

AMEND BOARD RULES 2-10, 4-9, 6-18, 6-24
AND RESCIND BOARD RULE 6-19

THE GENERAL COUNSEL RECOMMENDS:

The General Counsel recommends amending Board Rules 2-10, 4-9, 6-18, 6-24 and rescind Board Rule 6-19 of the Rules of the Board of Education as follows:

Amend Board Rule 2-10

Purpose: To establish the General Counsel's authority to settle any matter before the Law Department for an amount of \$50,000 or less without Board approval and to provide that the General Counsel will report to the Board on a monthly basis any settlement in excess of \$10,000.

Sec. 2-10. Law Department. The General Counsel shall have charge and control, subject to the approval of the Board of Education, of the Law Department and of all litigation, legal questions, and other such legal matters as may be referred to the department by the Board of Education or by the General Superintendent of Schools. The General Counsel shall have authority to settle any matter before the Law Department, including, but not limited to, federal and state court cases, administrative enforcement agency cases, workers' compensation claims, employment issues, and contract disputes, for a sum up to and including \$50,000, without Board approval. The General Counsel shall report any settlements in excess of \$10,000 to the Board in an appropriate manner on a monthly basis. The General Counsel shall also review all contracts, bonds, leases and other documents.

Assistant Attorneys and Associate Attorneys shall work under the direction and supervision of the General Counsel and are expressly prohibited from performing legal work for or undertaking legal representation of any entity other than the Board of Education. Violation of the prohibition against outside practice by an assistant attorney or associate attorney shall constitute cause for immediate dismissal from employment.

In lieu of step increases that accrue to other educational support personnel paid on a graded salary schedule, the General Counsel is authorized to determine annual merit pay increases for the attorneys under the supervision and control of the General Counsel. The Law Department's budget shall include funding for these merit pay increases each fiscal year. Salary increases for attorneys under the supervision and control of the General Counsel are suspended for fiscal year 2003 (July 1, 2002 through June 30, 2003). After approval of position salaries in the annual budget, any salary increase in excess of ten percent, including those caused by promotion or position reclassification, must be approved by Board action prior to payment of the increased salary. Upon determining appropriate merit salary increases for attorneys in connection with their annual performance evaluations and obtaining Board approval for any increases that exceed ten percent, the General Counsel shall advise the Board Secretary, the General Superintendent and the appropriate operating departments of the merit pay increases for each attorney, and the necessary adjustments will be effectuated without further approval other than confirmation that the salary adjustments for attorneys are within the Law Department's available budgetary appropriation for this purpose. (~~See Board Policy 501, Sect. 12(b).~~)

Amend Board Rule 4-9

Purpose: To clarify that an employee shall be granted full basic pay if the employee is subpoenaed to give testimony at a deposition or other mandated judicial proceeding in connection with litigation in which school interests or records are involved or the Board, the State or the City is a party.

Sec. 4-9. Court Attendance. An employee shall be granted full basic pay when the employee's absence is due to required attendance in court, or other judicial proceedings, in connection with litigation in which school interests or records are involved, or when the State of Illinois, the City of Chicago, or the Board of Education of the City of Chicago is a party and the employee is not personally interested in the outcome of the litigation a part from his or her interest as an employee of the Board. When the employee is subpoenaed as a witness within Cook County, Illinois, in cases where the employee is not personally interested in the outcome of the litigation, the employee shall be granted full basic pay less an amount equal to the statutory subpoena fee.

Amend Board Rule 6-18 and Rescind Board Rule 6-19

Purpose: To clarify the Board rules concerning the circulation and distribution during the school day and on school property or at school-sponsored events of written materials, including advertisements, circulars, invitations to and notices of meetings, books, maps or other articles and tracts, that are not authorized educational materials. To eliminate confusing redundancy between Sections 6-18 and 6-19.

Sec. 6-18. Circulation and Distribution of Unauthorized Written Materials Advertisements, etc., Regulation by General Superintendent of Schools. No employee or other person shall circulate, or 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 in accordance with regulations of the General Superintendent or Schools setting forth the time, manner, and place in which distribution, exhibition or announcement may take place. Such regulations shall prohibit the distribution of literature during any fire drill or during normal work periods, except by approval of the principal, Area Instructional Officer ("AIO"), 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.

Distribution or circulation of written materials may take place in an appropriate time, place and manner authorized by the principal, AIO, 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.

No written materials, questionnaires, surveys or other requests for information shall be returned to or collected in the schools unless authorized by the CEO or by the General Counsel or their designees. Procedures for the return or collection of authorized materials, questionnaires, surveys or other requests for information or other written materials shall be determined by the CEO or his or her designee.

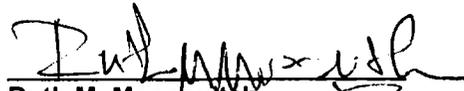
Amend Board Rule 6-24

Purpose: To bring this Board rule into compliance with the First Amendment and caselaw, including that of the United States Supreme Court regarding students reciting the Pledge of Allegiance.

Sec. 6-24. The Flag. At the beginning of each school day, students shall sing the National Anthem, shall be sung and recite the pledge of allegiance and salute to the flag of the United States, shall be given by all students. 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 ~~provided therefor~~ on the school house or school grounds, and the flag of the United States shall be conspicuously displayed in each and every classroom of the City of Chicago.

Approved,


Ruth M. Moscovitch
General Counsel