

RESCIND 97-0827-PO4 AND ADOPT RESIDENCY POLICY FOR ALL EMPLOYEES OF THE BOARD OF EDUCATION

PURPOSE:

The purpose of this order is to establish consistent rules and enforceable guidelines concerning the Board's requirement that all officers and employees of the Board of Education be residents of the City of Chicago that are consistent with state law (Ill. C.S. 63-5-3) and to establish new provisions to the residency requirement.

PRESENT POLICY:

The present policy, Board Report 97-0827-PO4, "Amend Residency Policy, 97-0827-PO4, For All Employees of the Board of Education" is hereby rescinded as of the effective date of this policy.

HISTORY OF BOARD ACTION:

On July 9, 1980, the Board adopted its "Resolution to Require Residence Within the City of Chicago of All Employees of the Board of Education" (Resolution #149-2). The Board subsequently adopted Board Report #33-10 which substituted the previous resolution and which provided waivers to its residency policy under certain circumstances. On April 8, 1990, the Board adopted its current residency policy, 96-1120-PO1, which exempted employees hired prior to September 11, 1989, from the residency requirement (See Resolution #90-0418-RS1). On November 20, 1996, the Board adopted its current residency policy, 96-1120-PO1, which exempted employees hired prior to September 11, 1989, from the residency requirement. The Department of Human Resources indicates that he/she resided outside the City of Chicago to continue to live outside the City and required all new employees to be City residents. As of this policy allows a six-month grace period for compliance with the policy for newly hired or rehired employees and for those employees formerly in a special need exemption area.

POLICY TEXT:

INTRODUCTION

The boundaries of the school district under the charge of the Board of Education of the City of Chicago are coterminous with the boundaries of the City of Chicago. It has been and continues to be the policy of the governing board of the district that it is desirable to maintain the policy requiring that its officers and employees maintain their residence within the City of Chicago, and that its educational and governmental purposes are best served by the establishment of the residency policy contained herein.

The Board of Education therefore deems it proper and appropriate to maintain a residency

(a) quality of performance of duties by officers and employees of the Board will be enhanced by greater personal stake in the system's progress; more likely to be involved in school and community with community leaders and citizens;

(b) resident officers and employees will be more active in school and community activities, thus bringing them into contact with the community; (c) absenteeism and tardiness will be diminished.

(d) economic benefits will accrue to the school system from local expenditure of salaries and the payment of local sales and real estate taxes, and educational benefits will be derived from

...in addition to the other benefits provided by the Board of Education. The Chicago Board of Education

DEFINITIONS

The purposes of this policy only, the following definitions will apply:

"Resigns" means an employee's demise, the cessation of his or her employment, or the employee's departure from the service of the Board of Education, which is not intended to be a resignation, if the employee has an intention of returning.

"Employees" means all full-time employees as defined by Section 4.48 of the Rules of the

(b)

NOTIFICATION OF CHANGE OF RESIDENCY

Employees who are subject to this policy have the obligation to notify the Board of their change of residency... Notification to the Board for a change of residency... documentation established and only notify the Board... the Board with a change of residency notice within 60 days after their move.

PROOF OF RESIDENCY

The question of an employee's residence is principally one of where the employee intends to live and be domiciled... For the purposes of this policy, the residence of an employee is that address where the employee intends to live and have as his or her one true permanent home or domicile... Such an inquiry requires consideration of all the pertinent factors on a case-by-case basis.

Such an inquiry requires consideration of all the pertinent factors on a case-by-case basis, including property ownership, driver's license and car registration, and tax returns.

PENALTIES FOR VIOLATIONS OF THE RESIDENCY POLICY

Principals and tenured teachers who are subject to this policy...

conduct deemed "irremediable" or for "irremediable" conduct which employees have been specifically warned... conduct which may lead to their discharge if repeated. The School Code defines "irremediable" conduct as conduct which causes psychological harm or injury to a student...

Other initial violations of this policy as having engaged in irremediable conduct punishable by discharge of this policy that do not involve the intentional falsification of documents and/or residential addresses in order...

principal or tenured teacher who is subject to this policy... cases where no falsification of information occurs, a warning... in Chicago.

and principals who are subject to the Board's... All Board employees other than tenured teachers are subject to this policy... the fails to establish residence in Chicago within six months after receipt of the warning... to discharge if he or she fails to do so... However, any employee who intentionally provides falsified documents and/or residential addresses in order to avoid the requirements of this policy shall be considered as having engaged in irremediable conduct punishable by discharge.

**WAIVER OF RESIDENCY REQUIREMENT THROUGH BOARD ACTION**

The Board shall have authority to waive the residency requirement when it determines that such waiver is in the best interests of the City of Chicago. The Board shall determine on a case-by-case basis when a waiver is appropriate.

**EDUCATIONAL REVIEW:**

This policy has been reviewed by the Office of Policy and Research, and the Law Department has reviewed this policy.

**FINANCIAL:**

This policy has been reviewed by the Office of the Chief Financial Officer.

**LEGAL REFERENCES:**

105 ILCS 24-1.33 (a) Prior Board Resolutions noted above; Agreements Between the Chicago Teachers Union and other Unions, Hadano v. Police Board, Chicago Board of Education and the Chicago Board of Education.