-12.2. Duties of Associate Principals. (Repealed 10-25-95)**

**Sec. 6-13. Duties of Classroom Teachers.** Teachers shall take charge of the divisions or classes assigned to them by the principal. They shall be held responsible for the instruction, progress and discipline of their classes according to the School Improvement Plan, currently known as the Continuous Improvement Work Plan. Teachers shall render such assistance in the educational program in and about the buildings as the principal may direct including parent interviews, pupil-counseling, corridor, lunchroom, and playground supervision, and attendance at professional staff meetings. Teachers are supervised by their respective principals.

**Sec. 6-14. Exclusion of Partisan and Sectarian Questions.** Principals and teachers shall prevent the introduction or discussion of questions of a sectarian or partisan character in their schools.

**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 the acceptance of the contribution shall be made in accordance with 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 in accordance with the Board's Policy on the Confidentiality of Student Records.

**Sec. 6-18. Circulation and Distribution of Unauthorized Written Materials.** No employee or other person shall circulate, permit to be circulated, distribute or exhibit, whether in written or electronic form on school grounds or at school-sponsored functions, any advertisements, circular, subscription list, invitation to or notice of meetings, any book, map or other article, or any other material of a commercial, political or sectarian nature, among the pupils, teachers, or other employees, except by approval of the principal, Chief of Schools, General Counsel, or the Chief Executive Officer ("CEO") or their designees, setting forth the time, manner and place of the circulation or distribution. The provisions in this paragraph do not apply to nor in any way affect the sections of the collective bargaining agreement between the Board and the Chicago Teachers Union ("CTU") pertaining to the CTU's right to distribute information to its members. The publication or distribution of obscene or libelous materials which is published or distributed on school grounds by an employee shall constitute grounds for dismissal.

Union delegates or their designees may distribute union election materials of any employee candidates in employee mailboxes, before and after school hours, or during duty-free time. For the purposes of this Rule, teacher preparation periods are not duty-free time.

Distribution or circulation of written materials may take place in an appropriate time, place and manner authorized by the principal, Chief of Schools, General Counsel, CEO or their designees. Under no circumstances are the written materials to which this Rule applies to be distributed during class time except in employee lounges and other designated areas. Distributors of such materials may in no manner delay or detain students, teachers, or other employees while distributing their materials except as incidental thereto.

Research materials such as questionnaires, surveys, evaluation instruments and related data requests may not be distributed or circulated in schools except when authorized in accordance with the Board's Research Study and Data Policy.

Local School Councils who wish to distribute questionnaire or survey materials in connection with their duties and responsibilities must have such materials approved as to legal form by the General Counsel or designee prior to distribution.

**Sec. 6-19. Distribution, Exhibition and Collection of Books, Maps and Other Written Materials. (Repealed 09-24-03)**

**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); the fourth Thursday in November (Thanksgiving Day); December 25 (Christmas Day); the day following Thanksgiving Day and on such other days as the President, with the approval of or ratification by the Board of Education, may direct. When any such holidays fall on Sunday, the Monday next following shall be held and considered such holidays. 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. Notwithstanding the foregoing, the Board may adopt a school calendar that indicates observed holidays which are different from those indicated in this Rule, in which case,

schools shall be closed on the holidays designated in the Board-approved school calendar.

**Sec. 6-21. Corporal Punishment Prohibited.** No employee of the Board of Education may inflict corporal punishment of any kind upon persons attending the public schools of the City of Chicago.

**Sec. 6-22. Regular Hours of Operation and Instruction.** The specific hours of operation of an attendance center may vary to reflect the scheduling needs of particular schools; however, all schools must maintain regular hours of operation that provide all students with the minimum number of instructional work minutes per day specified by the Chief Executive Officer or designee.

**Sec. 6-23. Dismiss Schools for Funeral Services.** The Chief Executive Officer, 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 or his/her designee 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. 6-24. The Flag.** At the beginning of each school day, students shall sing the National Anthem, recite the Pledge of Allegiance and salute the flag of the United States. No student shall be compelled to sing the National Anthem, recite the Pledge of Allegiance or salute the flag.

The flag of the United States shall be displayed each day in a prominent place on the school house or school grounds, and the flag of the United States shall be conspicuously displayed in each and every classroom in the public schools of the City of Chicago.

**Sec. 6-25. Use of School Buildings After Regular Hours of Building Operation.**

I. General Requirements For Operation of School Building Beyond Regular Hours

School buildings shall be opened for any purpose upon the terms and conditions set forth in Section 34-8.1, Section 34-2.3 and Section 34-18 of the Illinois School Code. Principals may set hours of operation of the school building, beyond regular hours of building operation, under the following conditions:

- A. The engineer-in-charge, the engineer-in-charge's designee or the principal's designee shall be present and on duty;

- B. Appropriate adult supervision as determined by the specific building use is present; and
- C. A Type 75 certificated school administrator is available for emergencies.

## II. School Affiliated Non-Student Groups

School affiliated non-student groups, as defined for purposes of this Board Rule only, are groups whose mission is promote the educational mission and/or the efficient operations of a school. These groups include, but are not limited to, Local School Councils (“LSC”), Parent Teacher Associations (“PTA”), Parent Teacher Organizations (“PTO”), Parent Advisory Councils (“PAC”) and Professional Personnel Leadership Councils (“PPLC”). The following conditions shall apply to the use of school buildings by school affiliated non-student groups:

- A. LSCs shall have the right to use school buildings to meet or carry on official business subject to applicable conditions set forth in Section I above provided that LSC meetings take place in facilities that comply with Open Meetings Act requirements and the requirements of the Americans with Disabilities Act (“ADA”) and the Board’s ADA Policy.
- B. LSCs may use school facilities during regular school hours so long as space is available and such use does not disrupt the educational operation of the school.
- C. PPLCs shall have the right to use school buildings to meet subject to applicable conditions set for in Section I above.
- D. PPLCs may use school facilities during regular school hours so long as space is available and such use does not disrupt the educational operation of the school.
- E. Groups such as PTAs, PTOs or PACs may use the school building free of charge subject to the applicable conditions of Section I above so long as such use does not incur unreasonable expense on the school.

To the extent possible, school affiliated non-student groups should meet with the principal to establish a meeting schedule as far in advance of the meetings as possible.

## III. School Affiliated Student Groups

Any student group recognized by the school may use the school facilities during non-instructional time as determined by the principal. Such groups may include groups whose mission is focused on an aspect of the school’s curriculum (i.e. French Club, Math Club, Science Club, Literature Club), as

well as groups whose focus is non-curricular (i.e. Debate Team, Chess Club, Christian Club). The principal may determine reasonable restrictions on the time, location and manner of the use.

A school may deny all non-curricular clubs from meeting at the school. If a high school, however, permits one group whose focus is non-curricular to meet on school premises, it must allow all other non-curricular student groups to assemble on the same terms and conditions.

#### IV. Non-School Affiliated Student Groups

Organizations that work with students enrolled in a Chicago Public School whose mission is unrelated to the school's mission, educational program or operations, may use school facilities as determined by the principal. The principal may determine reasonable restrictions on the time, location and manner of the use.

#### V. Community and other Non-School Affiliated Groups

Community and other groups whose mission is unrelated to the Chicago Public Schools may use the school facilities for free, as determined by the principal, for free public lectures, concerts or other educational and social interests, when school is not in session, subject to the reasonable restrictions on the time, place and manner of such usage imposed by the principal.

As determined by the LSC, community and other groups whose mission is unrelated to the Chicago Public Schools may use the school facilities for a reasonable cost for public lectures, concerts or other educational and social interests, when school is not in session, subject to the reasonable restrictions on the time, place and manner of such use imposed by the principal.

#### VI. Providing School Facilities for Commercial Use

The LSC may determine if school facilities are available for rent by private, for-profit organizations. If the LSC permits such rental, it may place reasonable restrictions on such use that shall be in effect for all commercial use. Such use will also be subject to the reasonable restrictions on the time, place and manner of such use imposed by the principal. The LSC should make clear that the school does not endorse or support the entity renting the facilities.

#### VII. School Usage Permits and Licenses

All organizations/entities except for School Affiliated Non-Student Groups and School Affiliated Student Groups wishing to use a school facility for free or for cost must execute and submit a School Usage Permit. The principal may deny the use of the school facilities when he or she has a reasonable basis to believe

that use of the school facilities by such a group will cause damage or undue expense to the school. The principal may also deny use of the facilities if the group fails to meet any of the conditions outlined in the school usage permit.

For all organizations/entities except for School Affiliated Non-Student Groups and School Affiliated Student Groups proposing to rent or use a school building or parking lot more than 10 times a year, the Department of Operations, Office of Real Estate Management must be contacted and a license will be entered into and executed in accordance with Board Rule 7-15 for such extended use.

#### VIII. No Viewpoint Discrimination Permitted

No group or organization may be discriminated against due to the content or focus of their group or organization. If the school permits one group from categories III, IV, V or VI listed above to use its facilities, it must allow other organizations with a similar mission or purpose to use its facilities on the same terms and conditions.

No religiously-oriented clubs may be barred from meeting at the school if another group that focuses on similar topics and ideals is permitted to assemble there.

If a school grants an offering to or an opportunity for one or more outside youth or community organizations to meet on school premises or in school facilities before or after instructional hours, it must permit equal access to, and must not discriminate against, the Boy Scouts of America. No school may, however, serve as a sponsoring or chartered organization for the Boy Scouts of America.

#### IX. Chief of Schools Mediation

In the event that a group or organization disagrees with a principal's or Local School Council's determination regarding its request for use of a school facility, the group or organization may ask the appropriate Chief of Schools to meet with the group or organization and the principal and/or the Local School Council in an effort to mediate the dispute. The Chief of Schools will make the final determination regarding use of the school facility.

#### X. Union Campaigning

Employees are permitted to use school facilities during duty-free time, before and after school for internal union campaign activities provided:

- a) employees notify the principal in accordance with the collective bargaining agreement and the Board's facility usage policy,

- b) activities do not interfere with school activities, including before or after school activities or programming,
- c) activities are not in the presence of students,
- d) activities are during times of normal building operation, and
- e) activities do not require the Board to incur any employee overtime costs.

For the purposes of this Rule, teacher preparation periods are not duty-free time. Nothing in this Rule shall prohibit the Board from adopting reasonable restrictions as to time, place and manner for use of its facilities.

**Sec. 6-26. Alcohol and Tobacco Prohibited.** Consumption of alcohol on Board property is prohibited. Use of tobacco products on Board property is prohibited.

**Sec. 6-27. Use Free of Charge. (Repealed 10-22-03)**

**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, a party to a civil union with the child's parent or the domestic partner of 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, civil union certificate or domestic partner documentation, and (ii) a sworn affidavit by the biological or adoptive 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 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 formally appointed guardian of a child by a court of competent jurisdiction.

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 to receive compensation and act 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 in the employ of the Board of Education whether or not employed at the school.

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 Board of Education.

## B. Eligibility

Persons who have been elected to serve on a Local School Council 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 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 Board of Education, or resigns from the Local School Council 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 as of the date the teacher's Local School Council resignation is received by the Local School Council 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 resigns from the Local School Council 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 principal shall notify the Office of the Chief Executive Officer or designee of a teacher representative's permanent or temporary absence. The Office of the Chief Executive Officer or designee shall certify, as appropriate, that a vacancy exists in such teacher representative's position. When a vacancy is certified, the Office of the Chief Executive Officer or designee shall issue written notification to the principal and the Local School Council advising the school to initiate a non-binding staff advisory poll. The school shall forward the results of the poll to the Office the Chief Executive Officer or designee 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 until such time as the absent teacher resumes service at the attendance center or for the remainder of the term, whichever occurs first.

4. A non-teacher staff 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 non-teacher staff representative resigns from employment with the Board of Education, or resigns from the Local School Council or voluntarily transfers to another attendance center, the non-teacher staff representative's membership on the Local School Council and all voting rights are terminated immediately as of the date the non-teacher staff representative's resignation is received by the Board of Education, or as of the date the non-teacher staff representative's Local School Council resignation is received by the Local School Council or the effective date of the non-teacher staff representative's voluntary transfer to another attendance center.

If a non-teacher staff representative resigns from employment with the Board, or resigns from the Local School Council 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 principal shall notify the Office of the Chief Executive Officer or designee of a non-teacher staff representative's permanent or temporary absence. The Office of the Chief Executive Officer or designee shall certify, as appropriate, that a vacancy exists in such non-teacher staff representative's position. When a vacancy is certified, the Office of the Chief Executive Officer or designee shall issue written notification to the principal and the Local School Council advising the school to initiate a non-binding staff advisory poll. The school shall forward the results of the poll to the Office the Chief Executive Officer or designee in a timely manner. After receipt of the results, the Board will declare the existence of a permanent or temporary vacancy in the non-teacher staff representative's position and will appoint a replacement non-teacher staff representative until such time as the absent non-teacher staff member resumes service at the attendance center or for the remainder of the term, whichever occurs first.

5. A person may serve as a high school student representative for a one-year term beginning July 1 and ending the following June 30<sup>th</sup> as long as he/she is and remains enrolled in the high school in which he/she serves on a full-time basis. For students who graduate while serving as a student representative of a Local School Council, their term shall end upon graduation. In cases where the student representative voluntarily transfers from the school, the student's membership and voting rights on the Local School Council shall be terminated as of the date of the transfer. If a high school student representative of a Local School Council ceases to be enrolled on a full-time basis in the school at he/she serves, for reasons other than graduation or voluntary transfer, the student's membership on the Local School Council and all voting rights shall be terminated immediately upon the written determination of ineligibility by the Chief Executive Officer or designee following the challenge procedures set forth below.

### C. Audit of Records

The 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 refer the matter for investigation if additional information is required. The information provided by the challenger(s) and the results of any 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 regarding the council member's eligibility.

7. The Chief Executive Officer or designee shall decide the question of the council member's eligibility. If the Chief Executive Officer or designee 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 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 request reconsideration within the time allowed; or (2) the concerned council member's request for reconsideration is denied.

8. Notice of Declaration of Vacancy - The Chief Executive Officer or designee 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. Request for Reconsideration

1. Within thirty (30) days of the date of a Declaration of Vacancy by the Chief Executive Officer or designee, the challenged LSC member may submit a request to reconsider to the Chief Executive Officer or designee. Failure to request reconsideration within 30 days after the Declaration of the vacancy will render the Declaration of vacancy as final. The request for reconsideration should state specific reasons or grounds for rescinding the Chief Executive Officer or designee'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 fill the vacancy by appointment of a qualified person who meets the eligibility requirements.

If a challenged teacher, non-teacher staff 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 serving on any Local School Council for the remainder of the concerned member's term(s) of office. 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 the facts upon which the challenge is based and any evidence which supports the challenger's position.

2. 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' 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 Advisor.

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. If the General Counsel determines that 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 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 of the specific provisions of this Rule or the Board's Code of Ethics Policy which he or she is alleged to have violated.

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 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 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 request reconsideration within the time allowed; or (2) the concerned council member's request for reconsideration is denied.

#### C. 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, the challenged council member may submit a request to reconsider to the Chief Executive Officer or designee. The request for reconsideration should state specific reasons or grounds for rescinding the Chief Executive Officer's or designee'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 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 by certified and regular mail to the concerned council member's last known address and to the affected LSC by regular mail.

4. Failure to file 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.

#### 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 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 to request reconsideration of 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 in writing by certified and regular mail to the concerned council member's last known address and the affected LSC by regular mail. 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 in writing by certified and regular mail to the

concerned council member's last known address and the affected LSC by regular mail.

F. Appointment to Vacancy

If a parent or community Local School Council member is determined to be ineligible to serve on 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, non-teacher staff or student Local School Council member is determined to be ineligible to serve on 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 5/34-2.1(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 by the Illinois State Police which shall include, but is not

limited to, fingerprints or other personal identification information, shall result in the disqualification from the Local School Council for the remainder of the member's term of office.

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.

Principals shall notify the Office of Local School Council 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 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 information required 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 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 shall declare a vacancy on the Council.

1. Investigation of Ineligibility - The Law Department 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 regarding eligibility 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 in those cases where a finding of ineligibility is made.

Any vacancy that is declared by the Chief Executive Officer or designee 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 request reconsideration within the time allowed; or (2) the concerned council member's request for reconsideration is denied.

4. Notice of Declaration of Vacancy - The Chief Executive Officer or designee 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. Request for Reconsideration

1. Within thirty (30) days of a Declaration of Vacancy by the Chief Executive Officer or designee, the challenged LSC member may submit a request for reconsideration to the Chief Executive Officer or designee.

New evidence not readily available at the time that the vacancy was declared may be submitted.

2. The Chief Executive Officer or designee shall review the request for reconsideration. 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 or non-teacher staff 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.**

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 Illinois School Code, the Chief Executive Officer or designee shall exercise the following powers of such council, set forth in section 34-2 of the Illinois School 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 of the Illinois School Code.

**Sec. 6-32. Change of an Attendance Center's Local School Council Election Date.** The Chief Executive Officer 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 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 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. If the Board adopts the Chief Executive Officer's recommendation, all subsequent Local School Council elections for the attendance center may be held on the same date every two years thereafter.

**CHAPTER VII**  
**PROCUREMENT AND CONTRACT RULES**

**Sec. 7-1. Purchasing Limitations.** No purchases, including purchases made using school internal accounts, shall be made except as provided in these Rules. No officer or employee not expressly authorized by these Rules shall make any purchase on behalf of the Board of Education or enter into any contract of purchase, verbal or written, for any apparatus, equipment, supplies, service, repairs, goods, wares or merchandise of any kind or description, or accept any of them on approval or otherwise. No officer or employee of the Board of Education shall during a fiscal year expend or contract to be expended any money, or incur any liability, or enter into any contract without an appropriation therefore, or in excess of: (a) the amount appropriated in the budget; (b) the amount authorized in a Board Report; (c) the amount authorized by an Officer pursuant to the exercise of their delegated authority; or, (d) the compensation amount stated in the contract. Any contract, verbal or written, made in violation of this section is void as to the Board of Education.

**Sec. 7-2. Procurement Policy for Biddable and Non-Biddable Items; Requests for Information, Request for Proposals and/or Qualifications, and Bid Solicitations.**

a. Requests for information and public canvassing of solicitations of bids, requests for proposals and qualifications for contracts and purchases shall be authorized and managed by the Chief Purchasing Officer. All bid solicitations, which convert to binding contracts upon execution by the Board, shall be approved as to legal form by the General Counsel prior to the publication of such solicitation. All requests for qualification shall include language describing the basis and process for award of work to pre-qualified vendors. The Chief Purchasing Officer shall establish requirements regarding the publication of any and all requests for information, solicitations of bids, and requests for proposals and qualifications.

b. All purchases for Biddable Items and Non-biddable Items shall be awarded pursuant to a competitive process in accordance with the following procedures. Biddable Items are defined as those goods, services and transportation purchases and contracts required to be awarded through a competitive bid solicitation process pursuant to 105 ILCS 5/10-20.21. Non-biddable Items are defined as those purchases and contracts for goods or services for which there is an exception under 105 ILCS 5/10-20.21.

1. Level One: All purchases of Non-biddable Items between \$25,001 and \$75,000 shall be awarded pursuant to a procurement process whereby at least three (3) written price quotations are submitted to and evaluated by the Chief Purchasing Officer and awarded by the Chief Purchasing Officer to the most responsible and responsive proposer(s) with

competitive pricing or any other form of competitive solicitation that is issued by the Chief Purchasing Officer in accordance with federal, State or other agency purchasing guidelines. Good faith competitive solicitations that do not yield three (3) legitimate price quotations may be deemed to satisfy the procurement process requirements of this section at the discretion of the Chief Purchasing Officer;

2. Level Two: All purchases of Non-biddable Items between \$75,001 and \$250,000 must be approved by the Board and awarded pursuant to a procurement process whereby at least three (3) written proposals with price quotes are submitted to and evaluated by the Chief Purchasing Officer and are awarded to the most responsible and responsive proposer(s) with competitive pricing, or any other form of competitive solicitation that is issued by the Chief Purchasing Officer in accordance with federal, State or other agency purchasing guidelines. Good faith competitive solicitations that do not yield three (3) legitimate price quotations may be deemed to satisfy the procurement process requirements of this section at the discretion of the Chief Purchasing Officer; and
3. Level Three: All purchases of Biddable Items between \$10,001 and \$75,000 must be approved by the Chief Purchasing Officer. All purchases of Biddable Items in excess of \$75,000 must be approved by the Board. All purchases of Biddable Items in excess of \$10,000 shall be awarded pursuant to a duly advertised bid solicitation issued by the Chief Purchasing Officer, in accordance with the precepts of formal sealed bids to the lowest, responsive, responsible bidder(s), considering conformity with specifications and terms of delivery, quality and serviceability. A good faith competitive solicitation in lieu of a bid for the purchase of Biddable Items between \$10,001 and \$25,000 may be deemed to satisfy the procurement process requirements of this section at the discretion of the Chief Purchasing Officer. All purchases of Non-biddable Items \$250,001 and above must be approved by the Board and awarded pursuant to a duly advertised request for proposals/qualifications issued by the Chief Purchasing Officer or any other form of competitive solicitation that is issued by the Chief Purchasing Officer in accordance with federal, State or other agency purchasing guidelines.

**Sec. 7-2.1. Expenditures of \$25,000 and Under Which are not Required to be Awarded Through a Competitive Bid Solicitation Process.** Upon requisition duly signed or authorized by the Chief Executive Officer, the Chief Education Officer, the Chief Purchasing Officer, the Chief Financial Officer, the Chief Administrative Officer, the General Counsel, the Chiefs of Schools or any other officer designated by Board Resolution, as appropriate for their respective areas of responsibilities, expenditures for supplies, materials, non-personal

services, personal and consulting services or other work which are not required to be awarded through the competitive bid solicitation process pursuant to Board Rule 7-2, up to \$25,000 may be made by purchase order charging appropriated funds.

**Sec. 7-2.2. Regulated Education-Related Expenditures Which are not Subject to Section 7-2 Procurement Requirements.** The procurement rules set out in Section 7-2 do not apply to: (a) selection of charter school providers and contract school providers which are subject to the annual alternate procurement processes established by the Chief Executive Officer or designee; (b) engagement of Illinois State Board of Education certified special education providers who are providing specialized services as mandated by the Individuals with Disabilities in Education Act; (c) payments of proportionate share federal education funds for the purchase of goods and services for private school students under various federal title programs; (d) engagement of vendor(s) required by the US Department of Education, the Illinois State Board of Education, or other federal, state or local governmental agency to provide services under a grant or educational service program administered by the governmental agency; or (e) other education-related expenditures subject to statutory or regulatory procurement procedures outside the scope of these Rules. The applicability of Section 7-2.2 shall be determined by the Chief Purchasing Officer and the General Counsel. If applicability is determined, the Chief Purchasing Officer and the General Counsel shall also identify the method of purchase and contract requirements pertinent to the transaction. Any expenditure pursuant to Section 7-2.2 that exceeds \$25,000 requires Chief Executive Officer or Chief Education Officer approval and any expenditure that exceeds \$75,000 further requires Board approval.

**Sec. 7-2.3. Non-Biddable Education-Related Expenditures and Engagements Which are not Subject to Section 7-2 Procurement Requirements.** The procurement rules set out in Section 7-2 do not apply to: (a) payments of tuition to accredited institutions of higher education; (b) engagements with organizations or institutions providing internship, practicum or other educational learning opportunities to students, including student stipend programs, or (c) payment of fees for membership in a professional association or organization providing educational programs and resources to support the professional capacity of Board employees, officers and members. The applicability of Section 7-2.3 shall be determined by the Chief Purchasing Officer and the General Counsel. Any expenditure pursuant to Section 7-2.3(a) does not require a contract. Any expenditure pursuant to 7-2.3(b) that exceeds \$25,000 requires a contract. Any expenditure pursuant to Section 7-2.3 that exceeds \$25,000 requires Chief Executive Officer or Chief Education Officer approval and any expenditure that exceeds \$75,000 further requires Board approval.

**Sec. 7-2.4. Purchase of Non-Biddable and Biddable Items Through Federal, State, County, City and Sister City Agency Contracts Which are not Subject to Section 7-2 Procurement Requirements.** The Chief Purchasing Officer is authorized to approve the purchase of Non-biddable and Biddable Items based on contracts between another governmental entity, including the City of Chicago the State of Illinois, the County of Cook, the Board's sister City agencies (the Chicago Park District, the Chicago Transit Authority, the Chicago Housing Authority and the City Colleges of Chicago), and a federal agency, and its vendors (the "Reference Contract"), subject to the following conditions:

1. The procurement process used to form the Reference Contract shall substantially comply with the competitive procurement requirements of these Rules, and shall comply with all legal obligations applicable to the Board.
2. A separate contract between the Board and the governmental entity's vendor that includes all of the material terms in the Reference Contract shall be executed prior to any purchases. The contract entered into between the Board and the vendor may contain:
  - i. pricing or compensation terms equivalent to, or more favorable to the Board than those contained in the Reference Contract;
  - ii. a period of duration or term which may vary from the term of the Reference Contract;
  - iii. such additional provisions as the Chief Purchasing Officer determines to be in the best interests of the Board; or
  - iv. such insertions to or deletions from the Reference Contract as are required by law or regulation applicable to the Board.
3. All purchases pursuant to Section 7-2.4 must be approved by the Chief Purchasing Officer and require a contract and those purchases over \$75,000 further require Board approval.
4. The contract between the Board and the governmental entity's vendor is subject to the review and approval of the General Counsel.

**Sec. 7-2.5. Restricted Gift Purchases Which are not Subject to Section 7-2 Procurement Requirements.** In accordance with 105 ILCS 5/16-1, if a donor makes a restricted grant, gift, donation or legacy the terms of which require the Board to purchase certain goods or services from a specific vendor, the procurement rules set out in Section 7-2 shall not apply to such purchases. In all such cases, any grant, gift, donation or legacy restrictions must be independently identified by the donor with no influence by District personnel. The applicability Section 7-2.5 shall be determined by the Chief Purchasing Officer and the General Counsel. If applicability is determined, the Chief Purchasing Officer and the General Counsel shall also identify the

method of purchase and contract requirements pertinent to the transaction. Any expenditure that exceeds \$75,000 further requires Board approval.

**Sec. 7-2.6. Purchases of Textbooks and Instructional Materials Which Are Not Subject to Section 7-2 Procurement Requirements.** Purchases of textbooks and instructional materials are subject to the favored pricing obligations set out in 105 ILCS 5/28-1, et seq. and therefore the procurement rules set out in Section 7-2 shall not apply to such purchases. Suppliers of textbooks and instructional materials shall file a sworn statement annually with the Chief Purchasing Officer attesting that prices charged to Chicago Public Schools for textbooks and instructional materials are the lowest net prices for such materials as charged elsewhere in Illinois and in the United States. Suppliers charging higher prices in violation of their sworn statements are subject to penalties which include, but are not limited to, rebates for pricing overages. The Chief Education Officer may establish lists of recommended textbooks and instructional materials and provide guidelines for the selection and purchase of textbooks and instructional materials.

**Sec. 7-2.7. Purchase of Non-Biddable and Biddable Items Through The Illinois School Purchasing Network or a Government Purchasing Cooperative Contracts are not Subject to Section 7-2 Procurement Requirements.** The Chief Purchasing Officer is authorized to approve the purchase of Non-biddable and Biddable Items through contracts (a) authorized under the Illinois School Purchasing Network in accordance with Article 28A of the Illinois School Code, or (b) procured from another governmental agency and offered by or through a government purchasing cooperative in which the contracts were entered into in accordance with the purchasing laws and regulations of the procuring government entity. Any expenditure over \$75,000 further requires Board approval. For all such purchases, the Chief Purchasing Officer and the General Counsel shall also identify the method of purchase and contract requirements pertinent to the transaction. The contract between the Board and the Illinois School Purchasing Network, the government purchasing cooperative or their authorized vendor is subject to the review and approval of the General Counsel.

**Sec. 7-2.8. Procurement Guidelines.** The Chief Purchasing Officer is authorized to establish procurement guidelines to ensure the effective implementation of the procurement rules contained in this Chapter VII.

**Sec. 7-3. Procedure for Bid Solicitations.** Except as may otherwise be provided by the Board, when solicitations for Biddable Items are taken, as many bids shall be secured as practicable, basing the solicitation upon a list of prospective bidders that are qualified to provide supplies, materials, work or services. At least one public notice is to be made at least ten days before the bid due date in a newspaper published in the district and shall simultaneously be posted on a readily accessible bulletin board in the Office of the Chief Purchasing Officer. Each bidder receiving a copy of the solicitation must receive

at least three days' notice of the time and place of the opening of all such bids. All bids must be sealed by the bidder and must be opened by the Chief Purchasing Officer or his/her designee at a public bid opening at which the contents of the bids must be announced.

If the stated bid opening day falls upon a holiday as established by the Rules of the Board, the time for receipt and opening of bids shall automatically be continued to the next following business day at the same hour.

**Sec. 7-4. Posting of Bid Responses.** Whenever the bids are opened and announced in accordance with Section 7.3, a copy of the aggregate bid prices by category proposed by each bidder shall be publically posted by the Office of the Chief Purchasing Officer not later than four days following the day on which bids are opened.

**Sec. 7-5. Emergency Expenditures.**

a. An emergency shall be determined when, in the judgment of the Chief Purchasing Officer: (i) it is necessary make repairs and alterations, and purchase equipment, services, or supplies (collectively "Emergency Purchases"); (ii) the Emergency Purchases are necessary as a result of circumstances which call for immediate action (the "Conditions Precedent"); and (iii) the Conditions Precedent are a result of fire, accident, threat to the health, safety, security of individuals or other conditions and such action is necessary to prevent material loss or damage to property, or bodily injury or loss of life of the occupants of the Board's buildings and third parties who may be present in its buildings or on its premises or to prevent interference with school sessions or to protect the health, safety, security or well-being of students, staff, or third parties ("Emergency Condition(s)").

b. In order to obtain approval of an Emergency Expenditure, the following steps must be taken: (i) obtain the verbal or written approval of the Chief Executive Officer, Chief Education Officer, Chief Administrative Officer, Chief Operating Officer, or such other chief officer charged with authority over the Conditions Precedent; (ii) obtain the verbal or written approval of the Chief Purchasing Officer; (iii) after the work has been completed, the purchases have been made, or the services have been rendered to the satisfaction of the appropriate Department, complete a Request to Approve Emergency Expenditure on a form approved by the Chief Purchasing Officer (the "Emergency Request Form"); (iv) obtain the verification of the appropriate chief officer on the Emergency Request Form; and (v) have the Emergency Request Form signed by the Chief Purchasing Officer.

c. If an Emergency Condition occurs after business hours, on a weekend, on a holiday, or at any other time that the appropriate chief officer and the Chief Purchasing Officer cannot be contacted, each Portfolio Manager or such

other appropriate chief officer of the Board, or their designee, has the authority to take the necessary action at his/her own discretion.

d. The foregoing authority is limited to the minimum expenditure of funds necessary to stabilize an Emergency Condition and protect person and property from further harm. After the Emergency Request Form has been completed, the Chief Purchasing Officer shall prepare a Board Report and obtain approval of the Emergency Expenditure by a  $\frac{3}{4}$  vote of the Board.

**Sec. 7-6. Deposits, Bid Bonds, Performance and Payment Bonds.**

a. When a bid deposit shall be required, whether by law or at the discretion of the Chief Purchasing Officer, it shall be so stated in the solicitation of bids, and the deposit shall be in a reasonable amount but not in excess of 5% of the total bid amount proposed. The bid deposit, when required, may be in the form of a money order, certified check drawn upon a banking institution in good standing and made payable to the order of the Board, a specific bond, or a letter of credit. In lieu of submitting the bid deposit as herein above provided, a bidder may file with the Board an annual bid bond, the amount of which shall be determined by the Chief Purchasing Officer; provided, however, an annual bid bond shall not be accepted on bids for construction work, alterations, repairs to buildings and grounds, and student transportation matters. Such annual bid bond shall in no case be less than \$10,000, and shall cover all bids submitted by such bidder during the period of the bond. All bid bonds shall be signed by a responsible surety company licensed to do business in the State of Illinois.

b. All bid deposits accompanying a bid solicitation, except that of the successful bidder, shall be refunded or returned after the successful bidder has been determined and a contract has been awarded by the Board. The bid deposit of the successful bidder shall be returned after the full execution of the contract and the tendering of any payment and/or performance bond required under the contract. In case of a failure or refusal on the part of the selected bidder to execute a contract and tender a payment and/or performance bond, if required, within a reasonable period of time as determined by the Chief Purchasing Officer, the deposit of the selected bidder so failing or refusing may be forfeited and retained by the Board as liquidated damages and not as a penalty or, when a bid bond has been furnished in lieu of a deposit, the Board may take action on the bond.

c. A payment and performance bond shall be required for all building construction and building and grounds repair work, and student transportation matters. A payment and performance bond may also be required on any other purchases or contracts when specified by the Chief Purchasing Officer. When a payment and performance bond is required, it shall be stated in the solicitation of bids and requests for proposals and/or qualifications and the bonds required shall be in an amount sufficient to insure

the fulfillment of the contract of the successful bidder/proposer. Such bonds shall be signed by a responsible surety company licensed to do business in the State of Illinois.

**Sec. 7-7. Rejection of Bids/Proposals.** The Board or the Chief Purchasing Officer shall have the right to reject any or all bids or proposals.

**Sec. 7-8. Expenditures - Pre-Qualified Vendors.** The Chief Purchasing Officer shall submit a report to the Board each quarter of all expenditures made to pre-qualified vendors. The report shall include a list of: i) all expenditures made to each individual pre-qualified vendor; ii) the total expenditures made to all pre-qualified vendors in the applicable pool; and, iii) the balance remaining of the aggregate amount authorized for each applicable pre-qualified pool of vendors.

**Sec. 7-9. Strategic Sourcing.** The Chief Purchasing Officer or his/her designee shall prepare and make available to local schools, administrative offices and central office departments a list of pre-qualified vendors ('strategic sourcing vendors') offering volume discounts of goods and services. Schools shall be required to use strategic sourcing vendors for all purchases in accordance with the Board's Strategic Sourcing Policy. Schools, administrative offices and central office departments requesting to use a vendor other than a strategic sourcing vendor must i) provide information regarding the proposed purchase such as the quality of the goods and/or services and pricing and ii) obtain prior written approval from the Chief Purchasing Officer or his/her designee to purchase from the non-strategic sourcing vendor. All purchases of goods and services subject to the Board's Strategic Sourcing Policy shall be made only pursuant to a purchase order approved by the Chief Purchasing Officer.

**Sec. 7-10. Sole Sourcing.**

a. Sole Sourcing of Non-Biddable Items. Sole source procurements and contracts are defined as those that have not been competitively procured. Sole source procurements are discouraged and any office, department, program, unit, or school requesting sole sourcing should carefully consider all available resources before requesting a sole source award. Sole source procurements are improper if only for administrative convenience. The Chief Purchasing Officer is authorized to approve sole source procurements up to \$75,000. All sole source procurements over \$75,000 must be approved by the Chief Purchasing Officer and the Board. In determining whether to approve a sole source procurement of Non-biddable Items, the following criteria shall be considered:

1. The specific problem, requirement, or need that the procurement or contract is intended to address that makes sole sourcing necessary. This should include an explanation as to how the services or goods and

merchandise are critical or essential to the Board's responsibilities or operations.

2. The availability of resources to perform the services or provide the goods and merchandise efficiently and cost effectively.
3. The unique qualifications, abilities or expertise of the contractor or supplier to meet the Board's needs and/or the unique nature of the services and/or goods and merchandise.
4. Whether the particular contractor or supplier was named in a grant and is essential to fulfilling the Board's obligations under the grant.
5. Any other special circumstances that may be relevant such as copyright restrictions, or where the proposed contractor or supplier is the only source available in the geographical area.
6. The basis for the determination that the costs, fees, or rates negotiated are fair and reasonable given the absence of a competitive basis award. The explanation may make a comparison with comparable contracts, use the results of a market survey, or employ some other appropriate means to make such a determination.

b. Sole sourcing of Biddable Items is not permitted.

**Sec. 7-11. Contract Ineligibility.** No person or business entity shall be awarded a contract if that person or business entity: (i) has been convicted of bribery or attempting to bribe a public officer or employee of the Board of Education of the City of Chicago, the State of Illinois, or any other public entity, in that officer or employee's official capacity; (ii) has been convicted of agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise; or (iii) has made an admission of guilt of such conduct described above which is a matter of record but has not been prosecuted for such conduct. Ineligibility under this section shall continue for three years following such conviction or admission.

For purposes of this Section 7-11, no person or business entity shall be eligible to be awarded a contract if such person has engaged in: (i) Bid Stringing (as defined in 720 ILCS 5/33 E-2 (i-5)), which also includes any knowing attempt to divide or plan procurements to avoid the use of competitive procedures; (ii) Bid Rigging (as defined in 720 ILCS 5/33 E-3); or (iii) Bid Rotating (as defined in 720 ILCS 5/33 E-4). For purposes of this section, where an official, agent or employee of a business entity has committed such conduct described above on behalf of such an entity and pursuant to the direction or authorization of a

responsible official thereof, the business entity shall be chargeable with the conduct. Bid Stringing, Bid Rigging and Bid Rotating are prohibited.

**Sec. 7-12. Prohibition Against Stringing.** “Stringing” is dividing or planning any procurement program, activity, transaction, invoice, purchase order or agreement involving the Board or any of its operational elements (including offices, departments, bureaus, programs, units and schools) to avoid either: (a) any of the competitive procurement processes set forth in Board Rule 7-2; or (b) any of the limitations on delegated authority set forth in Board Rule 7-15 or 105 ILCS 5/34-8.1. Stringing is prohibited.

**Sec. 7-13. Written Contracts and Purchase Orders Required.**

a. Except as otherwise provided in these Rules, all expenditures for Biddable Items exceeding \$10,000 which must be awarded through the competitive bid solicitation process pursuant to Board Rule 7-2, and expenditures for Non-biddable Items exceeding \$25,000 which are not required to be awarded through the competitive solicitation process pursuant to Board Rule 7-2, either individually or collectively for consecutive purchases from the same vendor/service provider of the same item or service by the same authorized officer, and all other transactional matters requiring contracts, leases, licenses or intergovernmental agreements shall be evidenced by a written document approved as to legal form by the General Counsel and signed by the Board, the Chief Purchasing Officer or other officers as specified in Section 7-14 or 7-15 of these Rules, as applicable, and the other party.

No goods or materials, apparatus, equipment, supplies, wares or merchandise may be received, nor may services, repairs, or work commence nor leaseholds be created, nor may payments be made regarding any of the foregoing prior to execution of a written document for same in accordance with Board Rule 7-14 or 7-15, as applicable.

b. Except as otherwise provided in these Rules, all purchases for any Dollar amount require a Purchase Order obtained consistent with these Rules and applicable law. The Purchase Order must be issued prior to order or receipt of goods or services.

**Sec. 7-14. President and Secretary to Execute Contracts and Leases.**

Except as otherwise provided in these Rules, the President and Secretary of the Board of Education shall sign and execute all contracts duly authorized by order, resolution, or direction of the Board of Education and shall sign and execute leases of school property or property required for school purposes duly authorized by order, resolution, or direction of the Board of Education, and which have been approved as to legal form by the General Counsel. The President, with the approval of the Board, may designate one or more persons who shall have proxy authority to affix the signature of the President to such contracts or leases. In the absence of the Secretary, the Assistant Secretary

shall sign such contracts or leases. The Board may, at its discretion, authorize and designate a signatory for leases and contracts under certain specified dollar amounts and for ancillary documents that serve to administer or effectuate a contract or lease. In the event the President abstains from a contract or lease matter, the Board-approved contract or lease may be executed by the Vice President. In the case of abstention by the President and the absence, disability or abstention of the Vice President, the Board-approved contract or lease may be executed by any member of the Board. When so signed, executed, and approved, such contracts and leases shall be deemed to be duly executed by the Board of Education.

**Sec. 7-15. Delegation of Authority to Act.** In addition to the foregoing, 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 approve payments and ratify agreements within 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.

a. The Chief Executive Officer has the authority to authorize and execute the following:

1. Any and all intergovernmental agreements and other miscellaneous types of agreements that have no financial impact on the Board, subject to approval as to legal form by the General Counsel.
2. Education-related agreements enumerated in Board Rule 7-2.2 and 7-2.3 up to \$75,000 per provider/institution, subject to approval as to legal form by the General Counsel.

b. The Chief Operating Officer has the authority to authorize and execute the following:

1. Any and all real property leases/licenses where the Board is the landlord/licensor, with a term of 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 and for leases/licenses with Charter Schools, which require prior Board approval), provided however that the Chief Operating Officer 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. Further, the Chief Operating Officer has the authority to authorize and execute all real property leases/licenses (including those with indemnification provisions) 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. Further, the Chief Operating Officer has the authority to authorize and execute any and all agreements and documents to grant the Board access or right of entry to property including those with indemnification provisions.

2. All Change Orders related to construction. "Change Order" means a change in a contract term other than as specifically provided for in the contract which authorizes or necessitates any increase or decrease in the cost of the contract or the time to completion. The Chief Operating Officer shall establish construction change order procedures for the submission and approval of Change Orders. The Chief Operating Officer shall report all Change Orders to the Board on a monthly basis. The monthly report shall include a brief description of the change, the original contract amount, the net change by previous Change Orders in dollar amount and by percentage, the total contract amount prior to the current Change Order being submitted; the net increase/decrease in contract amount with the current Change Order in dollar amount and by percentage, and the revised contract amount. All Change Orders must be in compliance with the Public Works Contract Act (50 ILCS 525).

3. Agreements or documents for the sale, disposition, transfer, donation or auctioning of Board assets, subject to approval as to legal form by the General Counsel, and provided that the compensation to be paid to a third party for these services shall be payable or deductible from the proceeds. The Chief Operating Officer shall also have the authority to approve the transfer of school assets to other schools (including charter schools). Board assets mean those goods which are tangible, non-real estate properties. The sale, disposition, transfer, donation and auctioning of Board assets with an original purchase price or fair market value of \$5,000 or more that were purchased with funds from the State Board of Education shall be subject to the approval of Corporate Accounting. The Chief Operating Officer shall report to the Board on an annual basis all assets sold, transferred, donated, or otherwise disposed under the delegation of authority herein.

c. The Chief Education Officer has the authority to authorize and execute the following:

1. Education-related agreements enumerated in Board Rule 7-2.2 and 7-2.3 up to \$75,000 per provider/institution, subject to approval as to legal form by the General Counsel.

2. No-fee education-related agreements including internship agreements, programmatic agreements and data sharing agreements, subject to approval as to legal form by the General Counsel.

Effective March 1, 2013, all references to the Chief Education Officer in any Board Rule, Policy or contract are interchangeable with, and shall constitute a reference to, the Chief Teaching and Learning Officer.

d. The Chief Financial Officer has the authority to: i) accept any and all grants, donations and gifts of any dollar amount; and ii) refund any unspent dollars from grants, donations or gifts. The Chief Financial Officer has the authority to execute any and all grant, donation or gift acceptance agreements and amendments related thereto required by any such grantor, donor or giftor, including agreements with obligations to cost-share using district funds or to indemnify the grantor, donor or giftor. However, any grant, donation or gift acceptance agreements and amendments related thereto with a total value of \$250,000 or more of both external funding and internal funding, 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 to provide such additional information, assurances and certifications as are necessary in connection with such grant. For all 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, all related cost-sharing obligations contained in such grants, gifts or donations in excess of \$50,000, and all refunds of unspent grants, gifts or donations in excess of \$5,000. Expenditure of grant funds are subject to the procurement rules in this Chapter VII.

e. The Chief Purchasing Officer has the authority to:

1. Approve purchases up to \$75,000 and to authorize and execute any and all of the purchasing documents enumerated below, subject to approval as to legal form by the General Counsel, when such purchases are made in accordance with the Board Rules set forth in Chapter VII; provided however that the Chief Purchasing Officer may authorize and execute such purchasing documents 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. If modifications are made to the form agreement, then approval of the General Counsel as to legal form is required.
  - i. Agreements for Biddable Items and Non-biddable Items that do not exceed \$75,000;
  - ii. Options to renew and/or mutually-agreed-to extensions of agreements for Biddable Items and Non-biddable Items that do not exceed \$75,000; and

- iii. Amendments to contracts for Biddable Items and Non-biddable Items initially costing \$75,000 and under, which amendments do not increase the total obligation to more than \$75,000 or materially diminish the obligations of the vendor.
2. Approve payments and ratify agreements for the purchase of Non-biddable items up to \$75,000 and for the purchase of biddable items between \$10,001 and \$25,000 when such purchases are not made in accordance with the Board Rules set forth in this Chapter VII.
  3. Approve the amendments enumerated below to contracts for Biddable Items and Non-biddable Items that exceed \$75,000, subject to approval as to legal form by the General Counsel, when such amendments do not increase the Board-approved maximum expenditure amount or materially diminish the obligations of the vendor.
    - i. Amendments to effectuate a reduction in unit price negotiated by the Chief Purchasing Officer;
    - ii. Amendments to effectuate an assignment and assumption of a Board contract to another corporate entity due to the corporate reorganization of a Board vendor;
    - iii. Amendments to effectuate a corporate name change of a Board vendor;
    - iv. Amendments to effectuate a contract extension; and
    - v. Amendments to effectuate administrative corrections or clarifications.

Effective March 5, 2012, all references to the Chief Purchasing Officer in any Board Rule, Policy or contract are interchangeable with, and shall constitute a reference to, the Chief Procurement Officer.

f. The General Counsel has the authority to appoint outside counsel, retain experts and to take all actions required to fulfill the duties and obligations imposed upon the General Counsel in Chapter III of these Rules, subject to appropriation. The General Counsel also has the authority to authorize and execute any and all agreements and documents regarding the following:

1. access and right of entry to property which may include indemnification;
2. indemnification related to agreements for the purchase, sale, use, occupancy, license or lease of real estate;
3. zoning, taxes and other governmental petitions and requests;

4. indemnification related to shrink-wrap and click-wrap agreements;
5. agreements with a nominal value of less than \$5,000 granting nonexclusive rights to use Board intellectual property and other agreements related to the grant of intellectual rights and permissions, including any indemnification of third parties associated with said agreements; and,
6. other legal matters having no direct financial impact on the Board.

g. The Communications Officer has the authority to execute access agreements to film in Board facilities and CPS schools subject to approval as to legal form by the General Counsel.

h. The Chief Administrative Officer or designee has the authority to execute no-fee agreements regarding non-disclosure, confidentiality and network access with no further approval from the General Counsel when using an agreement approved by the Law Department.

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