

BOARD OF EDUCATION OF SCHOOL DISTRICT U-46

**RESOLUTION REGARDING THE SUSPENSION AND DISMISSAL OF A TENURED
TEACHER – B (GARY LORBER)**

WHEREAS, the Board of Education for School District U-46 (the “Board”) has received reports and a recommendation of termination from members of the administration regarding the conduct of Gary Lorber (“Mr. Lorber”), a tenured teacher in the District; and

WHEREAS, the Board finds that Mr. Lorber’s conduct constitutes grounds for his dismissal, which is irremediable; and

WHEREAS, it is the opinion of the Board that the best interest of the School District requires Mr. Lorber’s dismissal and unpaid suspension as provided below.

NOW, THEREFORE, be it resolved by the Board of Education of U-46, Kane, Cook, and DuPage Counties, Illinois, as follows:

Section 1. That the Board has considered and hereby adopts the matters set forth in the preambles to this Resolution and in the attached Notice of Charges and Bill of Particulars, which are incorporated herein as Exhibit 1, as the basis for the dismissal of Mr. Lorber as a tenured teacher in the District.

Section 2. That Mr. Lorber is hereby suspended, without pay, pending the conclusion of the hearing and final disposition of the dismissal proceeding initiated by this Resolution. The dismissal of Mr. Lorber shall become effective at such time as this Board’s decision to dismiss is affirmed as provided by law; or, in the event Mr. Lorber 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upon the expiration of the time to request a hearing; or, in the event a hearing is timely requested and later withdrawn, immediately upon the State Board of Education’s confirmation of the termination of the hearing.

Section 3. That the President and Secretary of the Board are hereby authorized and directed to prepare and serve, or cause to be prepared and served, on Mr. Lorber a written Notice of Charges and Bill of Particulars, substantially in the form of the attached Exhibit 1, which is incorporated herein, as required by law.

Section 4. That, in the event Mr. Lorber timely requests a hearing, the hearing will be scheduled in accordance with the law and the hearing shall take place in the regular meeting room of this Board or at an alternative location mutually agreed upon by the parties.

Section 5. That the President and the Secretary of this Board are authorized and directed to serve or cause to be served on Mr. Lorber such notice and documentation as may be necessary in order to effectuate the dismissal of Mr. Lorber as a teacher in the District. Any notice required or authorized to be given pursuant to this Resolution or by law may be served personally or by overnight mail and / or registered or certified mail, return receipt requested. In the event Mr. Lorber does not accept service of, or claim from, the United States Postal Service or any document sent by overnight mail or registered or certified mail to Mr. Lorber’s last known resident, 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 Mr. Lorber's residence; and
2. In the case of overnight mail to be receipted only by Mr. Lorber 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. That, in the event Mr. Lorber timely requests a hearing, the President and Secretary of this Board, or their designee, 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 the attached Exhibit 2, which is incorporated herein, 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 Mr. Lorber.

Section 7. That Miguel Rodriguez, Chief Legal Officer, represents the Board / District in connection with the dismissal of Mr. Lorber and is authorized to proceed in the selection of a hearing officer, as provided by law.

Section 8. That this Resolution shall be in full force and effect upon its adoption.

Dated this 16th day of November, 2020.

Yes: Devereux, Noland, Owens, Porter, Smith, Thommes, Kerr

No: _____

Absent: _____

Susan E Kerr
President, Board of Education

Attest:
Miguel B. Rodriguez
Secretary, Board of Education

Exhibit 1



Tony Sanders, Chief Executive Officer

School District U-46
Human Resources Office
355 E. Chicago Street, Elgin, IL 60120-6543
Tel: 847.888.5000 x5024
Fax: 847.888.7188

U-46.org

November 16, 2020

VIA First-Class Mail, Certified Mail, Return Receipt Requested and Email

Mr. Gary Lorber
610 S. Erie Street
Wheaton, IL 60187

GaryLorber@u-46.org

Re: Notice of Charges and Bill of Particulars for Termination Recommendation

Mr. Lorber:

You are hereby notified that the Board of Education of School District U-46 (“Board”) has adopted the Charges and the Bill of Particulars, set forth below, for your dismissal as a tenured teacher at School District U-46 (“District”). The Board reserves the right to amend the Charges and/or the Bill of Particulars to the extent additional information is relevant to the current Charges.

Notice of Charges

The Charges set forth below are the specific Charges that the Board has determined to be sufficient reasons and causes for your dismissal as a tenured teacher.

Charge 1: Insubordination, Unethical, Immoral and Gross Misconduct, as evidenced by your attempt to groom Person A while she was a student at Bartlett High School including hugging her, exchanging personal notes with Person A, accepting and sharing music CDs with Person A.

Charge 2: Insubordination, Unethical, Immoral and Gross Misconduct, as evidenced by you taking Person A out to lunch for her birthday without notifying or receiving the permission of Person A’s parent or guardian while she was a student at Bartlett High School.

Charge 3: Insubordination, Unethical, Immoral and Gross Misconduct, as evidenced by you giving Person A a birthday gift and personal card while she was a student at Bartlett High School.

- Charge 4:** Insubordination, Unethical, Immoral and Gross Misconduct, as evidenced by you offering and purchasing alcohol for Student A when she was under the age of twenty-one.
- Charge 5:** Insubordination, Unethical, Immoral and Gross Misconduct, as evidenced by you using your position of authority to begin a personal relationship with Person A while she was a student at Bartlett High School and which continued after she graduated.
- Charge 6:** Insubordination, Unethical, Immoral and Gross Misconduct, as evidenced by your grooming of Person B, which resulted in an intimate, personal and sexual relationship with Person B while Person B was student at Bartlett High School and continued after Person B graduated from Bartlett High School.
- Charge 7:** Insubordination, Unethical, Immoral and Gross Misconduct, as evidenced by you passing notes and giving gifts to Person B while she was still a student at Bartlett High School.
- Charge 8:** Insubordination, Unethical, Immoral and Gross Misconduct, as evidenced by you making physical contact with and kissing Person B while she was a student at Bartlett High School.
- Charge 9:** Insubordination, Unethical, Immoral and Gross Misconduct, as evidenced by you meeting Person B in a forest preserve and engaging in intimate, physical and sexual relations with Person B while she was a student at Bartlett High School.
- Charge 10:** Insubordination, Unethical, Immoral and Gross Misconduct, as evidenced by you offering Person B alcohol while she was still a student at Bartlett High School.
- Charge 11:** Insubordination, Unethical, Immoral and Gross Misconduct, as evidenced by you inviting Person B to your home and engaging in intimate, physical and sexual relations with Person B while Person B was a student at Bartlett High School.
- Charge 12:** Insubordination, Unethical, Immoral and Gross Misconduct, as evidenced by you using your position of authority to start a personal relationship with Person B while she was a student at Bartlett High School and which continued after she graduated.
- Charge 13:** Insubordination, Unethical, Immoral and Gross Misconduct, as evidenced by you using your position of power and authority to attempt to begin a relationship with Person C while she was a student at Bartlett High School.
- Charge 14:** Insubordination, Unethical, Immoral and Gross Misconduct, as evidenced by you sending notes to Person C while she was a student at Bartlett High School.

- Charge 15:** Insubordination, Unethical, Immoral and Gross Misconduct, as evidenced by you giving Person C a twelve-page personal letter and a book annotated by you with personal notes on the day of her graduation.
- Charge 16:** Insubordination, Unethical, Immoral and Gross Misconduct, as evidenced by you demonstrating a pattern of grooming and / or attempting to foster inappropriate personal relationships with female students from difficult personal backgrounds by befriending them, not setting appropriate professional boundaries and exploiting your position of power.
- Charge 17:** Insubordination and Gross Misconduct, as evidenced by your violation of Section 5.121 of the Board Policy Manual, which is titled, “Staff-Student Relations.”
- Charge 18:** Insubordination and Gross Misconduct, as evidenced by your violation of Section 5.125 of the Board Policy Manual, which is titled, “Personal Technology and Social Media; Usage and Conduct.”
- Charge 19:** Charges 1-18 establish that you have exercised unacceptably poor judgment, conducted yourself in a grossly unprofessional manner that has undermined your fitness to serve as a teacher in the District, damaged your reputation as a teacher and member of the community, damaged the reputation of the District, and caused harm to the staff and students of the District.
- Charge 20:** You are not qualified to teach in that you have failed to serve as the role model required by Section 27-12 of the Illinois School Code, and the interests of the District require your dismissal as a result of the conduct supporting Charges 1-19 above.

Bill of Particulars

The Bill of Particulars set forth below are the evidence that supports the Charges, which the Board has determined to be sufficient reasons and causes for your dismissal as a tenured teacher.

1. You were hired in 1996 by School District U-46 (“District”) as a teacher at Bartlett High School.

I. Person A

2. On September 27, 2020, the Superintendent and the Board of Education received notice from Person A, a former Bartlett High School Student that graduated in 2009, that you used your position of power to foster an unprofessional teacher student relationship with her while she was a student and then exploiting that relationship to establish an inappropriate personal relationship after she graduated.

3. While Person A was a student you allowed her to spend excessive time with you, you wrote personal notes to her and accepted personal notes from her, you told her she was special, hugged her, purchased her gifts and exchanged CD mixes with her.
4. On or about July 30, 2008, you took Person A to lunch at La Taqueria in Hanover Park, Illinois for her seventeenth birthday. You did not seek permission from her parents to meet the minor student outside of school and for personal reasons.
5. You gave Person A a book of poems by Robert Frost for her birthday. You included a personal card with the book of poems. The card stated, “[Person A], I wanted to get you a little something for your birthday. I hope you do not have this, and I especially hope I never got you this – would be embarrassing. You are thoughtful and philosophical and a reader so this is a must to open up from time to time. Lorbs”
6. After Person A graduated you consistently spoke to her over the phone, invited her to your home, provided alcohol to her despite her being under twenty-one years of age, discussed sexual topics with her and paid for a trip for you and her to New York.
7. Person A believed you sought to establish an intimate relationship with her. Person A expressly stated she would go to New York with you, but she would not have sex with you.
8. In March 2011, you paid for a trip to New York with Person A. During this trip you instructed Person A to refer to you as a work colleague. You purchased Person A alcohol even though she was not of legal age to consume alcohol. After Person A became intoxicated you slept in the same bed with her even though you initially agreed that you would sleep on the floor.
9. During your first investigatory interview on September 30, 2020, you denied acting inappropriately toward Person A; indicated you did not recall sharing notes with Person A or making Person A mix CDs with music; and denied ever taking Person A to lunch or giving her a card and a book of Robert Frost Poems for her birthday.
10. You denied that Person A had been to your home after graduation and that you served Person A alcohol or discussed sexual topics. You also denied ever taking a trip to New York with Person A.

II. Person B

11. Person B is a former Bartlett High School student that graduated in 2003.
Person B was a student in your AP English Class during her junior year in 2001-2002.
12. In January, 2020, you began paying special attention to Person B and other students referred to her as “Lorber’s Protégé.”

13. Person B was not assigned to your class during her senior year, yet you continued to seek her out in school. You approached Person B in an empty hallway after an orchestra concert in which Person B performed. You got physically close to Person B and stated you, “wished the school walls were trees so we could be outside” in reference to a work by Henry David Thoreau. You then asked Person B if she had a boyfriend and stated you enjoyed watching Person B play her violin.
14. Person B felt uncomfortable by the interaction and briskly walked to the parking area where her mother was waiting.
15. In November 2002, you asked if Person B would play Ophelia and reenact a scene from Hamlet with you for your students. Person B was not your student at this time.
16. Person B agreed and you practiced the scene during Person B’s free period from early November until Thanksgiving.
17. While practicing the scene, you discussed personal information regarding your marriage, touched and kissed Person B.
18. During this incident, you stated you wanted to see Person B outside of school.
19. After Thanksgiving 2002, you continued to visit Person B in her senior year English Class.
20. You wrote Person B personal notes and often began the notes with “My Love” and end the notes with “Ever Yours.”
21. You made and exchanged music CDs with Person B.
22. You would often interrupt Person B’s senior English class for the purpose of giving Person B notes, CDs or books.
23. You shared your personal cellphone and email in a note in one of the CDs you made for Person B and regularly communicated with Person B via email and your personal cellphone while she was a student at Bartlett High School.
24. At your request, Person B would drive in her personal vehicle to meet you in the forest preserve and then switch to your car. During visits to the forest preserve you would engage in kissing, intimate physical touching and other forms of affection.
25. During the time period in which you were meeting Person B in the forest preserve you took her to dinner and offered Person B alcohol.

26. Person B began visiting your home during her senior year at Bartlett High School.
27. You engaged in kissing, intimate physical touching and other forms of affection at your home with Person B.
28. On occasion, you requested Person B babysit your son in order to establish a relationship with your son.
29. In the spring 2003, Person B visited your office and you took her arm and pulled her in between your legs and stroked her hair.
30. You stated you “loved” Person B while she was a student at Bartlett High School.
31. After graduation, your relationship with Person B continued. Person B moved into your home as your girlfriend and you took her on a trip to New York City.
32. You openly discussed your relationship with a former student, Person B, to other students.
33. You refused to answer questions about Person B during the investigatory interview on September 30, 2020 and requested to confer with legal counsel.
34. During the second investigatory interview on October 20, 2020, you again requested a break when the investigator began asking about Person B. You then offered to resign your position in consideration for not participating in the interview.
35. You refused to respond to the majority of questions asked about your relationship with Person B and did not confirm nor deny details regarding your relationship with Person B.

III. Person C

36. Person C was a 2002 graduate of Bartlett High School.
37. Person C was enrolled in your honors English class her junior year during which she received preferential treatment.
38. During her senior year, Person C would arrive early to school and would spend approximately thirty minutes each morning with you prior to the start of the school day.
39. In January 2002 you asked Person C to come to your room even though she was not your current student. When she arrived, you stated Person C looked nice that day and smiled at her in a manner that made her, “instinctively uncomfortable and afraid.”

40. Person C avoided you for the duration of her senior year.
41. On several occasions you wrote Person C notes requesting that Person C come see you, but she refused.
42. After the 2002 graduation ceremony you personally gave Person C a twelve-page letter describing how important Person C was to you and how saying goodbye to Person C was one of the hardest goodbyes of your life.
43. You also returned a copy of the book “Animal Dreams,” which Person C loaned you. You annotated almost every page in the book with ruminations, literary commentary and philosophical ramblings. Person C stated your actions made her very uncomfortable.
44. During the October 20, 2020, investigatory interview you refused to answer the majority of the questions pertaining to your relationship with Person C.
45. On November 5, 2020, you emailed Superintendent Tony Sanders stating that you were “ashamed and deeply sorry” for your actions as it related to the District’s investigation of your actions. You further stated that you wanted Superintendent Sanders to know that you were, “completely at fault and blame no one but [yourself].”
46. Your gross misconduct, its effect on the student, the District and your ability to teach and act as a role model establishes that your conduct is irremediable.

It is the opinion of the Board that each Charge set forth above constitutes evidence of your irremediable and unprofessional behavior. The Board finds it is in the best interests of the District to terminate your employment with the District. As such, pursuant to the School Code, 105 ILCS 5/10-22.4, the aforesaid deficiencies constitute sufficient cause for discharge.

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.

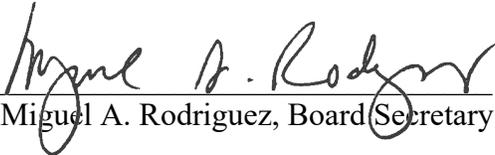
Your request for this hearing must be made within seventeen (17) days of your receipt of this notice. If you make a request for hearing, such request must be submitted in writing to Miguel Rodriguez, Chief Legal Officer. Your request for hearing must be personally delivered or mailed. If mailed, the 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, the time and date for the hearing on the charges will be determined at a later date.

Your dismissal will become effective as provided in the enclosed certified copy of the Resolution providing for your dismissal.

BOARD OF EDUCATION SCHOOL DISTRICT
U-46, KANE, COOK AND DUPAGE COUNTIES



Ms. Susan E. Kerr President

Attest: 
Mr. Miguel A. Rodriguez, Board Secretary

Date: November 16, 2020

cc: Personnel File
Ann H. Chan, Assistant Superintendent of Human Resources
Miguel Rodriguez, Chief Legal Officer
Scott Hadala, Assistant Attorney / Employee & Labor Relations Administrator

EXHIBIT 2

NOTICE OF HEARING

[Date]

Via Certified Mail
Return Receipt Requested

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

Dear Legal Department Representative:

Pursuant to Section 24-12 of the School Code and the Rules and Regulations Governing the Procedures for the Dismissal of Tenured Teachers of the state of Illinois, the President and Secretary of the Board of Education of School District U-46, Kane, Cook and DuPage Counties, Illinois, hereby serve upon you a copy of the Resolution regarding the dismissal Gary Lober on November 16, 2020.

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 Mr. Lorber

Finally, enclosed is a copy of the request for a hearing submitted by or on behalf of Mr. Lorber, dated _____, 2020, and received by the School District on _____, 2020. Mr. Lorber has requested a hearing before a _____ hearing officer.

Please note that the Board of Education, in its Resolution regarding the dismissal of Mr. Lorber, has authorized Miguel Rodriguez, Chief Legal Officer for the School District, and / or his designee, 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 Miguel Rodriguez, Chief Legal Officer, 355 E. Chicago Street, Elgin, IL 60120-6543.

BOARD OF EDUCATION SCHOOL DISTRICT
U-46, KANE, COOK AND DUPAGE COUNTIES

Ms. Susan E. Kerr, President

Attest: _____
Mr. Miguel A. Rodriguez, Board Secretary

Date: _____

Enclosure: Certified Copy of Motion
Vote and Resolution

cc: Personnel File
Ann H. Chan, Assistant Superintendent of Human Resources
Miguel Rodriguez, Chief Legal Officer
Scott Hadala, Assistant Attorney / Employee & Labor Relations Administrator

EXHIBIT 3

STATE OF ILLINOIS)
) SS
COOK COUNTY)

SECRETARY’S CERTIFICATE

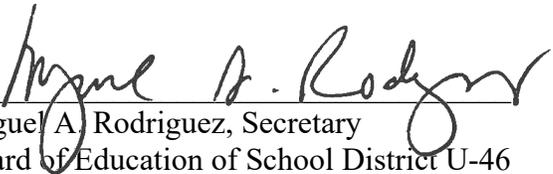
I Miguel A. Rodriguez, the duly qualified and acting Secretary of the Board of Education of School District U-46, Kane, Cook and DuPage Counties, Illinois, do hereby certify that attached hereto is a true and correct copy of a Resolution entitled:

**RESOLUTION REGARDING THE SUSPENSION AND
DISMISSAL OF TENURED TEACHER (GARY LORBER)**

which Resolution was duly adopted by the Board of Education at a Board Meeting held on November 16, 2020.

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 16th day of November, 2020.


Miguel A. Rodriguez, Secretary
Board of Education of School District U-46
Kane, Cook and DuPage Counties, Illinois