

No. 1-13-0739

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE APPELLATE COURT
OF ILLINOIS
FIRST JUDICIAL DISTRICT

JOHN BOYD,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County
)	
v.)	12 1 50998
)	
DISTRICT BOARD 89, BOARD OF)	Honorable
EDUCATION, BOARD MEMBERS AND)	Margaret A. Brennan,
INTERIM SUPERINTENDENT)	Judge Presiding.
)	
Defendant-Appellant.)	

JUSTICE MASON delivered the judgment of the court.
Presiding Justice Hyman and Justice Neville concurred in the judgment.

ORDER

¶ 1 *HELD:* Plaintiff, a school principal, was not entitled to notice and a separate termination proceeding due to plaintiff's former status as a tenured teacher in the district. The termination of plaintiff as a principal did not entitle him to be reinstated as a tenured teacher.

¶ 2

BACKGROUND

¶ 3 Prior to his termination on June 28, 2012, plaintiff-appellant, John Boyd (Boyd), served as a principal in Maywood-Melrose Park-Broadview School District 89 (District), a position he had held since 2000. Boyd's administrative contract with the District allowed the District to terminate him for cause. Boyd began his employment in the District as a teacher in 1993. By the time he accepted the principal position, he was a tenured teacher. There is no evidence in the record that after becoming a principal, Boyd continued to teach in the District.

¶ 4 On April 26, 2012, Boyd was notified that the District proposed to terminate him for cause arising out of several instances of Boyd's violation of various District policies during the period from October 2011 through February 2012. In particular, Boyd was reprimanded in October 2011 for failing to report a suspected incident of child abuse involving a teacher choking a student and for exhibiting inappropriate and unprofessional behavior toward a supervisor in connection with this incident. He was also reprimanded and ultimately issued a final warning in November and December 2011 for failing to cooperate with professional development and coaching consultants hired by the District by ignoring the consultants, leaving the room and performing other work tasks during meetings. Finally, the District cited Boyd's unprofessional conduct towards parents and students in connection with two incidents in which Boyd 1) grabbed a student by the ear, told him to "shut the hell up," and later told the student's parent to "[g]et the hell out of the school and take your child with you" and 2) inadvertently left the phone off the hook after speaking to a family member about a student's absence and was heard saying, "[t]hat was that crazy-ass little girl's grandfather again. I wish I could kick his stupid ass. He gets on

1-13-0739

my damn nerves. The reason he is so stupid is because he listens to that little lying bitch of a granddaughter."

¶ 5 After receiving written notice of the charges, Boyd did not demand a hearing, but the Board determined to hold a hearing on May 21, 2012. Boyd received notice of the hearing date, but did not attend. Following the hearing, at which live testimony and exhibits were received, the hearing officer determined that Boyd's discharge was warranted and recommended his termination to the Board. On June 28, 2012, the Board voted to accept the hearing officer's recommendation and terminate Boyd's employment.

¶ 6 Boyd timely sought administrative review in the circuit court. On January 14, 2013, the circuit court affirmed the Board's decision. This appeal followed.

¶ 7 ANALYSIS

¶ 8 Boyd raises a single issue on appeal. He contends that the proceedings to terminate him as a principal in the District could not affect his rights as a tenured teacher and that the Board was required under the Illinois School Code (105 ILCS 5/34-85(8) (West 2012)) to separately seek to terminate him from his position as a tenured teacher. This argument presents a question of law to which the *de novo* standard of review applies. *City of Belvidere v. Ill. State Labor Relations Bd.*, 181 Ill 2d 191, 205 (1998).

¶ 9 Boyd cites no reported authority for his position and, for that reason alone, we would be justified in rejecting it. See *In re Dionte J.* 2013 IL App (1st) 110700, ¶ 63. But in any event Boyd's position is, in fact, untenable. Boyd was notified that the District proposed to terminate him from his current position as a principal. At the time of his termination, Boyd was not

1-13-0739

serving as a tenured teacher; rather, he functioned as a full-time administrator. The fact that Boyd previously served as a teacher is irrelevant to the Board's ability to terminate him for cause for misconduct in connection with his principal duties. There is no provision in the Code that allows a school employee, upon termination from his current position, to revert to a prior position by default, nor is there any requirement in the Code that a school district seek to terminate a current employee from every prior position that employee has held.

¶ 10 For the reasons stated herein, we affirm.

¶ 11 Affirmed.