

November 11, 2011

**S**raga  
**SH**ausser, LLC

**Priority Briefing**

**HAVE YOU CONVENED YOUR  
JOINT COMMITTEE?  
FIRST REMINDER OF ACTIONS REQUIRED BY  
SENATE BILL 7**

The first action date under the recently adopted Education Reform Act (the “Act”) (“Senate Bill 7”) is rapidly approaching. On or before December 1, 2011, each school district and special education joint agreement must convene a joint committee of representatives from the school board and its teachers’ union to address five (5) specific matters pertaining to honorable dismissals. The committee must be composed of equal numbers of representatives from the school board and the teachers’ union. This joint committee must meet even if the school district or joint agreement does not anticipate a reduction in force for the 2011-12 school year.

The Act directs the joint committee to consider the following five (5) matters and no others:

- (1) The joint committee must consider and may agree to criteria for excluding from grouping 2 (*i.e.*, teachers with a “needs improvement” or “unsatisfactory” on either of the last 2 evaluations) and bumping up to grouping 3 (*i.e.*, teachers with a “satisfactory” or “proficient” on both of the last 2 evaluations or on the last evaluation if 2 are not available) a teacher whose last 2 evaluations include a “needs improvement” and either a “proficient” or “excellent.”
- (2) The joint committee must consider and may agree to an alternative definition for grouping 4 (*i.e.*, teachers with “excellents” on the last 2 evaluations or with 2 “excellents” and a “satisfactory” or “proficient” on the last 3 evaluations), which 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. The alternative definition may not include a teacher in grouping 4 with a "needs improvement" or "unsatisfactory" evaluation on either of the teacher's last 2 evaluations.

- (3) For an employee who was previously employed by another school district or joint agreement, the joint committee may agree to use evaluation ratings administered by the prior school district or joint agreement to determine grouping placement for the sequence of honorable dismissal. This is not a mandatory consideration; it is merely optional.
- (4) For each school district or joint agreement that uses evaluation ratings that are inconsistent with either of the rating category systems specified in Section 24A-5 of the School Code, (*i.e.*, systems that use either (1) "unsatisfactory," "satisfactory," or "excellent;" or (2) "unsatisfactory," "needs improvement," "proficient," or "excellent"), the school district or joint agreement must consult with the joint committee on the basis for assigning a rating that complies with Section 24A-5 of the School Code to each evaluation rating that will be used in a sequence of dismissal. (This does not need to be considered by the joint committee if your evaluation system uses ratings of "unsatisfactory," "satisfactory" and "excellent" or "unsatisfactory," "needs improvement," "proficient" and "excellent.")
- (5) Upon request by a joint committee member submitted to the employing board by no later than 10 days after the distribution of the sequence of honorable dismissal list, a representative of the employing board shall, within 5 days after the request, provide to members of the joint committee a list showing the most recent and prior evaluation ratings of each teacher identified only by length of continuing service in the district or joint agreement and not by name. If, after review of this list, a member of the joint committee has a good faith belief that a disproportionate number of teachers with greater length of continuing service with the district or joint agreement have received a recent performance 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. (No data will exist to consider this for the 2011-2012 school year.)

This joint committee should not be confused with the statutory requirement to incorporate new ratings into tenured teacher evaluation plans in cooperation with the teachers' union nor with the joint committee of school board and teacher union representatives which will be established to determine how to incorporate student growth into teacher evaluations. These issues should not be considered by this joint committee.

The joint committee must come to agreement on a matter on or before February 1, 2012, for the agreement to apply to a reduction in force in the 2011-12 school year. Agreement as to any one of the matters requires the majority vote of all members of the joint committee. There is no statutory requirement that an agreement be reached on any of these five (5) matters. In the absence of agreement on any matter, the express provisions of the Act will apply as a default. There is no statutory requirement that the joint committee meet each year; any agreement reached by the joint committee will apply

to honorable dismissals until the agreement is amended or terminated by the joint committee. Upon request of a member of the joint committee; however, the joint committee may be required to meet subsequently to assess whether a disproportionate number of teachers with greater length of continuing service have received evaluation ratings lower than prior ratings as provided in the fifth consideration above.

Should you have any questions regarding the joint committee, please call one of our attorneys in our Oak Brook office - (630) 928-1200, or in our Flossmoor office – (708) 799-6766.