

Professional Personnel

Terms and Conditions of Employment and Dismissal 1

The School Board delegates authority and responsibility to the Superintendent to manage the terms and conditions for the employment of professional personnel. The Superintendent shall act reasonably and comply with State and federal law as well as any applicable collective bargaining agreement in effect. The Superintendent is responsible for making dismissal recommendations to the Board consistent with the Board's goal of having a highly qualified, high performing staff. 2

School Year and Day

Teachers shall work according to the school calendar adopted by the Board, which shall have a minimum of 176 student attendance days and a minimum of 180 teacher work days, including teacher institute days.³ Teachers are not required to work on legal school holidays unless the District has followed applicable State law that allows it to hold school or schedule teachers' institutes, parent-teacher conferences, or staff development on the third Monday in January (the Birthday of Dr. Martin Luther King, Jr.); February 12 (the Birthday of President Abraham Lincoln); the first Monday in March (known as Casimir Pulaski's birthday); the second Monday in October (Columbus Day); and November 11 (Veterans' Day). 4

School Day

Teachers are required to work the school day adopted by the Board.⁵ Teachers employed for at least four hours per day shall receive a duty-free lunch equivalent to the student lunch period, or 30 minutes, whichever is longer. 6

The District accommodates employees who are nursing mothers according to provisions in State and federal law. 7

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State or federal law controls this policy's content. This policy contains items on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. The local collective bargaining agreement may contain provisions that exceed these requirements. In such cases, the board policy should be amended to state, "Please refer to the applicable collective bargaining agreement." ~~When a policy's subject matter is superseded by a bargaining agreement, the board policy can state, "Please refer to the current [insert name of CBA or use a generic reference, e.g., "agreement between the bargaining representative and the School Board"]".~~

Evaluation, tenure, and dismissals ~~will be changed~~ significantly from ~~2013~~now until to 2016 as P.A.s 96-861, 97-8, and 98-513 ~~(eff. 1-1-14)~~ are implemented. These public acts are ~~frequently~~ referred to as *Education Reform* or *Education Reform Acts*.

² This paragraph is consistent with the *IASB's Foundational Principles of Effective Governance*. Boards have ~~three~~ options for using this paragraph: (1) use it as an introduction to the policy; (2) use it alone leaving the specific other topics for administrative implementation; or (3) do not use it.

³ 105 ILCS 5/10-19. See ~~policy~~ 6:20, *School Year Calendar and Day*.

⁴ 105 ILCS 5/24-2(b). See ~~policy~~ 5:330, *Sick Days, Vacation, Holidays, and Leaves*, for a holiday listing as well as a discussion of the case finding the State-mandated school holiday on "Good Friday" unconstitutional. 105 ILCS 5/24-2 prohibits districts from making a deduction "from the time or compensation of a school employee on account of any legal or special holiday."

⁵ The length of the school day is left to the board's discretion absent an individual or collective bargaining contract. With several exceptions, the student attendance day must include at least ~~five~~ five class hours of direct teacher supervision. (105 ILCS 5/18-8.05).

⁶ 105 ILCS 5/24-9.

Salary

Teachers shall be paid according to the salary ~~iesy fixed schedule adopted~~ by the Board, but in no case less than the minimum salary provided by the School Code.⁸ Teachers shall be paid at least monthly on a 10- or 12-month basis. ⁹

Assignments and Transfers

The Superintendent is authorized to make teaching, study hall, extra class duty, and extracurricular assignments.¹⁰ In order of priority, assignments shall be made based on the District’s needs and best interests, employee qualifications, and employee desires.

School Social Worker Services Outside of District Employment

School social workers may not provide services outside of their District employment to any student(s) attending school in the District. School social worker has the meaning stated in 105 ILCS 5/14-1.09a. ¹¹

Dismissal

The District will follow State law when dismissing a teacher. ¹²

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~~⁷ 740 ILCS 137/; 820 ILCS 260/1. Ill. law requires more of employers than federal law. Consult the board attorney to ensure the district is properly accommodating nursing mothers. See 5:10-AP, *Workplace Accommodations for Nursing Mothers*.~~

~~⁸ 105 ILCS 5/10-20.7, 5/10-21.1, 5/24-1, and 5/24-8 (minimum salary). Salaries are a mandatory subject of collective bargaining. ~~(115 ILCS 5/10)~~. Annually, by Oct. 1, each district must: (1) during an open school board meeting, report salary and benefits information for the superintendent, administrators, and teachers; (2) publish that information on the district’s website, if any; and (3) provide this information to ISBE. ~~(105 ILCS 5/10-20.47)~~. According to a Public Access Counselor’s *Informal Mediation* letter interpreting Sec. 7.3 of the Open Meetings Act, an IMRF employer must post on its website the names of employees having a total compensation package that exceeds \$75,000 per year. ~~(2012 PAC 19808)~~.~~

~~⁹ 105 ILCS 5/24-21.~~

~~¹⁰ Districts are required to have a policy on the distribution of the listed assignments ~~(23 Ill.Admin.Code §1.420(d)~~.~~

~~Absent an individual or collective bargaining agreement, the board has unilateral discretion to assign or retain a teacher to or in an extracurricular duty. *Betebenner v. Bd. of Educ.*, 336 Ill.App. 448 (4th Dist. 1949)~~84 N.E.2d 569 (Ill.App.4, 1949)~~; *Dist. 300 Educ. Assoc. v. Bd. of Educ.*, 31 Ill.App.3d 550 (2nd Dist. 1975)~~334 N.E.2d 165 (Ill.App.2, 1975)~~; *Lewis v. Bd. of Educ.*, 181 Ill.App. 3d 689 (5th Dist. 1989)~~537 N.E.2d 435 (Ill.App.5, 1989)~~.~~

~~¹¹ Optional. This subhead provides information to district employees and the community that 105 ILCS 5/14-1.09a, amended by P.A. 100-356, prohibits school social workers from moonlighting by providing services to students attending the districts in which they are employed. Delete “5/10-20.60, 5/14-1.09a.” from the Legal References if the board deletes this subhead.~~

¹² All dismissal laws in the chart below were amended by P.A.s 96-861, 96-1423, 97-8 and/or 98-513 (eff. 1-1-2014).

Non-tenure Teacher Discharge	105 ILCS 5/24-11
Tenured and Non-tenure Teachers Reduction in Force	105 ILCS 5/24-12(b) and (c)
Tenured Teacher Discharge Where Cause Remediable	105 ILCS 5/24-12(d) (prior reasonable warning required) 105 ILCS 5/24-12(d) (procedural mandates) 105 ILCS 5/10-22.4 (general authority)
Tenured Teacher Discharge Where Cause Irremediable	105 ILCS 5/24-12(d) (no prior warning required) 105 ILCS 5/24-12(d) (procedural mandates) 105 ILCS 5/10-22.4 (general authority)

Evaluation

The District’s teacher evaluation system will be conducted under the plan developed pursuant to State law. 13

On an annual basis, the Superintendent will provide the Board with a written report which outlines the results of the District’s teacher evaluation system.

LEGAL REF.: 105 ILCS 5/10-19, 5/10-20.60 (P.A. 100-356, final citation pending), 5/14-1.09a, 5/18-8, 5/22.4, 5/24-16.5, 5/24-2, 5/24-8, 5/24-9, 5/24-11, 5/24-12, 5/24-21, 5/24A-1 through 24A-20.
 820 ILCS 260/1 et seq.
 23 Ill.Admin.Code Parts 50 (Evaluation of Certified Employees) and 51 (Dismissal of Tenured Teachers).
Cleveland Board of Education v. Loudermill, 470 U.S. 532, 105 S.Ct. 1487(1985).

CROSS REF.: 5:290 (Employment Termination and Suspensions), 6:20 (School Year Calendar and Day)

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<p>Tenured Teacher Discharge Failure to complete remediation plan with a rating of Satisfactory (until Sept. 1, 2012) or Proficient (on or before Sept. 1, 2012)</p>	<p>105 ILCS 5/24A-5(m) (participation in remediation plan after unsatisfactory evaluation) 105 ILCS 5/24-12(d)(1) (no prior warning required if cause(s) were subject of remediation plan) 105 ILCS 5/24-12(d) (procedural mandates) 105 ILCS 5/10-22.4 (general authority)</p>
<p>Tenured Teacher Discharge - Optional Alternative Evaluative Dismissal Process for PERA Evaluation Failure to complete remediation plan with a <i>Proficient</i> or better rating after a district has reached its “PERA implementation date” (105 ILCS 5/24A-2.5.)</p>	<p>105 ILCS 5/24-16.5(d) (provide written notice) 105 ILCS 5/24-16.5 (pre-remediation and remediation procedural mandates) 105 ILCS 5/24-16.5(e) and (f) (school board makes final decision with only PERA-trained board members participating in vote)</p>
<p>Tenured Teacher Discharge <i>Unsatisfactory</i> PERA evaluation within 36 months of completing a remediation plan after a district has reached its “PERA implementation date” (105 ILCS 5/24A-2.5)</p>	<p>105 ILCS 5/24A-5(n) (forego remediation and proceed to dismissal) 105 ILCS 5/24-12(d) (procedural mandates) 105 ILCS 5/10-22.4 (general authority)</p>
<p>Educational Support Personnel Employees (non-certificated)</p>	<p>105 ILCS 5/10-23.5 (not affected by P.A.s 96-861 and 97-8)</p>
<p>Probationary Teacher (non-tenure teacher)</p>	<p>105 ILCS 5/24-11</p>

Various components of a RIF (e.g., impact and decision to RIF) and an evaluation plan (e.g., development, implementation, and impact) may be subject to mandatory collective bargaining. Central City Educ. Assoc. v. IELRB, 149 Ill.2d 496, 599 N.E.2d 892 (Ill. 1992).

Teacher RIF procedures were changed in 2011 and 2013, ~~(105 ILCS 5/24-12, amended by P.A.s 97-8 and 98-513)~~. See *PERA Overview for School Board Members*, question 14, “How has the process for selecting teachers for a reduction in force/layoff (RIF) changed?,” at: iasb.com/law/pera.cfm.

According to a binding opinion from the Ill. Public Access Counselor, a board must identify an employee by name in a motion to dismiss him or her, ~~(2013-PAO 13-16)~~. As this may be a significant change in practice with possible other legal consequences, a board should consult with the board attorney on this issue before dismissing employee.

13 Teacher evaluation plans are covered in *PERA Overview for School Board Members*, at: iasb.com/law/pera.cfm.