

DEFERRED

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November 17, 2004

**ADOPT NEW BOARD RULE 4-45.2 SPECIAL ON-LOAN LEAVE OF ABSENCE TO WORK IN
CONTRACT SCHOOLS - TEACHER-CERTIFICATED ADMINISTRATORS**

THE GENERAL COUNSEL RECOMMENDS:

Adoption of Board Rule 4-45.2, Special On-Loan Leave of Absence to Work in Contract Schools – Teacher-Certificated Administrators.

TEXT:

Sec. 4-45.2. Special On-loan Leave of Absence - Teacher Certificated Administrators.

1. **Definitions.** For purposes of this Rule, the following definitions shall apply:
 - (a) "Actively employed" means a teacher-certificated administrator who is currently providing services to the Board or on an approved leave for training, on an approved on-loan leave to a university or other institution, or on an approved sabbatical; but, "actively employed" does not include teacher-certificated administrator who is currently on any other type of leave of absence, suspended pending dismissal, or retired and receiving a pension from the Chicago Teachers' Pension and Annuity Fund.
 - (b) "On-loan administrator" means a teacher-certificated administrator who has applied for and been approved for an on-loan leave pursuant to this Rule.
 - (c) "Contract School" means a school formed pursuant to a contract with a third party in accordance with the Chicago Board of Education's Policy to Establish Renaissance Schools as adopted on September 22, 2004 and as it may hereafter be amended from time to time.
 - (d) "Chicago Public Schools" means the Board of Education of the City of Chicago.
 - (e) "Chicago Teachers Pension Fund" or "Pension Fund" means or refers to the Public School Teacher Pension and Retirement Fund of Chicago.

2. **Authority of Chief Executive Officer to Grant On Loan Leaves to Teacher-Certificated Administrators – Eligibility for On-Loan Leave.** Subject to the approval of the Chicago Board of Education, the Chief Executive Officer shall have the authority to authorize a special leave of absence for any teacher-certificated administrator who:
 - (a) requests an on-loan leave in accordance with this Rule;
 - (b) is actively employed by the Chicago Public Schools at the time the on-loan leave commences; and,
 - (c) has received a written offer of employment from a Contract School governing body and said offer includes the governing body's consent to an on-loan leave of absence from Chicago Public Schools' employment.

3. **General Terms of On-Loan Leave.**
 - (a) **Employment Status of On-Loan Teacher or Administrator.** During the period of any leave granted pursuant to this Rule, the teacher-certificated administrator shall become an employee of the

Contract School on loan from Chicago Public Schools and shall have the rights and privileges of an "on-loan teacher certificated-administrator" set forth in this Rule.

(b) Payment of Salary and Benefits.

1. Salary for teacher-certificated administrators granted leaves pursuant to this Rule shall be paid by the Chicago Public Schools but shall be determined between the teacher and the Contract School's governing body. Employee benefits shall be determined between the Contract School's governing body and the on-loan teacher-certificated administrator. By agreement between the Chicago Public Schools, the teacher-certificated administrator and the Contract School, the teacher-certificated administrator may continue his/her Chicago Public Schools' medical, dental, vision, life and long-term disability benefits provided that Contract School pays the full-cost to Chicago Public Schools for providing said benefits.
2. Administrators granted leaves under this Rule shall continue to participate in the Chicago Teachers Pension Fund while on approved leave. The Contract School shall be responsible for the employer's contribution to the pension fund in accordance with section 3(b)(3) of this Rule. On-loan teacher-certificated administrators shall not accrue or accumulate sick or vacation benefit leave days from Chicago Public Schools and may not use accumulated Chicago Public Schools sick or vacation benefit days while on a leave pursuant to this Rule except upon agreement of the Contract School's governing body, Chicago Public Schools, and the on-loan teacher-certificated administrator. The value of any sick or vacation benefit leave days shall be frozen at the on-loan teacher-certificated administrator's salary rate at the time the on-loan leave commences and for the duration of the on-loan leave.
3. The Contract School shall reimburse the Chicago Public Schools for the full salary paid to the teacher-certificated administrator, the Chicago Public Schools' employer contributions for Medicare, and the full costs incurred by the Chicago Public Schools for providing any benefits to the teacher-certificated administrator, including, but not limited, to employer pension pick-up payments to the Chicago Teachers' Pension Fund.

(c) Duration of On-Loan Leave. An on-loan leave may be granted to teacher-certificated administrators for a period of time not less than ten (10) school months and not more than five (5) consecutive school years. An on-loan leave shall be renewable upon expiration.

1. Commencement of On-Loan Leave. An on-loan leave granted pursuant to this Rule shall commence at the beginning of a Chicago Public Schools' semester, or at such other time as approved by the Chief Executive Officer.
2. Termination of On-Loan Leave. An on-loan leave shall terminate under the following circumstances:
 - i. on a date approved by the Chief Executive Officer and the Board of Education at the time the leave is granted or at a date earlier than that approved by the Chief Executive Officer and the Board of Education at the request of the on-loan teacher-certificated administrator;
 - ii. in the event that the employment relationship between the Contract School and the teacher-certificated administrator terminates; or,
 - iii. the Contract School's contract with the Chicago Public Schools is terminated for any reason.

4. **Contract Principals – Special Considerations.** Contract principals who desire a leave pursuant to this Rule shall request that the Local School Council or other governing board release them from and cancel their existing Chicago Public Schools principal's contract. Approval of a contract principal's request for a leave under this Rule shall be contingent upon the termination of the principal's existing Chicago Public Schools performance contract.

5. **Administrators (including contract principals) – Special Considerations.** Upon termination of the on-loan leave a teacher-certificated administrator may apply for any vacant teaching or administrative position with the Chicago Public Schools for which he/she is qualified. Upon termination of the on-loan leave, the teacher-certificated administrator shall be eligible to participate in Chicago Public Schools' employee health, dental, vision and life insurance benefit programs by payment of the full premium or premium equivalent. In the event that the teacher-certificated administrator is unable to secure a position with the Chicago Public Schools within sixty (60) days of the termination of the on-loan leave, the teacher-certificated administrator's employment by Chicago Public Schools shall be terminated.

6. **Authority to effectuate the purposes of this Rule.** The Chief Executive Officer or his designee shall have the authority to develop procedures and guidelines to carry out the purposes of this Rule.

Approved:


Ruth M. Moscovitch
General Counsel