

SB 7 Supporters

**Advance Illinois Chicago Principals' and Administrators Association Chicago Public Schools Chicago Teachers Union
Civic Committee of the Commercial Club of Chicago ED-RED Illinois Business Roundtable Illinois Chamber of
Commerce Illinois Education Association Illinois Federation of Teachers Illinois State Board of Education LEND
LUDA Office of the Lt. Governor Parent PAC School Management Alliance SCOPE Stand for Children**

Support Senate Bill 7

Senate Bill 7 is a legislative package, supported by the Governor, which has been thoughtfully negotiated by legislators, the State Board of Education, education reform groups, teachers' unions and school management. A substantial body of research shows that teacher effectiveness is the number one in-school factor determining student learning.

One of the most critical laws passed in the last legislative session will require principals' and teachers' evaluations to include student growth as a significant factor (the Performance Evaluation Reform Act (PERA); Public Act 96-0861). The PERA implementation date for principals in all school districts is September 1, 2012. With respect to teachers, PERA implementation is staggered. Chicago Public Schools must implement PERA in half of its schools by the beginning of the 2012-2013 school year and the other half by the beginning of the 2013-2014 school year. Schools receiving School Improvement Grants must implement by the beginning of the 2012-2013 school year. All remaining school districts and schools are not required to implement PERA until 2015-2016 or 2016-2017.

SB 7 makes a few changes to PERA, such as allowing school districts and their unions to agree to accelerate their respective PERA implementation date to as early as the beginning of the 2013-2014 school year. Most notably, though, SB 7 takes the next logical step by incorporating performance into personnel decisions so as to best ensure the most effective teachers are and remain in Illinois classrooms. SB 7 also adds transparency to the contract negotiation process.

Specifically, SB 7 addresses the following:

Attainment of Tenure (effective upon district's PERA-implementation date): SB 7 ties decisions regarding tenure to teachers' performance evaluations. A teacher who is granted tenure in a district will have demonstrated a level of proficiency that will give administrators, teachers and parents confidence that the district is making the right personnel decisions.

CURRENT	NEW
<ul style="list-style-type: none">• 4-year probationary period• No requirement for evaluation ratings to be considered in tenure decision • No accelerated or portable tenure	<ul style="list-style-type: none">• 4-year probationary period• Tenure decision will be performance evaluation-based for teachers first employed in a district on/after implementation date of PERA• Only eligible for tenure if Proficient/Excellent ratings in 2 of last 3 years, w/ Proficient/Excellent required in 4th year • Accelerated tenure for 3 Excellent ratings in first 3 terms• Portable tenure for previously-tenured teacher in new district with 2 Excellent ratings in first 2 terms in new district

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Certification Action by State Superintendent for Incompetency (effective immediately): The State Board of Education is the body that grants and renews educator certificates. The State Superintendent has the authority to take disciplinary action against those certificates for various bases, including “incompetency”; however, incompetency has never been defined. By defining incompetency in the School Code, the State Superintendent’s authority to initiate the revocation or suspension of an educator’s certificate on that basis is more legally sound.

CURRENT	NEW
<ul style="list-style-type: none"> • Incompetency is a basis for State Superintendent to initiate suspension/revocation; however, incompetency is not defined in statute or rule • Educator has right to hearing before State Teacher Certification Board 	<ul style="list-style-type: none"> • Incompetency is defined as 2 Unsatisfactory ratings w/in 7 years • State Superintendent may initiate action to revoke, suspend or require professional development after analyzing such factors as the time between the evaluations and the quality of the remediation plans • Educator has right to hearing before State Teacher Certification Board

Filling of New and Vacant Positions (effective immediately; does not apply to CPS as CPS is currently required by law to fill positions based on merit and ability): When a district has an open position to fill, a variety of criteria will be used to determine the best person for the job. The criteria include qualifications, certifications, merit and ability, and relevant experience, which include performance evaluations. District-wide seniority can only be used as a tie-breaker when all other factors are considered equal.

CURRENT	NEW
<ul style="list-style-type: none"> • Nothing in statute • Some Collective Bargaining Agreements address criteria and procedures, and may rely on seniority as the primary 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 • District selection cannot be grieved; violations of CBA procedures in selecting (e.g., evidence a particular criterion was not considered) can be grieved

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Reduction in Force (effective for RIFs where the notice of dismissal is sent in the 2011-2012 or subsequent school years):
When a district needs to lay off teachers due to economic reasons, the order of lay off will no longer be determined strictly by seniority. The district will now look at multiple factors: first qualifications and certifications will be determined, then performance evaluations will be used and then seniority. The new RIF provisions do not apply to CPS, as CPS is already required by statute to implement performance-based layoffs.

CURRENT	NEW
<ul style="list-style-type: none"> • Triggered by district decision to decrease # of teachers or discontinue particular type of teacher service • Teachers listed within teaching positions for which certified and legally qualified • Non-tenured must be RIF'd before tenured • Among tenured teachers, RIF by inverse district-wide seniority, unless CBA provides otherwise (non-tenured can go in any order) • Recall rights for tenured teachers based on reverse order of RIF into vacancies for which legally qualified 	<ul style="list-style-type: none"> • Same • Teachers listed w/in teaching positions for which certified and qualified (legal qualifications + additional district qualifications) • Tenured status has no impact on RIF sequence • Teachers grouped into 4 performance groups based on last 2 summative evaluations • District required to recall only those tenured and non-tenured teachers in the top two performance groups (3 & 4) based on reverse order of RIF into vacancies for which qualified (legal qualifications and additional district qualifications)

Tenured Teacher Dismissal (effective immediately, unless otherwise specifically noted): The hearing process for the dismissal of tenured teachers for either performance or conduct reasons has been long criticized as being inefficient and expensive. SB 7 streamlines the process in various ways. In addition, new requirements and training for hearing officers will ensure higher quality decisions. Further, all districts may opt for an even more streamlined process for performance-based dismissal. If the district chooses this process: (1) school board members must have training to better understand evaluation systems and processes; and (2) the district must provide a second qualified evaluator.

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Tenured Teacher Dismissal:

CURRENT	NEW
<p><i>Streamlining in Conduct-Based and Performance-Based Dismissals</i></p> <ul style="list-style-type: none"> • Minimal HO qualifications • 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 • 30 days after close of hearing for decision; often extended <p><i>Decision Maker</i></p> <ul style="list-style-type: none"> • Chicago <ul style="list-style-type: none"> ○ Conduct: HO makes recommendation to Board; Board makes decision ○ Performance: HO makes recommendation to Board; Board makes decision • Non-Chicago <ul style="list-style-type: none"> ○ Conduct: HO makes decision ○ Performance: HO makes decision <p><i>Appeal</i></p> <ul style="list-style-type: none"> • To Circuit Court on a manifest weight of the evidence standard 	<p><i>Streamlining in Conduct-Based and Performance-Based Dismissals</i></p> <ul style="list-style-type: none"> • On/after September 1, 2012, ISBE-training required of HO • 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 • Same, but extension only for limited good cause <p><i>Decision Maker</i></p> <ul style="list-style-type: none"> • Chicago (no change) <ul style="list-style-type: none"> ○ Conduct: HO makes recommendation to Board; Board makes decision ○ Performance: HO makes recommendation to Board; Board makes decision • Non-Chicago <ul style="list-style-type: none"> ○ Conduct: HO makes recommendation to Board; Board makes decision ○ Performance: HO makes decision (unless district chooses to use Alternative PERA-evaluation Procedure) <p><i>Appeal</i></p> <ul style="list-style-type: none"> • Chicago: <ul style="list-style-type: none"> ○ Appeal taken directly to Appellate Court (eliminating Circuit Court review) • Non-Chicago: <ul style="list-style-type: none"> ○ Appeal of HO decision to Circuit Court on manifest weight of the evidence standard in evaluation dismissal cases (unless district chooses to use Alternative PERA-evaluation Procedure). ○ Appeal of board decision to Circuit Court on manifest weight of the evidence standard in conduct dismissal cases. If school 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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Collective Bargaining/Right to Strike (effective immediately): If, after a reasonable period of mediation, contract negotiations in any district outside Chicago reach an impasse, SB 7 requires the publication of the parties' last best offers—a move that lets the public understand what the unresolved issues are and the positions taken by each side. This transparency should help encourage good-faith discussions and the settlement of as many issues as possible prior to publication. In Chicago, SB 7 lets either party opt into a 90 day fact-finding process at the end of a reasonable period of mediation. If issues remain unresolved, the disputes and fact-finding conclusions will be made public during a 30 day window. If impasse persists, the Chicago Teachers Union (CTU) can strike, but may do so only with at least 75% of all bargaining unit members of the CTU affirmatively voting to authorize the strike. Further, SB 7 explicitly includes the length of the school day and year to the list of “permissive” subjects of bargaining. Permissive subjects are those that CPS can elect, but is not required, to negotiate. CPS would still be required to bargain the “impact” of any decision—including how to pay for it.

CURRENT	NEW
<ul style="list-style-type: none"> • Mediation can be requested w/in 45 days of beginning of school year • Mediation can be invoked by the Illinois Educational Labor Relations Board w/in 15 days of beginning of school year 	<ul style="list-style-type: none"> • Mediation can be requested w/in 90 days of beginning of school year • Mediation can be invoked by the Illinois Educational Labor Relations Board w/in 45 days of beginning of school year <p>PLUS: Non-Chicago—Public Disclosure of Final Offers on Unresolved Issues</p> <ul style="list-style-type: none"> • Any time after 15 days from commencement of mediation, either party or mediator may declare an impasse • 7 days for parties to get final offers on unresolved issues to each other and mediator, who holds them for another 7 days • After 7 days, if no agreement, mediator sends final offers to IELRB for public posting on website • After 14 days, union can strike as long as it meets other strike requirements <p>Chicago</p> <ul style="list-style-type: none"> • Length of school day and school year added to permissive bargaining subjects under Section 4.5 of the IELRA • Permissive bargaining still requires the district to bargain the impact of relevant decisions. • 90 day fact-finding w/30 day public posting, prior to striking • 75% affirmative vote of bargaining unit members of the CTU to strike

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Survey of Learning Conditions: SB 7 requires the State Board of Education, subject to appropriation, to develop and make available a survey of learning conditions that districts will be required to administer every two years to at least teachers and students (grades 6 -12). Research has shown a high correlation between student achievement and the conditions in which teachers work and children learn. (NOTE: though not in SB 7, a work group led by the P-20 Council is examining ways to make the School Report Card more user-friendly and to incorporate data from this survey in a way that would be most relevant to parents and community members).

CURRENT	NEW
<ul style="list-style-type: none"> • Nothing required 	<ul style="list-style-type: none"> • Beginning 2012-2013 school year, subject to appropriation, administered at least every 2 years in each school district • ISBE-selected learning environment indicators publicly reported by school, district and State • If insufficient State funds, priority given to low-performing school and other representative sample of schools

Training for Elected School Board Members: SB 7 requires school board members elected after the effective date to engage in 4 hours of training during the first year of the term.

CURRENT	NEW
<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. • Training provided by one or more entities approved by the State Board of Education in consultation with the Illinois Association of School Boards