

Details of the 2011 Illinois Education Reform Package

THE REFORM PARTICIPANTS:

Lead Negotiator: Sen. Kimberly Lightford (D-Maywood), Assistant Majority Leader.

Senate Participants: Sen. Dave Luechtefeld (R-Okawville), Sen. Ed Maloney (D-Chicago), Sen. James Meeks (D-Chicago), Sen. Matt Murphy (R-Palatine).

Participants/Stakeholders: Representatives from the following groups have consistently attended negotiation meetings - *Advance Illinois, Stand for Children, School Management Alliance, Chicago Principals and Administrators Association, Parent PAC, Chicago Public Schools, Chicago Teachers Union, Illinois Education Association, and the Illinois Federation of Teachers.*

Reduction in Force/Layoff/Recall

For districts other than CPS, decisions regarding reduction in force, layoff, and recall are based solely on seniority without regard to performance. The education reform package includes legislation that groups teachers into four separate groupings based on qualifications and certification, performance evaluations and then seniority.

This section will not affect Chicago as the statutory provision surrounding these issues is in the midst of litigation. All parties have agreed to leave this issue out of the legislation.

Dismissal of Tenured Teachers

Currently in Chicago, once the board moves to dismiss a tenured teacher, the issue goes before a hearing officer. This hearing officer's decision is a recommendation to the Chicago School Board. The Board then makes the final decision. In districts other than Chicago, once the board moves to dismiss a tenured teacher, the issue goes before a hearing officer. This hearing officer's decision is final. This process is oftentimes lengthy, costly, and sometimes ends in appeal.

The education reform package includes language that will streamline the process with shortened timelines for both Chicago and Downstate. Additionally, for performance related dismissal cases, an optional alternative evaluative dismissal process has been created where the decision of the hearing officer would be a recommendation to the board. This alternative includes a 2nd evaluator who is selected from a list developed by the board and stakeholders. For conduct related dismissal cases, an additional process was developed where the hearing officer's decision is also a recommendation to the board.

Collective Bargaining

Mandatory Subjects of Bargaining (Chicago only)

Decisions regarding the length of the work and school day and work and school year become permissive subjects of bargaining under Section 4.5 of the IELRA, which means the Chicago Public Schools may decide to increase instructional time unilaterally. CPS is required to bargain over the impact of its decision on bargaining unit members—for example, whether teachers should receive additional compensation for working longer hours—but is authorized to implement a longer day or year while such bargaining is ongoing.

Impasse Resolution – Chicago

Currently, before engaging in a strike, unions statewide are only required to participate in a reasonable period of mediation and give the employer 10 days' notice of their intent to strike. No public reporting is required regarding the disputed issues.

In the reform package, for Chicago, after a reasonable period of mediation, the dispute is required to be submitted to a fact-finding panel that will conduct a hearing on the disputed issues and then issue a report containing advisory findings of fact and recommended terms of settlement for each disputed issue. The fact-finding panel is composed of one representative appointed by each party and an impartial member selected by the parties who has demonstrable experience in resolving labor disputes. If the dispute is not settled within 75 days of the appointment of the fact-finding panel, the panel will issue its report privately to the parties. In developing its recommendation for a settlement, the panel is required to consider the factors set forth in the statute, including, but not limited to, the employer's financial ability to fund the proposals based on existing resources, the impact of the proposals on the students and families of the district and the utility of the current compensation structure in achieving the district's educational goals. The panel's recommended settlement will become binding on the parties unless either party submits a notice of rejection with a rationale for the rejection within 15 days of the publication of the report. If a party rejects the recommended settlement, then the panel's report is published for public review and consideration. If the parties have not settled the dispute within 30 days of the publication of the fact-finding report, then the union will have the right to engage in a strike, provided that $\frac{3}{4}$ of all bargaining unit members have affirmatively voted to engage in the strike and the union has provided the employer with 10 days' advance notice of its intent to engage in a strike.

Impasse Resolution – Downstate

After at least 15 days of mediation, either party may declare impasse. Seven days after impasse, parties exchange 'final offers.' If the parties have not settled the dispute within 7 days of submission, the mediator publishes the final offers. If the dispute is not settled within 14 days of the publication of the final offers, the union has the right to engage in a strike, provided that it provides the employer with 10 days advance notice of its intent to engage in a strike.

Filling of New and Vacant Positions

This section will not affect Chicago as it is already the practice of CPS to hire teachers and other staff based on merit and without regard to seniority.

For districts other than CPS (downstate) there is nothing in the School Code regarding the filling of new and vacant positions. These practices are generally dictated in collective bargaining agreements (CBAs) which often use seniority as the main determination in the filling of new and vacant positions. The education reform package includes language that will make "relevant experience" the determining factor in this issue. Seniority may only be used as a tie breaker when necessary.

Attainment of Tenure

Statewide teachers are either non-renewed after 4 years service to a district, or receive tenure. If a teacher is non-renewed after 4 years, the district must give cause for non-renewal. The education reform package will include language that maintains the probationary period at 4 years and includes a specified number of positive performance evaluations that will be required in order for an individual to be eligible for tenure. In addition, we have included new concepts of "accelerated tenure" and "tenure portability" to reward teachers with high performance evaluations.

State Superintendent Action on Educator Certificates

Currently the State Superintendent may revoke a teacher's certificate for incompetency; however, incompetency is not defined making any action difficult. The education reform package defines incompetency to allow the State Superintendent to take action when a teacher has received 2 unsatisfactory evaluations within a 7 year period.

Survey of Learning Conditions

The education reform package will include, subject to appropriation, a climate survey with input from students, parents, and teachers. This will be implemented during the 2012-2013 school year beginning with under-performing school districts.

Performance Evaluation Reform Act (Article 24A) Modifications

The Performance Evaluation Reform Act was signed into law last year to reform the way teacher evaluations are conducted. Certain modifications were necessary to bring the Act in line with education reform changes. These modifications include applying evaluations to all teachers (probationary and tenured) and allowing districts to accelerate the implementation of the PERA.

School Board Member Training

Currently, school board members are not required to participate in any training. The School Board Association does provide optional training for members; however, not all participate. The education reform package includes language that requires school board members to complete a minimum of 4 hours of training within 1 year of being elected. Subjects would include: financial oversight, accountability and fiduciary responsibilities.