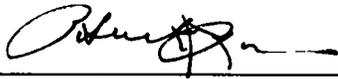


**AMEND BOARD RULES 6-9 SUSPENSION OF PUPIL - CAUSE,
6-28 LSC MEMBER ELIGIBILITY AND 6-29 LOSS OF LOCAL SCHOOL
COUNCIL ELIGIBILITY DUE TO ETHICS VIOLATIONS**

The General Counsel recommends amending the following Board Rules:

- 6-9 Suspension of Pupil - Cause
- 6-28 LSC Member Eligibility
- 6-29 Loss of Local School Council Eligibility Due to Ethics Violations

Approved: 



Patrick Rocks
General Counsel

Sec. 6-9. Suspension of Pupil - Cause. For gross disobedience, or misconduct or other violation of the by-laws, Rules and Regulations 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 Chief Specialized Services Officer or their designee. "Gross disobedience, misconduct or other violation of the by-laws, Rules and Regulations of the Board of Education of the City of Chicago," includes the commission of any criminal offense, behavior which injures persons or property, incidents of verbal disrespect or defiance of the authority or principals, teachers and other school personnel, or other act or conduct detrimental to the good order or discipline of the school as defined in the Uniform Discipline Code. Every such suspension shall be reported immediately to the ~~Regional Education Officer~~ Area Instructional Officer or their designee and also to the parent or guardian of the pupil, with a full statement of the reasons for such suspension. The ~~Regional Education Officer~~ Area Instructional Officer or their designee shall have authority to review the action of the principal and to return the suspended pupil.

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. 6-28. 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, (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, and (ii) a sworn affidavit by the biological 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 to 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 (a) formally appointed guardian of a child by a court of competent jurisdiction or (b) a foster parent appointed by the Department of Children and Family Services.

Employed at the School: Means any person, including an employee of a third-party, who is receiving compensation and acting 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 any person in the employ of the Board of Education whether or not employed at the school.

Child 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 Chicago Board of Education.

B. Eligibility

Persons who have been elected to serve on a Local School Council (LSC) 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 in the attendance area of, or has a child enrolled in, the school at which he/she serves, or becomes an employee of the 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 General Counsel 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 Chicago Board of Education 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 the effective date of the teacher's voluntary transfer to another attendance center. If a teacher representative 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 Board will declare a temporary vacancy and appoint an interim teacher representative following a non-binding poll until such time as the teacher representative returns to his or her duties at the school or for the remainder of the term. The principal shall notify the Office the Chief Executive Officer of a teacher representative's extended absence. The Office of the Chief Executive Officer shall certify that a temporary vacancy exists. When a vacancy is certified, the Office of the Chief Executive Officer shall issue a letter to the principal and the local school council advising the school to initiate the advisory poll.

C. Audit of Records

The Secretary of the Board shall 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 knowledge or 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 shall ~~forward~~ refer the matter ~~to the Office of the Chief Executive Officer to conduct an~~ for investigation. The results of the 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 ~~refer the matter for~~ convene a hearing to afford 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 concerned council member an opportunity to personally present statements and evidence substantiating his/her eligibility to serve on the council. As soon as possible after the conclusion of the hearing, the hearing officer shall make a recommended finding to the General Counsel regarding the council member's eligibility.
7. The General Counsel shall decide the question of the council member's eligibility. If the General Counsel finds that the concerned council member is ineligible to serve based on the eligibility criteria in this Board Rule, the General Counsel shall declare 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 appeal within the time allowed; or (2) the concerned council member's appeal is denied.

8. Notice of Declaration of Vacancy - The General Counsel shall forward the determination to each challenger and challenged LSC member in writing by regular and certified mail.

E. Appeal Process

1. Within thirty (30) days after the declaration of vacancy by the General Counsel, the challenged LSC member may file an appeal of that decision with the Chief Executive Officer or designee. Failure to file an appeal within 30 days after the declaration of the vacancy will render the declaration of vacancy to be a final decision. The appeal should state specific reasons or grounds for rescinding the General Counsel'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 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 or student LSC member is determined to be ineligible to serve on the 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.

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

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 the Local School Council for the remainder of the concerned member's term of office. A challenge shall be in writing and may be filed with either the Law Department or the CPS Ethics Manager.
2. All challenges should include:
 - a. the name, address, and phone number of the person filing the challenge;
 - b. a statement of the facts upon which the challenger formed the belief that the council member being challenged is no longer eligible to serve; and
 - c. any evidence which supports the challenger's position

If the person filing the challenge is a Board employee or Local School Council member, his/her identity shall not be disclosed pursuant to section 5/34-2.4(c) of the Illinois School Code without prior written consent. 105 ILCS 5/34-2.4(c) ("Whistleblower Protection").

3. In addition, the Board may act upon: (i) anonymous information regarding council members' eligibility based on ethical violations; or (ii) knowledge or information of ethical violations by council members obtained by Board agents or employees.

4. Investigation of Ethical Violations. The Challenges based on ethical violations and reports of such violations received from Board agents or employees or anonymous sources shall be reviewed by the General Counsel. If the General Counsel determines that there is merit to the challenge or report, he/she shall refer the challenge or report to the ~~Office of the Chief Executive Officer~~ for investigation. The General Counsel shall review the results of the investigation. If the General Counsel determines that there is merit to the challenge or report as revealed by the investigation, the concerned council member shall be afforded an opportunity to personally present statements and evidence on his or her behalf at a hearing conducted by a hearing officer. 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 of his or her choice 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. As soon thereafter as possible, the hearing officer shall make findings whether: (i) the council member is in violation of the Code of Ethics or this Rule; and (ii) should be disqualified from the Local School Council. The hearing officer shall forward his/her findings to the Board's General Counsel, who will rule upon the hearing officer's recommendations.

B. Declaration of Vacancy

When a council member has been afforded a hearing pursuant to this Rule and the General Counsel 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 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. However, the vacancy may be filled only after: (1) the concerned council member fails to appeal within the time allowed; or (2) the concerned council member's appeal is denied.

C. Appeal Process

1. Within thirty (30) days of the date of a Declaration of Vacancy based upon a ruling by the General Counsel, the challenged council member may file an appeal with the Chief Executive Officer or designee. The appeal should state specific reasons or grounds for rescinding the General Counsel'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 appeal and issue a final determination.
3. The Secretary of the Board shall forward the final determination to the challenger, if any, the challenged council member and the concerned Local School Council by certified and regular mail to the concerned council member's last known address and the school where he or she serves.
4. Failure to file an appeal within the time allowed will render final a Declaration of Vacancy based upon a ruling by the General Counsel.

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 ~~by April 1st of 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 May 1st of every year. 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 May 1st 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 ~~May 1st of every year~~ or, if appointed after the due date of the annual Statement ~~May 1st~~, 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 school where he or she serves. 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 of appeal from 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 and Local School Council in writing by certified and regular mail to the concerned council member's last known address and the school where he or she serves. The Secretary of the Board shall forward a Declaration of Vacancy based upon findings by the General Counsel to the challenger, if any, the concerned council member and the concerned Local School Council in writing by certified and regular mail to the concerned council member's last known address and the school where he or she serves.

F. Appointment to Vacancy

If a parent or community Local School Council member is determined to be ineligible to serve on a 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 or student Local School Council member is determined to be ineligible to serve on a 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.