

Bond Case Briefs

Municipal Finance Law Since 1971

SCHOOLS - ILLINOIS

Pioli v. North Chicago Community Unit School Dist. No. 187

Appellate Court of Illinois, Second District - January 13, 2014 - Not Reported in N.E.2d - 2014 IL App (2d) 130512-U

Teachers filed suit against North Chicago Community Unit School District No. 187, after plaintiffs were laid off from their tenured teaching positions in spring 2012 and were not rehired for open positions in fall 2012. Plaintiffs argued that defendant's actions violated section 24-12 of the School Code (105 ILCS 5/24-12 (West 2012)). The parties filed cross-motions for summary judgment, and the trial court granted summary judgment in defendant's favor. The appeals court affirmed.

On March 23, 2012, defendant sent notices to each plaintiff informing them that the school board had resolved to honorably dismiss them at the end of the 2011-12 school term because of the board's decision to decrease the number of teachers employed in the school district. It was common practice for Illinois school boards to issue such notices during the spring term because of statutory notice requirements and the uncertainty of the funding available for teacher employment for the fall term. Under the practice, the dismissals were not made effective in the fall term if sufficient funding became available. Here, funding became available in the fall term, and defendant did not decrease the number of teachers during that term, but instead hired new teachers to replace plaintiffs. In doing so, defendant deprived plaintiffs of their tenure rights to continued employment.

The appeals court pointed to the fact that the School Code had been amended in June 2011, allowing schools to factor in performance evaluations into hiring decisions, where previously only tenure and seniority applied.

"While we understand plaintiffs' contention that their layoffs and lack of recall rights demonstrate a decline in tenure protections, that result is due to a clear decision by the legislature to prioritize teacher evaluations. The statutory amendments do not completely erode tenure protections in layoff situations, as teachers within the same groups and with the same evaluation ratings are dismissed based on seniority considerations. 105 ILCS 5/24-12 (West 2012). Tenured teachers with 'unsatisfactory' ratings also receive substantial classroom remediation (105 ILCS 5/24A-5(i) (West 2012)), presumably to help them achieve success (as embodied by a higher rating) in the classroom. However, the tenure benefits during layoffs that plaintiffs currently seek, largely embodied in the prior law, may only be achieved through legislative action."