

AMEND BOARD REPORT 06-0823-PO1
APPOINTMENT AND ASSIGNMENT
OF TEACHERS AND PRINCIPALS POLICY

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Chicago Board of Education ("Board") amend the Appointment and Assignment of Teachers and Principals Policy.

PURPOSE: To establish eligibility criteria and procedures for the Appointment and Assignment of Teachers and Principals, ~~and replace former Board Rules 4-22, 4-22.1, 4-22.2, 4-22.3 and 4-22.4 which were repealed August 24, 2005. This amendment is necessary to align policy with Board Rule 4-3(b)(2) with respect to the term of assignment of interim principals.~~

POLICY TEXT:

I. Appointment of Full-time Appointed Teachers and Assignment of Temporarily Assigned Teachers.

A. Definitions. The following definitions apply to this policy:

1. "A full-time vacancy in a teaching position" means a budgeted position at an attendance center to which a probationary or tenured teacher has not been appointed and that the principal intends to fill.
2. "Appointed" or "Appointment" means selection of a candidate for a full-time teaching position, made for merit only, which candidate, after the requisite probationary period of satisfactory service, obtains the status of tenure, with all rights specified in Section 34-84 of the Illinois School Code (105 ILCS 5/84).

B. Principal's Recommendation to Appoint Full-time Teachers. Whenever a full-time vacancy occurs in a teacher position, or whenever a teaching position is created that did not previously exist, and the majority of the duties of such a position are to be performed in a single attendance center, the principal shall, following interviews with teacher candidates, recommend in writing the appointment of a teacher of his or her choice to fill the available position. The principal's written recommendation shall be directed to the Department of Human Resources. All candidates recommended for appointment as appointed teachers must have the appropriate state teacher certificate for the position and meet all hiring pre-requisites.

C. Principal's Assignment of Temporary Assigned Teacher Pending Appointment of Full-time Teacher. Pending appointment of a teacher to a full-time vacancy or when a teaching position becomes temporarily vacant due to a leave by the appointed teacher, the principal may assign a Temporarily Assigned Teacher ("TAT") to temporarily fill the position during the school year or part thereof. If temporary assignment ends before the end of a school year, the assigned TAT shall become a CADRE substitute for the remainder of the school year. A displaced TAT who becomes a member of the CADRE substitute pool shall continue to be eligible for all medical and dental benefits granted to TATs for twelve (12) calendar months after their assignment to the CADRE provided that they remain in the CADRE. If, during the temporary assignment, the position becomes a full-time vacancy, then the TAT, if qualified, shall be appointed to that position as a probationary teacher within ten (10) school days of the date on which the position became a vacancy and shall thereafter serve the required probationary period in order to achieve tenured status.

- D. Internal Teacher Position Transfers. Whenever a vacancy occurs in a teaching position, or whenever a teaching position is created that did not previously exist, and the majority of the duties of such a position are to be performed in a single attendance center, the principal, following interviews with the applicants for the position, may recommend that the position be filled by a teacher currently employed as a teacher at another attendance center. The principal's recommendation will be effectuated provided:
1. The teacher is not currently under the remediation process pursuant to the Illinois School Code and/or the collective bargaining agreement between the Board and the Chicago Teachers Union. This requirement may be waived upon written application to the Chief Executive Officer, as provided in Section 3 below.
 2. Where applicable, the principal of the attendance center where the teacher is currently teaching approves the transfer. When a principal wants to select a teacher from another attendance center for an available teaching position, the principal must forward a written recommendation to the Department of Human Resources.
 3. Prohibition on Transfer of Teachers under Remediation. A teacher who is undergoing remediation pursuant to the Illinois School Code and/or the collective bargaining agreement between the Board and the Chicago Teachers Union shall not be transferred to any other attendance center. This requirement may be waived upon written application to the Chief Executive Officer.
- E. Role of Department of Human Resources. The Department of Human Resources shall be responsible for processing the recommendations made by principals of the attendance centers for available teaching positions. The Department of Human Resources shall notify the principal whether the principal's recommendation will be honored and, if not, shall specify the reasons why it will not be honored. The principal shall notify the employee whether or not the recommendation has been honored. The selection of a teacher for an available position is not complete until the principal receives the written communication from the Department of Human Resources approving the recommendation. Immediately following approval of a principal's recommendation, the Department of Human Resources shall take all actions necessary to staff the selected teacher to the attendance center.

II. **Appointment of Contract Principals.**

- A. Where a Local School Council has the authority to appoint a contract principal, the following process shall apply:
- A. 1. Position Advertisement – Contract Principals. Whenever a vacancy or new position of contract principal becomes available at an attendance center, the Local School Council shall request that the Department of Human Resources advertise the principal position vacancy in the Personnel Bulletin. The Local School Council may, at its own expense, also advertise the principal position vacancy in external publications or by whatever method the Local School Council deems appropriate during the calendar year. All position advertisements shall indicate the qualifications, experience and other criteria that will be considered by the Local School Council, including the requirements that the successful candidate be eligible under the Board's principal eligibility policy and that the candidate meet all Board hiring pre-requisites. Qualifications, additional criteria, and/or provisions shall not unlawfully discriminate and shall be consistent with the provisions of the uniform performance contract for principals as approved by the Board of Education of the City of Chicago.

~~B. 2. Contracts and Board Approval of Principal Contracts. Principal Contracts principals shall be awarded contracts with a duration of four (4) years by the Local School Council and shall be appointed to a school pursuant to Sec. 34-2.3(1)(C) of the Illinois School Code except that the contracts for principals retained by the decision of a hearing officer pursuant to Sec. 34-2.3(1.5) may be extended for a maximum period of two (2) years.~~

B. Where the Board has the authority to appoint a contract principal pursuant to Sec. 34-2.4b of the Illinois School Code and has not delegated that authority ("2.4(b) Schools"), the following process shall apply:

1. Position Advertisement – Contract Principals. Whenever a vacancy or new position of contract principal becomes available at an attendance center with an Appointed Local School Council, the Department of Human Resources shall advertise the principal position vacancy in the Personnel Bulletin. The Appointed Local School Council shall assist in the position advertisement as authorized by the Board.

2. Contracts and Board Approval of Principal Contracts. Where a 2.4(b) School operated by the Board has an Appointed Local School Council, the Board shall award principal contracts with a duration of four (4) years.

III. Assignment Interim or Acting Principals by the Chief Executive Officer Without Further Board Action.

A. Assignment as Acting Principal- Generally. The Chief Executive Officer or designee may assign an acting principal to an attendance center for up to one hundred (100) school days. The Acting Principal must possess a Type 75 Administrative Certificate. The Acting Principal will be paid the same salary as an interim principal. During the period of appointment and thereafter, a tenured teacher appointed as an Acting Principal shall have the right to return to the position that he or she held prior to the date of appointment.

B. Assignment of Acting Principal During Contract or Interim Principal's Extended Leave. Whenever a contract or interim principal of a school is absent for an extended period, due to illness, leave of absence or any other reason, the Chief Executive Officer may, without further action by the Board, appoint and re-appoint an acting principal for the school to serve for up to one-hundred (100) school days. However, if the contract or interim principal's absence is due to extended illness or leave of absence and the Chief Executive Officer appoints an assistant principal at the school as acting principal, such appointment shall not exceed one-hundred (100) school days, in accordance with section 5/34-8.1 of the Illinois School Code (105 ILCS 5/34-8.1). The Chief Executive Officer may reappoint an Acting Principal for successive one-hundred (100) day periods as he deems necessary.

C. Acting Principals – Limitation on Authority to Terminate or Seek Termination of Employees. An acting principal may not terminate or seek the termination of an assistant principal or any other educational support personnel employee assigned to the school to which they are appointed without the prior approval of the Chief Executive Officer or his/her designee. Upon appointment of either an interim or acting principal, the CEO shall report to the Board the name of the individual appointed, the reason for the appointment, and the estimated duration of the appointment.

D. Assignment of Interim Principal. The Chief Executive Officer shall assign interim principals to schools in cases in which there is no Local School Council with authority to appoint a contract principal, or there is no Appointed Local School Council at a 2.4(b) School or in cases which the Local School Council has failed to select a contract principal as follows:

1. *Assignment of Interim Principal when the Local School Council Fails to Act.* Whenever there is a principal vacancy at a school that has not been filled by the Local School Council's selection of a contract principal and the Local School Council fails to submit three principal candidate names to the Chief Executive Officer in accordance with 105 ILCS 5/34-2.3, the Chief Executive Officer may, without further action by the Board, appoint an interim principal for the school to serve for up to one (1) year or until the Local School Council selects a new contract principal, whichever occurs first. Within the period of appointment, the Local School Council may directly select a new principal by the affirmative vote of at least seven members. If a Local School Council fails or refuses to select a new contract principal, the Chief Executive Officer may, without further action by the Board, reappoint the interim principal, or select and appoint a new interim principal, for an additional year or until the Local School Council selects a new contract principal, whichever occurs first.
2. *Assignment of Interim Principal Pending Effective Date of Principal Contract Appointment as Contract Principal.* After a Local School Council selects an individual to serve as the school's contract principal, the Chief Executive Officer may appoint the individual selected to serve as an Interim Principal pending the effective date of the Principal Contract. ~~the Board's appointment of the individual as Contract Principal. The assignment of such individual as interim principal shall terminate upon the Board's appointment of the individual as Contract Principal. The effective date of such appointment shall be the starting date of the Uniform Principal's Performance Contract.~~
3. *Assignment of Interim Principals when there is no Local School Council with Authority to Act.* In all cases in which there is no Local School Council with authority to select a contract principal (e.g., including but not limited to, the following: where the contract principal has been removed from the school by action of the Board pursuant to Sections 34-8.3 or 34-8.4 of the Illinois School Code or where a new school has been created and no Local School Council has been elected, ~~or where an alternative school has been created~~), the Chief Executive Officer shall assign ~~any person who meets the Board's eligibility criteria as an~~ interim principal for the school to serve at the pleasure of the Chief Executive Officer, ~~or on such other terms and conditions that the Board and the interim principal may agree in an agreement for professional services,~~ or until the school has a duly constituted Local School Council and the school is not on probation, at which time the Local School Council shall select a contract principal.
4. *Assignment of Interim or Acting Principals when there is no Appointed Local School Council.* In all cases in which a 2.4(b) School's Appointed Local School Council has yet to be established, the Chief Executive Officer shall assign an interim or acting principal to serve at the direction of the Chief Executive Officer, until the Board appoints a contract principal.

- E. *Chief Executive Officer's Notice to Board of Assignment of Interim and Acting Principals.* Upon appointment of either an interim or acting principal, the Chief Executive Officer shall report to the Board the name of the individual appointed, the reason for the appointment, and the estimated duration of the appointment.

IV. Appointment of Assistant Principals.

- A. *Qualifications.* To be eligible for appointment to the position of assistant principal, a person must possess: (a) a Type 75 Administrative Certificate issued by the Illinois State Board of Education, and (b) a master's degree from an accredited college or university.

- B. Appointment or Retention of Quota Assistant Principals (in 210 Board-funded positions) ("Board-funded assistant principal(s)") by New Contract Principals. A new contract principal may select and appoint new Board-funded assistant principals or retain the incumbent Board-funded assistant principal(s). If the new contract principal chooses to retain the incumbent Board-funded assistant principal(s), no formal action is required. An incumbent Board-funded assistant principal not retained by a new contract principal must be notified of his or her non-retention by the new contract principal in writing. The written notification of non-retention must be served upon the incumbent Board-funded assistant principal within thirty (30) calendar days from either: ~~(a) the Board approval date of the new principal's contract, or (b) the effective date of the new principal's contract.~~ The displaced Board-funded assistant principal(s) will be removed from the position effective the last day of that pay period in which notification is given. If an incumbent Board-funded assistant principal does not receive removal notification as described above, the incumbent assistant principal shall be retained for the duration of the principal's contract.
- C. Appointment or Retention of Board-funded Quota Assistant Principals (in 210 positions) by Incumbent Contract Principals. When a principal's contract is renewed, the principal may select and appoint new Board-funded assistant principals or retain the incumbent Board-funded assistant principal(s). If the principal chooses to retain the incumbent assistant principal(s), no formal action is required. If the principal chooses not to retain the incumbent Board-funded assistant principal(s), the principal must notify the incumbent assistant principal(s) in writing by the later of the two following dates: (1) thirty (30) calendar days after the Local School Council, or, at 2.4(b) Schools, the Board renews (by affirmative vote), signs and dates the principal's contract, or (2) thirty (30) calendar days prior to the expiration of the principal's current contract. The incumbent Board-funded assistant principal(s) will remain in his or her position until the last day of the pay period in which the principal's current contract expires. If an incumbent Board-funded assistant principal does not receive removal notification as described above, he or she shall be retained for the duration of the principal's renewed contract.
- D. Appointment or Retention of Board-funded Quota Assistant Principals (in 210 positions) by Interim Principals
1. Interim principal's authority to appoint quota assistant principals. An interim principal shall have no right to appoint new quota assistant principals unless there is a principal vacancy at the school. A principal vacancy is created by: (a) termination of the principal's contract by written agreement of the Board, the principal and the Local School Council; (b) removal of the principal for cause pursuant to Section 34-85 of the Illinois School Code; (c) death or resignation of the principal; (d) revocation or suspension of the principal's certification; (e) removal of the principal pursuant to Board powers under Sections 34-8.3(d) (probation), 34-8.3(f) (educational crisis) or and 34-8.4 (intervention) of the Illinois School Code; (f) where a Local School Council fails to select a contract principal and fails to submit three principal candidate names as specified in Section III.D.; ~~or~~ (g) where a new school has been created and no Local School Council has been elected, or (h) where a new 2.4(b) School has been created and no Appointed Local School Council has been established. In the event of a vacancy as defined above, an interim principal has three options: (a) retain the incumbent Board-funded assistant principal(s); (b) select new Board-funded assistant principals and displace the incumbent(s); or (c) postpone the decision until such time as the interim principal receives a contract from the school's Local School Council, or, at 2.4(b) Schools, from the Board.
 2. Written notification. The interim principal must provide an incumbent Board-funded assistant principal with written notification of the option chosen within thirty (30) calendar days of the interim principal's appointment by the Chief Executive Officer or

his or her designee, or thirty (30) calendar days after the principal vacancy, whichever occurs last. If the interim principal fails to make such notification, the incumbent Board-funded assistant principal shall be retained for the duration of the principal's interim status.

3. *Displaced assistant principals.* An A Board-funded assistant principal displaced by an interim principal will serve at the school until the last day of the pay period in which notification is given and thereafter receive the sixty (60) workday grace period set forth in Section IV.G of this Policy.
4. *Interim principal becomes contract principal.*
 - a. Except as provided in subsection 4(b) below, if the interim principal is awarded a contract by the Local School Council, or, at 2.4(b) Schools, by the Board, section IV.D. of this Policy shall apply for the appointment or retention of assistant principals.
 - b. An interim principal who displaced an incumbent Board-funded assistant principal(s) and selected a new Board-funded assistant principal(s), shall, upon being awarded a contract by the Local School Council, or, at 2.4(b) Schools, by the Board, retain the selected assistant principal(s) for the duration of the principal's contract.
5. *Probation or educational crisis.* If an assistant principal is serving under an interim principal who is filling a vacancy created by the removal of the contract principal pursuant to Section 34-8.3 of the Illinois School Code (for a school under Probation or Educational Crisis), that assistant principal, whether Board-funded or discretionary 234-funded, shall serve at the pleasure of the Chief Executive Officer.

E. *Appointment or Retention of Board-funded Quota Assistant Principals (in 210 positions) by Acting Principal.* An acting principal, defined in the Board Rules as a person appointed to the office of principal by the Chief Executive Officer for not more than 100 days, shall have no right to appoint new Board-funded assistant principals or displace incumbent assistant principals. If an Board-funded assistant principal position is vacant, the acting principal may appoint an acting assistant principal. The acting assistant principal must be an assigned teacher at that school who possesses a Type 75 certificate. If there is no eligible person at the school, or no eligible person willing to serve as acting assistant principal, the Chief Executive Officer or designee Area Instruction Officer may appoint an acting Board-funded assistant principal. An acting Board-funded assistant principal retains the right to return to the position he or she held before accepting the acting assistant principal position.

F. *Appointment or Retention of Discretionary Assistant Principals.* An discretionary assistant principal in a 234 discretionary-funded (State Chapter 4) position is employed on a year-to-year basis ending on the last day of the fiscal year (June 30). The principal must notify the 234 discretionary -funded assistant principal(s) in writing within five (5) business days of the approval of the school's budget for the next fiscal year in the event such budget excludes the assistant principal's position. The 234 discretionary-funded assistant principal(s) shall remain in the budgeted position until June 30 of the current fiscal year. Effective July 1, an assistant principal will start the sixty (60) workdays-of-pay grace period described in Section G below if he or she has not secured another position by June 30. If 234 funds are allocated for the position(s) of assistant principal in the school improvement plan for the following fiscal year, the incumbent assistant principal(s) shall have the right to remain in the budgeted position until June 30 of the following year except as provided in subsections 1 and 2 below.

1. A new contract ~~or interim~~ principal may displace incumbent ~~(234-funded)~~ discretionary-funded assistant principal(s) by giving him or her fourteen (14) calendar days advance written notice of displacement, within thirty (30) calendar days from of the date on which the Board approves the new contract principal's contract, the effective date of the new principal's contract or, in the case of a new interim principal. A new interim principal may displace incumbent discretionary assistant principal(s) by giving him or her fourteen (14) calendar days advance written notice of displacement within thirty (30) calendar days of the date on which the Chief Executive Officer assigns the new interim principal. An A discretionary-funded assistant principal displaced under this section will start the sixty (60) workdays-of-pay grace period described in Section G below if he or she has not secured another position at the effective date of his/her displacement.
 2. A principal whose contract is renewed may displace the incumbent ~~(234-funded)~~ discretionary-funded assistant principal(s) by giving him or her written notice no later than May 1 of the year, in which the contract is renewed, provided the principal has notice of his/her renewal prior to May 1 of that year. In the event the principal's contract is not renewed prior to May 1 of that year, the principal may displace the incumbent discretionary-funded assistant principal(s) by giving him or her fourteen (14) calendar days written advance notice of displacement within thirty (30) calendar days of the effective date of the principal's renewed contract. An A discretionary-funded assistant principal displaced under this section will start the sixty (60) workdays-of-pay grace period described in Section G below if he or she has not secured another position at the effective date of his/her displacement.
- G. Displaced Assistant Principals. Displaced Board and discretionary funded assistant principals will be reassigned and continue to receive full pay and benefits for up to sixty (60) calendar workdays, including holidays and benefit days. If, at the end of the sixty (60) workdays-of-pay grace period, the former assistant principal has not obtained a new position, the former assistant principal's employment will be honorably terminated.

Approved for Consideration:



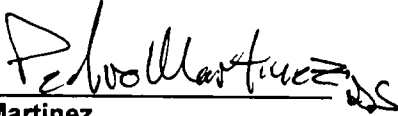
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Respectfully Submitted:



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Chief Executive Officer

Noted:



Pedro Martinez
Chief Financial Officer

Approved as to Legal Form: *pm*



Patrick Rocks
General Counsel