

DRAFT UPDATE

Lincolnwood School District 74

5:240

Professional Personnel

Suspension

Please refer to the current “Agreement between the Board of Education, School District #74, Lincolnwood, Illinois, and the Lincolnwood Teacher’s Association, Local 1274 IFT/AFT, AFL-CIO and the Lincolnwood Support Staff Union, Local 1274 IFT/AFT, AFL-CIO.”

Employees Under Investigation by Illinois Dept. of Children and Family Services (DCFS)

Upon receipt of a DCFS recommendation that the District remove an employee from his or her position when he or she is the subject of a pending DCFS investigation that relates to his or her employment with the District, the Board or Superintendent or designee, in consultation with the Board Attorney, will determine whether to:

1. Let the employee remain in his or her position pending the outcome of the investigation; or
2. Remove the employee as recommended by DCFS, proceeding with:
 - a. A suspension with pay; or
 - b. A suspension without pay.

Repayment of Compensation and Benefits

If a professional employee is suspended with pay, either voluntarily or involuntarily, pending the outcome of a criminal investigation or prosecution, and the employee is later dismissed as a result of his or her criminal conviction, the employee must repay to the District all compensation and the value of all benefits received by him or her during the suspension. The Superintendent will notify the employee of this requirement when the employee is suspended.

LEGAL REF.: 5 ILCS 430/5-60(b).
 105 ILCS 5/24-12.
325 ILCS 5/7.4(c-10).
 Cleveland Board of Education v. Loudermill, 470 U.S. 532+05 S.Ct. 1487 (1985).
 Barszcz v. Community College District No. 504, 400 F.Supp. 675 (N.D. Ill., 1975).
 Massie v. East St. Louis Sch. Dist. No.189, 203 Ill.App.3d 965 (5th Dist.564 N.E.2d 246 (Ill.App.5, 1990).

ADOPTED: February 2, 2012

Comment [AP1]: Optional. 325 ILCS 5/7.4(c-5), amended by P.A. 100-176, eff. 1-1-18, allows DCFS to recommend to districts that they remove an employee from his or her position when he or she is the subject of a pending DCFS investigation that relates to his or her employment in the school district in which he or she is employed.

Consult the board attorney about suspending an employee without pay pursuant to a DCFS 325 ILCS 5/7.4(c-5)-recommendation. This language balances the interests of student safety and employee due process when the district receives a recommendation to a remove an employee who is the subject of a DCFS investigation from employment.

Note: Liability may exist when a district receives a 325 ILCS 5/7.4(c-5)-recommendation and does not remove the employee as a result. See the footnotes available at PRESS Online for more information.

This information also appears in policy 5:290, *Educational Support Personnel – Employment Termination and Suspensions*. Consult the board attorney before removing this optional section in one policy but not the other.

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Comment [AP2]: The text “Board or Superintendent or designee” allows flexibility if the Superintendent were the subject of a DCFS investigation.

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