



Sen. Kimberly A. Lightford

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09700SB3362sam001

LRB097 17717 NHT 69660 a

1 AMENDMENT TO SENATE BILL 3362

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3362 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section  
5 34-3.5 as follows:

6 (105 ILCS 5/34-3.5)

7 Sec. 34-3.5. Partnership agreement on advancing student  
8 achievement; No Child Left Behind Act of 2001.

9 (a) The General Assembly finds that the Chicago Teachers  
10 Union, the Chicago Board of Education, and the district's chief  
11 executive officer have a common responsibility beyond their  
12 statutory collective bargaining relationship to institute  
13 purposeful education reforms in the Chicago Public Schools that  
14 maximize the number of students in the Chicago Public Schools  
15 who reach or exceed proficiency with regard to State academic  
16 standards and assessments. The General Assembly further finds

1 that education reform in the Chicago Public Schools must be  
2 premised on a commitment by all stakeholders to redefine  
3 relationships, develop, implement, and evaluate programs, seek  
4 new and additional resources, improve the value of educational  
5 programs to students, accelerate the quality of teacher  
6 training, improve instructional excellence, and develop and  
7 implement strategies to comply with the federal No Child Left  
8 Behind Act of 2001 (Public Law 107-110).

9 The Chicago Board of Education and the district's chief  
10 executive officer shall enter into a partnership agreement with  
11 the Chicago Teachers Union to allow the parties to work  
12 together to advance the Chicago Public Schools to the next  
13 level of education reform. This agreement must be entered into  
14 and take effect within 90 days after the effective date of this  
15 amendatory Act of the 93rd General Assembly. As part of this  
16 agreement, the Chicago Teachers Union, the Chicago Board of  
17 Education, and the district's chief executive officer shall  
18 jointly file a report with the General Assembly at the end of  
19 each school year with respect to the nature of the reforms that  
20 the parties have instituted, the effect of these reforms on  
21 student achievement, and any other matters that the parties  
22 deem relevant to evaluating the effectiveness of the agreement.

23 (a-5) A pilot, grade 6 through 8, class-size-reduction  
24 grant program is created. This program shall be implemented and  
25 administered, subject to appropriation, by the Board. The  
26 program shall comply with the following requirements:

1           (1) Schools, to be known as "pilot schools", are  
2           eligible to participate in the program provided they  
3           satisfy the following requirements:

4           (A) The school has students enrolled in grades 6  
5           through 8.

6           (B) The school has been determined to be  
7           underutilized according to Board's space-utilization  
8           policy standards.

9           (C) The school has average class sizes in grades 6  
10           through 8 in excess of 28 students for core-content  
11           subjects during the 2011-2012 school year.

12           (2) A maximum of 18 schools shall participate in the  
13           program.

14           (3) Subject to appropriation, the program shall begin  
15           at the start of the 2012-2013 school year and shall  
16           terminate at the end of the 2014-2015 school year.

17           (4) Pilot school teachers assigned to grades 6 through  
18           8 for core-content subjects shall have a maximum of 22  
19           students assigned to their classes during the term of the  
20           program.

21           (5) The Chicago Teachers Union and the district's chief  
22           executive officer or his or her designee shall negotiate a  
23           method for selecting schools that will participate in the  
24           program from schools eligible to participate in the program  
25           pursuant to subdivision (1) of this subsection (a-5).

26           (6) The Chicago Teachers Union and the district's chief

1 executive officer or his or her designee shall negotiate a  
2 method for measuring student learning and achievement for  
3 students in grades 6 through 8 at pilot schools.

4 (7) The parties shall report the aggregate student  
5 learning and achievement measures for students in grades 6  
6 through 8 at pilot schools to the General Assembly no later  
7 than December 1, 2015.

8 The General Assembly recognizes that the program involves  
9 subjects of bargaining that are covered by Section 4.5 of the  
10 Illinois Educational Labor Relations Act. No provision in this  
11 subsection (a-5) is intended nor should it be interpreted to  
12 alter the parties' rights and obligations under Section 4.5 of  
13 the Illinois Educational Labor Relations Act. Notwithstanding  
14 these rights and obligations, the General Assembly has  
15 legislatively decided that a program be implemented and that  
16 the class size in pilot schools be 22 students in grades 6  
17 through 8 without prejudice to the Board's right to decide  
18 these matters unilaterally pursuant to Section 4.5 of the  
19 Illinois Educational Labor Relations Act. Consistent with  
20 Section 4.5 of the Illinois Educational Labor Relations Act,  
21 the parties are obligated to engage in impact bargaining over  
22 these legislative mandates, and any disputes or impasses  
23 arising out of these negotiations must be resolved as set forth  
24 exclusively in subsection (b) of Section 4.5 of the Illinois  
25 Educational Labor Relations Act and subsection (b) of Section  
26 12 of the Illinois Educational Labor Relations Act.

1 (b) Decisions concerning matters of inherent managerial  
2 policy necessary to comply with the federal No Child Left  
3 Behind Act of 2001 (Public Law 107-110), including such areas  
4 of discretion or policy as the functions of the employer, the  
5 standards and delivery of educational services and programs,  
6 the district's overall budget, the district's organizational  
7 structure, student assignment, school choice, and the  
8 selection of new employees and direction of employees, and the  
9 impact of these decisions on individual employees or the  
10 bargaining unit shall be permissive subjects of bargaining  
11 between the educational employer and the exclusive bargaining  
12 representative and are within the sole discretion of the  
13 educational employer to decide to bargain. This subsection (b)  
14 is exclusive of the parties' obligations and responsibilities  
15 under Section 4.5 of the Illinois Educational Labor Relations  
16 Act (provided that any dispute or impasse that may arise under  
17 this subsection (b) shall be resolved exclusively as set forth  
18 in subsection (b) of Section 12 of the Illinois Educational  
19 Labor Relations Act in lieu of a strike under Section 13 of the  
20 Illinois Educational Labor Relations Act).

21 (Source: P.A. 93-3, eff. 4-16-03.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law."