

February 28, 2018

APPROVE SETTLEMENT OF MARK KELLEY DISCHARGE CASE

THE ACTING GENERAL COUNSEL REPORTS THE FOLLOWING PROPOSED PAYMENT:

DESCRIPTION: Dismissal charges were filed against tenured teacher Mark Kelley on August 12, 2016. After an administrative hearing, an Illinois State Board of Education Hearing Officer recommended that Mark Kelley be reinstated with back pay. The Board issued an Opinion and Order on January 24, 2018, accepting the Hearing Officer's recommendation to reinstate Mark Kelley with back pay, but rejecting a legal argument identified by the Hearing Officer. The parties have reached a settlement on the back pay that Kelley is entitled to as follows: Pensionable back pay in the amount of \$87,866.07.

LSC REVIEW: LSC approval is not applicable to this report.

AFFIRMATIVE ACTION STATUS: Affirmative Action review is not applicable to this report.

FINANCIAL: Charge pensionable payment not to exceed \$87,866.07
as described above to..... 12470-115-51130-119004-000000

AUTHORIZATION: Authorize the Acting General Counsel to execute the Approved Payment and all ancillary documents related thereto.

GENERAL CONDITIONS:

Inspector General – Each party to the agreement shall acknowledge that, in accordance with 105 ILCS 5/34-13.1, the Inspector General of the Chicago Board of Education has the authority to conduct certain investigations and that the Inspector General shall have access to all information and personnel necessary to conduct those investigations.


Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of or the letting of contracts to former Board members during the one year period following expiration or other termination of their terms of office.

Indebtedness – The Board's Indebtedness Policy adopted June 26, 1996 (96-0626-PO3), as amended from time to time, shall be incorporated into and made a part of the agreement.

Ethics – The Board's Ethics Code adopted May 25, 2011 (11-0525-PO2), as amended from time to time, shall be incorporated into and made a part of the agreement.

Contingent Liability – The agreement shall contain the clause that any expenditure beyond the current fiscal year is deemed a contingent liability, subject to appropriation in the subsequent fiscal year budget(s).

APPROVED,


DOUGLAS A. HENNING
Acting General Counsel

