

**AMEND BOARD REPORT 04-0623-PO5**  
**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 04-0623-PO5 ~~97-0723-PO2~~ by adoption of the following amended policy for use by the Board and administrators, effective July 1, 2007 ~~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-PO2 on July 23, 1997 and again by Board Report 04-0623-PO5 on June 23, 2004.

**DESCRIPTION:**

The Illinois School Code and other statutes 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 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 1 - 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 Illinois School Code, 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, 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~~ in accordance with Section 34-8.3 of the Illinois 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 I 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 of Human Resources will also provide each tenured teacher who makes a written request to the Department of Human Resources with a copy of the list of vacancies in any area identified by the Department of Human Resources to be an area of systemic critical need.

#### **Section 5 - Opportunity to Interview**

During the first ~~30~~ thirty 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 tenured teacher will be transferred to that position.

#### **Section 7 - Interim Appointment**

##### **A. *Interim Assignments for Teachers in the Reassigned Teacher Pool Due to School Closings, Consolidations, and Reconstitutions.***

The Human Resources Department shall offer interim assignments in school-based, vacant 210-funded teaching positions to tenured teachers who are in the reassigned teacher pool due to school closings, consolidations or reconstitutions. Offers of interim assignment shall be effective after the 20<sup>th</sup> school day of each school year and shall be for a period up to sixty consecutive school days. Offers of interim assignment shall be made in seniority order within a tenured teacher's area of certification. Tenured teachers who decline the assignment shall remain in the reassigned teacher pool and shall be subject to the remaining terms of this policy. If sufficient 210-funded vacancies are not available on or after the 20<sup>th</sup> school day, the tenured teacher shall remain in the reassigned teacher pool and shall be subject to the remaining terms of this policy. The interim assignment shall be no more than sixty consecutive school days. During the interim assignment, the school principal or a qualified designee shall assess the tenured teacher's performance and make a determination about whether to offer the tenured teacher a regular appointment to that position when the interim assignment expires. If the principal does not make an offer in writing to the tenured teacher to appoint him/her to the position on or before the date on which the interim assignment expires, the tenured teacher will be reassigned to the reassigned teacher pool and shall be subject to the remaining terms of this policy.

The Board shall afford probationary appointed teachers in their 4<sup>th</sup> year of probation, who are displaced in the 2007-2008 school year due to school closings, consolidations or reconstitutions, the rights and benefits of this policy.

##### **B. *Interim Assignments for Teachers in the Reassigned Teacher Pool Due to Drop in Enrollment.***

Effective in the 2008-2009 school year and thereafter, the Human Resources Department shall offer interim assignments in school-based, vacant 210-funded teaching positions to tenured teachers who are in the reassigned teacher pool due to a drop an enrollment. Offers of interim assignment shall be effective after the 20<sup>th</sup> school day of each school year and shall be for a period up to sixty consecutive school days. Offers of interim assignment shall be made in seniority order within a tenured teacher's area of certification. Tenured teachers who decline the assignment shall remain in the reassigned teacher pool

and shall be subject to the remaining terms of this policy. If sufficient 210-funded vacancies are not available on or after the 20<sup>th</sup> school day, the tenured teacher shall remain in the reassigned teacher pool and shall be subject to the remaining terms of this policy. The interim assignment shall be no more than sixty consecutive school days. During the interim assignment, the school principal or a qualified designee shall assess the tenured teacher's performance and make a determination about whether to offer the tenured teacher a regular appointment to that position when the interim assignment expires. If the principal does not make an offer in writing to the tenured teacher to appoint him/her to the position on or before the date on which the interim assignment expires, the tenured teacher will be reassigned to the reassigned teacher pool and shall be subject to the remaining terms of this policy.

**C. Other Interim Assignments For Any Tenured Teachers In The Reassigned Teacher Pool**

An appointment of a tenured teacher to a vacant position may be made by a principal on an interim basis. The provisions of Section 7 A and B notwithstanding, a principal may make an offer of an interim assignment to any tenured teacher in the reassigned teacher pool at any time with written notice to the Department of Human Resources. An interim assignment appointment will be no more than sixty school days during which the tenured 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 an Area cluster 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 sixty 60 days, he or she shall be permanently assigned to the position.

**Section 9 - Assignment to an Area Cluster**

Following the 30 thirty 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 tenured teacher will be assigned to an Area cluster 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 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 40 ten 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~~ AGREEMENT BETWEEN THE BOARD OF EDUCATION OF THE CITY OF CHICAGO AND CHICAGO TEACHERS UNION, LOCAL NO. 1, AMERICAN FEDERATION OF TEACHERS, AFL-CIO. When a layoff is required, the tenured teacher shall be notified at least 44 fourteen days in advance of the date the layoff is to take effect. A tenured teacher who is honorably terminated and is placed as a Cadre substitute immediately following his or her honorable termination shall be afforded the opportunity to maintain his or her health benefits at the same level and on the same terms and conditions as he or she had as a tenured teacher for a period of twelve calendar months following his or her honorable termination.

**Section 11- Recall**

If after 40 ten 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 12 - Effective Date**

This policy is effective only with respect to certified and appointed tenured teachers who receive a notice of removal on or after July 1, 2004 2007. ~~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

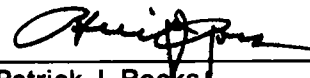
**Respectfully Submitted,**

  
Arne Duncan  
Chief Executive Officer

**Noted:**

  
Pedro Martinez  
Chief Financial Officer

**Approved as to Legal Form:** 

  
Patrick J. Rocks  
General Counsel