GUIDELINES GOVERNING
PRE-SUSPENSION HEARINGS
FOR TENURED TEACHERS
AND CONTRACT PRINCIPALS

FOR HEARINGS TO SUSPEND TENURED TEACHERS AND CONTRACT PRINCIPALS PENDING DISMISSAL HEARINGS GOVERNED BY 105 ILCS 5/34-85 OF THE ILLINOIS SCHOOL CODE

Issued by
Dr. Janice K. Jackson, Chief Executive Officer

Effective - January 23, 2019
GUIDELINES GOVERNING SECTION 34-85 PRE-SUSPENSION HEARINGS

The Illinois School Code provides that, pending a hearing on dismissal charges filed by the Chief Executive Officer ("CEO") of the Board of Education of the City of Chicago ("Board"), the CEO or his or her designee may suspend a teacher or contract principal without pay in accordance with rules prescribed by the Board. 105 ILCS 5/34-85(a)(2); see also 23 Ill. Adm. Code 51.35(b). The Board adopted Board Rule 4-7(c) to authorize the CEO or his or her designee to establish protocols to suspend a teacher or contract principal without pay pending a Section 34-85 dismissal hearing. Pursuant to that authority, the CEO establishes the following guidelines, which are effective January 23, 2019.

I. Notification

A. Within 10 business days of the CEO's approval of written charges and specifications requesting the dismissal of a tenured teacher or contract principal, the Director of the Office of Employee Engagement ("OEE Director") shall serve those charges and notice of a pre-suspension hearing on the teacher or contract principal in accordance with Section 34-85 of the Illinois School Code. 105 ILCS 5/34-85.

B. The pre-suspension hearing notice shall provide the time, date and location of the pre-suspension hearing.

II. Pre-Suspension Hearing

A. The OEE Director shall designate an OEE hearing officer to conduct the pre-suspension hearing in a fair and efficient manner.

B. The OEE hearing officer shall ensure that the pre-suspension hearing is recorded.

C. The pre-suspension hearing is not an evidentiary hearing. An Illinois State Board of Education hearing officer will conduct an evidentiary hearing on the dismissal charges, if the employee makes a timely request for such a hearing in accordance with 105 ILCS 5/34-85.

D. At the pre-suspension hearing, the employee may be represented by one person of his or her choice. The CEO shall be represented by a Board attorney or another attorney the Board designates.

E. The CEO's attorney shall present the dismissal charges and outline the evidence that supports them.
F. After the CEO attorney's presentation, the employee or his or her representative may make an oral or written presentation and offer documents, including affidavits, in response to the dismissal charges and CEO's presentation.

G. The pre-suspension hearing shall be closed to the public unless both parties agree it should be open.

H. Neither party is entitled to discovery, such as interrogatories, document requests or depositions. Nor may either party compel the other party to present evidence or witnesses.

I. The OEE hearing officer does not have authority to issue subpoenas and may not compel either party to present documents or witnesses.

J. The OEE hearing officer has sole discretion to limit the amount of time for each party's presentation, determine which documents or statements he or she considers to be relevant, and conclude the hearing. The OEE hearing officer shall have the authority to rule on all pre-suspension hearing matters presented by the parties before, during and after the pre-suspension hearing.

K. The teacher or contract principal may waive his or her right to a pre-suspension hearing.

III. The Hearing Officer’s Written Recommendation and the CEO’s Final Decision

A. After the OEE hearing officer closes the pre-suspension hearing record, he or she shall determine in writing whether: (1) a material mistake was made in the filing of the dismissal charges; (2) there are reasonable grounds to believe that the dismissal charges are true; and (3) the dismissal charges provide cause to suspend the employee without pay pending the outcome of a Section 34-85 discharge hearing.

B. Based on the determinations set forth in Section III.A above, the OEE hearing officer will recommend that the CEO: (1) withdraw the charges; (2) suspend the employee without pay; or (3) allow the employee to continue working pending the outcome of the Section 34-85 discharge hearing.

C. The CEO or his or her designee shall consider the OEE hearing officer’s recommendation when issuing a final decision.

D. The OEE Director shall serve notice of the CEO’s decision on the employee or the employee’s representative.

E. The CEO’s decision is final and may not be appealed to the Board.