

December 14, 2023

AMEND BOARD RULE 4-3 ON A FINAL BASIS**THE CHIEF EXECUTIVE OFFICER RECOMMENDS:**

That the Board amend Board Rule 4-3 as set forth below and determine any permanent changes after the period for public comment expires. The rule was posted for public comment from September 29, 2023 until October 30, 2023.

Sec. 4-3. Categories of Board Employees

Board employees shall be categorized as Teachers, Principals, Assistant Principals, Certificated Administrators, Educational Support Personnel, or Part-time/Seasonal Employees, as defined below. The Chief Executive Officer or his/her designee may create additional categories of employees, as he/she deems necessary. The Chief Executive Officer or his/her designee may create a classification system and job titles within employee categories for purposes of assignment, pay and benefits.

a. *Teachers*. Teachers are employees with teaching certificates issued by the Illinois State Teacher Certification Board, who are hired to perform instructional or related administrative services. Teachers shall be further categorized as follows:

1. *Appointed Teachers*. Appointed teachers are full-time teachers who are hired and assigned to vacant teaching positions. Appointed teachers shall be further classified as either tenured or probationary, as follows:

a. *Tenured Teachers*. Tenured teachers are either: 1) teachers who have been appointed to a teacher position, completed the statutory probationary period of continuous service as an appointed teacher necessary to attain tenure, and have not had a break in service or, 2) appointed teachers who lost their tenure but who meet the requirements to be reappointed with tenure set forth in subparagraph (a) (1) (a) (ii) of this Rule. For purposes of this Rule, a “teacher position” includes classroom teacher positions, city-wide teachers, lead teachers, librarians, guidance specialists, counselors, social workers, speech pathologists, school-based nurses, and psychologists. The Board may dismiss tenured teachers from Board employment only for just cause, in accordance with the Illinois School Code, and the Chief Executive Officer or his/her designee may lay off or otherwise remove tenured teachers from their positions in accordance with the Board’s Rules and Policies.

i. *Loss of tenure*. A tenured teacher’s right to contractual continued service or tenure is lost upon the occurrence of any of the following:

1. the tenured teacher’s dismissal for cause;
2. the tenured teacher’s resignation from his/her teacher position, which includes the tenured teacher’s voluntary transfer from his/her teacher position to an educational support personnel employee, a certificated administrator, an assistant principal or an interim or contract principal position; and,
3. the tenured teacher’s honorable dismissal from his/her teacher position.

ii. *Reappointment with Tenure.* Formerly tenured teachers who lost tenure under subparagraph (a)(1)(a)(i)(2) or (a)(1)(a)(i)(3) of this Rule shall be granted tenure upon reappointment to a teacher position under the following circumstances:

1. when the former tenured teacher is reappointed to a teacher position within one (1) calendar year from the effective date of his/her resignation;
2. when the former tenured teacher lost tenure by accepting a position as an educational support personnel, a certificated administrator, an assistant principal or an interim or contract principal and he/she is reappointed to a teacher position without a break in service to the Board of Education; and,
3. when the former tenured teacher is reappointed to a teacher position within two (2) calendar years of his/her honorable dismissal. Nothing in this Section shall be construed to guarantee reappointment to a teacher position or to alter the status of employees, including formerly tenured teachers, employed as an educational support personnel employee, a certificated administrator, an assistant principal or an interim or contract principal.

b. *Probationary Appointed Teachers.* Probationary appointed teachers are either: (1) newly appointed teachers who have not completed the statutory probationary period of continuous service necessary to attain tenure; or, (2) formerly tenured teachers who have had a break in service, been reappointed and have not completed the statutory probationary period of continuous service necessary to attain tenure since their reappointment. Probationary appointed teachers are appointed on an annual basis and their continued employment is conditioned on the Chief Executive Officer's recommendation to reappoint them each year in accordance with Board Rules. Probationary appointed teachers may be dismissed from Board employment, or may be laid off or not reappointed in accordance with the Illinois School Code and Board Rules and Policies. Probationary appointed teachers become tenured teachers after serving the statutory period of continuous service necessary to attain tenure in accordance with collective bargaining agreements.

2. *Temporarily Assigned Teachers.* Temporarily assigned teachers are certified teachers who are not appointed to a full-time, permanent position, but are employed on a temporary, provisional or conditional basis, as follows:

- a. Regularly certified teachers assigned to fill a full-time teaching position, which is encumbered by an appointed teacher, but which has become temporarily vacant as a result of a leave taken by the appointed teacher; or
- b. Teachers with provisional or conditional teaching certificates who are assigned to fill a full-time, vacant teaching position pending receipt of full teaching certification.

3. *Substitute Teachers.* Substitute teachers are teachers who are not appointed but are, at a minimum, certified by the Illinois State Board of Education to substitute teach and serve on a temporary basis, as follows:

- a. *Day-to-Day Substitute Teachers.* Day-to-day substitute teachers are employed on a day-to-day basis to fill temporary, day-to-day vacancies, as needed, with no guarantee of daily assignments. Day-to-day substitute teachers may not be assigned to fill the same position on a day-to-day basis for more than twenty (20) consecutive student attendance days. Day-to-day

substitutes may be classified as regular day-to-day substitutes or provisional day-to-day substitutes, based upon their type of certification.

b. **CADRE Substitute Teachers.** CADRE substitute teachers are employed on a full-time and year-to-year basis. They are entitled to receive daily assignments for each student attendance day throughout a school year in which they are employed. CADRE substitutes may only be assigned to fill the same position for up to twenty (20) consecutive student attendance days. The employment of a CADRE substitute teacher terminates at the end of each school year and must be renewed by assignment annually, except that the employment of a CADRE substitute teacher who: 1) is a displaced temporarily assigned teacher due to a position closing; and 2) has been a CADRE substitute teacher for less than twelve (12) continuous months since his/her displacement as a temporarily assigned teacher will terminate at the end of the school year following twelve (12) continuous calendar months from his/her assignment as a CADRE substitute teacher.

c. For the 2023-2024 school year, to support the staffing and class coverage needs connected to expanded parental leave rights, the priority will be to fill positions available with a licensed teacher. However, in the absence of an available teacher, substitute teachers described in 4-3(a)(3)(a) and 4-3(a)(3)(b) who work 5 days-per-week may be assigned to fill the same vacant position for more than twenty (20) consecutive student attendance days. If so assigned, the substitute teacher will be paid at the same rate as a temporary assigned teacher on day 21 and shall be so notified in writing. Those assigned as described in this section shall be displaced once an endorsed candidate is hired for the temporary assigned teacher vacancy.

4. **Half-Time Teachers.** Half-time teachers are regularly certified to teach by the Illinois State Board of Education, and are employed on a half-time basis.

b. **Principals.** Principals are full-time employees with administrative certificates/licenses issued by the Illinois State Board of Education who are hired to act as the instructional and administrative leader of one or more student attendance centers. Principals are classified as follows:

1. **Contract Principals.** A contract principal is appointed from an eligibility list maintained by the Board. A contract principal shall be hired under a contract with a duration of four (4) years, which shall be terminable for various causes, including removal of the contract principal under section 5/34-8.3 of the Illinois School Code. A contract principal has the powers and authority of a principal provided in the Illinois School Code. A contract principal may be removed and replaced and/or dismissed from employment and his/her contract terminated, as provided by the principal's contract and/or Board Rules and Policies, and the Illinois School Code.

2. **Interim Principals.** An interim principal is a temporary principal whom the Chief Executive Officer or his/her designee may assign to a student attendance center for either up to one (1) year or until a student attendance center's Local School Council selects a contract principal, whichever comes first; or, in the case of a student attendance center on probation, where the Local School Council does not possess the authority to select a contract principal, for an indeterminate period until the student attendance center is removed from probation status under the Board's policy on probationary schools, or in the case of a newly established school, for an indeterminate period until the school has a duly constituted Local School Council or an Appointed Local School Council. An interim principal may exercise all of the powers and authority of a contract principal. The Chief Executive Officer or his/her designee may remove an interim principal at his/her discretion.

3. *Acting Principals.* An acting principal is a temporary principal who does not have a contract and is assigned to a student attendance center by the Chief Executive Officer or his/her designee for a period of up to one hundred (100) school days to fill a temporary vacancy in a student attendance center's principalship. Where a tenured teacher is made acting principal, the tenured teacher shall be returned to his/her former position upon removal from the acting principalship. An acting principal may not dismiss or seek the dismissal of an assistant principal, teacher or any 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. The Chief Executive Officer or his/her designee may remove an acting principal at his/her discretion.

c. *Assistant Principals.* Assistant principals are full-time employees with administrative certificates/licenses issued by the Illinois State Board of Education who are recommended for hire by a contract principal, interim principal or, where there is no contract or interim principal, assigned by the Chief Executive Officer or his/her designee, to assist contract, interim or acting principals in the performance of their duties as the instructional and administrative leader of a student attendance center. Assistant principals may be assigned direct instructional responsibilities. Assistant principals may be displaced (i) annually at the end of a fiscal year, (ii) at the expiration of the principal's contract, (iii) upon the resignation or retirement of the contract principal, (iv) upon the removal or dismissal of the contract principal, or (v) upon the termination of the interim principal's assignment to the attendance center. The displacement notice and benefits afforded to assistant principals shall be established by the Chief Executive Officer or his/her designee. Assistant principals may further be dismissed at any time pursuant to Board Rules or Policies. The Chief Executive Officer or his/her designee shall establish transition rules for former quota assistant principals.

d. *Certificated Administrators.* Certificated administrators are full-time employees who hold administrative certificates/licenses issued by the Illinois State Board of Education, other than principals and assistant principals, who are assigned to administrative positions without direct instructional duties. Certificated administrators are "members of the teaching force" for purposes of the Illinois Pension Code. Certificated administrators are employed at-will.

e. *Educational Support Personnel or Paraprofessional and School-Related Personnel.* Educational support personnel or paraprofessional and school-related personnel are full or part-time employees who are not required to have teaching or administrative certificates/licenses issued by the Illinois State Board of Education to perform the duties of their position. Educational support personnel and paraprofessional and school-related personnel are employed at-will, unless the Board has entered into a specific agreement granting a particular class of educational support personnel a property interest in their employment by the Board.


f. *Part-Time/Seasonal Employees.* Part-Time/Seasonal Employees are employed at will on a seasonal, casual, short-term and/or temporary basis and are ineligible for employee benefits, including but not limited to paid sick, personal and vacation benefit days and any Board-sponsored employee health, dental, life or other benefit program. Part-Time/Seasonal Employees shall not work more than twelve hundred (1200) hours in a calendar year. Part-Time/Seasonal Employees shall be members of the Municipal Employees', Officers' and Officials' Annuity and Benefit Fund of Chicago except for the following groups of Part-Time/Seasonal Employees:

1. Individuals employed for less than seven hundred (700) hours in any calendar year, if paid on an hourly basis; or
2. Individuals employed for less than four (4) months, if paid on monthly basis; or


3. Individuals employed for less than one hundred (100) days, if paid on daily basis; or
4. Individuals employed by another unit of local government and, in connection with that employment, are participating in or receiving an annuity from one of the following City of Chicago municipal pension funds: the Municipal Employees' Officers' and Officials' Annuity and Benefit Fund of Chicago, and the Laborers' and Retirement Board Employees' Annuity and Benefit Fund of the City of Chicago, Policemen's Annuity and Benefit Fund of the City of Chicago, Firemen's Annuity and Benefit Fund of the City of Chicago; or,
5. Individuals receiving a pension or annuity, other than widow's or child's annuity, from the Chicago Teachers Pension Fund, who are employed in a capacity for which the Board requires certification from the Illinois State Board of Education.

In accordance with P.A. 97-0912, the Board shall not re-employ an individual receiving a pension or annuity from the Chicago Teachers Pension Fund as a teacher (as defined the Illinois Pension Code) on a temporary and non-annual basis or on an hourly basis unless the person: (1) does not work as a teacher for compensation on more than 100 days in a school year, and (2) does not accept gross compensation for the re-employment in a school year in excess of (i) \$30,000, or (ii) in the case of a person who retires with at least 5 years of service as a principal, an amount that is equal to the daily rate normally paid to retired principals multiplied by 100. Effective October 1, 2007, the Board shall not employ a retired Board employee who is drawing an annuity from the Municipal Employees' Officers' and Officials' Annuity and Benefit Fund of Chicago as an employee in the category of part-time/seasonal employees.


Approved for Consideration:

DocuSigned by:

BF811B54FC6D4DB...
Benjamin Felton
Chief Talent Officer

Approved:

DocuSigned by:

AA17786A4B2446C...
Pedro Martinez
Chief Executive Officer

Approved as to Legal Form: 

DocuSigned by:

56B562E0FFA44C9...
Ruchi Verma
General Counsel