

DEFERRED

06-1025-RU1

October 25, 2006

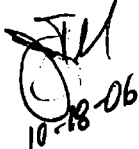

AMEND BOARD RULES 2-10, 2-27 and 4-1

THE GENERAL COUNSEL RECOMMENDS THAT:

The Board amend its rules as set forth in attachment and summarized as follows:

<u>Board Rule</u>	<u>Title</u>	<u>Action</u>
2-10	<i>Law Department</i>	Amended to delete reference to merit increase provision.
2-27 (c)	<i>Authority over Departments and Delegated Authority</i>	Amended to conform to new functional titles.
2-27(d)(2)and (3)	<i>Delegation of Authority to Act</i>	Amended to conform to new functional titles.
4-1(a)(1)	<i>Delegation to the Chief Executive Officer or His/Her Designee</i>	Amended to conform to new functional titles.
4-1(a)(5)	<i>Delegation to the Chief Executive Officer or His/Her Designee</i>	Amended to modify CEO authority to grant merit salary increases pursuant to a performance management program.
4-1(c)(1)	<i>Personnel Authority Reserved for Board Action</i>	Amended to conform to new functional titles.
4-1(c)(2)	<i>Personnel Authority Reserved for Board Action</i>	Amended to conform to new functional titles.
4-1(c)(4)	<i>Personnel Authority Reserved for Board Action</i>	Amended to conform to new functional titles.

Respectfully Submitted:

 
Patrick J. Rocks
General Counsel

Sec. 2-10. 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 General Superintendent of Schools. The General Counsel shall have authority 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, leases and other documents.

Assistant Attorneys and Associate Attorneys 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 entity other than the Board of Education. Violation of the prohibition against outside practice by an assistant attorney or associate attorney shall constitute cause for immediate dismissal from employment.

~~In lieu of step increases that accrue to other educational support personnel paid on a graded salary schedule, the General Counsel is authorized to determine annual merit pay increases for the attorneys under the supervision and control of the General Counsel. The Law Department's budget shall include funding for these merit pay increases each fiscal year. Salary increases for attorneys under the supervision and control of the General Counsel are suspended for fiscal year 2003 (July 1, 2002 through June 30, 2003). After approval of position salaries in the annual budget, any salary increases in excess of ten percent, including those caused by promotion or position reclassification, must be approved by Board action prior to payment of the increased salary. Upon determining appropriate merit salary increases for the attorneys in connection with their annual performance evaluations and obtaining Board approval for any increases which exceed ten percent, the General Counsel shall advise the Board Secretary, the General Superintendent and the appropriate operating departments of the merit pay increases for each attorney, and the necessary adjustments will be effectuated without further approval other than confirmation that the salary adjustments for attorneys are within the Law Department's available budgetary appropriation for this purpose. (Amended 08-27-97; 10-28-98; 02-23-00; 03-28-01; 06-26-02; 09-24-03; 10-25-06)~~

Sec. 2-27. 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 under these Rules, in a Board policy, resolution or report or by other Board action.

c. Authority over Departments and Delegated Authority. ~~The Chief Executive Officer, the Chief Operating Officer, the Chief Education Officer, the Chief Purchasing Officer, the Chief Financial Officer, and the General Counsel and executive officers of general departments, and the head of any special departments~~ have the authority to supervise their respective Departments, including all employees within their departments, and to take all actions delegated to them by Board Rule, Policy, Resolution, Board Report or other Board action. Said Officers may delegate their authority to employees within their Departments, including any authority delegated to them by the Board.

d. Delegation of Authority to Act. The Board hereby delegates the following specific authority to the following executive officers or Officers or their respective designees with respect to making and executing certain agreements, which authority may be exercised without prior Board action or approval. All authority exercised by the executive officers or Officers or their respective designees pursuant to this

Rule shall be reported to the Board on a monthly basis. All of the actions/purchases authorized and taken below shall only be for matters that are presented timely to such executive officer or officer for future action/purchase. Any and all requests for ratification of an action/purchase already taken which are required to have prior Board approval and/or approval from the respective officers, shall be submitted to the Board for approval or denial, regardless of the dollar amount.

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

2. The Chief Operating Officer, also known as the Executive Officer – School Support Services, has the authority to authorize and execute any and all real property leases/licenses where the Board is the landlord/licensor, with a term less than ten (10) years, regardless of the dollar amount, subject to approval as to legal form by the General Counsel (except for leases/licenses at 125 S. Clark Street, Chicago, Illinois, which require prior Board approval); and has the authority to authorize and execute all real property leases/licenses where the Board is the tenant/licensee, the term is less than ten (10) years, and the dollar amount for the term of the lease/license is \$75,000 or under, subject to approval as to legal form by the General Counsel.

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

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

5. The Chief Purchasing Officer has the authority, subject to approval as to legal form by the General Counsel, to authorize and execute any and all of the following purchasing agreements, provided such purchases are made in accordance with the Board Rules set forth in Chapter V:

a) Non-biddable Items (as defined in Section 5-4) that cost between \$25,001 and \$75,000;

b) Options to renew and/or mutually-agreed-to renewals of Nonbiddable Items that cost between \$25,001 and \$75,000;

c) Amendments to Contracts of any dollar amount for Nonbiddable Items, which amendments have no additional financial implications; and

d) Amendments to Contracts for Non-biddable Items initially costing \$75,000 and under, which amendments do not increase the total obligation to more than \$75,000.

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

a. access and right of entry to property which may include indemnification;

b. indemnification related to agreements for the purchase, sale, use, occupancy, license or lease of real estate;

- c. zoning, taxes and other governmental petitions and requests; and,
- d. other legal matters having no direct financial impact on the Board.

(Adopted 03-27-91; Amended 03-23-94; 10-25-95; 01-24-96; 02-23-00; 07-26-00; 09-22-04 (Effective 11/1/04); Rescinded and Adopted New 08-24-05; Amended 10-26-05; 10-25-06)

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 personnel, which may be exercised without Board action:

~~1. to hire, appoint, or promote employees (other than management level personnel, including officers, the General Counsel, heads of departments, directors and contract principals) for merit upon recommendation of the Chief Executive Officer, officers, the General Counsel, heads of departments, directors or contract principals, and to establish eligibility criteria for those actions; 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 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 ~~merit or~~ 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, 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 evaluation procedures for all employees, including teachers and principals;

9. to grant paid time off for excused days, holidays, sick 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 the following paid and unpaid leaves of absence to eligible employees in accordance with collective bargaining agreements, Board Rules and Policies:

- i. sabbatical leaves of absence;
- ii. on-loan leaves of absence;
- iii. union leaves of absence; and
- iv. pension office employment leaves of absence;

12. to commence disciplinary or dismissal proceedings against employees;

13. to demote, transfer, discipline or dismiss employees;

14. to layoff employees, reduce the Board's workforce, or declare unpaid furlough days for employees;
15. to accept resignations and retirements from employees; and,
16. to exercise all other authority over personnel that is not specifically reserved for Board action.

b. *Chief Executive Officer's Quarterly Report of Personnel Transactions to the Board.* The Chief Executive Officer or his/her designee(s) shall submit a quarterly report (which shall be made public) to the Board that summarizes the previous quarter's personnel 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. *Personnel Authority Reserved for Board Action.* The Board shall exercise all authority over the following personnel matters, which authority is nondelegable under the Illinois School Code or which the Board has reserved to itself:

~~1. to appoint management level personnel, including the Chief Executive Officer, other officers, the General Counsel, heads of departments, directors and contract principals; to appoint the Board Secretary, the Assistant Board Secretary, the Chief Executive Officer, the General Counsel, deputies and assistants general counsel, the Chief Financial Officer, executive officers, officers, and contract principals;~~

~~2. to establish salaries upon hire for officers, the Board Secretary, the Assistant Board Secretary, the Chief Executive Officer, the General Counsel, heads or chief of departments, and directors deputies and assistants general counsel, the Chief Financial Officer, executive officers and officers;~~

3. to grant salary increases to employees in excess of ten (10%) percent, including those caused by promotion or position reclassification, occurring after approval of position salaries in the annual budget, unless the lowest salary for the approved title in the schedule of basic salaries provides for an increase of greater than ten (10%) percent;

~~4. to dismiss management level personnel, including the Chief Executive Officer, officers, the General Counsel, heads of departments, and directors, in the exercise of the Board's discretion; to dismiss the Board Secretary, the Assistant Board Secretary, the Chief Executive Officer, the General Counsel, deputies and assistants general counsel, the Chief Financial Officer, executive officers and officers upon majority vote of the full membership of the Board;~~

5. to dismiss probationary appointed teachers in accordance with the Illinois School Code;

6. 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;

7. 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,

8. to, upon recommendation of the Chief Executive Officer or his/her designee, dismiss for cause non-probationary assistant principals and educational support personnel whose employment is governed by collective bargaining agreements. (Repealed/Adopted New 08-24-05; Amended 07-26-06; 10-25-06)