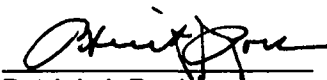


AMEND BOARD RULES 2-10, 2-27, 4-1 and 4-4**THE GENERAL COUNSEL RECOMMENDS THAT:**

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 (Generally)</i>	Amended to conform to new functional titles.
4-1(a)(1)	<i>Delegation to Chief Executive Officer or His/Her Designee</i>	Amended to conform to new functional titles.
4-1(a)(5)	<i>Delegation to 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(b)	<i>Chief Executive Officer's Quarterly Report of Personnel Transactions to the Board</i>	Amended to require CEO to make monthly report of salary increases to employees in excess of ten (10%).
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)(3)	<i>Personnel Authority Reserved for Board Action</i>	Deleted.
4-1(c)(4)	<i>Personnel Authority Reserved for Board Action</i>	Renumbered to 4-1(c)(3) and amended to conform to new functional titles.
4-1(c)(5) to (c)(8)	<i>Personnel Authority Reserved for Board Action</i>	Renumbered to 4-1(c)(4) to (c)(7).
4-4(m) (New)	<i>Obligation to Cooperate in Inspector General Investigations and to Answer Inspector General's Questions.</i>	New. Incorporates provisions of section 34-13.1 of the Illinois School Code and United States Supreme Court precedent with respect to obligation to answer questions.
4-4 (m) (Old)	<i>Other Pre-Employment and Employment Requirements</i>	Renumbered to 4-6(n) from 4-6(m).

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.~~

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 oOfficers 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 oOfficers 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.

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 these 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 and Monthly Report of Salary Increases in Excess of Ten (10%) Percent.* 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. The Chief Executive Officer or his/her designee(s) shall submit a monthly report (which shall be made public) to the Board that summarizes salary increases in excess of ten (10%) percent granted to employees during the previous month, including those caused by promotion or position reclassification.

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;~~
- ~~34. 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;~~
45. to dismiss probationary appointed teachers in accordance with the Illinois School Code;
56. 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;

67. 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.

78. 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.

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 in accordance with the Residency Policy and the Board's Employee Discipline and Due Process Policy.

b. *Criminal Background Investigations.* As a condition of hire, all employees must authorize the Board to conduct criminal history verification in accordance with the provisions of the Illinois School Code. The Chief Executive Officer or his/her designee shall establish procedures and guidelines for compliance with the provisions of the Illinois School Code. Any employee whose criminal background excludes him/her from Board employment under the Illinois School Code shall be dismissed under the provisions of the Board's Employee Discipline and Due Process Policy. Regardless of whether or not an applicant or employee's criminal history excludes him/her from employment under the Illinois School Code, the Chief Executive Officer or his/her designee shall consider the applicant's criminal conviction history, and whether or not 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 (1992) 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, 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 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 discipline or dismissal in accordance with the Board's Employee Discipline and Due Process Policy.

e. *Health 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 health 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 under the Board's Employee Discipline and Due Process Policy.

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.

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 (1992), 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. *Violence Free Workplace and Learning Environment.* It is the Board's policy that its facilities and workplaces shall be free of violence. Accordingly, employees 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 within the meaning of the Employee Discipline and Due Process Policy. 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 in accordance with the Employee Discipline and Due Process Policy.

m n. *Other Pre-Employment and Employment Requirements.* The Board or the Chief Executive Officer or the Chief Executive Officer's designee may establish other hiring and employment 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.