

Chicago Public Schools Policy Manual

Title: LAYOFF OF TEACHERS POLICY

Section: 504.2

Board Report: 17-0628-PO2

Date Adopted: June 28, 2017

Policy:

THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING:

That the Board amend Board Report 13-0828-PO4, the Layoff of Teachers Policy.

PURPOSE: The purpose of this policy is to restate the layoff provisions set out in Appendix H of the collective bargaining agreement with Chicago Teacher's Union dated July 1, 2016 (ratified December 7, 2016).

POLICY TEXT:

Section 1 – Definitions

- A. *School actions.* Board-approved actions to close, consolidate, phase-out or turnaround a school.
- B. *School closing.* A student attendance center is closed, its attendance area boundary redistributed to two or more schools and its students reassigned to one or more schools.
- C. *School consolidation.* A student attendance center is closed, its attendance area boundary merged with one other school and its students reassigned to one other school.
- D. *Phase-out.* A student attendance center is gradually closed through the reassignment of the area attendance boundary to one or more other student attendance centers with no students reassigned; such center may later be closed or consolidated.
- E. *Turnaround or reconstitution.* All employees of the school are removed from the school and reassigned or laid off with no students reassigned to other schools.
- F. *Economic actions.* Economic actions are those for which the cause of the layoff of the employee is the BOARD's, unit's or school's lack of funds to maintain current staffing levels; economic actions may take the form of different transactions, including, but not limited to, class size increases, changes in position definitions (i.e., redefinitions) to meet program needs, elimination of positions or the reduction of positions from full- to part-time.
- G. *Other actions.* Actions that are not school actions or economic actions. They may be based on a school's enrollment or a school's or unit's educational program and may include, but not be limited to, (i) drops in enrollment whereby a student attendance center receives fewer positions or less resources due to a decline in student enrollment, (ii) changes in the educational or academic focus of the attendance center whereby an entire attendance center or a substantial part of an attendance center becomes focused on or changes its focus to a particular content area or form of pedagogy (e.g., International Baccalaureate, Montessori or STEM) that necessitates specialized credentials for or training of teaching staff and sometimes support staff, (iii) program closures whereby special programs are eliminated (e.g., a grant-funded reading program ends), (iv) redefinitions, (v) elimination of positions or (vi) reduction of positions from full- to part-time.

Section 2 – Scope of Policy

Whenever there is a reduction in or change in the teaching force that results in the layoff of appointed teachers, teachers will be reassigned or laid off in accordance with this policy.

Section 3 – Order of Teacher Layoff

If changes in an attendance center or program require the layoff of some but not all teachers, the order of layoff of teachers within the affected unit and certification shall be by the following performance tiers and/or as follows:

1. Any teachers rated unsatisfactory;
2. Any substitute or temporary teachers;
3. Probationary appointed teachers by performance tier (emerging: 209-250 score; developing: 251-284 score; proficient: 285-339 score; and excellent: 340-400 score).
4. Tenured teachers rated satisfactory or, after the first evaluation in the new evaluation system issues, first tenured teachers rated emerging (209-250 score) and then tenured teachers rated developing (251-284 score).
5. All other tenured teachers.

Within each of the foregoing five tiers, teachers shall be displaced by inverse order of seniority, with the least senior teacher being laid off first.

For school year 2012-13 only, if changes in an attendance center or program require the layoff of some but not all teachers, the order of layoff of teachers within the affected unit and certification shall be by the following performance tiers and/or as follows:

1. Any teachers rated unsatisfactory;
2. Any substitute or temporary teachers;
3. Probationary appointed teachers by performance tier (emerging: 209-250 score; developing: 251-284 score; proficient: 285-339 score; and excellent: 340-400 score);
4. All other tenured teachers.

Within each of the foregoing tiers, teachers shall be displaced by inverse order of seniority, with the least senior teacher being laid off first.

Section 4 – Notice of Position Closing

When a determination is made that a teacher's services are no longer required at an attendance center, the teacher will be so notified (hereinafter "notice of layoff") 21 days in advance of the effective date of layoff, except in the case of 20th day position closing.

Section 5 –Tenured Teachers' Benefits Upon Layoff

A. Reassigned Teacher Pool Benefits for Laid Off Tenured Teachers

Notwithstanding any provision to the contrary in the Chicago Teachers Union-Board of Education 2015-19 collective bargaining agreement (ratified on December 7, 2016), all tenured teachers, except those whose last summative rating was unsatisfactory, upon layoff for any reason on or after June 21, 2016 shall be placed in the Reassigned Teacher Pool at the start of the subsequent school year (or, in the case of teachers laid off during the school year, immediately after the effective date of layoff) for 10 school months. Those tenured teachers shall be placed in a full-time teacher vacancy that exists on the 20th day of the school year and for which they are qualified for the balance of the school year on a temporary basis without loss of salary or benefits. If that vacancy is filled by someone other than the tenured teacher before the expiration of 10 school months, the tenured teacher shall be returned to the reassigned teacher pool for the remainder of the 10 school months. If no vacancy exists for which a teacher is qualified on the 20th day, the teacher shall remain in the Reassigned Teacher Pool for 10 school months.

Tenured teachers eligible for this benefit who were laid off at the end of the 2015-16 school year shall be placed in the Reassigned Teacher Pool effective the second semester of the 2016-17 school year for 10 school months.

B. Teacher Eligibility List.

1. The Board with input from the Union shall create a system by which candidates for hire as teachers are prequalified through hiring screening methods. Prequalified teachers shall include: (a) tenured teachers laid off for any reason on or after June 15, 2010 whose most recent performance rating was in the top two rating categories (i.e., excellent or superior and excellent or proficient); and (b) new applicants and other teachers who pass uniform pre-screening hiring criteria, including the consideration of employment history.

Tenured Teachers laid off between June 15, 2010 and June 30, 2012 will not be placed on the teacher eligibility list if they are currently employed by the Board in a full-time teacher position or have previously resigned or retired.

2. Eligible tenured teachers will be invited to be on the teacher eligibility list and to confirm their desire to be on the list (such as completing an on-line application). The Union will be copied on all communications.
3. Prequalified teachers will be admitted to the eligibility list as they are laid off and shall remain on the teacher eligibility list for two years or until they receive a permanent appointment, whichever first occurs. However, teachers placed on the eligibility list during 2012 will remain on the list until June 30, 2015.
4. Inter-unit transfers are exempt from the process described in this Section.
5. Principals shall hire only prequalified applicants to permanent teaching positions and shall have the discretion to hire any prequalified teacher. However, principals who receive three or more applications from prequalified displaced tenured teachers for a posted vacancy must interview at least three prequalified displaced tenured teachers for the position. If the principal does not select a prequalified displaced tenured teacher, the principal shall provide the reason(s) for the non-selection to the Talent Office, which shall communicate the reason(s) to the prequalified displaced tenured teacher. Such reasons may not be arbitrary.
6. Every July 1, the Board shall provide the Union with a list of permanent vacancies filled by teachers on the eligibility list between the immediately preceding July 1 to June 30 period. If 50 percent of those vacancies have not been filled by prequalified displaced tenured teachers, the Board will assign a number of prequalified displaced tenured teachers who were on the eligibility list on the immediately preceding June 30 to the reassigned teacher pool for a period of five school months, but excluding:

(a) displaced teachers then currently in the reassigned teacher pool under another provision of this Agreement; and

(b) tenured teachers displaced between June 15, 2010 and June 30, 2012 who were placed into the Reassigned Teacher Pool upon layoff.

Assignments to the reassigned teacher pool shall be based on seniority. The number of prequalified displaced tenured teachers assigned shall equal the difference between the numerical value of 50 percent of the permanent vacancies filled during the immediately preceding July 1 to June 30 period and the actual number of vacancies filled by prequalified displaced tenured teachers. Prequalified displaced tenured teachers who are placed in the reassigned teacher pool and who do not find a permanent appointment by the end of their five-month assignment shall be assigned to the Cadre for five school months. If the prequalified displaced tenured teacher is not appointed to a position by the end of his or her assignment in the Cadre, he or she shall be laid off and separated from BOARD employment, but will remain on the teacher eligibility list for the remainder of his or her two years of eligibility.

C. Tenured Teachers Laid Off Due to School Actions-

Tenured teachers laid off due to school actions shall receive the following benefits:

1. *Transfer to receiving schools in school closings and consolidations.* Tenured teachers whose most recent rating is in the top two rating categories (i.e., excellent or superior and excellent or proficient) shall be appointed to a vacancy at a school to which students from their school have been assigned to the extent that a vacancy within the teacher's certification has been created as a result of or in connection with the transfer of students. If more than one teacher is eligible for appointment to the same vacancy, selection for the vacancy shall be based on seniority.

2. *Assignment to the reassigned teacher pool or Cadre.* Tenured teachers laid off due to school closings and school consolidations who are not appointed to a vacancy at the school receiving their students and tenured teachers laid off due to turnarounds, reconstitutions and phase-outs shall be assigned to the reassigned teacher pool for a period of five school months, during which time they shall be assigned as a substitute teacher with full pay and benefits. At the end of five school months, if a tenured teacher has not been appointed to a teaching position, he or she shall be assigned to the Cadre for a period of five school months with the Cadre pay and benefits. At the end of five months in the Cadre, if the tenured teacher has not been appointed to a permanent position, the tenured teacher shall be laid off and separated from employment with the Board.
3. *Alternative severance benefit.* A tenured teacher who has been laid off due to school actions shall be offered the opportunity to resign and receive three months of pay.

D. Recall to School/Unit of Certain Tenured Teachers Laid Off for Reasons Other Than Economic Actions and School Actions-

A tenured teacher who has been laid off from a school or unit shall be entitled to recall to the same school or unit from which he or she had been laid off for a period of 10 school months from the date of layoff, provided that a vacancy within his or her certification is created at the school or unit and that the teacher has been rated proficient or better. Tenured teachers shall be recalled in inverse order of layoff.

Section 6 – Probationary Teachers’ Benefits Upon Layoff

Probationary teachers who are laid off and who have been rated in the top two rating categories shall be offered placement in the day-to-day substitute pool.

Section 7 – Eligibility to Apply to Other Positions

The terms of this policy do not preclude any teacher from applying for vacant positions or employment as a Cadre or day-to-day substitute at any time.

Section 8 – Reappointment with Tenure

Within two years after layoff from Board employment, if the tenured teacher is appointed by a principal to a permanent position, tenure and prior seniority will be restored to the tenured teacher as of the date of appointment.

Amends/Rescinds: Amends 13-0828-PO4

Cross References: Note: 13-0824-PO4 Rescinds 07-1219-PO1,10-0623-RS32 and 11-0622-PO1
10-0615-RS1; 04-0623-PO5; 97-0723-PO2; 95-0814-PO2

Legal References: