

March 24, 2004

APPROVE SETTLEMENT RECOMMENDATION FOR DONALD RAINEY, TEACHER ASSIGNED TO POE CLASSICAL SCHOOL

THE GENERAL COUNSEL REPORTS THE FOLLOWING SETTLEMENT:

DESCRIPTION: The General Counsel and Donald Rainey have tentatively agreed to a settlement to resolve all back pay and related matters. In July 2001, dismissal charges were filed against Donald Rainey for unsatisfactory teaching performance. An Illinois State Board of Education hearing officer recommended that Donald Rainey be reinstated with back pay on June 29, 2002. The Board rejected the hearing officer's recommendation, and discharged Donald Rainey anyway. A request for administrative review was filed in the Circuit Court of Cook County. In July 2003, Judge Donald J. O'Brien ordered Donald Rainey reinstated with back pay. After over eight months of negotiating the back pay amount, the parties have agreed to a back pay figure of sixty-seven thousand dollars (\$67,000.00). This is a fair and just resolution to this case.

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

FINANCIAL: Charge \$67,000.00 to Law Department
Budget Classification0963-210-000-1991-5113

AUTHORIZATION: Authorize the General Counsel to execute the Settlement Agreement, 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 is not 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 July 26, 1995 (95-0726-EX3), as amended from time to time, is hereby incorporated into and made part of this agreement.

Ethics - The Board's Ethics Code adopted September 27, 1995 (95-0926-RU3), as amended from time to time, is hereby incorporated into and made part of this agreement.

Approved,

RUTH M. MOSCOVITCH
General Counsel

Within Appropriation:

JOHN MAIORCA
Chief Financial Officer