

**MEMORANDUM OF UNDERSTANDING BETWEEN THE BOARD OF  
EDUCATION OF COOK COUNTY SCHOOL DISTRICT 130 AND THE  
BLUE ISLAND EDUCATION ASSOCIATION RELATING TO THE  
DEVELOPMENT AND IMPLEMENTATION OF AN APPEALS  
PROCESS FOR UNSATISFACTORY TEACHER RATINGS**

This Memorandum of Understanding ("*MOU*") is made and entered into by and between the Board of Education of Cook County School District 130 (the "*District*") and the Blue Island Education Association (the "*Union*");

**WHEREAS**, the Union is the exclusive bargaining representative for all full and regularly employed part-time certified personnel of the District; and

**WHEREAS**, Public Act 101-591 (the "*Act*") requires the District, through good faith bargaining with the exclusive representative of its teachers, to develop and implement an appeal process for "unsatisfactory" ratings (105 ILCS 5/24A-5.5); and

**WHEREAS**, a joint committee (the "*Committee*") composed of equal representation selected by the District and the Union shall determine the criteria for appeals of "unsatisfactory" ratings of teachers; and

**WHEREAS**, the process must include an assessment of the original rating by a panel of qualified evaluators, selected by the Committee, that has the power to revoke an "unsatisfactory" rating it deems to be erroneous; and

**WHEREAS**, the Committee met and developed an agreed upon Appeals Process for Unsatisfactory Summative Evaluation Rating to be implemented by the parties in accordance with the Act; and

**WHEREAS**, the District and Union wish to adopt an Appeals Process for Unsatisfactory Evaluation Rating, a copy of which is attached hereto and made a part hereof as Exhibit A; and

**WHEREAS**, to effectuate the appeals process as required by 105 ILCS 5/24A-5.5, the District and Union have agreed to enter into this MOU;

**NOW THEREFORE**, the Board of Education of Cook County School District 130 and the Blue Island Education Association do hereby agree as follows:

1. That the above recitals and findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.
2. The Appeals Process for Unsatisfactory Summative Evaluation Rating, a copy of which is attached hereto and made a part hereof as Exhibit A, is hereby approved by the District and Union.

3. Except as may be amended by this MOU, the Collective Bargaining Agreement between the parties remains unchanged and in full force and effect.

4. This MOU may be modified only by written agreement of the parties.

5. Each representative of the Parties executing this MOU on behalf of their principal represents and warrants that he/she has authority to bind their respective Party to the terms and conditions of this MOU.

Dated: April 16, 2020

BLUE ISLAND EDUCATION  
ASSOCIATION, IEA-NEA  
DISTRICT

BOARD OF EDUCATION OF  
COOK COUNTY SCHOOL  
130, STATE OF ILLINOIS

By: Shui Rooze Sera  
President, BIEA

By: [Signature]  
President, Board of Education

By: Elizabeth Marcane  
Secretary, BIEA

By: [Signature]  
Secretary, Board of Education

## Appeals Process for Unsatisfactory Summative Evaluation Rating

### 1. Notice of Appeal

A teacher rated “unsatisfactory” on a summative evaluation may appeal the rating by submitting a written notice of appeal to the Assistant Superintendent of Human Resources. The teacher’s written notice of appeal must be submitted within five (5) school days after receipt of the “unsatisfactory” rating at the summative evaluation conference. Upon receipt of a timely appeal, the Assistant Superintendent of Human Resources will inform the evaluator who issued the “unsatisfactory” rating and convene the panel of qualified evaluators. Untimely appeals will not be advanced to the panel of qualified evaluators for review.

Engaging the appeals process shall not prevent the District from developing or implementing a remediation plan for the teacher issued an “unsatisfactory” rating. Filing an appeal does not excuse the teacher’s participation in the development or implementation of the remediation plan.

### 2. Content of the Notice of Appeal

The teacher must specify in the notice of appeal the reasons the “unsatisfactory” rating is erroneous and identify any facts or evidence to support the basis for appeal. Appeals may be based on student growth ratings in whole or in part only if the teacher identifies in the notice of appeal an error in the computation on the student growth rating.

The evaluator who issued the “unsatisfactory” rating may submit a written response to the teacher’s appeal to the panel of qualified evaluators.

### 3. Panel of Qualified Evaluators

The panel of qualified evaluators shall be comprised of the following District Administrators who are currently certified as qualified evaluators under Section 24A-2.5 or 24A-15 of the *Illinois School Code*:

- The Assistant Superintendent of Curriculum and Instruction;
- The Director of Teaching and Learning; and
- The Association President, provided that they are a qualified evaluator or a designated Association Member who is a qualified evaluator.

The Director of Language, Culture, and Learning will serve as an alternate member of the panel. The evaluator who issued the “unsatisfactory” rating in question, shall not be allowed to serve on the panel.

#### 4. Written Record of the Rating

Upon receipt of a timely appeal, the Assistant Superintendent of Human Resources will prepare a written record of the rating and submit it to the panel of qualified evaluators within five (5) school days of receiving the teacher's notice of appeal. The written record of the rating shall be limited to the following records:

- The District's complete teacher evaluation plan;
- Documents and materials submitted by the teacher to the evaluator during pre- and post-conferences and observations;
- Documents and materials collected and submitted by the teacher to the evaluator as evidence of student growth measures;
- The evaluator's observations, comments, and feedback;
- The teacher's summative evaluation;
- The teacher's written notice of appeal specifying any and all bases for the appeal; and
- Any written response to the appeal from the evaluator.

The panel may, at its sole discretion, request to meet separately with the teacher and/or the evaluator to clarify information in the written record of the rating.

#### 5. Criteria for a Successful Appeal

The panel will revoke the "unsatisfactory" rating only if the evidence shows that it is substantially more likely than not that the teacher should have received a higher rating. The panel will revoke an "unsatisfactory" rating only if a majority of its members vote to revoke.

The panel will focus their assessment on the issues specifically identified by the teacher in their appeal. The panel will consider the following questions:

- Were there errors in the summative rating?
- Would the teacher have received a higher rating if the error(s) had not been made?

The panel may review and consider the following types of errors based on the issues specifically identified by the teacher in their appeal:

- **Computational Errors:** Errors that may occur in tabulating and compiling the scores and ratings for the professional practice and student growth portions of the evaluation, including merging the professional practice and student growth scores to determine the summative rating.
- **Procedural Errors:** Errors that involve the evaluator's failure to meet deadlines stated in the evaluation plan.
- **Misapplication of the Professional Practice Rubric:** Panel members must note that mere differences of opinion, particularly differing opinions that straddle

“unsatisfactory” and “needs improvement” ratings, should not provide the basis for revoking an “unsatisfactory” rating. Panel members must be careful to not substitute their opinion for that of the evaluator who actually observed the lesson and made a determination with regard to the rating.

6. Panel Decision on Appeal

Upon receipt of the teacher’s written record of the rating, the panel of qualified evaluators will conduct an expedited review of the basis of the appeal. The panel shall notify the teacher, evaluator, Assistant Superintendent of Human Resources, and the Superintendent of Schools in writing of its decision to uphold or revoke the “unsatisfactory” rating within fifteen (15) school days after receipt of the written record of the rating. If applicable, the panel’s written decision will include the recommended replacement rating. The decision of the panel is final and not subject to further review.

Upon conclusion of the appeals process, a formal letter will be written that outlines the decision of the panel, including evidence that supports the panel’s decision. The letter will be signed by each member of the panel, and will become part of the teacher’s summative evaluation record. The letter will be provided to the teacher, the evaluator, the Superintendent, the Assistant Superintendent of Human Resources, and the Association President.

7. Replacement Rating

For a miscalculation of the scores, the replacement rating shall be the rating resulting from the recalculation. For all other appeals, if the panel of qualified evaluators determines that the “unsatisfactory” rating should be revoked, the panel will make a recommendation with regard to the replacement rating that will be issued by the District. If the District and the Association disagree with the recommended replacement rating, either party can request to mid-term bargain the replacement rating.