

February 27, 2002

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WITHDRAWN

02-0227-R

**RESOLUTION AUTHORIZING CONVERSATION AND TERMINATION
OF REGULARLY CERTIFIED AND APPOINTED TEACHERS**

The power under Section 34-18 of the

WHEREAS, the Chicago Board of Education ("Board") has the

and

Illinois School Code (105 ILCS 5/34-1, et. seq.), to layoff employees; a

WHEREAS, the Board has the power under Section 34-18 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 34-18 of the Illinois School Code to delegate to

the Superintendent or his/her designee the authority to provide

thereafter in unanticipated and other circumstances

such delegation and appropriate oversight procedures are made pursuant to board by-laws, rules

pursuant to section 34-18 of the Illinois School Code, and other applicable regulations adopted

to the above articulated powers, promulgated its policy regarding

WHEREAS, the Board, pursuant to

1997 and

WHEREAS, the Board's right-to-work policy provides that teachers honorably terminated under

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-P02. 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

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

as follows:

That the employees listed on Attachment A are honorably terminated from service effective -----
January 27, 2002, pursuant to the Board's Reassignment Policy; and

this formal Board shall not constitute a waiver of its legal arguments in connection with the Maurice Land, et al., v. Board of Education of the City of Chicago, No. 00-0650, filed in the United States Court of Appeals for the Seventh Circuit, regarding the Board's authority to rehire former permanent teaching

employees. It is further resolved by the Board that those employees listed on Attachment A who are eligible for tenure under the Board's Reassignment Policy will have their tenure restored (tenured at the time of their honorable termination) and have their full seniority restored as of the date of their hire without any further formal Board action without further resolutions.

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

ATTACHMENT A

REASSIGNED TEACHERS SCHEDULED FOR HONORABLE TERMINATION FEBRUARY 27, 2002