

**REPORT OF THE RESULTS OF THE BOARD'S REVIEW OF THE FINDINGS OF FACT
AND RECOMMENDATION OF THE HEARING OFFICER REGARDING THE CHARGES
PREFERRED AGAINST JOHN BRANCH, TEACHER ASSIGNED TO
CHICAGO VOCATIONAL CAREER ACADEMY**

TO THE CHICAGO BOARD OF EDUCATION:

THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING ACTION:

That the results of the Board's review of findings of fact and recommendation of the Hearing Officer regarding the charges preferred against John Branch be reported. Accordingly, John Branch should be ~~dismissed~~/retained as a teacher employed by the Chicago Board of Education.

DESCRIPTION:

Pursuant to Section 34-85 of the School Code, 105 ILCS 5/34-85, a teacher is entitled to a hearing before an impartial hearing officer appointed by the Illinois State Board of Education. After the close of the hearing, the hearing officer shall report to the Chief Executive Officer findings of fact and a recommendation as to whether or not the teacher shall be dismissed from the Board of Education 's employ. The Board of Education, after receiving the hearing officer's findings of fact and recommendation, shall make a decision as to whether the teacher shall be dismissed from its employ.

On December 20, 2002, Richard Moenning, a hearing officer appointed by the Illinois State Board of Education, issued his report and recommendation recommending that John Branch be reinstated by the Board of Education. While finding that John Branch should be reinstated, Hearing Officer Moenning did hold that the Chicago Board of Education proved, by a preponderance of the evidence, that Branch made inappropriate comments to M.G., a former female student. Thus, the Hearing Officer held that Specification 5(a) and 5(b) of the Dismissal Charges, were proven, in part, by a preponderance of the evidence. This finding warrants a holding that Branch violated Sections 1-10, 1-15, and 2-1 of the Employee Discipline Code.

Thereafter, the members of the Chicago Board of Education reviewed the transcript of the proceedings, including exhibits and post-hearing briefs, along with the recommendation of the hearing officer and statements from the parties, and determined, that it would ~~reject~~/adopt the hearing officer's findings of fact and conclusions of law, and ~~reject~~/accept his recommendation. Accordingly, the Chicago Board of Education finds that John Branch: (1) Will be reinstated to a teaching position at Chicago Vocational Career Academy with the Chicago Board of Education; (2) Will receive a five-day suspension, without pay, based on the above-referenced violations of the Employee Discipline Code; and (3) Will receive a Warning Resolution, adopted on February 25, 2003, that sets forth the above-referenced specifications and violations of the Employee Discipline Code, and offers directives for improvement.

LSC REVIEW: LSC Review is not applicable to this Report.

**AFFIRMATIVE
ACTION STATUS:** None

FINANCIAL: None

**PERSONAL
IMPLICATIONS:** None

Respectfully submitted,

Arne Duncan
Arne Duncan *by PAT*
Chief Executive Officer

Approved as to legal form:

Marilyn F. Johnson
Marilyn F. Johnson
General Counsel