

— From the Department of Government Relations —

## **Unions stand together to forge historic education reform**

**Senate Bill 7** will keep the best teachers in classrooms and ensure the teachers' voice remains strong at the bargaining table.

After three months of collaborative discussions with Chair Sen. Kimberly Lightford (D-Maywood) and the Senate Education Reform Committee, the IFT, Illinois Education Association (IEA), Chicago Teachers Union (CTU) and other groups have reached agreement on historic education reform legislation that passed the Senate and is now before the House.

IFT, IEA and CTU are proud to support Senate Bill 7, which contains the most significant, bold and comprehensive reforms in education in more than 40 years. Many of the provisions in the bill were promoted by the unions in the jointly developed "Accountability for All" plan which was introduced earlier this year.

From the beginning of the talks in January, the goals of the IFT, IEA and CTU have been clear and focused: To ensure that meaningful reforms were enacted that will ensure all children receive a high-quality education they deserve while protecting the rights of our members and keeping the best teachers in our classrooms.

By remaining unified, the unions were able to negotiate a bill that moves Illinois education forward while preserving the voice of teachers in our schools.

**We were able to win this battle despite the corporate -funded forces that came to the table intending to eliminate the right to strike for all teachers in Illinois and to eliminate seniority as a factor in school personnel decisions.**

We must now dedicate our efforts to ensuring passage of this important legislation that will benefit our students, our members and our communities.

### **Key Provisions of Senate Bill 7 – Educators' Voices Will Be Heard.**

From the beginning of discussions, IEA, IFT, and CTU refused to give in on the subject of our members' collective bargaining rights, **despite the call for the elimination of collective bargaining in the Performance Counts proposal.**

- **SB 7 retains teachers' democratic right to negotiate with their employers,** ensuring their professional input factors into important discussions about class size, curriculum and other areas that impact student learning and success.
- **SB 7 also maintains the right to strike for both Chicago and downstate teachers.**

For teachers outside of Chicago, the bill includes a provision requiring management and labor to make their last, best offers public for 14 days after unsuccessful mediation. Other existing strike provisions remain unchanged. For teachers in Chicago Public Schools, the IFT and IEA were unwavering in their support of keeping CTU's right to strike.

### **Experience Counts**

IEA, IFT and CTU worked hard in the face of strong opposition to ensure that **SB 7 takes teachers' years of experience into account in decisions about filling vacancies.**

Under the bill, districts would consider numerous factors in making such decisions, including certification, qualifications, performance and relevant experience. The definition (criteria) of relevant experience can be bargained. **SB 7 also establishes new Reduction in Force (RIF) procedures for teachers outside of Chicago.**

Effective immediately upon passage, a complex system of "performance tiers" will be established that:

- First, establishes categories of teaching positions, as is currently done under existing law;
- Second, places teachers in each category who have the required certifications and qualifications;
- Third, places teachers in each category into one of four groups, or "performance tiers," which are defined based upon tenured status and varying levels of performance ratings.
- Finally, ranks teachers within each category by seniority.

The bill requires that RIF notices be sent 45 days (previously 60) before the end of the school term. In addition, it defines that qualifications can now include criteria other than legal ones, but districts have strict timelines on publishing qualifications and job descriptions for positions prior to sending RIF notices.

**Existing collective bargaining agreements with RIF sequence language will be grandfathered until expiration, or until June 30, 2013, whichever comes sooner.**

### **Tenure that Ensures High-Quality Teachers**

Lengthy and serious discussion in this area resulted in positive changes in current tenure laws, which will take effect after PERA implementation. IEA, IFT and CTU believe these changes **will promote the integrity of the teaching profession by ensuring that our best new teachers are granted tenure benefits within reasonable timeframes.**

Under SB 7, the standard probationary period to obtain tenure remains four years.

To obtain tenure during a **four-year period** a teacher must:

- have two "proficient" or "excellent" ratings in two of the last three years; a "proficient" or "excellent" rating is required in the fourth year.

**IEA, IFT and CTU were able to negotiate an accelerated tenure process into SB 7 to allow exceptional new teachers the ability to achieve tenure in just three years.**

To obtain tenure in a **three-year period** a teacher must receive “excellent” ratings in each of his/her first three years.

SB 7 will also provide the benefit of **tenure portability** within Illinois districts when:

- The teacher is granted tenure in one district, *and*
- The tenured teacher’s previous two PERA evaluations were “proficient” or “excellent.”

When either of the two criteria are met, a teacher, upon moving to a new district, will be eligible for tenure in that district in two years with “excellent” performance. This provision will take effect after PERA implementation.

### **Streamlined Dismissal Process**

The IFT, IEA and CTU worked diligently to protect members’ due process rights while obtaining provisions in SB 7 that will streamline the dismissal process for underperforming teachers. Language in **the bill provides for a two-phase process and shortened timelines for dismissal in both downstate districts and Chicago.**

In performance based-dismissal cases after PERA implementation, **districts will now have the option to use the current hearing officer structure or to proceed with an alternative process** which would require a second evaluator determined by the parties.

SB 7 shifts the cost of the hearing officer from the state to the unions and the district, beginning July 1, 2012.

### **Training to Improve School Board Member Performance**

For the first time ever, **school board members will be required to receive a minimum of four hours of training** on fiduciary responsibilities, collective bargaining and other topics related to their important elected roles in their school districts.

This language in SB 7 is the direct result of the efforts of the IEA, IFT and CTU and was a key element of the unions’ “Accountability for All” plan as a way to ensure that all adults involved in children’s education - not just teachers - are accountable for their performance.

**Teaching and Learning Conditions Survey to Provide Educator Input** This provision, as recommended in the “Accountability for All” proposal, will provide **teachers, parents and administrators the opportunity to provide input on the teaching and learning conditions in their school**, with the results to be reported out at the school, district and state levels. Key indicators will also be on the school report card.

### **Action on Teacher Certificates**

SB 7 makes certain changes that impact the state superintendent’s ability to take action against a teacher’s certificate. Currently, the superintendent may revoke a teacher’s certificate for incompetency, but the term is not defined in the school code.

**This bill defines “incompetence” as “two unsatisfactory evaluations within a seven-year period.” Under SB 7, as had already been the case, the state superintendent will continue to have the right to recommend suspension or revocation of a teacher’s certificate, but may now also seek “restriction” (required professional development).**

In addition, the superintendent must now consider a variety of issues before determining action against a certificate for incompetency, including whether the unsatisfactory evaluations were received before or after the *Performance Evaluation Reform Act (PERA)* was in effect, the time between unsatisfactory evaluations, quality of remediation plans and other factors.

These changes would take effect immediately upon passage.

The teacher can appeal this decision to the Illinois State Certification Board and that board makes the final decision.