

DEFERRED

01-0124-PO4

January 24, 2001

RESCIND 97-0827-PO4 AND ADOPT RESIDENCY POLICY

FOR ALL EMPLOYEES OF THE BOARD OF EDUCATION

PURPOSE:

The purposes of this policy are to establish consistent, equitable, 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, 105 ILCS 5/34-83.1, and to establish new provisions to the residency requirement.

PRESENT POLICY:

The present policy, Board Order 97-0827-PO4, "Adopt Residency Policy 97-0827-PO4 For All

"Employees of the Board of Education" is hereby rescinded as of the effective date of this policy.

- (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 residency by teachers, administrators and other employees in the City of Chicago.

The Chicago Board of Education, therefore, adopts without the necessity of annual readoption the following residency policy .

DEFINITIONS:

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

- (a) "Residency" means an employee's domicile, the one actual place where an employee lives

NOTIFICATION OF CHANGE OF RESIDENCY

Employees subject to this policy have an obligation to notify the Board of their change of residency. Notification to the Board of a change of residency shall be made using the procedures, forms and documentation established and provided by the Department of Human Resources. Employees shall provide the Board with a change of residency notice within 60 days after their move.

PROOF OF RESIDENCY

For the purposes of this policy, the question of an employee's residence is principally one of where

an employee intends to live and have his or her one true, permanent home or domicile to which an employee

intends to return following an absence. The presumption in this policy is that the address an employee gives

WAIVER OF RESIDENCY REQUIREMENT THROUGH BOARD ACTION

The Board shall have authority to waive the residency requirement when it determines that such waiver does not harm the educational mission of the Chicago Public Schools. The Board shall determine

on a case-by-case basis when a waiver is appropriate.

EDUCATIONAL REVIEW:

A committee consisting of members of the Board of Trustees, Department of Human Resources, 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 Fiscal Officer.

LEGAL REFERENCES:

105 ILCS 5/34-83.1; Prior Board Resolutions noted above; Agreements Between the Chicago Board of Education and the Chicago Teachers Union and other Unions; Fagiano v. Police Board, 98 Ill. 2d 277, 283, 456 N.E.2d 27 (1983); Hameetman v. City of Chicago, 776 F.2d 636, 641 (7th Cir. 1985); Vlandis v. Kline, 412 U.S. 441, 454, 93 S.Ct. 2220 (1972)