



## SB 7/SB 630 ANALYSIS

### Senate Amendment #1

Senate Sponsor: Lightford

The bill contains “education reform” provisions that were primarily intended to connect teacher hiring and dismissal to teacher performance. Many of the provisions expand on the Performance Evaluation Reform Act (PERA) of 2010 – the “Race to the Top” bill approved in January of 2010 (Public Act 96-861). Most school districts must have a new performance evaluation process for teachers and administrators by September 1, 2016, according to PERA. Some of the provisions of SB 7 below would be effective “pre-PERA” and some would be effective “post-PERA. The bill allows for a school district and the teachers to jointly agree to an earlier implementation date of the PERA provisions, but not before September 1, 2013.

- Requires the Illinois State Board of Education (ISBE) to establish a survey of learning conditions to provide feedback from teachers and students regarding the instructional environment within each school in the State. Every school district must administer the survey in each of its schools at least biannually and provide the data to the ISBE. Teachers must not be allowed to complete the survey on days or at times that would interfere with their teaching duties.
- Requires school board members to receive a minimum of four hours of professional development leadership training within one year of the beginning of the board member’s term. The topics that must be covered are education and labor law, financial oversight and accountability, and fiduciary responsibilities of a school board member. The school district must post on its website the names of the district’s school board members who have completed the training. The training may be provided by an association established in the School Code to provide school board member training or by other qualified providers approved by the ISBE in conjunction with such an association.
- Requires school districts and teachers’ unions, if either party or a mediator declares that contract negotiations are at an impasse, to make a final contract offer within 7 days. If there is no settlement within the next seven days, both final offers will be made public (with the press and posted on the school district website). If there is still no agreement after the public period, the teachers’ union may issue an intent-to-strike notice. The above provision is for all school districts except Chicago; the bill contains different provisions for the Chicago Public Schools.
- Allows the State Superintendent of Education to suspend, revoke, or limit an individual’s teaching certificate for incompetency – defined as receiving an unsatisfactory performance evaluation in two or more school terms within a seven year period. The State Superintendent may require the teacher to receive additional professional development in lieu of suspension or revocation (the certificate holder would be responsible for the costs of the professional development). The provision would be effective “pre-PERA”.

- Replaces teacher “seniority” with a process for measuring teacher performance regarding the filling of new and vacant positions. The provision would be effective “pre-PERA”.
  - Hiring/filling of such positions would be based upon the consideration of factors including certifications, qualifications, merit and ability (including performance evaluations), and relevant experience – provided that length of continuing service with the school district may not be considered as a factor unless all other factors are determined by the school district to be equal.
  - A school district’s decision to select a candidate for a position shall not be subject to review under grievance resolution procedures in the Illinois Educational Labor Relations Act (IELRA) and nothing in this Act limits or otherwise impacts school districts’ management right to hire new employees.
  
- Requires certain positive performance evaluations in order to attain tenure (“post-PERA”).
  - The probationary period would be four consecutive years with at least two performance evaluation ratings of at least “Proficient”, one being in the last year, before tenure is granted.
  - An accelerated tenure track would be available for teachers who have completed three consecutive years with all performance evaluations rated “Excellent”.
  - For teachers who have received tenure in a previous school district, and received at least “Proficient” performance evaluations in the two most recent evaluations in that district, the probationary period would be two consecutive years in the new district if the teacher receives two “Excellent” performance evaluations in those first two years.
  - Clarifies how certain “breaks in service” as a teacher relate to the new tenure changes
  
- Teacher Reductions in Force (RIF) and teacher recall procedures would be changed from one based solely on “seniority”, to one based on performance evaluations, beginning in the 2011-2012 school year.
  - RIF notices must be sent out 45 days before the end of the school term (instead of 60 days)
  - Each teacher must be categorized into one or more positions for which the teacher is qualified to hold per the job description by May 10. The categories are:
    - Group one consists of non-tenured teachers who have not received a performance evaluation rating.
    - Group two consists of teachers with a “Needs Improvement” or “Unsatisfactory” performance evaluation rating on either of the last two evaluations
    - Group three consists of teachers with a performance evaluation rating of at least “Satisfactory” or “Proficient” on both of the last two evaluations.
    - Group four consists of teachers with a performance evaluation rating of “Excellent” on the last two evaluations, and teachers with a performance evaluation rating of “Excellent” in two out of the last three evaluations, with the third evaluation rating being “Satisfactory” or “Proficient”.
  - RIF notices would be sent to teachers in the following order: 1) Group one, 2) Group two, 3) Group three, 4) Group four
  - Within group 1, the dismissal of probationary teachers who have not received a performance evaluation rating shall be at the discretion of the school district.

- Within groups 2, 3, and 4, the teacher's average performance rating would be determined and those with the lowest average performance rating would be dismissed first.
  - In the case of a tie, length of continuous service within the school district shall be used, unless an alternative method is bargained.
  - Only teachers in groups 3 and 4 would be eligible for recall.
  - Any recalls within groups 3 and 4 would use the inverse order of the rankings used for dismissal.
  - A joint committee composed of equal representation of teachers and the school district must be established to consider possible modifications to the definitions of groupings 2 and 4. Any agreement to revise groups 2 and 4 would need to be by agreement of the joint committee. If no agreement is reached, the statutory definition of the groups 2 and 4 shall govern. The committee would first meet by December 1<sup>st</sup> of each year and would be required to reach agreement by February 1 of each year.
- For tenured teacher dismissals, a teacher could request that a hearing officer be selected by the school board (the board would pay the fees and costs of the hearing officer), a mutual decision by the teacher and the board may be used to select a hearing officer (the cost of the hearing officer would be split equally between the teacher and the school board), or an alternative hearing officer selection may be used.
- Changes are made to the hearing procedures, including discovery, the bill of particulars, the number of days allowed for each action, and other required materials.
  - The changes for teacher dismissal take place after September 1, 2011.
  - An alternative dismissal process for "post-PERA" evaluations is established for a board to dismiss a tenured teacher who has failed to complete a remediation plan with at least a "Proficient" rating.
  - The alternative process requires the use of a second evaluator
  - In the dismissal hearing in the alternative process, the district must demonstrate the validity of the performance evaluation, the remediation plan complied with the law, the teacher failed to satisfactorily complete the remediation plan, and that the final remediation evaluation was a more valid assessment of the teacher's performance than the assessment made by the second evaluator.
  - The hearing officer will make a recommendation to the school board who will make the ultimate decision whether to dismiss or retain.
  - If the hearing officer recommends and the board determines to dismiss, the teacher's appeal rights are to the Appellate Court.
  - Dismissals on the basis of conduct will be streamlined and the hearing officer will render findings of facts and recommendations to the school board. The school board shall make the final employment decisions as to whether to retain or dismiss.

*This analysis was created by the Governmental Relations Department of the Illinois Association of School Boards and the legal counsel of the Illinois Association of School Administrators.*