

## **CHAPTER VI SCHOOL RULES**

**Sec. 6-1. Admission Requirements.** No person shall be admitted to any school under the jurisdiction of the Board of Education without meeting the requirements for admission. No person seeking admission into any Chicago Public School who has been suspended or expelled for any reason from any public school in Illinois or any other state may be admitted without first completing the entire term of the suspension or expulsion, except on a case by case review by the Chief Education Officer or designee. Students who have been suspended or expelled from a private school, charter school or public school outside District 299 may not be allowed to enroll in a Chicago Public School if they were suspended or expelled for an offense for which expulsion is a possible sanction according to the Chicago Public Schools Student Code of Conduct.

**6-1.1. Re-admission Requirements.** A student who plans to leave the enrollment of a magnet school or selective enrollment school on a short-term basis due to a family circumstance may be considered for re-admission to the same magnet school or selective enrollment school pursuant to the eligibility criteria, documentation requirements and review process established by the Chief Executive Officer or designee. All such requests for re-admission are subject to determination by the Chief Executive Officer or designee.

**Sec. 6-2. Admission to Elementary School.** All children residing in the City of Chicago are eligible, at the beginning of the school year, to enter kindergarten or first grade if they will have reached the age of five or six years, respectively, on or before September 1, with the following noted exceptions:

Children who will reach the age of six on or before December 31 may, at the beginning of the school year, enter first grade if the parent/legal guardian/temporary custodian presents satisfactory evidence that their child (i) attended a nonpublic preschool and continued their education at that school through kindergarten, (ii) was taught in kindergarten by an appropriately certified teacher and (iii) was assessed to be ready for first grade.

The principal of the elementary school in the attendance area in which the student resides shall require the parent/legal guardian/temporary custodian to present a birth certificate, baptismal record, or other satisfactory evidence of the date of birth. The parent/legal guardian/temporary custodian must also produce proof of residence and medical compliance. Lack of proof of residency for homeless students may not be used to exclude them from school. Homeless students must be enrolled in accordance with the Chicago Public Schools' Policy and Procedures on Education of Homeless Children and Youth, 96-1120-PO3, as may be amended.

**Sec. 6-3. Admission to High Schools.** Pupils who have been graduated from elementary school shall be admitted to a high school in the District. Students who did not graduate from an elementary school and high school transfer students who seek admission to high school may be required to submit school records to evaluate appropriate placement and transfer of course credit, if applicable, and may also be required to take an examination which shall be conducted in accordance with the policies established by the Board of Education.

**Sec. 6-4. Health-Related Exclusions**

a. *Exclusion During Epidemics.* The Chief Executive Officer in consultation with a city, state or federal public health departments or agencies shall have the power and duty upon reasonable evidence that an epidemic of any contagious or infectious disease is prevalent or that an epidemic of such is impending, to exclude temporarily all pupils and employees from the public schools serving the community where the disease has appeared. Such evidence, in order to be considered reasonable, shall be brought to the attention of the Chief Executive Officer or a city, state or federal public health departments/agencies. In reaching the decision to close a school or schools or to exclude any significant number of pupils, the Chief Executive Officer, in consultation with a city, state or federal public health departments or agencies, shall consider the nature of the communicable disease, the nature of the preventive vaccine or toxoid, and the results of a survey showing the percentage of students and employees who have been inoculated.

b. *Exclusion For Communicable Disease or Health Condition.* The Chief Executive Officer or designee shall have the power to temporarily exclude from school any individual pupil or employee with a known or suspected communicable disease or health condition. The duration of exclusion shall be based on factors that include the medically-accepted period of communicability, evidence of treatment and return to school authorization from a licensed medical provider. The Chief Executive Officer or designee, in consultation with a city, state or federal public health departments or agencies, shall consider the nature of the communicable disease or health condition and take all reasonable measures necessary for its control or prevention at school and to reduce further pupil or employee infection.

c. *Exclusion For Failure to Satisfy Immunization and Health Examination Requirements.* The Chief Executive Officer or designee shall have the power to temporarily exclude from school any individual pupil who does not present proof of health examination and immunizations as required by state law and Board policy.

**Sec. 6-5. School Emergency Planning and Safety Drills.** Every school and administrative support office will establish an Emergency Plan for each academic year that meets the standards and requirements of the National Incident Management System. All schools and their employees shall strictly observe the requirements for the conduct of evacuation drills, shelter-in-place drills,

shooting incident drill, lockdown drills and other school safety drills as mandated by law and as directed by the Chief Executive Officer, or designee.

**Sec. 6-6. Health Requirements of Pupils. (Repealed 09-28-05)**

**Sec. 6-7. Permits - Residence in Sub-District. (Repealed 01-24-96)**

**Sec. 6-8. Expulsion of Pupils - Cause.** Expulsion of a pupil is a suspension for a period exceeding ten consecutive school days. 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 of 2004 apply to students with disabilities.

**Sec. 6-9. Suspension of Pupils - Cause.** For gross disobedience, misconduct, or other violation as defined by the Student Code of Conduct of the Board of Education of the City of Chicago, a pupil may be suspended temporarily by the principal for a period not exceeding ten consecutive school days for each offense. For a pupil with a disability, the pupil may be suspended for a period not exceeding ten school days in a school year, except where the school has consulted with and received approval from the Officer of Diverse Learner Supports and Services or their designee. Every such suspension shall be reported to the parent or guardian of the pupil, with a full statement of the reasons for such suspension and also reported to the Chief of Schools. The

parent or guardian of a suspended student shall have the right to appeal the suspension decision to the appropriate Chief of Schools or designee. The Chief of Schools or their designee shall have authority to review the action of the principal and make a final determination as to the suspension of the student.

Prior to any suspension, the student shall be given oral or written notice of the charges against the student and an informal hearing with an explanation of the basis of the charge and an opportunity to explain his/her version of the facts. Students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school. In such cases, the necessary notice and informal hearing should follow as soon as practicable.

**Sec. 6-10. Academic Calendar.** The academic school year shall begin and end on dates specified in the school year calendar(s) approved by the Board.

**Sec. 6-11. School Uniforms and Dress Codes.** A school may regulate student dress to promote order, safety and a positive learning environment by establishing a school uniform or dress code policy. Any such school uniform or dress code policy must conform with the requirements and procedures as may be established by the Chief Executive Officer or designee and must also be approved by the school's Local School Council.

**Sec. 6-12. Duties of Principals.** Principals of schools are the responsible administrative heads of their respective schools and are charged with the direction, organization, supervision, evaluation, administration, and discipline thereof. They shall establish and enforce such regulations, not contrary to the Rules and Policies of the Board of Education, the Student Code of Conduct, or the regulations of the Chief Executive Officer or his/her designee(s), as in their judgment may be necessary for the successful conduct of their schools.

**Sec. 6-12.1. Duties of Assistant Principals.** Assistant Principals shall take charge of their respective schools when their principals are absent from the building for any reason. Assistant Principals shall be subject to the supervision of the principal and shall perform such duties the principal may direct. Such duties may include, but are not limited to, providing assistance in the direction, organization, supervision, evaluation, administration, and discipline of the schools and related employees. In the event there are multiple Assistant Principals in a school and the principal is absent, the principal shall designate which Assistant Principal shall be in charge.

**Sec. 6-12.2. Duties of Associate Principals. (Repealed 10-25-95)**

**Sec. 6-13. Duties of Classroom Teachers.** Teachers shall take charge of the divisions or classes assigned to them by the principal. They shall be held responsible for the instruction, progress and discipline of their classes according

to the School Improvement Plan, currently known as the Continuous Improvement Work Plan. Teachers shall render such assistance in the educational program in and about the buildings as the principal may direct including parent interviews, pupil-counseling, corridor, lunchroom, and playground supervision, and attendance at professional staff meetings. Teachers are supervised by their respective principals.

**Sec. 6-14. Exclusion of Partisan and Sectarian Questions.** Principals and teachers shall prevent the introduction or discussion of questions of a sectarian or partisan character in their schools.

**Sec. 6-15. Purchase of Unauthorized Books.** Principals and teachers shall not request or advise pupils to purchase for use in the schools, any book, pamphlet, or publication which the Board of Education has not approved.

**Sec. 6-16. Contributions and Presents.** Employees and Local School Council members can solicit contributions for the school, either in money or in kind, but the acceptance of the contribution shall be made in accordance with the Board's Policy on the Acceptance of All Grants, Gifts and Donations.

**Sec. 6-17. Names and Addresses of Pupils Not To Be Given Out.** No employee shall give out names and addresses of pupils or their parents or any information contained in school records, except in accordance with the Board's Policy on the Confidentiality of Student Records.

**Sec. 6-18. Circulation and Distribution of Unauthorized Written Materials.** No employee or other person shall circulate, permit to be circulated, distribute or exhibit, whether in written or electronic form on school grounds or at school-sponsored functions, any advertisements, circular, subscription list, invitation to or notice of meetings, any book, map or other article, or any other material of a commercial, political or sectarian nature, among the pupils, teachers, or other employees, except by approval of the principal, Chief of Schools, General Counsel, or the Chief Executive Officer ("CEO") or their designees, setting forth the time, manner and place of the circulation or distribution. The provisions in this paragraph do not apply to nor in any way affect the sections of the collective bargaining agreement between the Board and the Chicago Teachers Union ("CTU") pertaining to the CTU's right to distribute information to its members. The publication or distribution of obscene or libelous materials which is published or distributed on school grounds by an employee shall constitute grounds for dismissal.

Union delegates or their designees may distribute union election materials of any employee candidates in employee mailboxes, before and after school hours, or during duty-free time. For the purposes of this Rule, teacher preparation periods are not duty-free time.

Distribution or circulation of written materials may take place in an appropriate time, place and manner authorized by the principal, Chief of Schools, General Counsel, CEO or their designees. Under no circumstances are the written materials to which this Rule applies to be distributed during class time except in employee lounges and other designated areas. Distributors of such materials may in no manner delay or detain students, teachers, or other employees while distributing their materials except as incidental thereto.

Research materials such as questionnaires, surveys, evaluation instruments and related data requests may not be distributed or circulated in schools except when authorized in accordance with the Board's Research Study and Data Policy.

Local School Councils who wish to distribute questionnaire or survey materials in connection with their duties and responsibilities must have such materials approved as to legal form by the General Counsel or designee prior to distribution.

**Sec. 6-19. Distribution, Exhibition and Collection of Books, Maps and Other Written Materials. (Repealed 09-24-03)**

**Sec. 6-20. Holidays - Schools.** The schools shall be closed on the following legal holidays occurring when schools are in session: January 1 (New Year's Day); the third Monday in January (the birthday of Dr. Martin Luther King, Jr.); February 12 (Lincoln's birthday); the third Monday in February (President's Day); the first Monday in March (the birthday of Casimir Pulaski); the last Monday in May (Memorial Day); July 4 (Independence Day); the first Monday in September (Labor Day); the second Monday in October (Columbus Day); November 11 (Veteran's Day); the fourth Thursday in November (Thanksgiving Day); December 25 (Christmas Day); the day following Thanksgiving Day and on such other days as the President, with the approval of or ratification by the Board of Education, may direct. When any such holidays fall on Sunday, the Monday next following shall be held and considered such holidays. If unanticipated school dismissal becomes necessary, school holidays may be adjusted to ensure that the minimum number of pupil attendance days are scheduled and held pursuant to the Illinois School Code, Section 10-19 and the adjustment shall be implemented consistent with collective bargaining agreements. Notwithstanding the foregoing, the Board may adopt a school calendar that indicates observed holidays which are different from those indicated in this Rule, in which case, schools shall be closed on the holidays designated in the Board-approved school calendar.

**Sec. 6-21. Corporal Punishment Prohibited.** No employee of the Board of Education may inflict corporal punishment of any kind upon persons attending the public schools of the City of Chicago.

**Sec. 6-22. Regular Hours of Operation and Instruction.** The specific hours of operation of an attendance center may vary to reflect the scheduling needs of particular schools; however, all schools must maintain regular hours of operation that provide all students with the minimum number of instructional work minutes per day specified by the Chief Executive Officer or designee.

**Sec. 6-23. Dismiss Schools for Funeral Services.** The Chief Executive Officer, with the approval of the President, may, in case of the death of the principal, dismiss a school during the session when the funeral service is held and may grant permission for other principals to be absent from their schools to attend the funeral services.

In case of the death of a teacher, the Chief Executive Officer or his/her designee may permit a delegation of two teachers and the principals to be absent from school to attend the funeral services without loss of salary.

**Sec. 6-24. The Flag.** At the beginning of each school day, students shall sing the National Anthem, recite the Pledge of Allegiance and salute the flag of the United States. No student shall be compelled to sing the National Anthem, recite the Pledge of Allegiance or salute the flag.

The flag of the United States shall be displayed each day in a prominent place on the school house or school grounds, and the flag of the United States shall be conspicuously displayed in each and every classroom in the public schools of the City of Chicago.

**Sec. 6-25. Use of School Buildings After Regular Hours of Building Operation.**

I. General Requirements For Operation of School Building Beyond Regular Hours

School buildings shall be opened for any purpose upon the terms and conditions set forth in Section 34-8.1, Section 34-2.3 and Section 34-18 of the Illinois School Code. Principals may set hours of operation of the school building, beyond regular hours of building operation, under the following conditions:

- A. The engineer-in-charge, the engineer-in-charge's designee or the principal's designee shall be present and on duty;
- B. Appropriate adult supervision as determined by the specific building use is present; and
- C. A Type 75 certificated school administrator is available for emergencies.

## II. School Affiliated Non-Student Groups

School affiliated non-student groups, as defined for purposes of this Board Rule only, are groups whose mission is promote the educational mission and/or the efficient operations of a school. These groups include, but are not limited to, Local School Councils (“LSC”), Parent Teacher Associations (“PTA”), Parent Teacher Organizations (“PTO”), Parent Advisory Councils (“PAC”) and Professional Personnel Leadership Councils (“PPLC”). The following conditions shall apply to the use of school buildings by school affiliated non-student groups:

A. LSCs shall have the right to use school buildings to meet or carry on official business subject to applicable conditions set forth in Section I above provided that LSC meetings take place in facilities that comply with Open Meetings Act requirements and the requirements of the Americans with Disabilities Act (“ADA”) and the Board’s ADA Policy.

B. LSCs may use school facilities during regular school hours so long as space is available and such use does not disrupt the educational operation of the school.

C. PPLCs shall have the right to use school buildings to meet subject to applicable conditions set for in Section I above.

D. PPLCs may use school facilities during regular school hours so long as space is available and such use does not disrupt the educational operation of the school.

E. Groups such as PTAs, PTOs or PACs may use the school building free of charge subject to the applicable conditions of Section I above so long as such use does not incur unreasonable expense on the school.

To the extent possible, school affiliated non-student groups should meet with the principal to establish a meeting schedule as far in advance of the meetings as possible.

## III. School Affiliated Student Groups

Any student group recognized by the school may use the school facilities during non-instructional time as determined by the principal. Such groups may include groups whose mission is focused on an aspect of the school’s curriculum (i.e. French Club, Math Club, Science Club, Literature Club), as well as groups whose focus is non-curricular (i.e. Debate Team, Chess Club, Christian Club). The principal may determine reasonable restrictions on the time, location and manner of the use.



A school may deny all non-curricular clubs from meeting at the school. If a high school, however, permits one group whose focus is non-curricular to meet on school premises, it must allow all other non-curricular student groups to assemble on the same terms and conditions.

#### IV. Non-School Affiliated Student Groups

Organizations that work with students enrolled in a Chicago Public School whose mission is unrelated to the school's mission, educational program or operations, may use school facilities as determined by the principal. The principal may determine reasonable restrictions on the time, location and manner of the use.

#### V. Community and other Non-School Affiliated Groups

Community and other groups whose mission is unrelated to the Chicago Public Schools may use the school facilities for free, as determined by the principal, for free public lectures, concerts or other educational and social interests, when school is not in session, subject to the reasonable restrictions on the time, place and manner of such usage imposed by the principal.

As determined by the LSC, community and other groups whose mission is unrelated to the Chicago Public Schools may use the school facilities for a reasonable cost for public lectures, concerts or other educational and social interests, when school is not in session, subject to the reasonable restrictions on the time, place and manner of such use imposed by the principal.

#### VI. Providing School Facilities for Commercial Use

The LSC may determine if school facilities are available for rent by private, for-profit organizations. If the LSC permits such rental, it may place reasonable restrictions on such use that shall be in effect for all commercial use. Such use will also be subject to the reasonable restrictions on the time, place and manner of such use imposed by the principal. The LSC should make clear that the school does not endorse or support the entity renting the facilities.

#### VII. School Usage Permits and Licenses

All organizations/entities except for School Affiliated Non-Student Groups and School Affiliated Student Groups wishing to use a school facility for free or for cost must execute and submit a School Usage Permit. The principal may deny the use of the school facilities when he or she has a reasonable basis to believe that use of the school facilities by such a group will cause damage or undue expense to the school. The principal may also deny use of the facilities if the group fails to meet any of the conditions outlined in the school usage permit.

For all organizations/entities except for School Affiliated Non-Student Groups and School Affiliated Student Groups proposing to rent or use a school building or parking lot more than 10 times a year, the Department of Operations, Office of Real Estate Management must be contacted and a license will be entered into and executed in accordance with Board Rule 7-15 for such extended use.

#### VIII. No Viewpoint Discrimination Permitted

No group or organization may be discriminated against due to the content or focus of their group or organization. If the school permits one group from categories III, IV, V or VI listed above to use its facilities, it must allow other organizations with a similar mission or purpose to use its facilities on the same terms and conditions.

No religiously-oriented clubs may be barred from meeting at the school if another group that focuses on similar topics and ideals is permitted to assemble there.

If a school grants an offering to or an opportunity for one or more outside youth or community organizations to meet on school premises or in school facilities before or after instructional hours, it must permit equal access to, and must not discriminate against, the Boy Scouts of America. No school may, however, serve as a sponsoring or chartered organization for the Boy Scouts of America.

#### IX. Chief of Schools Mediation

In the event that a group or organization disagrees with a principal's or Local School Council's determination regarding its request for use of a school facility, the group or organization may ask the appropriate Chief of Schools to meet with the group or organization and the principal and/or the Local School Council in an effort to mediate the dispute. The Chief of Schools will make the final determination regarding use of the school facility.

#### X. Union Campaigning

Employees are permitted to use school facilities during duty-free time, before and after school for internal union campaign activities provided:

- a) employees notify the principal in accordance with the collective bargaining agreement and the Board's facility usage policy,
- b) activities do not interfere with school activities, including before or after school activities or programming,
- c) activities are not in the presence of students,
- d) activities are during times of normal building operation, and

- e) activities do not require the Board to incur any employee overtime costs.

For the purposes of this Rule, teacher preparation periods are not duty-free time. Nothing in this Rule shall prohibit the Board from adopting reasonable restrictions as to time, place and manner for use of its facilities.

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

**Sec. 6-27. Use Free of Charge. (Repealed 10-22-03)**

**Sec. 6-28. LSC Member Eligibility.**

A. Definitions

Wherever used in this Section, the following words and phrases shall have the following meaning:

Parent: Means a (a) biological or adoptive parent, (b) stepparent or (c) legal guardian of an enrolled student of an attendance center.

Stepparent: means a person who is (a) married to the child's parent, a party to a civil union with the child's parent or the domestic partner of the child's parent, (b) resides with the child and (c) exercises care and custody of the child. In order to establish that he/she exercises care and custody of a child, the stepparent must provide: (i) a marriage certificate, civil union certificate or domestic partner documentation, and (ii) a sworn affidavit by the biological or adoptive parent attesting that the stepparent, in conjunction with the parent, does exercise care and custody of the child. Other evidence that may demonstrate care and custody includes but is not limited to the following: (iii) the child is declared as a dependent on the stepparent's most recent income tax return; (iv) the child is covered under the stepparent's health insurance; or (v) the child is listed as the stepparent's child for Medicare, Social Security, Medicaid or other public aid programs. This Board Rule shall not be construed to give stepparents any right of access to student records except as provided in the Illinois School Student Records Act (105 ILCS 10/1 et seq.).

Legal guardian: means a person who has been formally appointed guardian of a child by a court of competent jurisdiction.

Local School Council or LSC: means an elected Local School Council or an appointed Local School Council or Board of Governors, except when otherwise noted.

Employed at the School: Means to receive compensation and act under the direction and supervision of a principal or his/her designee who oversees the detail of the person's work. An employee of a third party may not serve on a Local School Council at a school at which he or she is employed, however, he or she may be eligible to serve at another school.

Employed by the Board of Education: Means to be in the employ of the Board of Education whether or not employed at the school.

Enrolled in a School: means that the student is currently attending the school at which the parent or legal guardian serves. Graduation is on the last day of the academic school year or semester and not on the date of a graduation ceremony or commencement exercise. Pursuant to the Illinois School Code, the last day of the academic year or semester is determined by the Board of Education.

## B. Eligibility

Persons who have been elected to serve on a Local School Council may serve and continue to serve for the length of their term provided they meet and continue to meet the eligibility requirements set forth below.

1. A person may serve and continue to serve as a parent representative as long as he/she:
  - (i) has a child enrolled in the school in which he/she serves;
  - (ii) is not employed at the school in which he/she serves; and
  - (iii) is not employed by the Board of Education.

If a parent representative of a Local School Council ceases or fails to have a child enrolled in the school at which membership on the Local School Council at which he/she serves, for reasons other than graduation or voluntary transfer of the child, or becomes an employee of the Board of Education, the parent's membership on the Local School Council and all voting rights shall be terminated immediately upon the written determination of ineligibility by the General Counsel following the challenge procedures set forth below. In cases where the parent representative's membership ends due to graduation of his or her child, he or she serves until the end of the school year or semester in which his or her child graduates. In cases where the parent representative's membership ends due to the voluntary transfer of the child, the parent's membership and voting rights shall be terminated as of the date of the transfer.

2. A person may serve and continue to serve as a community representative as long as he/she:
  - i. resides in the attendance area served by the school;
  - ii. is not employed at the school in which he/she serves;
  - iii. is not employed by the Board of Education; and
  - iv. is not a parent of a student enrolled at the school.

If a community representative ceases to reside within the attendance area or voting boundaries of, or has a child enrolled in, the school at which he/she serves, or becomes an employee of the school or Board of Education, his or her membership on the Local School Council and all voting rights are terminated immediately upon the written determination of ineligibility by the Chief Executive Officer or designee following the challenge procedures set forth below.

3. A teacher representative may continue to serve as long as he or she is employed and assigned to perform a majority of his or her duties at the school, provided that if a teacher representative resigns from employment with the Board of Education, or resigns from the Local School Council or voluntarily transfers to another attendance center, the teacher's membership on the Local School Council and all voting rights are terminated immediately as of the date the teacher's resignation is received by the Board of Education, or as of the date the teacher's Local School Council resignation is received by the Local School Council or the effective date of the teacher's voluntary transfer to another attendance center.

If a teacher representative resigns from employment with the Board, or resigns from the Local School Council or voluntarily transfers to another attendance center or is absent from employment at the school for an extended and defined period of time due to illness, disability, leave of absence, the initiation of dismissal proceedings, or any other reason, the principal shall notify the Office of the Chief Executive Officer or designee of a teacher representative's permanent or temporary absence. The Office of the Chief Executive Officer or designee shall certify, as appropriate, that a vacancy exists in such teacher representative's position. When a vacancy is certified, the Office of the Chief Executive Officer or designee shall issue written notification to the principal and the Local School Council advising the school to initiate a non-binding staff advisory poll. The school shall forward the results of the poll to the Office the Chief Executive Officer or designee in a timely manner. After receipt of the results, the Board will declare the existence of a permanent or temporary vacancy in the teacher representative's position and will appoint a replacement teacher representative until such time as the absent teacher resumes service at the attendance center or for the remainder of the term, whichever occurs first.

4. A non-teacher staff representative may continue to serve as long as he or she is employed and assigned to perform a majority of his or her duties at the school, provided that if a non-teacher staff representative resigns from employment with the Board of Education, or resigns from the Local School Council or voluntarily transfers to another attendance center, the non-teacher staff representative's membership on the Local School Council and all voting rights are terminated immediately as of the date the non-teacher staff representative's resignation is received by the Board of Education, or as of the date the non-teacher staff representative's Local School Council resignation is

received by the Local School Council or the effective date of the non-teacher staff representative's voluntary transfer to another attendance center.

If a non-teacher staff representative resigns from employment with the Board, or resigns from the Local School Council or voluntarily transfers to another attendance center or is absent from employment at the school for an extended and defined period of time due to illness, disability, leave of absence, the initiation of dismissal proceedings, or any other reason, the principal shall notify the Office of the Chief Executive Officer or designee of a non-teacher staff representative's permanent or temporary absence. The Office of the Chief Executive Officer or designee shall certify, as appropriate, that a vacancy exists in such non-teacher staff representative's position. When a vacancy is certified, the Office of the Chief Executive Officer or designee shall issue written notification to the principal and the Local School Council advising the school to initiate a non-binding staff advisory poll. The school shall forward the results of the poll to the Office the Chief Executive Officer or designee in a timely manner. After receipt of the results, the Board will declare the existence of a permanent or temporary vacancy in the non-teacher staff representative's position and will appoint a replacement non-teacher staff representative until such time as the absent non-teacher staff member resumes service at the attendance center or for the remainder of the term, whichever occurs first.

5. A person may serve as a high school student representative for a one-year term beginning July 1 and ending the following June 30<sup>th</sup> as long as he/she is and remains enrolled in the high school in which he/she serves on a full-time basis. For students who graduate while serving as a student representative of a Local School Council, their term shall end upon graduation. In cases where the student representative voluntarily transfers from the school, the student's membership and voting rights on the Local School Council shall be terminated as of the date of the transfer. If a high school student representative of a Local School Council ceases to be enrolled on a full-time basis in the school at he/she serves, for reasons other than graduation or voluntary transfer, the student's membership on the Local School Council and all voting rights shall be terminated immediately upon the written determination of ineligibility by the Chief Executive Officer or designee following the challenge procedures set forth below.

#### C. Audit of Records

The Chief Executive Officer or designee may periodically cause to be reviewed pertinent records relating to individual LSC members in order to discover any relevant changes in an LSC member's eligibility. If such a review indicates that an LSC member does not meet the eligibility criteria in this Board Rule, an investigation shall be conducted in accordance with the Local School Council member removal procedures set forth below.

#### D. Local School Council Removal Procedures

1. Any person may challenge the eligibility of an LSC member based on the eligibility criteria in this Board Rule. Challenges shall be in writing and shall include:

- a. the name, address, and phone number of the person filing the challenge;
- b. a statement of facts upon which the challenge is based and any evidence which supports the challenger's position.

2. In cases where an allegation of ineligibility under this Board Rule is made by another LSC member or an employee of the Board, the identity of the LSC member or Board employee may not be disclosed during any investigation of the allegation without his or her written consent. 105 ILCS 5/34-2.4(c) ("Whistle Blower Protection").

3. In addition, the Board, its agents and employees, may act upon anonymous challenges, personal knowledge or other information of council members' ineligibility including, but not limited to, the audit of records described above. A Board employee or agent with information indicating that an LSC member is not eligible under this Board Rule may initiate an investigation by submitting a written request for investigation to the Law Department.

4. Filing of Challenges - Challenges and requests for investigation pursuant to this Rule shall be filed with the Law Department.

5. Investigation of Ineligibility - The General Counsel shall review challenges and requests for investigation. If the General Counsel determines that the challenge or request has merit, the General Counsel may refer the matter for investigation if additional information is required. The information provided by the challenger(s) and the results of any investigation shall be reviewed by the General Counsel. If the results of the investigation indicate that the LSC member may be ineligible, the General Counsel shall convene a hearing to afford the General Counsel's representative the opportunity to present evidence of ineligibility and the concerned council member an opportunity to personally present statements and evidence on his or her behalf. The concerned council member shall be notified in writing of the date, time, and place of the hearing, of his or her right to have a representative at the hearing, and the specific basis for his or her alleged ineligibility.

6. A hearing officer shall conduct a hearing and shall afford the General Counsel's representative the opportunity to present evidence of ineligibility and the concerned council member an opportunity to personally present statements and evidence substantiating his/her eligibility to serve on the council. The General Counsel shall have authority to promulgate rules, including, but not

limited to, rules of procedure, procedural manuals and rules of evidence, to govern hearings under this Rule. As soon as possible after the conclusion of the hearing, the hearing officer shall make a recommended finding to the Chief Executive Officer or designee regarding the council member's eligibility.

7. The Chief Executive Officer or designee shall decide the question of the council member's eligibility. If the Chief Executive Officer or designee finds that the concerned council member is ineligible to serve based on the eligibility criteria in this Board Rule, the Chief Executive Officer or designee shall declare the member ineligible and a vacancy on the council which shall be effective on the date the Declaration is issued. However, the vacancy may be filled only after: (1) the concerned council member fails to request reconsideration within the time allowed; or (2) the concerned council member's request for reconsideration is denied.

8. Notice of Declaration of Vacancy - The Chief Executive Officer or designee shall forward the determination to each challenger and challenged LSC member in writing by regular and certified mail and to the affected LSC by regular mail.

#### E. Request for Reconsideration

1. Within thirty (30) days of the date of a Declaration of Vacancy by the Chief Executive Officer or designee, the challenged LSC member may submit a request to reconsider to the Chief Executive Officer or designee. Failure to request reconsideration within 30 days after the Declaration of the vacancy will render the Declaration of vacancy as final. The request for reconsideration should state specific reasons or grounds for rescinding the Chief Executive Officer or designee's prior determination concerning the council member's eligibility.

2. The Chief Executive Officer or designee shall review the determination. New evidence not readily available at the time that the challenge was filed may be submitted. The decision of the Chief Executive Officer or designee shall be final and shall be forwarded to the challenger, the challenged LSC member, and the affected Local School Council.

#### F. Appointment to Vacancy

If a challenged parent or community LSC member is found to be ineligible to serve on the elected Local School Council pursuant to this process and a vacancy is declared, the LSC shall fill the vacancy by appointment of a qualified person who meets the eligibility requirements.

If a challenged teacher, non-teacher staff or student LSC member is determined to be ineligible to serve on the elected Local School Council and a vacancy is declared, the Board shall fill the vacancy by appointment of a qualified person who meets the applicable eligibility requirements after a non-binding advisory



poll of school staff or students, whichever is appropriate. If a challenged member to an appointed Local School Council or Board of Governors is determined to be ineligible to serve on the council or board and a vacancy is declared, the Board shall fill the vacancy by appointment in accordance with the Board's Policy on Governance of Alternative and Small Schools.

**Sec. 6-29. Loss of Local School Council Eligibility Due to Ethics Violations.**

For purposes of this Rule, references to Local School Council ("LSC") shall mean an elected Local School Council or an appointed Local School Council or Board of Governors except when otherwise noted herein.

**A. Challenges to Local School Council Members' Eligibility Based on Ethical Violations**

1. Any person may challenge a Local School Council member's eligibility to serve based on ethical violations. Filing a false Statement or failure to comply with the Board's Code of Ethics Policy may be grounds for disqualification from serving on any Local School Council for the remainder of the concerned member's term(s) of office. Challenges shall be in writing and shall include:

- a. the name, address, and phone number of the person filing the challenge;
- b. a statement of the facts upon which the challenge is based and any evidence which supports the challenger's position.

2. In cases where an allegation of an ethical violation under this Board Rule is made by another LSC member or an employee of the Board, the identity of the LSC member or Board employee may not be disclosed during an investigation of the allegation without his or her written consent. 105 ILCS 5/34-2.4(c) ("Whistle Blower Protection").

3. In addition, the Board, its agents and employees, may act upon: (i) anonymous information regarding council members' ethical violations; or (ii) personal knowledge or other information of ethical violations by council members obtained by Board agents or employees. A Board employee or agent with information of an ethical violation by an LSC member may initiate an investigation by submitting a written request for investigation to the Law Department.

4. Filing of Challenges – Challenges, requests for investigation and reports of LSC members' ethical violations may be filed with the Law Department or the Board's Ethics Advisor.

5. Investigation of Ethical Violations. The General Counsel shall review challenges based on ethical violations, requests for investigation of alleged ethical violations and reports of such violations received from Board agents or employees or anonymous sources. If the General Counsel determines that the challenge, request or report has merit, he/she shall refer the challenge, request or report for investigation. The General Counsel shall review the results of the investigation. If the results of the investigation indicate that the LSC member may have committed an ethical violation, the General Counsel shall convene a hearing to afford the General Counsel's representative the opportunity to present evidence of ethical violations and the concerned council member an opportunity to personally present statements and evidence on his or her behalf. The concerned council member shall be notified in writing of the date, time, and place of the hearing, of his or her right to have a representative at the hearing and of the specific provisions of this Rule or the Board's Code of Ethics Policy which he or she is alleged to have violated.

6. A hearing officer shall conduct a hearing and shall afford the General Counsel's representative the opportunity to present evidence of ethics violation(s) and the concerned council member an opportunity to personally present statements and evidence regarding the allegations of ethics violations. The General Counsel shall have authority to promulgate rules, including, but not limited to, rules of procedure, procedural manuals and rules of evidence, to govern hearings under this Rule. As soon as possible after the conclusion of the hearing, the hearing officer shall make a recommended finding to the Chief Executive Officer or designee regarding the alleged ethical violation.

7. The Chief Executive Officer or designee shall decide the question of whether an ethics violation occurred. If the Chief Executive Officer or designee finds that an ethical violation has occurred, the Chief Executive Officer or designee shall declare the member ineligible effective on the date the Declaration is issued. The vacancy on the council which shall be effective on the date the Declaration is issued. However, the vacancy may be filled only after: (1) the concerned council member fails to request reconsideration within the time allowed, or (2) the concerned council member's request for reconsideration is denied.

#### B. Declaration of Vacancy

When a council member has been afforded a hearing pursuant to this Rule and the Chief Executive Officer or designee has found that he or she should be disqualified from the Local School Council based upon a violation of the Code of Ethics or this Rule, the Secretary of the Board shall forward a Declaration of Ineligibility and a Declaration of Vacancy to the concerned council member and Local School Council by certified and regular mail to the council member's last known address and to the affected LSC by regular mail. The vacancy shall be effective on the date the Declaration is issued. However, the vacancy may be

filled only after: (1) the concerned council member fails to request reconsideration within the time allowed; or (2) the concerned council member's request for reconsideration is denied.

#### C. Request for Reconsideration

1. Within thirty (30) days of the date of a Declaration of Vacancy based upon a ruling by the Chief Executive Officer or designee, the challenged council member may submit a request to reconsider to the Chief Executive Officer or designee. The request for reconsideration should state specific reasons or grounds for rescinding the Chief Executive Officer's or designee's prior determination concerning the council member's eligibility. New evidence not readily available at the time that the challenge was filed may be submitted.

2. The Chief Executive Officer or designee shall review the request for reconsideration and issue a final determination.

3. The Secretary of the Board shall forward the final determination to the challenger, if any, and the challenged council member by certified and regular mail to the concerned council member's last known address and to the affected LSC by regular mail.

4. Failure to file a request for reconsideration within the time allowed will render final a Declaration of Vacancy based upon a ruling by the Chief Executive Officer or designee.

#### D. Statement of Economic Interests Filing Requirements

Failure to timely file a Statement of Economic Interests (hereinafter "Statement"), or failure to file a complete Statement, shall result in automatic disqualification from the Local School Council for the remainder of the concerned member's term of office. The Secretary of the Board shall every year, transmit to all schools a sufficient number of blank Statements of Economic Interests for all Local School Council members. Local School Council members shall file the Board's Statement of Economic Interests with the Secretary of the Board by the deadline specified in the annual Statement. Council members will have 45 days from the date the Statement is sent to principals to complete and submit such Statement. Council members appointed after the due date of the annual Statement shall initially file the Board's Statement within seven (7) days of their appointment. Council members shall deliver their completed Statements to the principal of the school where they serve by the deadline specified in the annual Statement or, if appointed after the due date of the annual Statement, within seven (7) days of their appointment. Such delivery shall be considered as the filing of the Statement with the Secretary of the Board.

Within seven (7) days of the applicable filing date, principals shall forward to the Secretary of the Board all Statements and/or the names of any council members who have failed to file Statements as required. Local School Councils shall maintain copies of their members' Statements on file at their schools for public inspection.

When a council member has failed to file a complete Statement by the applicable filing date, the Secretary of the Board shall automatically issue a Declaration of Intent to Disqualify to the concerned council member by certified and regular mail to the council member's last known address and the affected LSC by regular mail. The concerned council member shall have thirty (30) days from the date of the Declaration of Intent to Disqualify to file a complete Statement. If the council member does not file a complete Statement within the time allowed, the Secretary of the Board shall automatically forward a Declaration of Vacancy to the concerned council member and Local School Council by certified and regular mail to the council member's last known address and the school where he or she serves. The vacancy shall be effective on the date the Declaration is issued. There shall be no right to request reconsideration of a Declaration of Vacancy based upon a failure to timely file a complete Statement. Either the concerned Local School Council or the Board, as appropriate, may immediately proceed to fill the vacancy by appointment of a qualified person who meets all applicable eligibility requirements to serve the remainder of the disqualified member's term.

#### E. Notice of Declarations

The Secretary of the Board shall forward a Declaration of Intent to Disqualify and Declaration of Vacancy for failure to timely file a complete Statement to the concerned council member in writing by certified and regular mail to the concerned council member's last known address and the affected LSC by regular mail. The Secretary of the Board shall forward a Declaration of Vacancy based upon findings by the General Counsel to the challenger, if any, and the concerned council member in writing by certified and regular mail to the concerned council member's last known address and the affected LSC by regular mail.

#### F. Appointment to Vacancy

If a parent or community Local School Council member is determined to be ineligible to serve on the elected Local School Council pursuant to this Rule and a vacancy is declared by the Secretary of the Board, the Local School Council shall fill the vacancy by appointment of a qualified person who meets the applicable eligibility requirements.

If a teacher, non-teacher staff or student Local School Council member is determined to be ineligible to serve on the elected Local School Council pursuant to this Rule and a vacancy is declared by the Secretary of the Board, the Board

shall fill the vacancy by appointment of a qualified person who meets the applicable eligibility requirements after a non-binding advisory poll of school staff or students, whichever is appropriate.

If a member of an appointed Local School Council or Board of Governors is determined to be ineligible to serve on the council or board and a vacancy is declared, the Board shall fill the vacancy by appointment in accordance with the Board's Policy on Governance of Alternative and Small Schools.

**Sec. 6-30. Removal of Local School Council Members for Certain Criminal Convictions or Failure to Disclose Criminal Convictions.**

For purposes of this Rule references to Local School Council ("LSC") shall mean an elected Local School Council or an appointed Local School Council or Board of Governors except when otherwise noted herein. Persons who have been elected to serve on a Local School Council may serve for the length of the term provided that they file a truthful Criminal Conviction Disclosure Form pursuant to Section 34-2.1(f) of the Illinois School Code (105 ILCS 5/34-2.1(f)), and have cleared a criminal background investigation which indicates that they have not been convicted of crimes enumerated in Section 34-2.1(f-5) of the Illinois School Code for which a person is either permanently ineligible for election to or service on a Local School Council or ineligible for a period of ten (10) years after conviction.

A. Criminal Conviction Disclosure

All candidates must file a Criminal Conviction Disclosure Form prior to election. A Board conducted criminal background investigation must be completed for each Local School Council member before they take office. Failure to file a Criminal Conviction Disclosure Form, filing a false or incomplete Criminal Conviction Disclosure Form, or failure to provide information required by the Illinois State Police which shall include, but is not limited to, fingerprints or other personal identification information, shall result in the disqualification from the Local School Council for the remainder of the member's term of office.

Each candidate must submit a Criminal Conviction Disclosure Form to the principal. Principals shall forward Criminal Conviction Disclosure Forms to the Office of Local School Council Relations.

Principals shall notify the Office of Local School Council Relations of refusals by Council members to file a Criminal Conviction Disclosure Form.

Principals shall maintain on file at their schools copies of the Councils' Criminal Conviction Disclosure Form for public inspection.

## B. Ineligibility Due to Criminal Conviction

A person who has been convicted of any of the following offenses at any time shall be ineligible for election or appointment to a Local School Council:

Indecent Solicitation of a Child, Sexual Exploitation of a Child, Pandering, Keeping a Place of Juvenile Prostitution, Pimping, Juvenile Pimping, Exploitation of a Child, Child Pornography, Criminal Sexual Assault, Aggravated Criminal Sexual Assault, Predatory Criminal Sexual Assault of a Child, Criminal Sexual Abuse, and Aggravated Criminal Sexual Abuse.

A person who has been convicted of any of the following offenses within the 10 years prior to the date of nomination or appointment shall be ineligible for election or appointment to a Local School Council:

Controlled Substance Trafficking, Criminal Drug Conspiracy, and Street Gang Criminal Drug Conspiracy.

## C. Declaration of Vacancy

The Chief Executive Officer or designee shall declare a vacancy on the Council for (a) failure to file a Criminal Conviction Disclosure Form, (b) filing a false or incomplete Criminal Conviction Disclosure Form, (c) failure to provide information required by the Illinois State Police in order to complete the background investigation, or (d) having been convicted of a crime for which a person is ineligible to serve on a Local School Council pursuant to this Board Rule and Section 34-2.1(f-5) of the Illinois School Code. Upon determination by the General Counsel that a Council member failed to file, or filed a false or incomplete Criminal Conviction Disclosure Form, has failed to provide information necessary for the completion of the background check, or has been convicted of a crime for which a person is ineligible to serve on a Local School Council pursuant to this Board Rule and Section 34-2.1(f-5) of the Illinois School Code, the Chief Executive Officer or designee shall notify the Council member by certified mail and the affected LSC by regular mail. If the Council member does not file a form or file an amended form within ten (10) days of receiving notice of the determination, the Chief Executive Officer or designee shall declare a vacancy on the Council.

1. Investigation of Ineligibility - The Law Department shall conduct an investigation of the facts relating to the LSC member's criminal history and the veracity of the LSC member's Criminal Conviction Disclosure Form. The General Counsel shall review the results of the investigation. If the results of the investigation indicate that the LSC member may be ineligible under this Board Rule, the General Counsel shall refer the matter for a hearing.

2. A hearing officer shall conduct a hearing on the LSC member's criminal history and the veracity of the LSC member's Criminal Conviction Disclosure Form and afford an opportunity to the challenged LSC member to personally present statements and evidence substantiating his/her eligibility to serve on the council. The General Counsel shall have authority to promulgate rules, including, but not limited to, rules of procedure, procedural manuals and rules of evidence, to govern hearings under this Rule. The hearing officer shall make a recommended determination to the Chief Executive Officer or designee regarding eligibility as soon thereafter as possible.

3. Declaration of Vacancy - Any vacancy on the LSC caused by a disqualification pursuant to this Board Rule shall be declared by the Chief Executive Officer or designee in those cases where a finding of ineligibility is made.

Any vacancy that is declared by the Chief Executive Officer or designee shall be effective on the date that the determination is issued; however, the vacancy may be filled only after: (1) the concerned council member fails to request reconsideration within the time allowed; or (2) the concerned council member's request for reconsideration is denied.

4. Notice of Declaration of Vacancy - The Chief Executive Officer or designee shall forward the determination to the challenged LSC member in writing by regular and certified mail to the member's last known address and the affected LSC by regular mail.

D. Request for Reconsideration

1. Within thirty (30) days of a Declaration of Vacancy by the Chief Executive Officer or designee, the challenged LSC member may submit a request for reconsideration to the Chief Executive Officer or designee.

New evidence not readily available at the time that the vacancy was declared may be submitted.

2. The Chief Executive Officer or designee shall review the request for reconsideration. The decision of the Chief Executive Officer or designee shall be final and shall be forwarded to the challenged LSC member by certified and regular mail to the member's last known address, and the affected Local School Council by regular mail.

#### E. Appointment to Vacancy

If a challenged parent or community LSC member is found to be ineligible to serve on the elected Local School Council pursuant to this process and a vacancy is declared, the LSC shall proceed to fill the vacancy by appointment of a qualified person who meets the eligibility requirements. If a challenged teacher LSC member or non-teacher staff LSC member is determined to be ineligible to serve on the elected Local School Council and a vacancy is declared, the Board shall fill the vacancy by appointment of a qualified person who meets the applicable eligibility requirements after a non-binding advisory poll of school staff.

If a member of an appointed Local School Council or Board of Governors is determined to be ineligible to serve on the council or board and a vacancy is declared, the Board shall fill the vacancy by appointment in accordance with the Board's Policy on Governance of Alternative and Small Schools.

#### **Sec. 6-31. Exercise of Certain of Powers of Local School Councils Lacking a Majority of Their Full Membership by the Chief Executive Officer.**

Whenever the active membership of a Local School Council, for any reason, falls below a majority of its full membership and the Local School Council is, therefore, unable to satisfy the quorum requirement for taking official action set forth in section 34-2.2(c) of the Illinois School Code, the Chief Executive Officer or designee shall exercise the following powers of such council, set forth in section 34-2 of the Illinois School Code:

- i. to approve the expenditure plan prepared by the principal with respect to all funds allocated and distributed to the attendance center;
- ii. to transfer allocations within funds as allowed by section 34-2.3 of the Illinois School Code.

**Sec. 6-32. Change of an Attendance Center's Local School Council Election Date.** The Chief Executive Officer may recommend to the Board a change in the date of the next biennial Local School Council election for an attendance center from second semester report card pick-up day to first semester report card pick-up day. The Chief Executive Officer may recommend such a modification if changing the date would facilitate greater participation in the election, as either candidates or electors, by the parents and community residents who would be eligible to vote for and serve on a particular Local School Council on and after the new election date.

That determination may be based upon an imminent and significant change, increase or decrease in the populations of parents and/or community residents eligible to serve on, and who would be served by, a particular Local School Council. The circumstances which may be considered in determining the



existence of such changes, increases or decreases may include, but shall not be limited to:

1. An imminent and significant change in the composition of the student population eligible to attend the attendance center;
2. An imminent and significant increase in the size of the student population eligible to attend the attendance center, such as occurs when existing schools are consolidated or a new school is opened, either in total or in stages;
3. An imminent and significant decrease in the size of the student population eligible to attend the attendance center;
4. An imminent and significant change in the attendance center's attendance boundaries or, where applicable, Local School Council voting boundaries, such as a significant expansion or contraction of the boundaries;
5. An imminent and significant expansion of the attendance center's attendance boundaries, or, where applicable, Local School Council voting boundaries, such as occurs when existing schools are consolidated;
6. An imminent and significant contraction of the attendance center's attendance boundaries, or, where applicable, Local School Council voting boundaries;
7. A change in the attendance center's grade structure or any other circumstance that would deny the parents or legal guardians of students eligible to attend the attendance center in the next Fall Term all opportunity to participate, as their candidates or electors, in any Local School Council election for the attendance center during the period of students' anticipated enrollment in the attendance center.

The Board may adopt the Chief Executive Officer's recommendation pursuant to its authority under Sections 5/34-2.1(n) and 5/34-18 of the Illinois School Code, respectively, to conduct fair and impartial Local School Council elections and to exercise general supervision and jurisdiction over the Chicago Public Schools. 105 ILCS 5/34-2.1(n); 5/34-18. If the Board adopts the Chief Executive Officer's recommendation, all subsequent Local School Council elections for the attendance center may be held on the same date every two years thereafter.

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