

December 15, 2004

04-1215-RS16

**RESOLUTION AUTHORIZING THE HONORABLE TERMINATION  
OF REGULARLY CERTIFIED AND APPOINTED TEACHERS**

**WHEREAS**, the Chicago Board of Education ("Board") has the power under Section 34-8.1 of the Illinois School Code (105 ILCS 5/34-1, *et. seq.*) to lay off employees; and

**WHEREAS**, the Board has the power under Section 34-18(31) of the Illinois School Code to promulgate rules establishing procedures governing the layoff or reduction in force of employees; and

**WHEREAS**, the Board has the power under Section 34-19 of the Illinois School Code to delegate to the Chief Executive Officer ("CEO") the authorities granted to the Board provided that such delegation and appropriate oversight procedures are made pursuant to Board by-laws, rules, regulations, adopted pursuant to Section 34-19 of the Illinois School Code; and

**WHEREAS**, the Board, pursuant to the above articulated powers, promulgated its Policy Regarding Reassignment and Layoff of Regularly Appointed and Certified Teachers ("Reassignment Policy") on July 23, 1997; and

**WHEREAS**, the Board has delegated its power to layoff tenured teachers in accordance with the Reassignment Policy to the CEO under Board Rule 4-1(2)(a); and

**WHEREAS**, the Reassignment Policy provides that teachers honorably terminated under its provisions, who are rehired in a permanent teaching position within two school years after their honorable termination, shall have their tenure and prior seniority restored as of the date of rehire; and

**WHEREAS**, the employee(s) identified on Attachment A were removed from the attendance center to which they were assigned pursuant to Section 2 of the Reassignment Policy, and the Chief Executive Officer directed that each employee receive a notice of removal and each employee did receive said notice; and

**WHEREAS**, all of the identified employees failed to secure a permanent appointment within at least 10 school months after they received their notice of removal and the Chief Executive Officer directed that each of the identified employees receive at least 14 days' notice that they would be honorably terminated from service and each employee has received said notice.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CHICAGO BOARD OF EDUCATION** as follows:

1. That the employee(s) listed on Attachment A are honorably terminated from service effective December 15, 2004, pursuant to the Board's Reassignment Policy.
2. That this formal Board action shall not constitute a waiver of the Board's legal arguments in connection with pending litigation captioned Maurice Land, et al., v. Board of Education of the City of Chicago, No. 03-CH-3477.
3. That those employee(s) listed on Attachment A, who were tenured at the time of their honorable termination, shall have their tenure and full seniority restored with out further formal Board action, if they are rehired by the Board to a permanent teaching position on or before December 15, 2006.

That this Resolution shall be effective upon adoption, and shall replace all prior resolutions or other Board actions that are in conflict herewith.

**ATTACHMENT A**

**REASSIGNED TEACHERS SCHEDULED FOR HONORABLE TERMINATION  
DECEMBER 15, 2004**

<b><u>Last Name</u></b>	<b><u>First Name</u></b>
Acosta	Martha
Arcos	Terri
Bauer	Grace