

AMEND BOARD REPORT 97-0723-P02
POLICY REGARDING REASSIGNMENT AND LAYOFF OF REGULARLY CERTIFIED
AND APPOINTED TENURED TEACHERS

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

The Chief Executive Officer recommends amending Board Report 97-0723-P02 by adoption of the following amended policy for use by the Board and administrators, effective ~~June 25, 1997~~ July 1, 2004.

HISTORY OF BOARD ACTION:

The Board approved Board Report 95-0814-P02, *Reassignment and Layoff of Regularly Certified and Appointed Teachers Due to Changes in Staffing Needs* on August 14, 1995 and amended the policy by Board Report 97-0723-P02 on July 23, 1997.

DESCRIPTION:

The ~~1995 Amendatory Act to the~~ Illinois School Code and other statutes ~~prohibits~~ permit collective bargaining on decisions regarding reductions in force. The merits of various options concerning the reassignment and layoff of regularly certified and appointed tenured teachers as a result of changes in staffing needs and the remediation, probation, or reconstitution of schools ~~have been considered~~ were the subject of collective bargaining with the Chicago Teachers Union. The policy set forth below reflects the agreements reached with the Chicago Teachers Union.

Section I - Scope of Policy

Whenever an attendance center or a program is closed, there is a drop in enrollment, the educational focus of the attendance center is changed such that available teaching positions cannot accommodate some or all current regularly certified and appointed teaching staff, or when an attendance center is subject to actions taken pursuant to Sections 34-8.3 or 8.4 of the School Code as a result of remediation, probation, reconstitution or educational crisis, such staff tenured teachers will be reassigned or laid off in accordance with this policy.

Section 2 - Selection of Teachers for Removal

A. In Attendance Centers/Programs That Are Not Subject to Reconstitution

If changes in an attendance center or program require removal of some but not all teachers, teachers with appropriate certifications will be selected for retention based on system-wide seniority. Provisionals, Day-to-Day substitutes, Cadre Substitutes, ~~FTBs~~, Temporarily Assigned Teachers ("TATs") and Probationary teachers within the attendance center or program will be removed before any regularly certified and appointed tenured teachers with the appropriate certification is removed, in that order. Within each group, system-wide seniority shall be the determining factor.

B. In Attendance Centers/Programs That Are Subject to Reconstitution

In attendance centers that are subject to reconstitution; tenured teachers will be removed based upon the criteria set forth in Section 34.18(31) of the School Code. The relative weight of such criteria shall be determined by the Chief Executive Officer or an individual attendance center basis according to the School Improvement Plan and the type of position to be changed or closed.

Section 3 - Notice of Position Closing

When a determination is made that a tenured teacher's services are no longer required at an attendance center, or in a program for the reasons described in Section 1 above, the tenured teacher will be so notified (hereinafter "notice of removal").

Section 4 - List of Vacancies

Upon notice to the tenured teacher of removal, the Department of Human Resources will immediately provide the tenured teacher with a list of all unencumbered vacant positions for which he or she is qualified and which are consistent with the Plan to Implement the Provisions of Title VI of the Civil Rights Act of 1964. The Department will also provide each tenured teacher who makes a written request to the Department with a copy of the list of vacancies in any area identified by the Department to be an area of systemic critical need.

Section 5 - Opportunity to Interview

During the first 30 school days after notice of removal, the tenured teacher will be permitted to interview at schools of his/her choosing without being assigned any additional duties. The Board will make available to affected tenured teachers lists of vacancies, job counseling and assistance with resume writing and interviewing skills.

Section 6 - Reassignment To A Permanent Position

Applications for vacancies shall be made to the principals with a copy provided by the tenured teacher to the Department of Human Resources. The tenured teacher will be interviewed by the principal unless the position is filled before an interview takes place. When a principal recommends appointment of a tenured teacher applicant to a vacant position, the teacher will be transferred to that position.

Section 7 - Interim Appointment

An appointment of a tenured teacher to a vacant position may be made by a principal on an interim basis, with written notice to the Department of Human Resources. An interim appointment will be no more than sixty school days during which the teacher's performance will be evaluated by the principal or a qualified designee. If the tenured teacher is removed from the interim position prior to expiration of the interim period or if the tenured teacher is not offered a regular appointment when his or her interim appointment expires, he or she will be reassigned to a an Area cluster Region as provided in Section 9.

Section 8 - Permanent Appointment

If the principal, determines during the interim period that the tenured teacher is performing satisfactorily and should be appointed permanently, the principal will recommend such an appointment to the Department of Human Resources. The recommendation will be accepted and the tenured teacher will receive a regular appointment. If the tenured teacher remains in the interim position for more than 60 days, he or she shall be permanently assigned to the position.

Section 9 - Assignment to an Area Cluster Region

Following the 30 school day period after notice of removal and thereafter during any period when the tenured teacher is not in an interim or permanent appointment, the teacher will be assigned to a an Area cluster Region as a day-to-day substitute teacher. The Department of Human Resources will make every effort to assign the tenured teacher to the Area cluster Region to which the tenured teacher was previously assigned or in which the tenured teacher resides.

Section 10 – Layoff

If a tenured teacher is unable to secure a permanent appointment within 10 school months after notice of removal, the tenured teacher shall be laid off and given an honorable termination from service and the opportunity to be placed as a cadre substitute in accordance with the collective bargaining agreement between the Board and the Chicago Teachers Union. When a layoff is required, the tenured teacher shall be notified at least 14 days in advance of the date the layoff is to take effect.

Section 11- Recall

If after 10 school months the tenured teacher has not been appointed to a permanent position, he or she will be honorably terminated from service. If within two years after an honorable termination the tenured teacher is appointed by a principal to a permanent position, tenure and prior seniority will be restored to the teacher as of that date.

Section 12 - Plan to Implement Provisions of Title VI of the Civil Rights Act of 1964

If a removed tenured teacher's appointment to a vacancy would not be consistent with the Plan to Implement Provisions of Title VI of the Civil Rights Act of 1964, the appointment will not be made unless there is no teacher who holds the appropriate certification available to be appointed consistent with the Plan.

Section 13 - Effective Date

This policy is effective only with respect to certified and appointed tenured teachers who receive a notice of removal on or after ~~June 25, 1997~~ July 1, 2004. Non-tenured teachers removed pursuant to Section 1 prior to July 1, 2004, and to whom this policy applied prior to July 1, 2004, shall continue to receive the benefits of this policy.

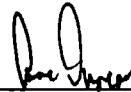
Legal References: 115 ILCS 5/4.5, as amended

Reviewed for Consideration:



Barbara Eason-Watkins
Chief Education Officer

Respectfully Submitted,



Arne Duncan
Chief Executive Officer

Noted:



John Maiorca
Chief Financial Officer

Approved as to Legal Form:



Ruth M. Moscovitch
General Counsel