

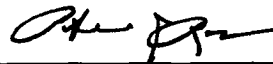
**ANNUAL READOPTION OF BOARD RULES AND AMENDMENT, MODIFICATION OR REPEALER
OF CERTAIN BOARD RULES IN ACCORDANCE WITH BOARD RULE 2-19**

THE GENERAL COUNSEL RECOMMENDS:

That the Board, in accordance with Board Rule 2-19, readopt its Board Rules, as amended effective October 23, 2008, with the following described amendments, modifications, repealers or suspensions thereto, which are more fully set forth in the attachment to this Board Report:

<u>Board Rule</u>	<u>Title</u>	<u>Action</u>
2-10	<i>Law Department</i>	Amend to reference exceptions to General Counsel review of contracts and leases found in Board Rule 2-27.
2-12	<i>Attorney's Appearance in Legal Proceedings</i>	Amend to clarify basis for the General Counsel to represent an employee.
2-14	<u><i>Retention of Outside Legal Counsel</i></u>	Add new Board Rule to address hiring of outside legal counsel.
2-21	<u><i>Withdrawing Reports and Laying Over Reports</i></u>	Add provision for the withdrawal of a Board Report by the officer sponsoring the report.
2-27(d)(4)	<i>Delegation of Board Authority</i>	Amend to clarify Chief Operating Officer delegated authority to sign real property leases/licenses where the Board is the landlord/licensor does not extend to leases/licenses at 125 S. Clark Street, Chicago, Illinois and to leases/licenses with Charter Schools. Specify that references to the Chief Operating Officer in Board Rules, policies and contracts refer also to the Chief Administrative Officer.
6-8	<i>Expulsion of Pupils – Cause</i>	Amend to remove repetitive language.
6-26	<u><i>Alcohol and Tobacco Prohibited</i></u>	Add new Board Rule to specify that consumption of alcohol and use of tobacco products on Board property is prohibited.

Approved as to Legal Form 



Patrick 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 subject to the exceptions noted in Board Rule 2-27 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.

Sec. 2-12. Attorney's Appearance in Legal Proceedings. The General Counsel shall appear for and protect the rights and interests of the Board of Education in all cases, suits suites, and proceedings brought by or against the Board of Education; or brought against any current or former members, officer or employee in their official capacity; or brought against any current or former employee in his/her individual capacity, in accordance with applicable law. ~~provided, however, that when a Board of Education employee is sued personally, even if the cause of action arises out of the employee's official duties, the General Counsel shall appear for such Board of Education employee only in case the Board of Education directs the General Counsel to do so.~~

Sec. 2-14 Retention of Outside Legal Counsel. The retention of outside legal counsel is reserved to the Board. Subject to approval by the Board, the General Counsel may retain outside legal counsel to appear in legal proceedings on his/her behalf or to provide other legal services to the Board.

Sec. 2-21. Withdrawing Reports and Laying Over Reports.

- a. Prior to a vote on any report presented to the Board, the CEO or any other Officer sponsoring the report may withdraw the report from the agenda.
- b. Upon the request of any member two or more members, any report presented by any department head or any motion, resolution, order, or Rule presented by any member shall be laid over for one meeting; provided, however, that no matter shall be so laid over for more than three consecutive meetings. The report, motion, resolution, order or Rule so deferred shall be published in proceedings of the Board of Education.

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 Financial Officer, 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 Officers or their respective designees with respect to making and executing certain agreements, which authority may be exercised without prior Board action or approval. This authority includes the authority to ratify agreements with the scope of the authority delegated in this section. All authority exercised by the Officers pursuant to this Rule shall be reported to the Board on a monthly basis.
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 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 and for leases/licenses with Charter Schools, which require prior Board approval), provided however that the Chief Operating Officer or designee may authorize and execute such leases/licenses with no further approval from the General Counsel when using the form agreement established by the Law Department with no modifications thereto other than to include business terms. Further, the Chief Operating Officer 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. Effective October 22, 2008, all references to the Chief Operating Officer in any Board Rule, Policy or contract shall also constitute a reference to the Chief Administrative Officer.
 3. The Chief Education Officer 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 gift or, including agreements to indemnify the grantor with respect to performance of the grant, provided however that any grant, donation or gift acceptance agreements and amendments related there to with a value of \$250,000 or more shall be subject to approval as to legal form by the General Counsel. The Chief Financial Officer together with the head of the department receiving the grant have the authority 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 when such purchases are made in accordance with the Board Rules set forth in Chapter V, provided however that the Chief Purchasing Officer may authorize and execute such purchasing agreements with no further approval from the General Counsel when using the form agreement established by the Law Department with no modifications thereto other than to include business terms:
 - 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.

Sec. 6-8. Expulsion of Pupils - Cause. Expulsion ~~for~~ of a pupil ~~without a disability~~ is a suspension for a period exceeding ten consecutive school days. ~~Expulsion for a student with a disability is a suspension for a period exceeding ten school days in a school year.~~ For a pupil with a disability, a prior determination that the behavior is unrelated to the pupil's disability is a prerequisite for expulsion. However, in all cases, a free appropriate public education must be made available to all students with disabilities expelled from school. Whenever a pupil in any school is found guilty of gross disobedience, misconduct or other violation as defined by the Student Code of Conduct of the Board of Education of the City of Chicago, the pupil may be expelled from school. The parent or guardian shall be requested to appear at an expulsion hearing before a hearing officer to discuss the pupil's behavior. Such request shall be made by registered or certified mail and shall state the time, place, and purpose of the hearing. The hearing officer shall report to the Chief Executive Officer or designee a written summary of the evidence taken at the hearing together with the hearing officer's recommendations thereon. If the hearing officer recommends that the pupil be expelled, the hearing officer shall state the reasons for the recommendation and the proposed period of time that the student should be expelled from school. The Chief Executive Officer or designee shall determine the appropriate disciplinary action upon the summary and recommendations of the hearing officer. No pupil may be expelled except by the decision of the Chief Executive Officer or designee. The parent or guardian of an expelled student shall have the right to appeal the expulsion decision to the Chief Executive Officer or designee.

Pupils referred for expulsion whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately reassigned to an alternative school. Procedural safeguards under the Individuals with Disabilities Education Improvement Act Amendments of 2004 apply to students with disabilities.

Sec. 6-26 Alcohol and Tobacco Prohibited. Consumption of alcohol on Board property is prohibited. Use of tobacco products on Board property is prohibited.