

AMEND BOARD RULES 4-1, 4-41 AND 4-43
AND REPEAL BOARD RULES 4-30, 4-30.1 AND 4-30.2

The General Counsel recommends amending the following Board Rules related to employee discipline:

- 4-1 ~~Educational Support Personnel Appointment~~ Appointment, Layoff, Discipline and Discharge of Personnel.
- 4-41 Absence Without Leave – Members of the Teaching Force.
- 4-43 Failure to Pay Debts – Cause for Dismissal.

The General Counsel recommends repealing the following Board Rules related to employee discipline:

- 4-30 Suspension of Employees Pending Dismissal. [Superceded by Board Rule 4-1]
- 4-30.1 Disciplinary Suspension of Teachers and Administrators. [Superceded by Board Rule 4-1]
- 4-30.2 Disciplinary Suspension of Non-Certified Personnel. [Superceded by Board Rule 4-1]

The amended Board Rules and repealed Board Rules recommended herein shall be effective upon Board approval.

Approved: 



Ruth M. Moscovitch
General Counsel

Sec. 4-1. Educational Support Personnel Appointments Appointment, Layoff, Discipline and Discharge of Personnel.

~~Employees of the Chicago Public Schools with the exception of the General Superintendent of Schools, Chief Officers, heads of general departments now in existence or hereafter established, members of the teaching force, principals, the General Counsel, associate or assistant attorneys, the Secretary, and Assistant Secretary, and such other employees as the Board may designate as exempt, shall be considered to be educational support personnel. The Board of Education shall approve policies governing the appointment of educational support personnel.~~

1. **Appointment and Status of Employees.** ~~The Chief Executive Officer or the General Counsel or their respective designees shall recommend the appointment of employees to the Board in accordance with Board Rules and policies governing appointment and assignment of employees. All employees shall serve at the pleasure of the Board and shall be considered at-will employees except where a statute or Board agreement, policy, or Rule expressly provides to the contrary.~~
2. **Layoff of Employees and Reductions-in-Force.** ~~The Chief Executive Officer shall decide whether and when a layoff of employees or a reduction-in-force should occur. The Chief Executive Officer or his designee shall implement such layoffs or reductions-in-force. The Chief Executive Officer may base a decision to layoff or to reduce the work force upon the recommendation of principals, Chief Officers, heads of general departments now in existence or hereafter established, non-school based supervisors, and/or the General Counsel. Layoffs shall be based upon employee qualifications, certifications, experience, performance ratings or evaluations, and any other factors relating to an employee's job performance.~~
 - a. **Layoff of Tenured Teachers.** ~~The Chief Executive Officer shall implement layoffs of tenured teachers in accordance with the Board's Policy Regarding Reassignment and Layoff of Regularly Certified and Appointed Tenured Teachers as it exists at the adoption of this rule or it may hereafter be amended from time to time.~~
 - b. **Layoff of Educational Support Personnel.** ~~The Chief Executive Officer shall implement layoffs of educational support personnel in accordance with the Board's Policy on Layoff of Educational Support Personnel as it exists at the adoption of this rule or it may hereafter be amended from time to time.~~
3. **Discipline and Discharge of Personnel.** ~~Principals, Chief Officers, heads of general departments now in existence or hereafter established, non-school based supervisors, the Chief Executive Officer and/or the General Counsel may discipline employees by written reprimand or suspension of employment without pay in accordance with the provisions of the Employee Discipline and Due Process Policy as it exists now or as it may hereafter be amended. Discharge of personnel shall occur as follows:~~
 - a. **Head of General Departments.** ~~The Board may discharge heads of general departments now in existence or hereafter created upon recommendation of the Chief Executive Officer and a majority vote of the full membership of the Board or upon a majority vote of the full membership of the Board.~~
 - b. **Probationary Employees, Other At-Will Employees and Non-Probationary Educational Support Personnel.** ~~The Chief Executive Officer may discharge probationary employees, other at-will employees, and non-probationary educational support personnel in accordance with the applicable provisions of the Board's Employee Due Process and Discipline Policy as it exists at the time of the adoption of this Rule or as it may hereafter be amended. Nothing in the Board's Employee Due Process and Discipline Policy, as it exists at the time of the adoption of this Rule or as it may hereafter be amended, 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.~~

- c. **Teachers and Contract Principals.** The Board may discharge tenured teachers and contract principals in accordance with section 34-85 of the Illinois School Code (105 ILCS 5/34-85) and applicable provisions of the Employee Discipline and Due Process Policy as it exists at the time of the adoption of this Rule or as it may hereafter be amended; provided however, that nothing in this Rule or the Board's Employee Discipline and Due Process Policy shall prohibit the Board from terminating the contract of a contract principal in accordance with the terms of the uniform principals contract and/or the provisions of 105 ILCS5/34-8.3.
4. **Suspension Pending Investigation and/or a Discharge Hearing.** Where the Chief Executive Officer or the General Counsel deems it to be in the best interests of the Board, the Chief Executive Officer may remove an employee from active employment with pay or may suspend an employee without pay pending an investigation and/or a discharge hearing in accordance with applicable provisions of the Employee Discipline and Due Process Policy, as it exists at the time of adoption of this Rule or as it may hereafter be amended.

Statutory References: 105 ILCS 5/34-8.1; 105 ILCS 5/34-8.3; 105 ILCS 5/34-13; 105 ILCS 5/34-15; 105 ILCS 5/34-16; 105 ILCS 5/34-19; 105 ILCS 5/34-85.

(Amended 03-28-79; 07-31-91; 03-24-94; 10-25-95; 09-23-98; 02-23-00; 07-28-04)

Sec. 4-41. Absence Without Leave - Members of the Teaching Force. Absence of members of the teaching force, after the expiration of a period of ~~two weeks~~ ten (10) consecutive workdays without written leave of absence or failure to return at the expiration of any leave of absence previously granted, shall, after due notice as hereinafter provided, be deemed and declared to constitute an abandonment of employment by such absentee. A notice in writing shall be sent by ~~registered~~ first class mail to the absentee member of the teaching force, addressed to the last recorded or last known place of residence, and shall state in substance that a failure to report for duty within ~~20~~ seven (7) work days from the date of such notice, or to apply for leave of absence if eligible therefore, will be deemed an abandonment of employment and will constitute grounds for dismissal. (Amended 03-24-82; 07-31-91; 07-28-04)

Sec. 4-43. Failure to Pay Debts - Cause for Dismissal. The failure by any employee of the Chicago Board of Education to pay a debt due and owing to the City of Chicago shall be considered a violation of Section 2-32-392 of the Municipal Code of Chicago and shall be cause for discipline or discharge of the employee. For purposes of the Municipal Code and 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 order or order of an administrative hearing officer after the exhaustion of, or failure to exhaust, judicial review. Any employee deemed to have violated this provision of the Municipal Code shall be subject to wage garnishment proceedings to satisfy the outstanding debt. Upon receipt of a written order of deduction against an employee of the Chicago Board of Education, the City Comptroller shall provide notice to the Chicago Board of Education and request the withholding compensation of that employee in accordance with Section 34-18 (19a) of the Illinois School Code. The amount deducted from any one salary or wage payment shall not exceed twenty-five percent (25%) of the net amount of such payment. (Amended 07-31-91; 07-27-97; 07-28-04)