

**WITHDRAWN**

02-0227-RS17

February 27, 2002

**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 layoff 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 general superintendent or to the attorney the authorities granted to the Board in the School Code provided 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 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 employees identified on Attachment A were removed from the attendance center to which they were assigned pursuant to Section 2 of Board Policy 97-0723-PO2. Each of the employees all received a notice of removal.

**WHEREAS**, each of the identified employees failed to secure a permanent appointment within at least 10 school months after they received their notice of removal and were thereafter served with at least 14 days notice that they would be honorably terminated from service.

**WHEREAS**, the Illinois Appellate Court, in Maurice Land, et al., v. Board of Education of the City of Chicago, No. 00-0659, on August 27, 2001, issued its decision holding that the Board may not delegate to administration its power to layoff employees and that it is required to take formal action to effectuate the layoff of its employees; and

**WHEREAS**, the Board is seeking review of the court's decision because it believes it to be legally incorrect.

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

1. That the employees listed on Attachment A are honorably terminated from service effective February 27, 2002 pursuant to the Boards Reassignment Policy; and
2. That this formal Board shall not constitute a waiver of its legal arguments in connection with Maurice Land, et al., v. Board of Education of the City of Chicago, No. 00-0659.
3. That those employees listed on Attachment A who are rehired to a permanent teaching position within two years from the dates referenced in the attachment for that employee, shall have their tenure restored, if tenured at the time of their honorable termination, and have their full seniority restored as of the date of rehire, without any further formal Board action;
4. 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 FEBRUARY 27, 2002**

<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>MIDDLE INITIAL</u>
BRISKA	MARIANNE	H
BRUCE	MALTIDA	
CONTRERAS	PERSIDA	B
ENRIGHT	RUTH	M
HODGES	JOYCE	E
RICHARDSON	BERTHA	J
SATTELMAIER	EUGENE	P
SOTO	STEVEN	
TAYLOR	CATHERINE	L
TUTEN	TIMOTHY	J
WALLACE	ROBYNNE	W
YASSINGER	HELENE	J