



# SENATE MAJORITY POLICY OFFICE

## BILL ANALYSIS

**Bill Number:** House Bill 4628 (Enrolled) -- Yonker

**Analyst:** Anne Blankenhorn

**Date:** July 1, 2011

### HIGHLIGHTS

- HB 4628 (enrolled) amends PERA to add items to the list of non-negotiable items.
- The added items involve any teacher placement policy, the teacher performance evaluation under the School Code and the Tenure Act, decisions involving discharge or discipline, decisions about classroom observations, decisions about the performance-based compensation system required under the School Code, and the notification to parents of their child being assigned to an ineffective teacher under House Bill 4727.

### SHORT SUMMARY:

House Bill 4628 (enrolled) adds items to the list of non-negotiable items under the Public Employment Relations Act (PERA).

### BACKGROUND:

Too often, unions are able to bargain away any responsibility for ensuring effective -- and only effective -- teachers are filling our classrooms. Too often, retention of teachers is based on longevity and not on performance. Too often, schools give up on waging the battle to keep an ineffective teacher away from our children. And, too often, highly effective and talented teachers are not given the rewards they deserve. This bill will help ensure our best and brightest teachers not only remain in the classroom, but that they are rewarded for their often Herculean efforts.

### SENATE ANALYSIS:

House Bill 4628 (enrolled) adds the following items to the list of non-negotiable items under PERA:

- Decisions made regarding any teacher placement policy or any impact on any individual employee or the bargaining unit as a result of those decisions.
- Any decisions made that have to do with the personnel policy connected with a reduction of force (per House Bill 4627).
- Decisions having to do with a performance evaluation under the School Code or under the Teacher Tenure Act, or decisions concerning content of a performance evaluation of an employee or the impact of those decisions on an employee or on the bargaining agreement.
- For teachers (as defined in the Tenure Act), decisions regarding discharge or discipline or the impact of those decisions. A district could not adopt, implement or maintain a policy for discharge or discipline that includes a standard for the discharge or discipline that is different than the "arbitrary or capricious" standard provided in the Tenure Act (per House Bill 4626).
- Decisions about classroom observations or the impact of those decisions on an individual employee or the bargaining unit.
- Decisions about the performance-based compensation system

---

under section 1250 of the School Code, or the impact of those decisions on an individual employee or the bargaining unit.

- Decisions about the development, format, contents and procedures of the notification to parents and legal guardians required when a teacher their child is assigned to is ineffective.

The bill is tie-barred to House Bills 4625, 4626, and 4627.  
(Section 15)