



**Bloomington
School District 13**
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Illinois
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Mrs. Nicole Gabany
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Ms. Valerie Varhalla
Director of Finance
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VIA U.S. MAIL AND EMAIL

Nicole Koszuta
[REDACTED]

Re: Dismissal Recommendation

Ms. Koszuta:

The administration is in receipt of Arbitrator Soto's January 10, 2024 decision finding you permanently disabled and awarding you permanent total disability benefits for life. Based, in part, on the Arbitrator's decision, the administration finds that your condition is irremediably permanent, that you are unfit to teach, and that the interests of the schools of the District require your dismissal pursuant to Board policy and Section 10-22.4 of the Illinois School Code. Specifically, Board policy 5:180—Temporary and Permanent Illness/Incapacity states as follows:

If illness, incapacity, or any other health-related condition causes an employee to be absent in one school year for more than 90 work days in any 120-work day period, such absence shall be considered a permanent disability and the Board may dismiss or initiate dismissal proceedings. The Board may also dismiss or initiate dismissal proceedings if an employee is found to be permanently physically or mentally incapacitated from performing his/her essential job functions by a duly licensed physician or mental health professional selected or relied upon by the District.

You have been absent and unable to work in District schools since approximately August 13, 2018, far exceeding 90 work days of absence in a 120-day work period. Further, you were found permanently disabled by a licensed physician, as noted in Arbitrator Soto's January 10, 2024 decision. Pursuant to Board policy 5:180, based on these factors, the Board may find you permanently disabled and institute dismissal proceedings.

In addition, Section 10-22.4 of the Illinois School Code allows a school district to dismiss a teacher "for incompetency, cruelty, negligence, immorality, or other sufficient cause...[or] whenever, in its opinion, [s]he is not qualified to teach, or whenever, in its opinion, the interests of the schools require it." 105 ILCS 5/10-22.4. Here, the administration finds that you are unable to teach due to your permanent disability status and, therefore, the interests of the schools require your dismissal.

For these reasons, I will be making a recommendation to the Board of Education at its January 27, 2025 meeting that it terminate your employment in the District. Enclosed with this Notice are the draft Resolution, Notice of Charges, and Bill of Particulars that will be considered by the Board of Education for adoption to initiate the tenured teacher dismissal process under Section 24-12 of the Illinois School Code.

Before the Board of Education takes final action regarding my recommendation, you may request and receive a hearing in closed session on January 27, 2025. You are entitled to bring with you your attorney, at your own expense, or other representative of choice, and any other individuals who may, along with yourself, provide responsive, relevant information. Please notify me by January 20, 2025 if you intend to attend this meeting and if you plan to bring a representative with you.

Should you have any questions, please contact me at your earliest convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Bartelt", is written over the typed name and title.

Dr. Jon Bartelt
Superintendent

Enclosures

CC: Board of Education
Personnel File

**RESOLUTION REGARDING THE SUSPENSION AND
DISMISSAL OF A TENURED TEACHER (NICOLE KOSZUTA)**

WHEREAS, the Board of Education has received information and recommendations from members of the administration regarding the permanent disability of Nicole Koszuta, a tenured teacher in this School District, and conducted a hearing at which Ms. Koszuta was offered the opportunity to respond to the administration's reports and recommendations; and

WHEREAS, the Board, in addition to Arbitrator Soto through proceedings before the Illinois Workers' Compensation Commission, finds that Ms. Koszuta is permanently disabled from teaching in the School District and the Board finds that such permanent disability constitutes cause and grounds for her dismissal; and

WHEREAS, despite the Board's and the Arbitrator Soto's findings of permanent disability, Ms. Koszuta has not resigned her position as a teacher in the School District; and

WHEREAS, it is the opinion of the Board that the best interests of the School District require Ms. Koszuta's dismissal and her suspension, without pay, as provided below:

NOW, THEREFORE, Be It Resolved by the Board of Education of Bloomingdale School District 13, DuPage County, Illinois as follows:

Section 1: The Board has considered and hereby adopts the matters set forth in the preambles to this Resolution and in the Notice of Charges, Bill of Particulars and Hearing, being Exhibit A, attached hereto and made a part hereof, as the basis for the dismissal of Ms. Koszuta as a tenured teacher in this School District.

Section 2: Ms. Koszuta is hereby suspended without pay pending conclusion of the hearing and final disposition of the dismissal proceedings initiated by this Resolution. Ms. Koszuta's dismissal shall become effective at such time as this Board's decision to dismiss is affirmed as provided by law, or in the event that Ms. Koszuta does not request a hearing within the time provided by law, immediately upon the expiration of the time to request a hearing, or in the event the hearing request is withdrawn, immediately upon the State Board of Education's confirmation of the termination of the hearing.

Section 3: The President and Secretary of this Board are hereby authorized and directed to prepare and serve, or cause to be prepared and served, on Ms. Koszuta and on the Illinois State Board of Education, respectively, a written Notice of Charges, Bill of Particulars and Hearing, substantially in the form of Exhibit A, attached hereto and made a part hereof.

Section 4: In the event Ms. Koszuta timely requests a hearing, the President and Secretary of this Board are hereby authorized and directed to prepare and serve, or cause to be prepared and served, a Notice of Hearing on the Illinois State Board of Education, substantially in the form of Exhibit B, attached hereto and made a part hereof, accompanied by a Secretary's Certificate certifying a true and correct copy of this Resolution and also certifying this Board's motion and vote on the dismissal of Ms. Koszuta.

Section 5: The President and Secretary of this Board are authorized and directed to prepare and serve, or cause to be prepared and served, such notices and documentation as may be necessary in order to effectuate the dismissal of Ms. Koszuta as a tenured teacher in this School District. Any notice required or authorized to be given pursuant to this Resolution or by law may be served personally, by overnight mail and/or by registered or certified mail, return receipt requested. In the event Ms. Koszuta does not accept service of, or claim from the United States Postal Service, any document sent by overnight mail or registered or certified mail to her last known residence, the document shall be deemed to have been received as follows:

- (1) In the case of overnight mail, without requirement of personal receipt, on the date of delivery to her residence.
- (2) In the case of overnight mail to be receipted only by Ms. Koszuta or registered or certified mail, return receipt requested, on the date the Postal Service returns the document to the sender because it could not be delivered and was not claimed in accordance with the customary procedures of the Postal Service.

Section 6: Franczek P.C., 300 South Wacker Drive, Suite 3400, Chicago, Illinois 60606, is hereby appointed agent and attorneys for this School District in connection with the dismissal of Ms. Koszuta and is authorized to proceed with the selection of the hearing officer as provided by law.

Section 7: This Resolution shall be in full force and effect upon its adoption.

ADOPTED this 27th day of January, 2025, by the following roll call vote upon the motion of _____, seconded by _____.

YES: _____

NO: _____

ABSENT: _____

President,
Board of Education

Attest:

Secretary

EXHIBIT A

Via Certified Mail

Ms. Nicole Koszuta

Re: Notice of Charges, Bill of Particulars and Hearing

Dear Ms. Koszuta:

You are hereby notified that the Board of Education has adopted the following charges and particulars for your dismissal as a tenured teacher in this School District.

In the opinion of the Board of Education, your condition is irremediably permanent, you are unfit to teach, and the interests of the schools of the District require your dismissal pursuant to Article 10, Section 10-22.4 of the Illinois School Code.

The particulars supporting this charge are as follows:

1. You have been out of work for extended periods of time since the 2012-2013 school year stemming from an injury to your elbow.
2. You began your latest medical leave on August 13, 2018 and have not returned to work since that date.
3. On September 19, 2019, the District received notice that you were approved for a TRS disability benefit effective August 27, 2019.
4. On January 10, 2024, Arbitrator Soto, in proceedings before the Illinois Workers' Compensation Commission, issued a decision, finding you permanently disabled and awarding you permanent total disability benefits for life, commencing August 19, 2023.
5. Board Policy 5:180 states as follows: If illness, incapacity, or any other health-related condition causes an employee to be absent in one school year for more than 90 work days in any 120-work day period, such absence shall be considered a permanent disability and the Board may dismiss or initiate dismissal proceedings. The Board may also dismiss or initiate dismissal proceedings if an employee is found to be permanently physically or mentally incapacitated from performing his/her essential job functions by a duly licensed physician or mental health professional selected or relied upon by the District.
6. Between August 13, 2018 and October 22, 2024, you missed significantly more than 90 consecutive work days in a 120-work day period.

7. Based on the number of consecutive days you have been absent from work and the fact that there is no reasonable prospect of you returning to work, you are considered permanently disabled under Board policy.
8. The District is also relying on the physician's finding, articulated in the January 10, 2024 Illinois Workers' Compensation Commission decision, that you are permanently physically disabled and unable to perform your essential job functions.

Section 24-12 of the School Code permits you to request a hearing before a mutually selected hearing officer through the Illinois State Board of Education, with the cost of the hearing officer split equally between you and the Board, or a hearing before a Board selected hearing officer, with the cost of the hearing officer paid for by the Board.

Your request for this hearing must be made within seventeen (17) days of your receipt of this notice. If you make a request for a hearing, such request must be submitted in writing to Dr. Jon Bartelt. Your request for a hearing must be personally delivered or mailed. If mailed, the postmark on your request must demonstrate that the request was made on or before the seventeenth (17) day of the request period. If you request a hearing in a timely manner, your request will be forwarded to the Illinois State Board of Education.

Your dismissal will become effective as provided in the enclosed certified copy of a "Resolution Regarding the Suspension and Dismissal of a Tenured Teacher (Nicole Koszuta)" adopted January 27, 2025, providing for your dismissal.

BOARD OF EDUCATION OF BLOOMINGDALE
SCHOOL DISTRICT 13, DUPAGE COUNTY,
ILLINOIS

By: _____
President

Attest: _____

Secretary

Dated: _____

EXHIBIT B

NOTICE OF HEARING

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TO: State Board of Education
100 West Randolph Street
14th Floor, Suite 300
Chicago, Illinois 60601
Attention: Legal Department

Dear Legal Department Representative:

Pursuant to Section 24-12 of the School Code and the Rules and Regulations Governing the Procedure for the Dismissal of Tenured Teachers of the State of Illinois, the President and Secretary of the Board of Education of Bloomingdale School District 13, DuPage County, Illinois, hereby serve upon you a copy of the Resolution regarding the dismissal of Nicole Koszuta adopted on January 27, 2025.

Also enclosed is a Secretary's Certificate certifying the Resolution to be a true and correct copy and certifying the Board's motion and vote on the dismissal of Ms. Koszuta.

Finally, enclosed is a copy of the request for a hearing submitted by or on behalf of Ms. Koszuta, dated _____, and received by the School District on _____.

Please note that the Board of Education, in its Resolution regarding the dismissal of Ms. Koszuta, has authorized the law firm of Franczek P.C., 300 South Wacker Drive, Suite 3400, Chicago, Illinois, 60606 to proceed on behalf of the School District with the selection of a hearing officer as provided by law. We, therefore, request that a list of prospective hearing officers be sent directly to Emily Tulloch of such law firm.

BOARD OF EDUCATION OF BLOOMINGDALE
SCHOOL DISTRICT 13, DUPAGE COUNTY,
ILLINOIS

By: _____
President, Board of Education

Attest:

Secretary

Date: _____

Enclosures

STATE OF ILLINOIS)
) SS
DUPAGE COUNTY)

SECRETARY’S CERTIFICATE

I, Linda Wojcicki, the duly qualified and acting Secretary of the Board of Education of Bloomingdale School District 13, DuPage County, Illinois, do hereby certify that attached hereto is a true and correct copy of a Resolution entitled:

**“RESOLUTION REGARDING THE SUSPENSION AND
DISMISSAL OF A TENURED TEACHER (NICOLE KOSZUTA)”**

which Resolution was duly adopted by the Board of Education at a Board meeting held on January 27, 2025.

I do further certify that a quorum of said Board of Education was present at said meeting, that the President received the affirmative vote of at least four members of the Board of Education and that all requirements of the Illinois Open Meetings Act, as amended, were met.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of January, 2025.

Secretary,
Board of Education of Bloomingdale
School District 13
DuPage County, Illinois