

February 26, 2020

**RESCIND BOARD REPORT 00-0223-PO1
AND ADOPT A NEW ACQUISITION, OWNERSHIP, CONSERVATION, AND MAINTENANCE
OF THE CHICAGO PUBLIC SCHOOLS' WORKS OF ART POLICY**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Chicago Board of Education ("Board") rescind Board Report 00-0223-PO1 and Adopt a New Acquisition, Ownership, Conservation, and Maintenance of the Chicago Public Schools' Works of Art Policy.

PURPOSE:

The rationale for rescinding and adopting a new policy is to broaden the scope of the policy to include a clearer focus on equity and to ensure the districts' fine art collection has oversight from the appropriate CPS departments.

The Board owns an extensive collection of artworks distributed throughout Chicago Public Schools ("CPS") elementary school, high school, and administrative facilities across the City that are considered to be fine art (the "Collection"). The Board considers this Collection an integral part of ensuring a holistic and student-centered school environment and should be utilized in classroom curriculum and instruction across content areas to support the Board's goal of providing equitable access to high-quality arts education to every CPS student and furthering the development of their artistic literacy.

The Board is committed to maintaining, documenting, expanding, and preserving its Collection by ensuring:

1. Assessment services are performed to document the subject matter, medium, artist, location and condition of each work of art included in the Collection.
2. Cataloging processes are implemented to disseminate the gathered assessment data and to create a centralized, digital resource
3. Resources are acquired for valuation, conservation, maintenance, and recovery of individual works of art and the collection as a whole.
4. Commissions of new public artworks are prioritized and are based on an equity audit of Works of Art allocated to each school or administrative building.

The Board of Education designates the following CPS Departments to coordinate and manage the Collection: Department of Arts Education ("DAE"), the Department of Capital Planning and Construction ("CPC"), and Department of Facilities ("DF"), also known as the Board's "Designees."

POLICY TEXT:

I. Definitions

Works of Art: For purposes of this policy, the Collection is considered to consist of professionally-produced, original works of art, including those created through a participatory process facilitated by a Teaching Artist, displayed or stored on the interior or exterior of a CPS building and grounds that include, (but are not limited to):

- Works on Paper or Canvas
 - Paintings
 - Etchings
 - Mixed media/Collage
 - Carvings
 - Murals, including WPA-era works
 - Limited edition lithographs or similar, with original signature of the artists
- Tapestries
- Stained Glass
- Photography
- Plaster reliefs/Frescos
- Sculpture/Castings
- Mosaics
- Integral Architectural Building Elements
- Historical Cultural Documents and Artifacts
- Any and all accompanying documentation related to a given Work of Art

Public Art: any work of art that is both planned and executed with the intention of being in the public domain, usually outside and accessible to all.

Potential Acquisition: any qualifying work of art that has not yet been formally accepted into the Collection.

Teaching Artist: An individual, often a practicing artist with training in education, that works to bring arts education programming to schools, operating as a single entity, or on staff at an organization.

II. **Mission Statement of the Collection**

The Board seeks to cultivate and maintain a Collection that reflects authentic, culturally-relevant, and culturally-sustaining artistic influences that are meaningful to and representative of Chicago's communities and rich heritage. The Board recognizes that many existing and historical systems of power granted and continue to grant privilege to certain points of view and artistic representation unequally. In keeping with its commitment to resource equity, the district will, to the maximum extent possible, equitably distribute its Collection across its facilities.

III. **Ownership of Works of Art**

All works of art qualifying as part of the Collection, whether acquired by donation to the Board, donation to an individual school, or through purchase by the Board or an individual school, are considered as part of the Collection and are the sole property of the Board, regardless of where the artwork is located. The Work Projects Administration ("WPA") collection is a known exception and are owned as outlined in Section VI of this policy. In accordance with Section 34-18 of the Illinois School Code, individual schools are school district facilities, which are owned and operated by the Board; therefore, individual schools do not hold legal title to the works of art which may be housed at their facilities. All schools, including charter schools or any other entity leasing space from the Board of Education may not alter, destroy, or replace any existing Works of Art within their facilities without the express permission of the Board's Designees, following the process outlined in Section IX.

IV. **Works Project Administration ("WPA")**

Works of Art Pursuant to WPA Operating Procedure No. G-5, Sect. 32 (January 10, 1940), works of art produced under the auspices of the WPA or allocated to the Board by the WPA are owned

United States General Services Administration ("GSA"), provided that the relevant by the work-specific documents do not indicate otherwise. In terms of artwork permanently affixed to Board property, the Board is vested with ownership provided that the relevant work-specific documents does not indicate otherwise. The Board must, to the extent prudent and practicable, display WPA-produced art works in the location specified in the Request for Allocation at the time the art works were distributed to the Board. In keeping with the intent of the WPA Arts Program, art allocated to the Board by the WPA is for public display and therefore may not be transferred unless under it is transferred back into federal custody. However, WPA owned artwork, subject to the approval of the GSA, may be relocated or permanently loaned to another public entity. WPA art in CPS facilities or school buildings may be WPA art may be temporarily removed for safety reasons or if being displayed under conditions that pose a potential threat to the physical condition of the artwork, upon approval by the Board's Designees. The Board will cooperate with the Fine Arts Office of The General Service Administration in its efforts to catalogue WPA-produced art.

V. Acquisition of Works of Art

Any qualifying works of art acquired by a Board employee on behalf of the Board or on behalf of any CPS school, whether by purchase, commission, or donation, will be made in compliance with all Board rules and policies, and are the property of the Board. In accordance with the Policy for Acceptance of School Based Grants and Gifts (04-1027-PO1) and 105 ILCS 5/16-1 of the Illinois School Code, the title to a gift or donation of any artwork to an individual school is vested in the Board. All gifts of art to the Chicago Public Schools will be accepted as unrestricted gifts unless restrictions are formally documented and agreed upon by both the donor and Chicago Public Schools at the time of deed of gift.

Acquisitions must meet all of the following tests of acquisition before being acquired by the Board of Education:

1. Before accepting a gift, publicizing a commission, or initiating a participatory art process with a CPS vendor, a CPS school will report this requested action to the Board's Designees.
2. The Designees will review this request to ensure compliance with all relevant Board policies and procedures, determine any major maintenance costs, and that all potential acquisitions, including public art, comply with the current design, fabrication, and installation specifications established by the Board's Designees.
3. The Department of Arts Education will review this request to ensure any potential acquisition is in accordance with the CPS Vision, core values, and the mission statement of the Collection referenced in Section II. The Department of Arts Education may bring in internal or external expert opinion to assist in this determination at their discretion.
4. The Board's Designees will present these findings to CPS Risk Management and Law Department to ensure that any potential acquisition can be protected and preserved appropriately, that all proper agreements can be put in place, and all legal implications of the acquisition have been considered.
5. The Designees will communicate the acquisition decision back to the school. If the acquisition is approved, the school will receive instructions on how to proceed.
6. Once the piece is installed and/or the project is complete, the Board's Designees will catalogue the piece for inclusion in the digital archive, including all relevant documentation. Should additional appraisal services be required to properly insure a piece, the Board's Designees may appoint an external vendor to conduct these services.

VI. Deaccession of Works of Art

The Board's Designees may recommend in their annual report to the Board, as laid out in Section

VIII, the deaccession of given Works of Art within the Collection. Works of Art must meet one or more of the following tests of deaccession before a recommendation is made:

1. The Work of Art lacks physical integrity or has deteriorated beyond usefulness.
2. The Work of Art is out of line with a Board of Education policy.
3. The Work of Art has been recommended for removal by the Steering Committee and approved by the Board of Education.
4. The Board of Education is not able to preserve it properly.

Upon deaccessioning, the Work of Art may be disposed in one of the following ways:

1. If the Work of Art was purchased utilizing Board funds, the Board's Designees may determine the manner of the deaccession. It may be sold, traded, offered at public auction, donated, or discarded responsibly.
2. If the Work of Art was donated or purchased through philanthropic dollars, the Board's Designees will first seek to place the Work of Art in another educational institution.
3. Any funds received from the sale of deaccessioned Works of Arts from the Board's Collection will be used to fund arts education or other acquisitions for the Collection.
4. If the Work of Art is identified as part of the WPA collection, the Board's Designees, if approved by the Board, will work with the Fine Arts Office of the General Service Administration to return the Work of Art to federal government possession.

VII. Equity Within the Collection

Steering Committee Review Process for Specific Works of Art

The Board recognizes that works of art reflect the unique time, place, and artistic point of view during which it was created. As such, pieces within the Collection may contain depictions of peoples, concepts, and context that some may find objectionable. The Board and its Designees will assemble a diverse and representative steering committee that will conduct a quarterly review process through which concerns about a given work of art may be voiced and action recommended to members of the Board. Recommendations must be specific, in keeping with all Board policies, the mission statement of the collection, the limitations of the WPA collection and any other legal restrictions, and with due respect given to artistic license. If allowable, artwork may be considered for temporary removal subject to steering committee review and recommendations made to and action taken by members of the Board. The Steering Committee may be comprised of, but not limited to representatives from:

- The CPS Office of Equity
- The CPS Department of Arts Education
- The CPS Department of Social Science and Civic Engagement
- The CPS Department of Capital Planning and Construction
- The CPS Department of Facilities
- The CPS Office of Family and Community Engagement
- The CPS Chief Executive Office
- The CPS Office of Language of Cultural Education
- Members of local and national advocacy groups
- Local Practicing artists
- Museums and cultural institutions, including culturally-specific museums
- CPS School Leaders
- CPS Students

Equity Audits

As part of their annual report to the Board, the Board's Designees will conduct an annual equity audit of the Collection that presents areas of strength and areas of need around cultural representation and resource equity within the Collection.

Commissions of New Works of Art

The Board's Designees may request funds for the commission of new works of art to be awarded to CPS schools and administrative sites based on the results of the equity audit, any new or planned construction, steering committee recommendation, and other such partnership opportunities. In alignment with the districts M/WBE goals, the Board's Designees will support schools and employees in sourcing and contracting with artists and vendors that reflect Chicago's unique history and communities.

VIII. Maintenance, Cataloguing, and Conservation of the Collection

The Board's Designees must:

- ensure that all Works of Art are installed and labeled or, if not displayed, are properly protected and stored. The Designees may appoint a Collection Manager or similar outside consultant to ensure that the Collection is inspected, labeled, catalogued, and photo documented.
- provide written procedures and proper training for monitoring, handling and care of collections to schools and administrative offices.
- ensure that newly commissioned works of art, including public art, comply with the current design, fabrication, and installation specifications established by the Board's Designees.
- annually report to the Board and the CPS Department of Risk Management on each work of art in the Collection. The report will be cumulative and will provide information regarding:
 - any new acquisitions to or deaccessions from the Collection;
 - the present location and state of each work of art within the Collection as determined by latest Facilities Assessment or full fine art assessment as outlined in Section XI;
 - identification of any loss or theft of a work of art or insurance claimed;
 - an Equity audit as detailed in Section VII;
 - recommendations regarding any necessary relocation, repair, appraisal, or maintenance as determined by assessment and equity audit;
- maintain a digital catalogue of all works contained in the Collection that includes high-resolution photography of the Collection,
- ensure individual schools and centralized projects properly protect Works of Art during any renovation or construction project.
- develop emergency plans for preservation or recovery of the Collection in disaster plans

IX. Loan and Modifications of Works of Art

No work of art included in the Collection may be temporarily or permanently loaned, sold, donated, modified, painted over, or otherwise altered without the written authorization of the Board's Designees. Any action taken without the express authorization of the Board's Designees may result in the revocation of the works of art from a given property. Any proposed changes to a Work of Art or its location must be received in writing from a given school or administrative site to the Board's Designees. The Board's Designees will review and will approve or deny the request

in keeping with all Board policies, the mission statement of the Collection, all of the Board's design specifications, the limitations of the WPA collection and any other legal restrictions, and with due respect given to artistic license.

X. Promotion, Display, and Research

Subject to all applicable local, state and federal laws and Board policies, the Board's Designees may promote the Collection, including, but not limited to, approving exhibitions internally at a CPS facility and or externally at a non-CPS facility. Any exhibition of CPS Works of Art must be under the sole auspices of the Board or in partnership with another entity under terms and conditions favorable to CPS including, but not necessarily limited to, the following:

- the Board's Designees agrees to, or maintains control over, the manner and location in which the art is displayed;
- the partner assumes liability for any damages caused to the works of art in transit or in the course of display at a non-CPS facility, including the facilitation of the return of the work of art to CPS's possession.
- the title of the exhibition and any promotion and advertising of the exhibition must indicate that it is an exhibition of the CPS Collection. Any work of art temporarily removed from the location where it is normally displayed for the purpose of loaning or exhibiting the artwork elsewhere will be documented in the digital catalogue. The loaned art may be replaced by another work from the collection until such time as the loaned/exhibited work is returned to CPS' possession.

XI. Conservation and Insurance

The Board must insure the Collection against loss or damage. Losses or damage to any works in the collection must be reported immediately in writing to the Board's Designees, and must utilize the Board's current incident reporting system. Theft of any work of art that qualifies for inclusion in the Collection must also be reported immediately to the Chicago Police Department and a police report documenting the theft filed. Copies of any reports must be provided to the Board's Designees, the Office of Risk Management, Law Department, and the CEO's Office within seven (7) days of the date of filing.

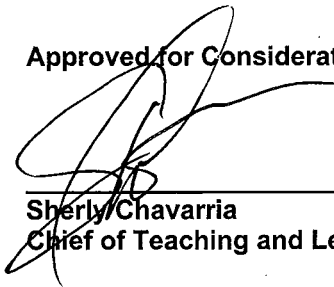
In addition, the Board commits to the ongoing maintenance, regular inspection of, and necessary repair and restoration of the Collection. Therefore, consistent with these objectives:

- The Collection will be maintained in the best possible condition and funding may be requested in order to ensure this;
- Locations of pieces within the Collection will be confirmed through bi-annual building assessments conducted by the Board's Designee's.
- All Works of Arts within the Collection must be examined every 5 years through a full fine art assessment to evaluate the physical condition and to confirm the location of each individual work.
- The Board requires individual schools and administrative sites possessing, displaying or storing any part of the Collection to safeguard works in their possession from theft or damage, especially in the course of any renovation or construction project that might impact a given work. This includes the inclusion of protection provisions in any bid.
- The decision to conduct major restoration or repair of any part of the Collection displayed or stored in schools must be the sole discretion of the Board.

- No individual or group of individuals that are part of the faculty, staff, parent, student, or community group associated with the school may remove or modify any artwork from the school's property in which it is displayed or stored without prior written consent of the Board.

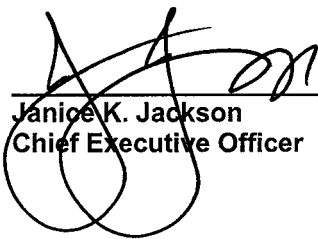
LEGAL REFERENCES: 105 ILCS 5/16-1 and 105 ILCS 5/34-18

Approved for Consideration:



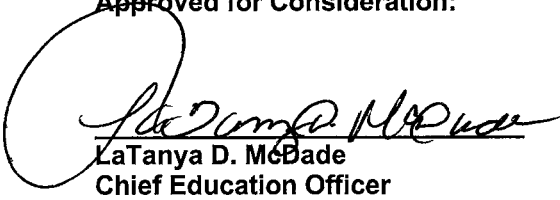
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Chief of Teaching and Learning

Approved:



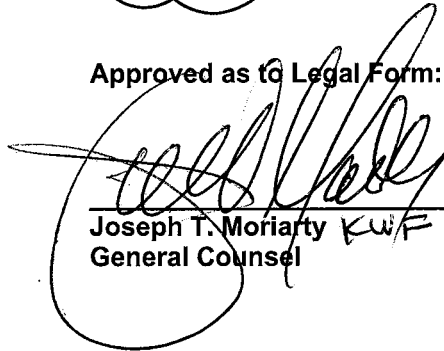
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