

No. 1-12-3684

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).

JULIE LABNO,)	On Petition for Review of
)	a Final Administrative
Petitioner-Appellant,)	Decision of the Board of
)	Education of the City of
v.)	Chicago
)	
BOARD OF EDUCATION OF THE CITY OF)	
CHICAGO; DAVID VITALE, President, JESSE RUIZ,)	
HENRY BIENEN, MAHALIA HINES,)	
PENNY PRITZKER, ROD SIETTA, ANDREA ZOPP,)	
Board Members; BARBARA BYRD-BENNETT,)	
Chief Executive Officer; SINCLAIR KOSSOFF,)	
Hearing Officer; and ILLINOIS STATE BOARD)	
OF EDUCATION,)	
)	Board Resolution No.:
Respondents-Appellees.)	12-1114-RS7

JUSTICE PIERCE delivered the judgment of the court.
Presiding Justice Simon and Justice Neville concurred in the judgment.

ORDER

- ¶ 1 *Held:* The decision of the Board of Education for the City of Chicago (Board) to terminate the employment of a tenured teacher for failure to remediate her unsatisfactory teaching performance is affirmed.
- ¶ 2 Petitioner, Julie Labno, was discharged from her employment as a tenured school teacher

at TEAM Englewood High School after receiving an unsatisfactory performance evaluation following a 90-day remediation period. Petitioner requested review of her dismissal by an independent hearing officer who found that Labno failed to remediate her teaching performance and this failure was cause for termination. The Board of Education of the City of Chicago (Board) adopted the hearing officer's findings and on November 14, 2012, passed a resolution terminating petitioner's employment. On December 19, 2012, petitioner filed a direct appeal to this court for administrative review pursuant to section 34-85(8) of the Illinois School Code (105 ILCS 5/34-85(8) (West 2012)). Jurisdiction lies in this court pursuant to Illinois Supreme Court Rule 335 (eff. Feb. 1, 1994). For the following reasons, we affirm the final decision of the Board.

¶ 3

BACKGROUND

¶ 4 The record on review shows the petitioner was employed for 13 years as a tenured teacher for Chicago Public Schools at Harper High School. After Harper was reformatted in 2008, Labno taught as a city-wide substitute teacher for one-and-one half years. In January 2010, she was hired to teach writing to high school junior students at TEAM Englewood High School, described as a “challenging community to work in.” Initially, Labno struggled with classroom management and as a result she was administratively reassigned to teach a freshman writing course for the 2010-2011 school year.

¶ 5 Prior to teaching at Englewood, Labno had received ratings of “superior” or “excellent” on all evaluations. On June 3, 2010, she received a “satisfactory” rating. On September 21, 2010, the Englewood school principal, Peggy Korellis-Byrd, evaluated petitioner’s teaching performance. According to the observation form, Labno was not meeting expectations in the

following areas: confusing delivery of material which consisted mainly of review, no clear end to the lesson, low student engagement and class participation, and improper pacing of a "bell ringer" lesson. On September 24, 2010, Korellis shared her findings with petitioner and suggested improvements.

¶ 6 Two months later, Korellis again formally observed Labno. According to the observation form, Labno still had issues with the pace of the class, classroom management, teaching at a low academic standard, and continued problems with the "bell ringer" lesson. At a post-observation meeting, Korellis informed Labno that her classroom management skills were lacking and she needed to curb the student's talking and laughing during lessons.

¶ 7 On January 4, 2011, Korellis issued petitioner an E-3 Notice claiming Labno's performance to be "unsatisfactory." The notice cited three reasons for the rating:

- "1. Failure to assume instructional performance in the following areas:
instructional methodology and classroom management.
2. Failure to assume preparation and assessment in the following area: lesson planning and student progress.
3. Failure to assume non-instructional performance in the following areas:
school relations, community relations, personal responsibilities and professional responsibilities."

¶ 8 Scencia Curtis, an English teacher at Manley High school, was assigned to aid Labno during her required 90 day remediation process. Curtis was selected from the 2010-2011 list of qualified consulting teachers pursuant to a collective bargaining agreement between the Chicago Teachers' Union and the Board. On January 5, 2011, petitioner met with both Korellis and Curtis

to discuss the remediation process and approve a draft remediation plan. A “Remediation Plan” dated January 13, 2011, identified three deficiencies in: instructional performance (instructional methodology and classroom management), preparation and assessment (lesson planning and student progress), and non-instructional performance (school relations, community relations, personal responsibilities and professional responsibilities). The plan provided that Curtis would advise Labno on "how to improve teaching skills and how to successfully comply with the remediation plan" and Korellis would monitor Labno's progress through periodic observations on both an announced and unannounced basis and to provide feedback to Labno through post observation conferences and evaluations.

¶ 9 Curtis testified that she began observing Labno's teaching on January 20, 2011. Curtis observed and met with Labno 13 times during the remediation period. At the first observation, Labno's classroom was in disarray and she noted that the students were not managed. Curtis observed the following during her classroom visits: students swore at each other and Labno, without recourse; a student stopped taking an exam to watch a football game on the computer; students hitting each other; students sleeping during class; and a student singing, dancing and ripping papers off a wall while Labno ignored this behavior. At one class, Curtis observed a student say to Labno, “[w]hat the fuck you talking about, shut the fuck up talking to me.” Labno asked this student to leave, but the student refused and Labno did not make her leave the class. Curtis met with Labno after each observation and made recommendations ranging from prearranged assigned seating charts, rearranging desks, instruction of lesson plans, moving around the classroom, one-on-one interaction with students, ways of dealing with student misbehavior and updating student "contracts." Curtis frequently noted in her remediation log

that Labno had not taken Curtis's suggestions or implemented Curtis's materials. During the remediation period, Curtis arranged for Labno to observe Curtis and others teaching classes at Manley High School. Curtis provided Labno with additional teaching materials and gave advice to Labno by phone, e-mail and at regularly scheduled meetings in person.

¶ 10 On February 14, 2011, Korellis conducted her first observation of Labno's teaching under the remediation plan. Korellis testified that her observations of Labno's classes during the remediation period were at unannounced visits. Korellis observed Labno teach 6 times during the 90 day period. At each observation, Korellis noted no improvement in Labno's lesson planning, instruction, ability to engage the students, and management of the "bell ringer" activity. Korellis noted a number of weaknesses in Labno's teaching including: student disengagement, lack of a class agenda, poor teaching strategy, slow pace of teaching, lesson plans not followed, poor classroom management, constant redirecting of students, and classes ending with no conclusion. In March 2011, Labno complained at a meeting with Curtis and Korellis that she was not being observed on "good days." According to Curtis's notes, Curtis and Korellis "both recommended that she [Labno] invite us in on those days." Labno failed to do so.

¶ 11 While observing Labno teach, approximately forty school days into the remediation period, Korellis counted that Labno "shushed" the students over 140 times in the single class period. On May 16, 2011, Korellis observed Labno teach and afterward told Labno that "I had never seen a worse class in my life. The class was absolutely disastrous. Nobody was paying attention. [Petitioner] had no ability to manage her classroom whatsoever. There was no instructional objective, all kinds of side conversations going on, and it was the worst I had ever seen."

¶ 12 Koreellis met with Labno after every observation but noted that Labno did not incorporate Koreellis's recommendations time after time. Overall, Koreellis had not reported any improvement in Labno's teaching performance. At the required 30 and 60 day evaluations, Koreellis determined that Labno's performance was still unsatisfactory.

¶ 13 On May 25, 2011, Curtis, Koreellis and Labno met to discuss Koreellis's 60 day remediation progress evaluation. Koreellis informed Labno that her performance was still unsatisfactory. The semester ended on June 17, 2011 and the remediation plan continued into the following school year.

¶ 14 Koreellis observed Labno's teaching a few days into the 2011-2012 school year and noted continued deficiencies in her performance. After the observation, Koreellis made additional recommendations for improvement. On October 18, 2011, Koreellis performed her last observation of Labno's teaching. The remediation period ended on October 19, 2011. Curtis attempted to schedule an additional observation before the end of the remediation period, however, Labno was unavailable. Curtis's final observation occurred on October 20, 2011.

¶ 15 At the final performance evaluation, after the 90 day remediation period, Koreellis informed petitioner that her performance was still unsatisfactory and that she had failed to successfully remediate. Koreellis told Labno that she would recommend dismissal for cause to the Board pursuant to Section 24A of the Illinois School Code (105 ILCS 5/24-16.5 (West 2010)). A replacement teacher was hired to take over Labno's classes and according to Koreellis, the replacement teacher assumed the same schedule and students as Labno but had no confrontations with students because he followed discipline plans and had very good instructional methods.

¶ 16 Jean-Claude Brizard, then Chief Executive Officer of Chicago Public Schools (CPS), approved dismissal charges for cause against Labno on November 7, 2011. Labno requested a hearing on the charges before an independent hearing officer.

¶ 17 At the hearing, petitioner testified that she taught English and writing instruction at Harper high school from 1995 until 2008. Labno became a tenured teacher for the Chicago Public Schools during that time. In 2008, after a reformatting of Harper High School, petitioner became a citywide substitute teacher. She began teaching at TEAM Englewood in January 2010. She originally taught a junior level class but beginning in the 2010 school year she taught a freshman level writing workshop. At TEAM Englewood, she found there was a vast variance in the students' levels of ability and this impacted her teaching effectiveness. In several of her classes, she had special needs students. However, for only one class she was assigned a special education aide. She considered Korellis "somewhat helpful" in teaching "narrative paragraphs and essay writing" during the remediation period but did not find Korellis helpful in the area of classroom management. Labno used a "non-confrontational approach" or "silent technique" to manage a student's disruptive behavior in the classroom. She asked Antwoine Brown, dean of underclassmen, for help with classroom management and he helped "somewhat" although his "response to me was somewhat sarcastic." Labno testified to receiving teaching materials and recommendations from Curtis. However, Labno did not consider Curtis an effective consulting teacher because she did not model a lesson for Labno at TEAM Englewood. Although Labno admitted that she and Curtis exchanged many emails, Labno did not recall telling Curtis that she wanted her to be "more helpful." Lastly, Labno testified that she took several steps to remediate her performance including: attending field trips, school activities, staff meetings and professional

development days; updating her class syllabus; and communicating with parents regarding their child's performance.

¶ 18 The Board presented numerous witnesses including: Korellis, Curtis and several TEAM Englewood teachers—Diana Black, a ninth grade algebra teacher, Antwoine Brown, dean of underclassmen and Ryan Kinney, a school counselor. These TEAM Englewood teachers testified that their interactions with petitioner were very different than their interactions with other teachers at the school. The TEAM Englewood teachers testified that Labno seemed confrontational with her students and struggled to maintain control of her classroom. Ms. Black also testified that Labno's abrasive teaching methods and interaction with the students made it uncomfortable and distracting to have a classroom next-door to Labno.

¶ 19 After considering the testimony, the hearing officer issued a 78 page findings of fact and recommendation finding that petitioner had not remediated herself to a satisfactory level and recommended her dismissal to the Board. The Board adopted the hearing officer's findings and issued a final decision terminating petitioner's employment. Petitioner timely appealed the Board's final decision.

¶ 20 ANALYSIS

¶ 21 Petitioner makes several related contentions calling for the the reversal of the Board's decision and her reinstatement. She does not argue that she successfully remediated her teaching performance. Rather she asserts that: (1) the consulting teacher improperly performed her job; (2) the principal improperly performed her duties; (3) the number of special needs students in her classes was not sufficiently weighed in determining whether Labno could control her class; and (4) her removal was arbitrary and unreasonable.

¶ 22 Pursuant to the Administrative Review Law (735 ILCS 5/3-101 et seq.) (West 2010), we review an administrative decision to discharge an employee using a two-step approach. See *Walsh v. Board of Fire & Police Commissioners*, 96 Ill. 2d 101, 105 (1983). First, we determine whether the Board's findings of fact and its final decision were against the manifest weight of the evidence. *Id.* at 105. Second, we determine whether those findings are sufficient support for the Board's conclusion that cause for discharge existed. *Id.*

¶ 23 The applicable standard of review depends upon whether the question presented is one of fact, one of law, or a mixed question of fact and law. *Marconi v. Chicago Heights Police Pension Board*, 225 Ill. 2d 497, 532 (2006). Questions of fact are reviewed using the manifest weight of the evidence standard, questions of law are reviewed *de novo*, and mixed questions of law and fact are reviewed using the clearly erroneous standard. *Id.*

¶ 24 Here, the parties disagree on the appropriate standard of review. Petitioner contends that we should apply the manifest weight of the evidence standard to the hearing officer's findings of fact and apply the clearly erroneous standard to the hearing officer's conclusions. Conversely, the Board argues that the hearing officer's findings of fact and conclusions should be considered *prima facie* true and correct and, therefore, the Board's decision should not be reversed unless the findings of fact and conclusion are against the manifest weight of the evidence.

¶ 25 In administrative review proceedings, the hearing officer serves as the fact finder, "determines witness credibility and the weight to be given their statements, and draws reasonable inferences from the evidence." *Baker v. Department of Employment Security*, 2014 IL App (1st) 123669, ¶ 15. We do not review the decision of the hearing officer, rather, we review the final decision of the school board. *Ahmad v. Board of Education of the City of Chicago*, 365 Ill. App.

3d 155, 162 (2006); *Hearne v. Chicago School Reform Board of Trustees of the Board of Education for the City of Chicago*, 322 Ill. App. 3d 467, 478 (2001). As a reviewing court, we "may not interfere with a board's discretionary authority but, rather, may only review the decision reached by the board to determine solely whether it is against the manifest weight of the evidence." *Raitzik v. Board of Education of the City of Chicago*, 356 Ill. App. 3d 813, 823 (2005). We consider a school board's findings "*prima facie* true and correct." *Id.* We are not permitted to reweigh evidence presented to the fact finder nor are we to substitute our judgment for that of the Board. *Id.* We may not reverse a school board's findings because "the opposite conclusion is reasonable or because we might have ruled differently." *Id.* at 823-24. A school board's decision is against the manifest weight only if the opposite conclusion is clearly evident and no reasonable person would agree with the Board's determination. *Id.* at 824. In this case, the Board accepted the hearing officer's findings and conclusions. Petitioner seeks reversal based on the weight given to the evidence and the Board's findings of fact. Therefore, we review the Board's decision under the manifest weight of the evidence standard. *Id.* at 823.

¶ 26

I. Remediation Plan

¶ 27 First, petitioner argues the Board erred in concluding that Curtis performed her required duties and provided sufficient advice for Labno to successfully remediate. Petitioner asserts that Curtis's failure to perform her duties render Labno's dismissal void.

¶ 28 As the fact finder in this administrative matter, the hearing officer was in the "best position to evaluate the conduct and demeanor of the witnesses" and determine the weight to be accorded to their testimony. *Cook v. AAA Life Insurance Co.*, 2014 IL App (1st) 123700, ¶ 51.

We will not disturb the Board's findings and judgment if there is any evidence appearing in the record to support the Board's findings. *Cook*, 2014 IL App (1st) 123700, ¶ 51.

¶ 29 Petitioner contends that Curtis failed to perform her duties as a consulting teacher because she failed to: (1) follow the suggestions of a CPS staff member to observe petitioner's class once a week; (2) teach a "model" class with Labno's students; and (3) abandoned her duties at the end of the remediation period. The basis of Labno's contention was a suggestion that Curtis perform these duties by Linda Williams, a CPS staff member responsible for assisting with the remediation process. Petitioner does not point to any statute, policy or authority requiring a consulting teacher to observe the remediation teacher's classroom once a week and model a class with the remediation teacher's own students. Labno concedes that these are not requirements. Williams testified that there is "no required number" of observations a consulting teacher is required to perform and there is no requirement that a consulting teacher model a class with the remediation teacher's own students. The Board found that there was no such requirement and that Curtis performed all required duties. The record reveals that Curtis observed and met with Labno a total of 13 times during the remediation period and frequently provided advice to Labno via email. The record also reveals that Curtis modeled two of her own classes for Labno and arranged for Labno to observe other modeled lessons. Absent some legal basis to conclude otherwise, we find there is sufficient evidence in the record to support the Board's findings in this regard.

¶ 30 Petitioner also argues that Curtis abandoned her duties because she did not observe Labno teaching from the start of the fall 2011 semester until after the remediation period ended. The Board found that Curtis did not abandon her duties. The record reveals that the 90 day

remediation period carried over into the fall semester which began in September 2011. Curtis emailed petitioner in September 2011 to schedule a final observation, but Labno did not agree on an observation date before the end of the remediation period. Instead, Labno suggested Curtis observe her class for the final time a few days after the remediation period ended. The hearing officer found that because Curtis sought to observe Labno teach for the final time before the remediation period ended, Curtis performed her duties in a "perfunctory manner." We agree. The record does not indicate that Curtis failed to perform any consulting teacher duties in the fall semester as plaintiff asserts. Labno argues that she was not provided a "sufficient level of engagement" to improve her performance and that it is not acceptable that Curtis perform the "bare minimum." However, Labno does not cite to any authority to support her contention that Curtis failed to perform her required duties. We find sufficient evidence exists in the record to support the hearing officer's finding that Curtis sufficiently performed her duties. We cannot substitute our judgment for that of the hearing officer who found that Curtis performed all required duties as a consulting teacher under the remediation plan. *Marconi*, 225 Ill. 2d at 532.

¶ 31 Petitioner also argues that the hearing officer "not only refused to acknowledge" Curtis's failings as a consulting teacher but also improperly afforded Curtis's testimony "great weight." Petitioner contends that pursuant to section 24A-5 of the Illinois School Code (105 ILCS 5/24A-5(k)) (West 2010) a consulting teacher is prohibited from evaluating the teacher under remediation and, therefore, Curtis's testimony should not be given any weight in determining the sufficiency of Labno's performance. We find petitioner's argument misplaced. Section 24A-5 does not prohibit a fact finder from considering a consulting teacher's testimony in determining whether a teacher was successfully remediated. Rather, section 24A-5 delineates the procedures

involved for preparing the mid-point and final evaluations of a teacher under remediation to be performed solely by the official evaluator, in this case Korellis. 105 ILCS 524A-5(k) (West 2010). Therefore, the hearing officer was not prohibited by the School Code from considering Curtis's testimony.

¶ 32 Second, petitioner argues that Korellis failed to follow the remediation plan. The remediation plan provided that the "principal will monitor progress through periodic observations (both on an announced and unannounced basis), post observation conferences and evaluations." Korellis testified that all of her observations were unannounced. Labno argues that this deviation from the plan should invalidate Labno's dismissal.

¶ 33 Petitioner asserts that if provided the opportunity for an announced visit, she could have demonstrated her improvements which would have affected Korellis's evaluations. Petitioner also argues that the hearing officer improperly shifted the burden to Labno, requiring her to invite Korellis to observe the classroom on a given date. The Board argues that although Korellis deviated from the plan, the deviation did not substantially affect Labno's rights and the hearing officer properly found that no evidence in the record supported Labno's contention that an announced observation would have changed her evaluation rating, and thus the finding is not manifestly erroneous.

¶ 34 Reversal of a school board's decision to terminate a teacher based on the failure to follow proper procedure is warranted only where a district's deviation from procedure substantially affects the rights of the discharged teacher. *MacDonald v. State Board of Education*, 2012 IL App (4th) 110599, ¶ 12 (commencing a teacher's remediation plan 158 days after a teacher's unsatisfactory ruling was outside the statutory 30 day time period to commence remediation and

therefore, was a violation of the teacher's procedural rights); *Waller v. Board of Education of Century Community Unit School District 100*, 13 Ill. App. 3d 1056 (1973) (the school board's decision was prejudicial to the rights of the teacher and required reversal where defendant school board failed to make a finding of remediability after a teacher's termination hearing and therefore failed to substantially comply with statutorily proscribed procedural requirements).

¶ 35 Here, although the remediation plan provided for Korellis observing Labno's classes at both announced and unannounced visits, there is no statutory provision requiring an announced visit by a principal during the remediation period. According to Williams, there are "no set requirements for the principal" in overseeing the teacher under remediation, however it is recommended that the "principal visit and post-conference once a month." Williams also testified that in her opinion, Korellis met all the procedural requirements imposed on the principal for remediation in this case.

¶ 36 The hearing officer found that Korellis erroneously believed that she was required to only observe Labno's classes on an unannounced basis but also found that Korellis asked Labno to suggest a date for Korellis to observe and Labno never followed up. The hearing officer then found that "Ms. Labno's failure to obtain a satisfactory rating from Principal Korellis cannot fairly be attributed to the fact that Ms. Korellis did not give her prior notice that she would be observed." The parties agree that Korellis did not observe Labno at an announced visit. However, we find Labno's argument that this derivation from the plan resulting in her continued "unsatisfactory" ratings is unmeritorious. The record discloses that Korellis did make an attempt to schedule an announced observation with Labno, which yielded no response from Labno. Korellis observed Labno six times during the remediation period. These observations were the

basis of Korellis's 30 and 60 day remediation evaluations of Labno. At each evaluation during this period, Labno received an "unsatisfactory" rating. Labno does not pinpoint anywhere in the record to support her contention that the lack of an announced visit substantially prejudiced her ability to remediate. Rather, the record establishes that she was provided the opportunity to correct the deficiencies listed in the remediation plan and to incorporate Korellis's recommendations but failed to make any improvement at every observation and evaluation during the remediation period. *Waller*, 13 Ill. App. 3d at 1058.

¶ 37 Petitioner also suggests that Korellis only observed Labno's classes with the highest number of special needs students to skew Labno's evaluation. The record shows that Korellis observed three of petitioner's five classes and noted the same teaching deficiencies in all classes. The hearing officer found that the teacher who replaced Labno assumed the same classes with the same number of special needs students and had no problem with classroom management and therefore, it was Labno's "teaching deficiencies that was the *** cause of her unsatisfactory evaluations." Therefore, we cannot say that an opposite conclusion is clearly evident where sufficient evidence exists in the record to support the hearing officer's findings (as to petitioner's contentions about Korellis's performance during the remediation) that Korellis properly followed all the procedural requirements imposed upon her for remediation in this case.

¶ 38 Third, petitioner argues that the hearing officer failed to properly weigh evidence: (1) as to how other teachers managed the same freshman students; and (2) that Labno had a high percentage of special needs students in her classes, which caused her problems in managing the classroom. Petitioner's argument is devoid of any citation to legal authority. Petitioner argues merely that the hearing officer did not accept certain arguments she asserted and gave too much

weight to testimony about her replacement's success in managing the same group of students.

¶ 39 A fact finder is in the "best position to evaluate the conduct and demeanor of the witnesses." *Cook*, 2014 IL App (1st) 123700, ¶ 51. A reviewing court will not substitute its judgment for that of the fact finder on "on matters of credibility of a witness, weight of evidence and the inferences drawn from the evidence" unless the opposite conclusion is evident from the record. *1472 N. Milwaukee, Ltd. v. Feinerman*, 2013 IL App (1st) 121191, ¶ 21. Here, the record reveals that the hearing officer considered Labno's arguments and weighed the testimony about her inability to manage students without a special needs aide and that her replacement was "able to manage and instruct the same classes that Ms. Labno could not." We find there is sufficient evidence in the record to support the officer's findings and the opposite conclusion is not evident.

¶ 40 II. Cause

¶ 41 The record sufficiently supports the conclusion that the Board's decision to terminate petitioner's employment is not against the manifest weight of the evidence. We next consider whether the Board's findings are sufficient to support its conclusion that cause for dismissal exists. *Walsh*, 96 Ill. 2d at 105. The Board's finding of cause is given substantial deference and a reviewing court is not permitted to substitute our judgment for that of the Board in this regard. *Id.* at 105-06. Ultimately, the Board's finding of cause can be reversed only if it is "arbitrary and unreasonable or unrelated to the requirements of service." (Internal quotation marks omitted). *Raitzik*, 356 Ill. App. 3d 813, 831. Petitioner argues that the Board's decision was unreasonable and arbitrary because Labno previously received excellent reviews as a teacher and therefore "she was entitled to a better effort from the Board to assist her remediation."

¶ 42 As we discussed above, the evidence supports the finding that petitioner failed to successfully remediate under her plan. After the 90 day remediation period, she failed to raise her performance rating to a satisfactory level. The evaluations during the middle and the end of the remediation period reflect the same teaching deficiencies identified in the beginning. Therefore, the record supports the Board's conclusion that plaintiff's teaching performance was unsatisfactory. The record supports the conclusion, and the Board so found, that these deficiencies were directly correlated to her ability to perform her job. Accordingly, we find that the Board's determination that cause existed for Labno's dismissal was not unreasonable or arbitrary. See *Raitzik*, 356 Ill. App. 3d 813, 831.

¶ 43 CONCLUSION

¶ 44 For the reasons stated above, this court affirms the final decision of the Board of Education of the City of Chicago, which terminated petitioner's employment.

¶ 45 Affirmed.