



Summary of Public Act 97-0008/97-0007

Layoffs and Recalls

105 ILCS 5/24-12 (b and c)

- These sections of the School Code [24-12 (b and c)] are completely new.
- Reduction in force will now be referred to as **layoffs** or **honorable dismissals**. These two terms can be used interchangeably. Layoffs can include the honorable dismissal of tenured or non-tenured teachers.
- For layoffs that occur during the 2011-12 school term (spring of 2012) or thereafter, teachers who are honorably dismissed must receive a written notice either via certified mail or personal delivery **45 days** prior to the end of the school term. This notice must include a statement of honorable dismissal and the reasons for such.
- **Category List**
 - The district must categorize each teacher into one or more positions for which the teacher is legally qualified to hold and any other qualifications established by the district in a job description that may exist.
 - This categorization must be completed no later than **May 10** of any school term prior to a school year during which a layoff might occur (example – if layoffs are announced in spring 2012, they must be based on categorization qualifications which were in effect on May 10, 2011).
- **Joint Committee**
 - A joint committee must be established and composed of equal numbers of representatives selected by the school board and the union to address the following matters regarding additional groupings.
 - For the first school year of this law (2011-12), the joint committee must be established and meet for the first time on or before **December 1, 2011**.
 - During the 2011-12 school year and thereafter, the joint committee's work must be completed by **February 1** of a school year in order for the agreement of the joint committee to apply to the sequence of dismissal determined during that school year.
 - Joint committee agreements on matters permitted under the law must be by a majority vote of all committee members.
 - If the joint committee does not reach agreement on a matter, the law prevails.
 - Subject to the February 1 deadline for agreements, any agreements made by the joint committee remain in effect until amended or terminated by the joint committee.

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- **Honorable Dismissal List**

- Within each position and subject to agreements made by the joint committee on layoffs by February 1 of each school year, the school district must establish four groupings of teachers qualified to hold positions.
- Each school district must, in consultation with the union, provide an honorable dismissal list categorized by positions and the four groupings as described in the next section. Copies of this list must be distributed to the union at least 75 days before the end of the school term.

- **Performance Evaluation**

- Teachers not in contractual continued service (non-tenured) must be evaluated at least once every school year.
- Teachers in contractual continued service (tenured) must be evaluated at least once every two school years.
- Between now and September 1, 2012, the law requires that there may be one of two rating systems used unless the district had a waiver from the state:
 - Three rating system = *excellent, satisfactory, or unsatisfactory*
 - Four rating system = *excellent, proficient, needs improvement, or unsatisfactory*
- Performance evaluations **do not** include those conducted during or at the end of a remediation period.
- If a performance evaluation rating is nullified as the result of an arbitration determination, the school district is deemed to have conducted a performance evaluation for that school year, but the performance evaluation rating may not be used in determining the sequence of dismissal.
- If a teacher is evaluated at least once during a school year in which a dismissal sequence must be determined and a second evaluation is not conducted in a year in which such is required, the teacher shall be deemed "proficient" for the purpose of determining dismissal sequence.

- **Groupings for Honorable Dismissals**

- **Group 1**

- This group includes each teacher who is not in contractual continued service and who has not received a performance evaluation rating as of February 1 of the year in which the written layoff notice would be provided to the teacher.
- A teacher who is not in contractual continued service and is evaluated after February 1 but before 45 days before the end of the school term can be moved to another group during the period of time from 75 days until 45 days before the end of the school term.
- Within this group, the sequence of dismissal is at the discretion of the school district.
- **Teachers in Group 1 are dismissed before any other group.**

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- Group 2

- This group includes each teacher with a “needs improvement” or “unsatisfactory” performance rating on either of the teacher’s last two performance evaluations.
- For each teacher in Group 2, an average must be calculated from the two most recent performance evaluation ratings if available or the last performance evaluation rating if only one is available. Averages are computed by using the following numerical values: 1 = *unsatisfactory*; 2 = *needs improvement*; 3 = *proficient or satisfactory*; and 4 = *excellent*.
- Unless an alternative method is bargained with the union, the teachers with the lowest average are dismissed first. Should there be a tie amongst the average ratings of two teachers in this group, the teacher with the shorter length of continuing service is dismissed first.
- As part of its work, the joint committee must consider and may agree to criteria for excluding from Group 2 and placing into Group 3 a teacher whose last two performance evaluations include a “needs improvement” and either a “proficient” or “excellent” rating.
- **Teachers in Group 2 are dismissed after teachers in Group 1 but before teachers in Groups 3 and 4.**

- Group 3

- This group includes each teacher with at least a “satisfactory” or “proficient” rating on both of the teacher’s last two performance evaluation ratings if two ratings are available or on the teacher’s last performance evaluation rating if only one rating is available, unless the teacher qualifies for placement into Group 4.
- Unless an alternative method is bargained with the union, the teacher with the shorter length of continuing service is dismissed first.
- **Teachers in Group 3 are dismissed after teachers in Groups 1 and 2 but before teachers in Group 4.**

- Group 4

- This group includes each teacher whose last two performance evaluations are “excellent” and each teacher with two “excellent” performance evaluations out of the teacher’s last three performance evaluation ratings with a third rating of “satisfactory” or “proficient.”
- Unless an alternative method is bargained with the union, the teacher with the shorter length of continuing service is dismissed first.
- As part of its work, the joint committee must consider and may agree to an alternative definition for Group 4. This definition must take into account prior performance evaluation ratings and may take into account other factors that relate to the school district’s or program’s educational objectives.

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- An alternative definition for Group 4 may **not** permit the inclusion of a teacher in the group with a “needs improvement” or “unsatisfactory” performance evaluation rating on either of the teacher’s last two performance evaluation ratings.
- **Teachers in Group 4 are the last to be dismissed.**
- **Joint Committee Responsibilities**
 - As part of its work, the joint committee must consider and may agree to criteria for excluding from Group 2 and placing into Group 3 a teacher whose last two performance evaluations include a “needs improvement” and either a “proficient” or “excellent” performance evaluation rating.
 - As part of its work, the joint committee must consider and may agree to an alternative definition for Group 4. This definition must take into account prior performance evaluation ratings and may take into account other factors that relate to the school district’s or program’s educational objectives.
 - An alternative definition for Group 4 may NOT permit the inclusion of a teacher in the group with a “needs improvement” or “unsatisfactory” performance evaluation rating on either of the teacher’s last two performance evaluation ratings.
 - In its definition of performance evaluation ratings, the joint committee may include those from another school district when determining the dismissal sequence.
 - If a school district has performance evaluation ratings different than those prescribed by the law, the school district must consult with the joint committee on the basis for assigning a rating that complies with the law.
 - Between now and September 1, 2012, the law requires that one of two rating systems may be used:
 - Three rating system = *excellent, satisfactory, or unsatisfactory*
 - Four rating system = *excellent, proficient, needs improvement, or unsatisfactory*
 - On and after **September 1, 2012**, performance evaluation ratings for all teachers must be the four rating system: *excellent, proficient, needs improvement or unsatisfactory*.
 - Any joint committee member may request from the board a list showing the most recent and prior performance evaluation ratings of each teacher identified only by length of continuing service in the district and not by teacher’s name.
 - The request must be submitted to the board no later than **10 days** after the distribution of the sequence of honorable dismissal list.
 - Within **5 days** after the request, the board or its representative must provide the list to the members of the joint committee.
 - If after receiving the list, a member of the joint committee believes that a disproportionate number of veteran teachers have received a recent performance evaluation rating lower than the prior rating, the member may request that the joint committee review the list to assess whether such a trend may exist.

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- By no later than the end of the applicable school term, the joint committee or any member(s) may submit a report of the review to the board and union.

- **Recalls**

- For layoffs that amounted to less than or equal to 15 percent of the number of full-time equivalent positions filled by certified employees (excluding administrators), the recall period is for the following school term or within one calendar year from the beginning of the following school term.
- For layoffs that amounted to greater than 15 percent of the number of full-time equivalent positions filled by certified employees (excluding administrators), the recall period is for the following school term or within two calendar years from the beginning of the following school term.
- The order of recall must be in inverse order of dismissal in Groups 3 and 4, unless an alternative order of recall is established in a collective bargaining agreement.
- **Groups 1 and 2 do not have recall rights.**
- A public hearing is required whenever the number of honorable dismissal notices based on economic necessity exceeds 5 notices or 150 percent of the average number of teachers honorably dismissed in the preceding three years, whichever is more. Following the public hearing, the action to approve any such dismissals shall require a majority vote of the board members.

- **Grandfathering**

Any collective bargaining agreement that includes language related to the sequence of honorable dismissals and recall that conflicts with the law and which was entered into on or before January 1, 2011, and in effect on June 13, 2011, remains in effect until its expiration or **June 30, 2013**, whichever is earlier.