

## **CHAPTER II**

### **CONDUCT OF THE BUSINESS OF THE BOARD OF EDUCATION**

**Sec. 2-1. Regular Meetings.** The Board of Education shall establish a schedule of regular meetings in May of each year and shall state the regular dates, times and places of such meetings.

**Sec. 2-2. Special Meetings.** Special meetings may be held at any time on call of the President or any three or more members. Such call shall be in writing, duly signed, and shall be presented to the Secretary who shall proceed immediately to prepare notices and an agenda on the same and shall cause them to be served on members of the public and the members of the Board of Education at least 48 hours prior to the day and hour set for said special meeting.

**Sec. 2-3. Public Hearings on One School Issue or School Problem - Regular Meeting.** Upon the written request of the President or any majority of the members, any one school issue or school problem presented by any member, person, civic group or organization, may be set for public hearing at a regular meeting of the Board, at a fixed hour and stating the time allowed for oral presentation. The Secretary shall promptly notify the person, civic group or organization that presented the said school issue or school problem to be heard, of the day and hour of the regular meeting of the Board at which the public hearing is to be held, and stating the time allowed by the Board for oral presentation. Procedures for presentations at public hearings shall follow the current Guidelines for Public Participation.

**Sec. 2-4. Order of Business; Quorum.** At each meeting of the Board of Education, the President shall take the chair at the time appointed for the meeting and shall call the same to order. The Secretary shall immediately call the roll of members. If no quorum be present, the Board of Education shall not stand adjourned thereby, but the member or members present may adjourn to a subsequent date by a majority vote of those present. Provided a quorum of Board members is physically present for a meeting, a Board member may participate by video or audio conference if he or she is prevented from physically attending because of: (i) personal illness or disability; (ii) personal employment purposes; (iii) business obligations of the Board; (iv) a family or other emergency; or (v) such other reasons authorized under Section 7 of the Open Meetings Act (5/ILCS 120/7). A Board member who attends a meeting by audio or video means, as provided herein, may participate in all aspects of the Board meeting including voting on any item. If a member wishes to attend a meeting by video or audio conference, the member shall notify the Secretary before the meeting unless advance notice is impractical. The Secretary shall indicate in the meeting minutes whether the members of the Board were physically present for the meeting or present by means of video or audio conference.

A quorum for the transaction of business shall consist of a majority of the full membership of the Board of Education then serving. When a quorum is physically present, the order of business shall be as noted in the agenda published for the particular meeting.

**Sec. 2-4.1. Public Participation at Meetings.** At each regular and special meeting which is open to the public, members of the public and employees of the district shall be afforded time, subject to reasonable constraints, to comment to or ask questions of the Board. The Board President shall establish and publish guidelines that will govern the public participation portion of each meeting.

**Sec. 2-4.2 Emergency Authority in the event of a Declared State of Emergency.**

a) The Board President must adopt emergency guidelines for the conduct of Board business and meetings, including the manner of public participation at Board meetings, to permit the Board to conduct business when a national, state or local emergency is declared and the Board cannot convene a meeting in the usual manner and comply with federal, state or local emergency orders and guidelines, and/or ensure the safety of the public and staff. During any meeting convened under the emergency guidelines adopted under this subsection (a), the Board may modify, replace, or revoke any emergency guideline adopted by the Board President under this Rule if the proposed Board action satisfies the following:

- 1) the Board action permits the Board to conduct business in a manner that ensures public and staff safety; and
- 2) the Board action complies with all federal, state, and local requirements and guidance under the state of emergency.

b) If a national, state, or local emergency is declared requiring immediate action by the District, the Board President may suspend any Board Rule, Policy, and Guidelines and adopt emergency guidelines to take measures consistent with local, state, and federal orders, guidelines, laws, and ordinances adopted or enacted to address and mitigate the emergency. The Board President may not use the emergency power under this subsection (b) to suspend Board Rules, Policies, or Guidelines regarding the conduct of Board business. The Board President may not use the emergency power under this subsection (b) if the Board may convene a Special Meeting under Board Rule 2-2. During any meeting convened after the adoption of the emergency guidelines under this subsection (b), the Board may modify, replace, or revoke any emergency guideline adopted by the Board President under this subsection (b) if the proposed Board action satisfies the following:

- 1) the Board action ensures the safety of students, the public, and District staff; and
  - 2) the Board action complies with all federal, state, and local requirements and guidance under the state of emergency.
- c) Any Board Rules, Policies, and Guidelines that conflict with an emergency guideline adopted under these subsections (a) or (b) are suspended while the emergency guideline is in effect.
- d) The powers under this Rule expire at the earliest of the following:
- 1) the expiration or termination of national, state, or local emergency declaration has expired or terminated by law;
  - 2) when the Board is able to conduct business in the usual manner and comply with local, state, and federal orders, guidelines, laws, and ordinances adopted or enacted to address and mitigate the existing emergency.
- e) This Rule shall have retroactive application to March 17, 2020. All actions taken by the Board President pursuant to this Rule on or after March 17, 2020 to March 25, 2020, are expressly ratified and approved.

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| <b>Final:</b>          | Board Rule 2-4.2 was adopted on a Final basis at the June 24, 2020 Board Meeting [Board Report 20-0624-RU1].  |
| <b>Public Comment:</b> | Pursuant to Board Rule 2-6 this Rule [2-4.2] was subject to Public Comment from 4/27/20-5/26/20 and adopted on an interim basis at the March 25, 2020 Board Meeting [Board Report 20-0325-RU1]. |

**Sec. 2-5. Rules of Order.** The Rules of Parliamentary Practice embraced in the most recent edition of Robert's Rules of Order shall govern the Board of Education in all cases in which they are not inconsistent with the Rules of the Board of Education.

**Sec. 2-6. Adoption, Amendment, Repeal or Suspension of Final Rules and Policies.**

- (a) Adoption, Amendment, Repeal or Suspension of Final Rules and Policies. The Board of Education (Board) enacts Rules and Policies<sup>1</sup> pursuant to 105 ILCS 5/34-19 and such actions have the force of ordinances. Rules and Policies may only be adopted or amended at a regular meeting and by a vote of two-thirds of the full membership of the Board. Rules and Policies of the Board of Education may only be repealed or suspended at a regular

<sup>1</sup> The Board uses the term "Policy" interchangeably with, and it has the same meaning as the word "regulation[s]", as used in 105 ILCS 5/34-19.

meeting by a vote of two-thirds of the full membership of the Board. Except as provided by subsections (b) and (d) below, adoption, amendment, repealer or suspension must be preceded by the following actions:

- (i) The proposed adoption or amendment of a Rule or Policy or motion for repealer or rescission of a Board Rule or Policy has been posted on the district's website for a period of thirty (30) calendar days with an invitation to the general public to provide public comment.
  - (ii) All public comment has been published to the general public on the district's website, provided however the comments that reveal confidential or private information or use expletives or defamatory, vulgar or threatening language may be redacted or omitted.
  - (iii) All public comment has been provided to Board members at least ten (10) calendar days prior to their consideration of proposed new or amended rule or motion to rescind or repeal.
- (b) Interim Rules or Policies and Interim Amendments to Rules and Policies. The Board may adopt an interim Rule or Policy or amend a Rule or Policy on an interim basis prior to a public comment period and/or before meeting any or all of the prerequisites outlined in paragraphs (a)(i) to (iii) as an interim Rule to meet legal requirements or other exigent circumstances provided that the interim Rule or Policy shall expire ninety (90) calendar days after adoption unless replaced by a final Rule or Policy.
- (c) Form of Rule Addition, Amendment or Repeal. Any and all additions, amendments or repeal of these Rules shall specify the chapter and section thereof sought to be added, amended or repealed.
- (d) Suspension of Rules and Policies. Rules and Policies may be suspended at any regular meeting by a majority of the full membership then serving. Any suspension of a Rule or Policy shall be for a specified time period.
- (e) Effective date. The amended portions of this Rule are effective September 26, 2019 and thereafter.

**Sec. 2-7. Annual Adoption of Rules.** The Board of Education shall re-adopt these Board Rules, and any amendments, modifications, repealers, or suspension thereto, by a vote of two-thirds of the full membership of the Board at its first regular meeting after the start of each fiscal year or at such other times as the Board deems appropriate. If the Board fails to readopt these Board Rules as set forth in this Rule, the existing Rules shall continue in full force and effect.

**Sec. 2-8. Withdrawing Reports and Laying Over Reports.**

a. Prior to a vote on any report presented to the Board, the Chief Executive Officer or any other Officer sponsoring the report may withdraw the report from the agenda.

b. Upon the request of any member, any report presented by any department head or any motion, resolution, order, or Rule presented by any member shall be laid over for one meeting; provided, however, that no matter shall be so laid over for more than three consecutive meetings. The report, motion, resolution, order or Rule so deferred shall be published in the proceedings of the Board of Education.

**Sec. 2-9. Vote Required - Recording of Vote.** Except as otherwise provided by law or in these Rules, all questions pending before the Board of Education shall be decided by a majority of the members voting upon them, a majority of the entire Board of Education voting. The Ayes and Noes shall be taken and entered of record by the Secretary.

**Sec. 2-10. Reconsideration.** No motion for a reconsideration of any vote shall be entertained unless such motion shall be made at the meeting at which the vote sought to be reconsidered was taken, or at the next regular meeting thereafter, by any member of the Board of Education who shall have voted with the prevailing side or shall have been absent when the vote was taken. Any member may second the motion.

Where the Ayes and Noes have not been called on a question, any member may make the motion to reconsider.

**Sec. 2-11. Records of Proceedings.** The record of the proceedings of the Board shall be prepared and maintained by the Secretary and include a record of the following (1) the date, time and place of the meeting, (2) the members of the Board who were present, absent and whether members were physically present or present by means of video or audio conference, and (3) a summary of discussion on all matters proposed, deliberated or decided and any votes taken. The Board of Education may direct that the remarks of any member made during a meeting shall be included in the record of proceedings.

**Sec. 2-12. Approval and Posting of Proceedings.** The Secretary shall affix his or her signature to the records of Board proceedings. Such signed records, when approved by a majority vote of the full membership of the Board shall be the official records of such proceedings. Within seven (7) days of the approval of such proceedings, the Secretary shall post the approved proceedings on the Board's website for a period of not less than 60 days.

**Sec. 2-13. Delegation of Board Authority.**

a. Manner and Effect of Delegation of Authority. With the exception of those powers and authority exclusively reserved to the Board by the Illinois School Code, as it exists now, or as it may be hereafter amended, the Board may delegate its authority by Board Rule, Board Policy, Board Resolution, Board Report or other Board action. Where the Board has delegated authority to an Officer or

his/her designee, that Officer or his/her designee may take all actions consistent with the delegation without further Board action or authority and the action shall be binding upon the Board at the time the Officer acts.

b. Authority Not Specifically Delegated. The Board reserves to itself all authority and power it has not specifically delegated to another by Board Rule, Board Policy, Board Resolution, Board Report or other Board action.

c. Authority over Departments and Delegated Authority. Chiefs, Officers and heads of departments have the authority to supervise their respective departments or units, including all employees within their departments or units, and to take all actions delegated to them by Board Rule, Policy, Resolution, Board Report or other Board action. Said Chiefs, Officers and heads of departments or units may delegate their authority to employees within their departments or units, including any authority delegated to them by the Board.

**Sec. 2-14. Line Item Veto.** For any Board Report requesting authority for multiple actions/items/transactions, the Board shall have the right, at its discretion, to strike or decline approval for any one or more action/item/transaction identified on such Board Report without voiding the remainder of the Board Report.

**Sec. 2-15. Reporting to the Board. (Repealed 08-25-10)**

**Sec. 2-16. Approval to Make Donations.** Donations may be issued to students enrolled in the Chicago Public Schools and third parties for the benefit of students enrolled in the Chicago Public Schools only upon approval by a majority vote of the Board. For purposes of this Rule, the term donation means the voluntary contribution of funds by the Board to one or more individual students enrolled in the Chicago Public Schools or a not-for-profit entity that provides services to or advocates on behalf of students enrolled in the Chicago Public Schools. Donations are not authorized by or subject to the provisions of Chapter VII. of these Rules.