

May 26, 2010

**RESOLUTION BY THE BOARD OF EDUCATION OF THE CITY OF CHICAGO
REGARDING THE DISMISSAL OF PHYLLIS SMITH, TENURED TEACHER,
FORMERLY ASSIGNED TO NIA MIDDLE SCHOOL**

WHEREAS, pursuant to Section 34-85 of the Illinois School Code, 105 ILCS 5/34-85(c), a hearing was conducted before an impartial hearing officer, Michael I. Ponticelli, appointed by the Illinois State Board of Education; and

WHEREAS, after the conclusion of the dismissal hearing afforded Phyllis Smith, the hearing officer made written findings of fact and conclusions of law, and recommended the reinstatement of Phyllis Smith; and

WHEREAS, the Board of Education of the City of Chicago has reviewed the post-hearing briefs and hearing transcript and exhibits ("record"), along with the findings of fact, conclusions of law, and recommendation of Hearing Officer Ponticelli regarding the dismissal charges preferred against Phyllis Smith; and

WHEREAS, the parties were given an opportunity to submit exceptions and a memorandum of law in support of or in opposition to the Board's Adoption or Rejection of Hearing Officer Ponticelli's recommendation; and

WHEREAS, it is the opinion of the Board of Education of the City of Chicago that the hearing officer's recommendation be rejected and that Phyllis Smith be dismissed;

NOW THEREFORE, be it resolved by the Board of Education of the City of Chicago, as follows:

Section 1: After considering (a) the hearing officer's findings of fact, conclusions of law, and recommendation, (b) the record of the dismissal hearing, and (c) any exceptions and memorandum of law submitted by the parties, the Board of Education of the City of Chicago rejects the recommendation of the hearing officer as detailed in the Board's Opinion and Order adopted under separate cover.

Section 2: Phyllis Smith is hereby dismissed from employment with the Board of Education of the City of Chicago.

Section 3: This Resolution shall take full force and effect upon its adoption.

THEREFORE, this Resolution is hereby adopted/~~rejected~~ by the members of the Board of Education of the City of Chicago on May 26, 2010, and in connection with an Opinion and Order that is adopted under separate cover.