

AMEND BOARD RULE 6-29
CHALLENGES TO LOSS OF LOCAL SCHOOL COUNCIL ELIGIBILITY
FOR DUE TO ETHICS VIOLATIONS

Sec. 6-29. Challenges to Loss of Local School Council Eligibility for Due to Ethics Violations. Local School Council members may continue to serve for the length of their term provided they continue to meet the following eligibility requirements:

~~Local School Council members shall file the Board's Statement of Economic Interests with the Secretary of the Board by May 1st of every year. Council members appointed after May 1st shall file the Board's Statement of Economic Interests upon appointment. However, for the year 1995, council members will have until September 30, 1995, to file their Statement of Economic Interests.~~

~~Failure to timely file a Statement of Economic Interests, or failure to file a complete Statement of Economic Interests, shall result in automatic disqualification from the Local School Council for the remainder of the affected member's term of office. Filing a false Statement of Economic Interests or failure to comply with the Code of Ethics or this Board Rule may be grounds for disqualification from Local School Council membership. The Secretary of the Board shall automatically declare a vacancy on the Council for failure to timely file a Statement of Economic Interests and may declare a Council vacancy for filing a false Statement of Economic Interests or for failure to comply with the Board's Code of Ethics.~~

~~Principals shall be in charge of collecting and submitting their Councils' Statements of Economic Interests to their respective Region Education Officers. The Region Education Officers shall forward all Statements of Economic Interests to the office of School and Community Relations.~~

~~Principals shall notify the Ethics Manager of refusals by council members to file Statements of Economic Interests.~~

~~Principals shall maintain on file at their schools copies of their Councils' Statements of Economic Interests for public inspection.~~

Notification of Ethical Violations By Local School Council Members

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

1. Complaints of Any person may challenge a Local School Council member's eligibility to serve based on ethical violations. Filing a false Statement or failure to comply with the Board's Code of Ethics Policy may be grounds for disqualification from the Local School Council for the remainder of the concerned member's term of office. A challenge shall be in writing and may be filed with either the office of the Chief Fiscal Officer Law Department or the CPS Ethics Manager.

2. All ~~complaints~~ challenges should be in writing and include:

- a. the name, address, and phone number of the person filing the complaint challenge;
- b. a statement of the facts upon which the challenger formed the belief that the person council member being challenged is no longer eligible to serve; and
- c. any evidence which supports the challenger's position that the person being challenged is no longer eligible.

If the person filing the challenge is a Board employee or Local School Council member, his/her identity shall not be disclosed pursuant to section 5/34-2.4(c) of the Illinois School Code without prior written consent. 105 ILCS 5/34-2.4(c) ("Whistleblower Protection").

3. In addition, the Board may act upon: (i) anonymous information regarding council members' eligibility based on ethical violations; or (ii) knowledge or information of ethical violations by council members obtained by Board agents or employees.

34. Investigation of Complaint Ethical Violations. The Chief Fiscal Officer or designee shall review the complaint, conduct an investigation, afford an opportunity to the Council member to personally present statements and evidence on his or her behalf, and make a recommended finding to the Board Secretary as to whether the Local School Council member is in violation of the Code of Ethics or this Rule and should be removed from the Local School Council, within fourteen (14) days or as soon thereafter as possible. Challenges based on ethical violations and reports of such violations received from Board agents or employees or anonymous sources shall be reviewed by the General Counsel. If the General Counsel determines that there is merit to the challenge or report, he/she shall refer the challenge or report to the Office of the Chief Executive Officer for investigation. The General Counsel shall review the results of the investigation. If the General Counsel determines that there is merit to the challenge or report as revealed by the investigation, the concerned council member shall be afforded an opportunity to personally present statements and evidence on his or her behalf at a hearing conducted by a hearing officer. The concerned council member shall be notified in writing of the date, time, and place of the hearing, of his or her right to have a representative of his or her choice at the hearing and of the specific provisions of this Rule or the Board's Code of Ethics Policy which he or she is alleged to have violated. As soon thereafter as possible, the hearing officer shall make findings whether: (i) the council member is in violation of the Code of Ethics or this Rule; and (ii) should be disqualified from the Local School Council. The hearing officer shall forward his/her findings to the Board's General Counsel, who will rule upon the hearing officer's recommendations.

4. Notice of Declaration of Vacancy. The Secretary of the Board or designee shall forward his/her determination to the complainant, challenged Local School Council member and to the affected Local School Council in writing by certified mail.

Declaration of Vacancy

When a council member has been afforded a hearing pursuant to this Rule and the General Counsel has found that he or she should be disqualified from the Local School Council based upon a violation of the Code of Ethics or this Rule, the Secretary of the Board shall forward a Declaration of 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. However, the vacancy may be filled only after: (1) the concerned council member fails to appeal within the time allowed; or (2) the concerned council member's appeal is denied.

5. Declaration of Vacancy. Any vacancy on a Local School Council caused by a determination pursuant to this Board Rule shall be declared by the Secretary of the Board. The vacancy declared by the Secretary shall be effective on the date the Secretary of the Board issues his/her determination. Such vacancy, however, shall not be filed until the appeal process outlined below is exhausted.

A vacancy declared for failure to timely file a Statement of Economic Interests shall only require notice by the Secretary or designee of the intention to disqualify. A Notice of Intent to Disqualify shall be served by certified mail.

If the complaint is based on failure of the challenged Local School Council member to comply with the filing requirements of the Statement of Economic interests, the challenged Local School council member shall have ten (10) days from the date of service of the Notice of Intent to Disqualify to file the Statement of Economic Interests form. If said Council member does not file within ten (10) days of the service of intent to disqualify, a vacancy shall be declared by the Chief Fiscal Officer.

Appeal Process

1. Within ten (10) thirty (30) days of receipt of the date of the Secretary's determination a Declaration of Vacancy based upon a ruling by the General Counsel, either the challenger or the challenged Local School Council member may file an appeal with the Secretary of the Board Chief Executive Officer or designee. The appeal should state specific reasons or grounds for rescinding the General Counsel's prior determination concerning the council member's eligibility. New evidence not readily available at the time that the challenge was filed may be submitted.
2. The Secretary of the Board Chief Executive Officer or designee shall review the appeal and the Secretary shall issue a final determination.
3. The Secretary of the Board shall forward the final determination shall be final and shall be forwarded to the complainant challenger, if any, the challenged Local School Council member and the affected concerned Local School Council by certified and regular mail to the concerned council member's last known address and the school where he or she serves.
4. Failure to file an appeal within the time allowed will render final a Declaration of Vacancy based upon a ruling by the General Counsel.

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 by, April 1st of 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 May 1st of every year. Council members appointed after May 1st 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 May 1st of every year or, if appointed after May 1st, 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 school where he or she serves. The concerned council member shall have thirty (30) days from the date of the Declaration of Intent to Disqualify to file a complete Statement. If the council member does not file a complete Statement within the time allowed, the Secretary of the Board shall automatically forward a Declaration of Vacancy to the concerned council member and Local School Council by certified and regular mail to the council member's last known address and the school where he or she serves. The vacancy shall be effective on the date the declaration is issued. There shall be no right of appeal from a Declaration of Vacancy based upon a failure to timely file a complete Statement. Either the concerned Local School Council or the Board, as appropriate, may immediately proceed to fill the vacancy by appointment of a qualified person who meets all applicable eligibility requirements to serve the remainder of the disqualified member's term.

Notice of Declarations

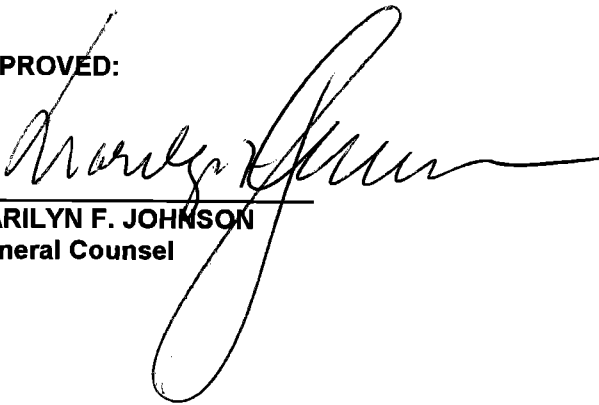
The Secretary of the Board shall forward a Declaration of Intent to Disqualify and Declaration of Vacancy for failure to timely file a complete Statement to the concerned council member and Local School Council in writing by certified and regular mail to the concerned council member's last known address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

Appointment to Vacancy

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

If a teacher or student Local School Council member is determined to be ineligible to serve on a 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.

APPROVED:



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