

Resolution: _____

HARVEY SCHOOL DISTRICT NO. 152

**RESOLUTION ADOPTING THE BOARD OF EDUCATION'S
FINAL ORDER AFFIRMING THE DECISION TO TERMINATE
MARLON CONWAY**

WHEREAS, Employee Marlon Conway (“Conway”), a tenured teacher, was dismissed for misconduct by the Board of Education of Harvey School District No. 152 on November 9, 2015; and

WHEREAS, Conway, pursuant to Section 24-12 of the Illinois School Code, 105 ILCS 5/24-12, requested a hearing concerning the Board of Education’s November 9, 2015 decision to dismiss him; and

WHEREAS, the Illinois State Board of Education, appointed Margo S. Newman (“hearing Officer”) to serve as Hearing Officer to preside over the hearing proceedings; and

WHEREAS, an evidentiary hearing was conducted by the Hearing Officer on June 15 and 16, 2016 during which witnesses testified, facts were stipulated to, and documents were received into evidence; and

WHEREAS, Conway and District 152 submitted post-hearing closing arguments for consideration by the Hearing Officer on August 19, 2016; and

WHEREAS, on October 4, 2016, the Hearing Officer issued a Recommended Decision and Award, recommending that the Board of Education’s November 9, 2015 decision to dismiss Conway be reversed; that Conway be reinstated; and that Conway be made whole for lost wages and benefits; and

WHEREAS, the Board received and reviewed the Hearing Officer’s Recommended Decision and Award; reviewed the record of the proceedings; adopted the Stipulations of Fact

incorporated into the Hearing Officer's Recommended Decision and Award; determined that certain factual findings made by the Hearing Officer were against the manifest weight of the evidence; and, therefore, made modified and additional factual determinations pursuant to Section 24-12 (d) of the Illinois School Code, 105 ILCS 5/24-12(d) and;

WHEREAS, the Board having carefully considered in closed session, the Hearing Officer's Recommended Decision and Award and the record of proceedings, and having made modified and additional factual findings prepared its Final Oder reversing the Hearing Officer's Recommended Decision and Award.

NOW, THEREFORE, be it resolved by the Board of Education of Harvey School District 152 as follows:

Section 1. The preambles to this Resolution are true and correct and incorporated herein by this reference.

Section 2. The Board of Education does hereby approve and adopt its Final Order reversing the Hearing October 4, 2016 Recommended Decision and Award.

Section 3. The Board of Education hereby affirms its November 9, 2015 action terminating Marlon Conway for misconduct

Section 4. The Superintendent or her designee is hereby authorized and directed to take all action necessary to implement this Resolution including delivery the Board of Education's Final Order.

Section 4. This Resolution shall have full force and effect forthwith upon its adoption.

Member _____ moved and Member _____ seconded the motion that said resolution as presented and read by the Secretary be adopted.

After a full discussion thereof, the President directed that the roll be called for a vote upon the motion to adopt said resolution as read.

Upon the roll being called, the following members voted:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

WHEREUPON, the President declared the motion carried and the resolution adopted and did sign and approve the same in open meeting and did direct the Secretary to record the same in full in the records of the Board of Education of Harvey School District No. 152, Cook County, Illinois, this 31st day of October, 2016.

BOARD OF EDUCATION OF HARVEY SCHOOL
DISTRICT NO. 152, COOK COUNTY, ILLINOIS

BY: _____
President, Board of Education

ATTEST:

Secretary, Board of Education

STATE OF ILLINOIS)
)SS
COUNTY OF COOK)

CERTIFICATION

I, the undersigned, do hereby certify that I am the duly qualified and acting Secretary of the Board of Education, Harvey School District No. 152, Cook County, and that as such official I am the keeper of the records and files of the Board.

I do further certify that the foregoing is a full, true and complete copy of a Resolution adopted by the Board of Education at a meeting of said Board held on the 9th day of November, 2015.

I do further certify that the deliberations of the Board of the adoption of said Resolution were conducted openly, that the vote on the adoption of said Resolution were conducted openly, that the vote on the adoption of said Resolution was taken openly, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act and of the School Code of the State of Illinois, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board in conduct of said meeting.

IN WITNESS WHEREOF, I have hereunto affixed by official signature this 9th day of November, 2015.

Secretary, Board of Education