

**SYNOPSIS OF EDUCATION REFORM LEGISLATION:
SB 7/SB630
April 15 2011**

ISSUE	CURRENT	NEW
Instructional Environment (School Climate) Survey (effective 2012-13 SY)	<ul style="list-style-type: none"> • Nothing required 	<ul style="list-style-type: none"> • Subject to State appropriations • Provided by ISBE • Beginning in 2012-13 school year, administered at least every 2 years in each district school • All teachers and students (grades 6-12) • ISBE-selected learning environment indicators publicly reported by school, district and State • If insufficient State funds, priority given to low-performing schools and representative sample of other
School Board Member Training (effective immediately)	<ul style="list-style-type: none"> • Nothing required 	<ul style="list-style-type: none"> • Minimum of 4 hours required of new board members covering education and labor law, financial oversight/accountability and fiduciary responsibilities
Certification Action for Incompetency (effective immediately)	<ul style="list-style-type: none"> • Incompetency is basis for suspension/revocation • Not defined in statute or rule 	<ul style="list-style-type: none"> • Defined as 2 unsatisfactories w/i 7 years • State Supt. investigates and bases decision on what, if any, action appropriate on factors such as whether evaluations occurred before new law, whether evaluations are pre- or post-PERA, whether evaluators PERA-certified/trained, time between evaluations, quality of remediation plans and whether successfully completed, whether evaluations related to same or different assignments, whether evaluations occurred in first year of assignment

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Certification Action for Incompetency, cont'd		<ul style="list-style-type: none"> • After review can recommend no action, sanction of additional training, suspension or revocation • Can use CBA training/PD funds if allowed • Appeal Supt. action to STCB
Filling of New and Vacant Positions (effective immediately)	<ul style="list-style-type: none"> • Nothing in statute • May be CBA provisions addressing criteria and procedures • Some rely on seniority as prime criterion 	<ul style="list-style-type: none"> • New School Code section (24-1.5) • District must base selection on certification, qualifications, merit and ability (including performance evaluations) and relevant service • District-wide seniority only used if other factors are equal • Relevant experience is experience relevant to position being filled • Relevant experience can mean, among other things, years of experience at school, grade level, in discipline • Relevant experience is bargainable • Current CBAs w/conflicting language grandfathered • While district selection can't be grieved, violations of CBA procedures in selecting can be grieved
Tenure (revisions to Section 24-11) (effective w/PERA implementation)	<ul style="list-style-type: none"> • 4-year probationary period • No accelerated or portable tenure 	<ul style="list-style-type: none"> • 4-year probationary period • Performance evaluation-based tenure for teacher first employed on/after implementation date of PERA • Proficient/excellent ratings in 2 of last 3 years, w/ proficient/excellent required in 4th year • Accelerated tenure for excellent ratings in the first 3 terms

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<p>Tenure, cont'd</p>	<ul style="list-style-type: none"> • 45-day nonrenewal notice • If special ed district dissolved, teacher placed on all member district RIF lists and bumps lower ranked teacher • No statutory definition of what constitutes a full school term for tenure acquisition • If break in service, probationary period begins back in year 1. 	<ul style="list-style-type: none"> • Accelerated tenure for previously-tenured teacher in new district with 2 consecutive terms of excellent ratings • Failure to perform annual evaluation gives teacher "proficient" rating for tenure purposes • 45-day nonrenewal notice • Beginning 2011-2012, teacher placed on all member district RIF lists and RIF'd according to certifications/qualification first, performance second and inverse seniority third • 120 days worked to count as school term for tenure acquisition • No break in service if employed in year after year which doesn't count, so prior probationary service is credited
<p>Reductions in Force and Recalls (revisions to Section 24-12) (effective for RIFs to be implemented for the 2012-13 SY)</p>	<ul style="list-style-type: none"> • Triggered by district decision to decrease # of teachers or discontinue particular type of teaching service • 60-day notice 	<ul style="list-style-type: none"> • Same • Starts with RIF's effective in 2012-2013 year • 45-day notice

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<p>Reductions in Force and Recalls, cont'd</p>	<ul style="list-style-type: none"> • Teachers listed within teaching positions for which certified and legally qualified • Non-tenured RIF'd before tenured • Among tenured teachers, RIF by inverse district-wide seniority, unless CBA provides otherwise; non-tenured can go in any order 	<ul style="list-style-type: none"> • Teachers listed within teaching positions for which certified and qualified (legal qualifications + additional district qualifications included in job description by May 10th prior to school year when RIF notices sent) • Non-tenured not necessarily RIF'd before tenured • Teachers grouped into 4 performance groups based on last 2 summative evaluations • Failure to perform scheduled evaluation gives teacher "proficient" rating for RIF purposes • 4 groups from most RIF-vulnerable to least RIF-vulnerable: non-tenured teachers w/no district summative evaluation (Group 1); teachers w/unsatisfactory or needs improvement in 1 of last 2 evaluations (Group 2); consistently proficient/satisfactory teachers (Group 3); highest performing teachers (defined by joint teacher-administration committee of equal representation, but if no agreement, then teachers w/2 excellent evaluations or 2 excellents in last 3 evaluations) (Group 4) • Joint committee can agree to move teacher w/needs improvement and proficient or excellent from Group 2 to Group 3 • Within Group 1, district discretion determines RIF order • Within Group 2, 2 evaluations averaged to create subgroups, teachers in lowest averaged subgroup RIF'd first, inverse seniority determines RIF order w/i subgroups, unless CBA provides otherwise

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<p>Reductions in Force and Recalls, cont'd</p>	<ul style="list-style-type: none"> • RIF list by February 1st • Recall rights for tenured teachers based on reverse order of RIF into vacancies for which legally qualified • Recall rights for following school term or w/i 1 calendar year from beginning of following school term; 2 calendar years if economic RIFs >15% of full-time teaching positions 	<ul style="list-style-type: none"> • Within Group 3, inverse seniority determines RIF order, unless CBA provides otherwise • Within Group 4, inverse seniority determines RIF order, unless CBA provides otherwise • RIF list by 75 days before end of school term; adjustments to list allowed based on teachers in Group 1 being evaluated before RIF notices sent; they will then go into higher group • Recall rights for all Group 3 and 4 teachers (tenured and non-tenured) based on reverse order of RIF, unless CBA provides otherwise, into vacancies for which qualified (legal qualifications + additional district qualifications included in job description by May 10th prior to school year when vacancies available) • Group 1 and 2 teachers may be considered • Same • Teachers RIF grouping considered part of evaluations prohibiting FOIA disclosure; however, disclosure to union allowed • Existing CBAs w/RIF sequence language grandfathered until expiration or June 30, 2013, whichever is earlier

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<p>Reductions in Force and Recalls, cont'd</p>		<ul style="list-style-type: none"> • Joint committee monitors any evidence of trend of lower evaluations for higher compensated teachers and reports to school board and union; district required upon request to provide data for investigation • First meeting of joint committee on or before December 1, 2011; must finish work by February 1 of each year for it to affect RIF sequencing for that Spring
<p>Streamlined Tenured Teacher Dismissals (revisions to Section 24-12 of the School Code; similar changes to Chicago statute) (effective September 1, 2011)</p>	<ul style="list-style-type: none"> • Conduct and performance dismissals • Teacher request for hearing w/i 10 days of dismissal notice including bill of particulars • Hearing before mutually-selected ISBE HO paid for by State • Minimal HO qualifications • In reality, no set time limit to begin and end hearing; no limit on number of days for each party to present case • Pre-hearing discovery, typically written interrogatories and requests for production of documents 	<ul style="list-style-type: none"> • For dismissals instituted on/after September 1, 2011 • Teacher request for hearing w/i 17 days of dismissal notice including bill of particulars; teacher must file initial answer to charges • Hearing before either mutually-selected ISBE HO paid for by State, up until June 30, 2012, or split by teacher and school board, on/after July 1, 2012, or hearing before board-selected ISBE HO paid for by State, up until June 30, 2012, or 100% paid for by board, on/after July 1, 2012 • On/after September 1, 2012, ISBE-training required • Hearing must commence 75 days after HO selected and finish 120 days after; 3 days for each party to present case • Required disclosure by each party of information relevant to own and other party's case; similar pre-hearing discovery

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Streamlined Tenured Teacher Dismissals, cont'd	<ul style="list-style-type: none"> • Issues whether performance unsatisfactory and not satisfactorily remediated; evaluations are valid/appropriate, remediation plan properly implemented; for conduct dismissals, whether conduct was proper cause for dismissal and irremediable • Burden of proof on district • 30 days after close of hearing for decision; often extended • HO makes decision to either dismiss or retain • Appeal of HO decision to circuit court on manifest weight of evidence standard 	<ul style="list-style-type: none"> • Same • Same • Same, but extension only for limited good cause • HO makes decision to either dismiss or retain in evaluation dismissal cases (unless district uses new PERA-evaluation procedure) or HO makes recommendation to board to either dismiss or retain in conduct dismissal cases • School board bound by HO findings of fact in conduct cases unless against weight of evidence • Appeal of HO decision to circuit court on manifest weight of evidence standard in evaluation dismissal cases or appeal of board decision to circuit court on manifest weight of evidence standard in conduct dismissal cases • If board decision is contrary to HO recommendation in conduct cases, court specifically required to consider HO findings of fact and recommendation along w/board decision

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<p>Streamlined Tenured Teacher Dismissals, cont'd</p>		<p><u>PERA Dismissal Procedure</u></p> <ul style="list-style-type: none"> • District option • Only for evaluation dismissals based on unsatisfactory PERA-evaluation (evaluation given after district PERA-implementation date) • District required to use second evaluator chosen from list of district and union-appointed PERA-qualified evaluators to either do remediation evaluations or do separate assessment of remediating teacher performance in addition to administrator remediation evaluations • If second evaluator does the official remediation evaluations and finds teacher proficient, teacher retained; if second evaluator does separate assessment, finds teacher proficient but administrator evaluation finds teacher unsatisfactory, district can still dismiss teacher but must show HO why administrator evaluation is more valid assessment of teacher than second evaluator's • Issues for hearing more limited; burden on district; same discovery rules; 2 days for each party to present case • HO makes recommendation to board v. decision • Only school board members who have had PERA-training can vote on whether or not to dismiss teacher • Appeal to appellate v. circuit court on manifest weight of evidence standard if board decision contrary to HO recommendation; if not contrary, appeal on arbitrary, capricious, abuse of discretion standard

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<p>Labor Act Changes (revisions to Sections 12 and 13 of IELRA) (effective immediately)</p>	<ul style="list-style-type: none"> • Mediation can be requested w/i 45 days of beginning of school year • Mediation can be invoked by IELRB w/i 15 days of beginning of school year • Nothing comparable 	<ul style="list-style-type: none"> • Mediation can be requested w/i 90 days of beginning of school year • Mediation can be invoked w/i 45 days of beginning of school year <p style="text-align: center;"><u>Downstate/Suburban Districts</u></p> <ul style="list-style-type: none"> • For districts other than Chicago, any time after 15 days from commencement of mediation, either party or mediator may declare parties at impasse • 7 days for parties to get final offers on unresolved issues, w/cost summaries to each other and mediator, who holds them for another 7 days • After 7 days, if no agreement between parties, mediator sends parties' final offers to IELRA for public posting on its website; district notifies media who have filed annual Open Meetings Act requests for notice of district meetings of posting on IELRB website • After 14 days, union can strike, as long as it meets other strike requirements, <u>i.e.</u>, 10-day notice of intent, mediation used w/o success, CBA expired • Doesn't apply to community colleges and universities <p style="text-align: center;"><u>Chicago</u></p> <ul style="list-style-type: none"> • Length of school day and school year added to permissive bargaining subjects under Section 4.5 of IELRA • 90 day fact-finding w/30 day public posting, prior to striking • 75% affirmative vote of bargaining unit members to strike

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<p>Evaluation (revisions to Section Article 24A of the School Code)</p>		<ul style="list-style-type: none"> • PERA- implementation can be moved up if district and union agree in writing but no sooner than 2013-14 SY • New evaluation categories (unsatisfactory, needs improvement, proficient and excellent) expanded to non-tenured teachers • District discretion whether to provided remediation plan to teacher w/2d PERA unsatisfactory summative evaluation w/i 3 years of completion of remediation plan for 1st unsatisfactory