

**APPROVE FORMER TENURED TEACHER SUSAN BALEY'S BACK PAY****THE GENERAL COUNSEL REPORTS THE FOLLOWING:**

**DESCRIPTION:** Dismissal charges were filed against Susan Baley in 2008 for allegedly refusing to allow a special education student to enter Tilden Career Community Academy because she was not in uniform. The student allegedly became lost and ended up sleeping in a park. Pending the dismissal hearing, Baley was suspended without pay on November 21, 2008.

After a dismissal hearing, Hearing Officer Dennis Stoia issued a decision on August 31, 2009, recommending the reinstatement of tenured teacher Susan Baley and ordering the Board of Education of the City of Chicago to make her whole for all lost wages and benefits. While the Board accepted hearing officer Stoia's recommendation to reinstate Baley, it issued Baley a 30-day suspension and Warning Resolution on October 28, 2009, due to her gross negligence and insubordinate actions.

In lieu of returning to the teaching ranks, Baley resigned from the Board effective November 17, 2009. Nonetheless, the Board owes Baley back pay, less mitigation, for the time period of November 21, 2008 through November 17, 2009.

Additionally, Baley challenged the 30-day suspension and Warning Resolution that the Board issued to her in the Circuit Court of Cook County. After briefing and arguing the case, on October 6, 2010, Judge Rita Novak ordered that the suspension and Warning Resolution be rescinded. This is a final order.

After taking into consideration amounts received in mitigation of her losses, the final back pay owed to Baley is as follows:

- a) Back pay amount of \$67,662.95, less legally required deductions; and
- b) Pension contribution of approximately \$4,736.41.

**Total Amount: \$67,662.95 plus a pension contribution of approximately \$4,736.41.**

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

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

**FINANCIAL:** Charge \$67,662.95 plus an approximate pension contribution of \$4,736.41 to Law Department Budget Classification FY 2011... 12470-210-54530-231112-000000

**AUTHORIZATION:** Authorize the General Counsel to execute the 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.

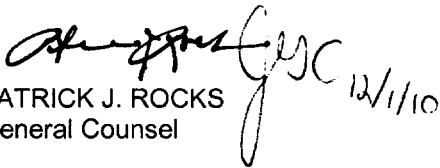
**Conflicts** – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board member during the one year period following expiration or other termination of their 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 June 23, 2004 (04-0623-PO4), 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,

  
PATRICK J. ROCKS  
General Counsel

Within Appropriation:

  
DIANA FERGUSON  
Chief Financial Officer