

CHIEF EXECUTIVE OFFICER'S GUIDELINES FOR DESIGNATING SEPARATED EMPLOYEES AS INELIGIBLE FOR REHIRE

Adopted July 1, 2011

Last Amended and Effective July 31, 2026



Chicago Public Schools

I. PURPOSE

As part of its effort to recruit and hire the best talent, the District designates employees as detailed in Section II below as ineligible for rehire or “do not hire” (DNH). Eligibility for rehire is a hiring standard that is within the sole discretion of the Board to establish. That authority has been delegated to the Chief Executive Officer (CEO) under Board Rules 4-5 and 4-7. The DNH is a hiring standard and designation, not a disciplinary decision. These Guidelines memorialize the parameters for designating separated employees as DNH.

The designation is subject to disclosure under the Illinois Personnel Record Review Act, the Illinois Freedom of Information Act, any other appropriate law or release, or at the District’s discretion. In the event a prospective employer contacts the District regarding eligibility for rehire, the DNH designation will be shared. Additionally, separated employees with a DNH designation are ineligible to volunteer with the District or work as a District vendor employee.

II. SEPARATED EMPLOYEES WHO WILL RECEIVE DNH DESIGNATIONS

Separated employees may be designated as Permanent DNH, Temporary DNH, or Do Not Hire Pending Investigation. These designations apply in the following situations:

1. Employees dismissed for cause if the substantiated misconduct meets the criteria for a Permanent or Temporary DNH;
2. Employees who resign or retire while dismissal charges or actions are pending or in lieu of dismissal if the substantiated misconduct meets the criteria for a Permanent or Temporary DNH;
3. Employees who resign or retire and an investigation ultimately substantiated misconduct that meets the criteria for a Permanent or Temporary DNH; and
4. Employees who voluntarily or involuntarily separate while an investigation into serious misconduct is pending or initiated following their separation.

The determination to apply a Permanent or Temporary DNH is based upon an evaluation of various factors, including but not limited to: (1) the seriousness of the actual or potential physical or psychological harm to staff or students; (2) the number of times the conduct occurred; (3) the impact on the school community and/or on the District’s reputation; (4) the intentionality, negligence, or gross negligence of the misconduct at issue; and (5) the totality of the circumstances. The CEO, or designee, has the discretion to designate conduct as Permanent or Temporary DNH based on an evaluation of the facts, particularly in instances where the DNH tier is not explicitly defined by these Guidelines.

1. Permanent DNH

Separated employees will be designated with a Permanent DNH for substantiated misconduct that is deemed serious or egregious. It generally involves misconduct that is flagrantly violative of Board policies or rules, intentional or grossly negligent, or shockingly bad behavior that has resulted in or has the potential to result in harm to students, staff, a school community, or the District’s reputation. Examples of substantiated misconduct that warrant a Permanent DNH include, but are not limited to:

- Battery of non-students;
- Criminal conduct that is a bar to District employment under state law;
- Discrimination;
- Grooming;
- Possession of drugs, alcohol, or weapons on District property;
- Serious/egregious damage to District property;
- Serious/egregious corporal punishment, isolated time-outs, or physical abuse of students;
- Serious/egregious fraud, theft, fiscal mismanagement, or Code of Ethics violations;
- Serious/egregious verbal abuse of students or staff; and
- Sexual abuse.

Employees who were previously terminated for cause and designated as Temporary DNH or did not receive a DNH designation and were rehired by the District will be designated with a Permanent DNH in instances where the employee engaged in substantiated misconduct or performance-related deficiencies for a second time provided such conduct justifies or would have justified a dismissal for cause.

2. Temporary DNH

Separated employees will be designated with a Temporary DNH for substantiated misconduct that represents a deliberate or negligent breach of professional ethics or standards, but does not rise to the level of seriousness or egregious warranting a Permanent DNH. Examples of misconduct that warrant a Temporary DNH include, but are not limited to:

- DCFS indicated findings, if there are no serious injuries to minors (serious injuries result in a Permanent DNH);
- Minor corporal punishment, isolated time outs, and physical abuse;
- Minor fraud, theft, or Code of Ethics violations;
- Minor misuse of District technology; and
- Minor verbal abuse or discourteous treatment of District students or staff.

3. Do Not Hire Pending Investigation (DPI)

Employees who voluntarily or involuntarily separate while an investigation into serious misconduct is pending or initiated following their separation will be temporarily designated as DPI. In the event the investigation is unsubstantiated, the DPI designation will be removed, and the employee will be notified of the same. However, in the event the investigation is substantiated, a DNH may be placed pursuant to Section II(1) and (2), above.

III. SITUATIONS IN WHICH SEPARATED EMPLOYEES WILL NOT RECEIVE A DNH

Separated employees will not receive a DNH designation for substantiated performance-related deficiencies or substantiated conduct described below. “Performance” relates to an employee’s competence/ability to fulfill the duties and responsibilities of their position. Conduct that will not receive a DNH are limited to the following:

- Criminal conduct that is not a bar to District employment under state law, except where the criminal conduct involved a District student or employee or occurred on District property;
- Excessive absenteeism or tardiness;
- Failure to perform duties, such as failure to submit grades or lesson plans;
- For non-union employees, failure to successfully complete a Performance Improvement Plan;
- General insubordination;
- Lapsed/expired certifications or licenses;
- Nepotism and non-fraternization, except where employees have benefited financially from the situation;
- Residency non-compliance; and
- Unsatisfactory performance evaluation ratings, or failure to remediate an unsatisfactory performance evaluation rating.

IV. NOTICE OF DNH DESIGNATION

1. A copy of these Guidelines shall be posted on the Office of Administrative Hearings's (OAH) website.
2. When a pre-dismissal conference or hearing is scheduled, the OAH shall notify represented employees that dismissal may result in a DNH designation if the employee is dismissed in the notice scheduling the pre-dismissal conference or hearing.
3. The Talent Office shall notify non-represented employees via a Misconduct Form when their termination is sought, except for central office-based hourly, miscellaneous, and part-time employees who may receive the supervisor's final decision via alternate written correspondence.
4. When an employee is designated as ineligible for rehire consistent with Section II, above, the Talent Office shall notify the employee in writing of the Permanent DNH, Temporary DNH, or DPI designation either by sending the notice to the employee's address of record with the District or via email if the employee has a personal email on record.
5. When a separated employee receives a DNH designation because an investigation substantiates that the separated employee committed misconduct that warrants a DNH, to the extent a report exists and can be released, the Talent Office shall notify the separated employee of the designation and provide a copy of the investigative report with appropriate redactions. In the case of an investigation conducted by the Office of the Inspector General, the Executive Summary report detailing the misconduct and supporting evidence with appropriate redactions will be provided. When a report is provided under this paragraph, the Talent Office will notify the employee that they may submit a response to the report, which will be included alongside the investigation and outcomes in the employee's relevant employee file. The District retains the right to not provide an investigative report in cases that present legitimate privacy or safety concerns.
6. In the event one or more of the foregoing notices is not given, the Talent Office shall take appropriate remedial action by notifying the separated employee as soon as practical after

the lack of notice is discovered. The failure to give notice shall not affect the underlying separation or the separated employee's eligibility for rehire.

V. REQUESTS FOR REMOVAL OF DNH DESIGNATION

Separated employees who are designated as Permanent or Temporary DNH are ineligible to petition the CEO for removal of the designation. A Permanent DNH will be maintained on a separated employee's record indefinitely. Conversely, a Temporary DNH expires automatically after two calendar years have elapsed from the date of placement. An employee with a Temporary DNH that has expired will automatically become eligible for rehire with the Board. As an exception, separated employees who are designated as Temporary DNH may petition the CEO to partially remove the DNH to work for a District vendor and/or serve as a volunteer by submitting a request to the OAH in accordance with Section VI of these Guidelines.

For separated employees who were designated as DNH prior to the amended date of these Guidelines, an employee may petition the CEO for removal of the designation by submitting a request to the OAH. The petition must include the former employee's current mailing and/or email address. The petition must also set forth reasons why the cause for the designation falls under the Temporary DNH tier that has since expired or constitutes conduct that does not warrant a DNH under these Guidelines. A request to remove the designation may be made any time after it has been placed. However, the CEO, or designee, will only consider a request for removal of the designation once following the amended date of these Guidelines. The CEO's or designee's decision will follow the criteria listed above in Section II. After review of the petition, the separated employee will receive a decision via letter or email. The decision will solely state whether the DNH will be removed, converted to a Temporary DNH, or converted to a Permanent DNH. The CEO's, or designee's, decision is final. Where appropriate, the notice may also partially remove the DNH to allow the separated employee to work for a District vendor and/or serve as a volunteer, provided the separated employee specifically requests a partial removal under Section VI of these Guidelines.

VI. REMOVAL REQUESTS LIMITED TO VOLUNTEER STATUS OR ELIGIBILITY TO WORK FOR A DISTRICT VENDOR

1. A prospective volunteer's District work history, including his/her DNH status, is reviewed at time of application. Separated employees who have a Permanent or Temporary DNH designation are not eligible to volunteer. In the event a separated employee is ONLY interested in volunteering for the District, does not have a Permanent DNH, and is not challenging their DNH status for future employment purposes, the separated employee may submit a DNH removal petition limited to their volunteer status. This must be made clear in the petition. It is recommended the following language is included in the petition: "I am requesting that I be allowed to volunteer with the District and understand that the DNH designation will remain for future employment purposes." The petition must include the former employee's current mailing and/or email address. The petition must also set forth reasons for why the DNH designation should be excused to volunteer with the District. Reasons for partial removal of the designation include, but are not limited to, additional experience, additional education or training, or evidence of positive community involvement. A request to remove the Temporary DNH designation to volunteer for the District may be made any time after it has been placed. However, the

CEO, or designee, will only consider a request once. The CEO's, or designee's, decision to partially remove a DNH is discretionary, and the decision is final.

2. Similarly, separated employees who have a Permanent or Temporary DNH designation are not eligible to work for a District vendor. In the event a separated employee is ONLY interested in working for a District vendor, does not have a Permanent DNH, and is not challenging their DNH status for future employment purposes, the separated employee may submit a DNH removal petition limited to their status to work for a District vendor. This must be made clear in the petition. It is recommended the following language is included in the petition: "I am requesting that I be allowed to work for a District vendor employee and understand that the DNH designation will remain for future employment purposes." The petition must include the former employee's current mailing and/or email address. The petition must also set forth reasons for why the DNH designation should be excused to work for a District vendor. Reasons for partial removal of the designation include, but are not limited to, additional experience, additional education or training, or documented history of successful performance in comparable roles. A request to remove the Temporary DNH designation to work for a District vendor may be made any time after it has been placed. However, the CEO, or designee, will only consider a request once. The CEO's, or designee's, decision to partially remove a DNH is discretionary, and the decision is final.