**Section 51.290 Decision of Board**

a) Within 45 days after receiving the hearing officer's findings of fact and recommendation, the Board shall render a written order as to whether the affected tenured teacher be retained or dismissed.

1) A copy of the Board's decision shall be provided to the tenured teacher either by certified mail, return receipt requested, or personal delivery with receipt within five days after the date on which the Board rendered a decision to retain or dismiss the affected tenured teacher. A copy of the Board's decision also shall be given by certified mail to the State Board of Education addressed to the General Counsel, 100 W. Randolph Street, Chicago, Illinois 60601.

2) If the Board determines that the affected tenured teacher should be dismissed, contrary to the hearing officer's findings of fact and recommendation, then the Board shall provide in its written order its conclusion and the reasons for making that determination.

3) *The failure of the Board to strictly adhere to the timeline* set forth in this subsection (a) *does not render it without jurisdiction to dismiss the teacher* (Section 24-16.5(f) of the School Code).

b) The decision of the Board is final unless reviewed under the Administrative Review Law, as provided in Section 24-16.5(g) of the School Code.

1) The affected tenured teacher shall file the appeal within 35 days from the date that he or she received the Board's decision pursuant to subsection (a)(1).

A) *For a teacher dismissed by a school district having fewer than 500,000 inhabitants, the judicial review must be taken directly to the appellate court of the judicial district in which the school district's Board maintains its primary administrative offices* (Section 24-16.5(g)(2) of the School Code).

B) *For a teacher dismissed by a school district* organized under Article 34 of the School Code*, the judicial review must be taken directly to* the Illinois Appellate Court for the First District(Section 24-16.5(g)(1) of the School Code).

2) *If the hearing officer recommended dismissal, the decision of the Board may be reversed only if it is found to be arbitrary, capricious, an abuse of discretion, or not in accordance with law* (Section 24-16.5(g) of the School Code)*.*

3) *In the event judicial review is instituted by a teacher, any costs of preparing and filing the record of proceedings must be paid by the teacher* (Section 24-16.5(g) of the School Code)*.*

4) The record of the proceedings shall contain each of the items enumerated in Section 51.70(a)(2)(B).

c) Pursuant to Section 24-16.5(f) of the School Code, *the Board shall not lose jurisdiction to discharge a teacher if the hearing officer fails to render a decision within the applicable time specified in this Section.*

(Source: Amended at 38 Ill. Reg. 21906, effective November 3, 2014)