

**BEFORE
FACT-FINDING PANEL**

**Martin Malin (Fact-Finder and Neutral Chair)
Robert E. Bloch (Union Panel Member)
Paul Ciastko (Board Panel Member)**

In the Matter of the Fact-Finding between)
)
Board of Education of the)
City of Chicago,)
)
Employer,)
)
and)
)
Chicago Teachers Union,)
Local 1, American Federation)
of Teachers, AFL-CIO,)
)
Union.)

BOARD OF EDUCATION OF THE CITY OF CHICAGO'S PRE-HEARING BRIEF

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BOARD OF EDUCATION OF THE CITY OF CHICAGO'S PRE-HEARING BRIEF

The Board of Education of the City of Chicago (Board) and the Chicago Teachers Union, Local 1, American Federation of Teachers, AFL-CIO, have convened this fact-finding panel pursuant to Section 12(a-10) of the Illinois Educational Labor Relations Act (IELRA) and have selected Martin Malin to serve as the fact-finder and chairperson of the Panel. The parties have designated Paul Ciastko, Board Assistant Deputy General Counsel, and Robert E. Bloch, CTU General Counsel, as the Board Panel Member and Union Panel Member respectively. Pursuant to the Neutral Chair's Scheduling Order, the Board submits its pre-hearing brief.

INTRODUCTION

In 2024, CPS adopted a Five-Year Strategic Plan, "Together We Rise,"¹ that focuses on three priority areas: Every Student, Every School, Every Community. The key tenets are:

- Every student deserves a rigorous, joyful, and equitable learning experience. These targeted priorities are designed to ensure that all students receive the opportunities and resources that meet their unique needs and aspirations, prioritizing those most harmed by past inequities.
- CPS must resource every school across the District to meet the necessary conditions for a rigorous, joyful, and equitable learning experience, empowering those most impacted by structural inequity to reach their full potential.
- CPS is committed to strengthening the connections between its schools and the communities to improve the daily learning experience for all students across all school types.

These core principles have been at the forefront as CPS negotiates with the CTU. The District's approach throughout negotiations remains fully student-centered, focused on preserving and enhancing the robust programs that have driven CPS' impressive academic recovery from the COVID-19 pandemic. CPS is committed to providing educators with the

¹ <https://www.cps.edu/sites/five-year-plan>.

compensation, tools, and resources they deserve, while ensuring this is achieved in a sustainable and financially responsible manner. CPS also prioritizes maintaining student instructional time and supporting school leaders' autonomy to ensure a coherent and equitable instructional program.

Bargaining proposals are viewed through an equity lens, which means setting universal standards for every school, then using targeted supports to help students and school communities in every Chicago neighborhood achieve these standards. CPS implemented a new budgeting model this year, which provides all schools with a District-funded clerk, counselor, and assistant principal, along with a set number of teacher positions to meet the unique needs of the students, including a minimum of three holistic teachers for arts, music, languages, PE, etc. These foundational resources are guaranteed across the board, no matter the size, type, or location of each school. Additional resources are then provided to schools based on need, which is measured largely by the District's comprehensive Opportunity Index. This tool considers several economic, historical, and demographic factors to determine which school communities are furthest from opportunity.

Aligned with these guiding principles, CPS has proposed to CTU substantial increases in compensation and staffing, improved healthcare coverage with no cost increases for most employees, thoughtful revisions to teacher evaluations, and additional funding for sports and athletics. This comprehensive 4-year proposal balances meaningful investments in educators with the District's financial realities. In contrast, many of CTU's demands are economically unsustainable and misaligned with CPS' core goals. It is important that the Fact-Finder, when formulating his recommendations, fully considers CPS' commitment to protecting students' instructional time, maintaining evaluations to ensure every child learns

from an effective educator, providing all students with access to a high-quality, culturally-responsive curriculum, and preserving school leaders' autonomy to set standards of excellence and a positive culture and climate in their schools. Viewed through this lens, CPS' proposals should be recommended by the Fact-Finder.

FACTUAL BACKGROUND

A. The Parties

1. The Board of Education and Chicago Public School System

The Board is statutorily charged with the governance, maintenance and financial oversight of the Chicago Public School system. The Board is organized under Article 34 of the Illinois School Code and is an “educational employer” under Section 2(a) of the IELRA.

CPS is the fourth largest school district in the nation, serving approximately 325,000 students in 634 schools (514 of the schools are District-run; the others are charter or contract/SAFE schools).² CPS' student population has been declining for a number of years; for example, in the 2012-2013 school year there were 400,000 students, but this past school year, 2023-2024, there were 325,305 students.³ *Id.* CPS employs more than 44,000 individuals, including approximately 24,000 teachers.⁴

CPS students are a diverse population. Forty-seven percent are Hispanic, 35% are African-American, 11% are Caucasian, and 5% are Asian. *Id.* More than 27% of students are English Language Learners. *Id.* Almost 76% of CPS students come from families who are

² https://cps.edu/About_CPS/At-a-glance/Pages/Stats_and_facts.aspx.

³ CPS saw a modest increase in student enrollment for SY 2023-2024 and SY 2024-2025, primarily due to refugee/newcomer students and increases in preschool enrollment. CPS continues to project a flat to marginally declining overall enrollment in the coming years.

⁴ [CHICAGO PUBLIC SCHOOLS DISTRICT 299 | Students](#)

considered low income and are eligible for free or reduced lunch services, and CPS' current homeless student population is about 5% of total enrollment. *Id.*

Over the last several years, CPS has made significant improvements in student performance. For the second consecutive year, elementary school students made gains on both the English Language Arts and Math Illinois Assessment of Readiness (IAR), increasing 5% in ELA and 2% in math.⁵ Recent studies show CPS had the greatest net growth in reading among large school districts in the country from 2019-2023. *Id.* At the high school level, CPS continues to see increases in graduation rates; in 2023-2024, 84% of high school students graduated in 4 years, up from 81% just 3 years earlier.⁶

2. The Chicago Teachers Union and Collective Bargaining Agreement

The CTU is a labor organization under Section 2(c) of the IELRA and the exclusive bargaining representative of CPS' over 34,000 teachers, school service personnel (SSP) and paraprofessional and school-related personnel (PSRP). The Board and the CTU are parties to the *Agreement Between the Board of Education of the City of Chicago and the Chicago Teachers Union, Local 1, American Federation of Teachers, AFL-CIO*, July 1, 2019 - June 30, 2024.⁷

B. CPS' Finances

A clear understanding of CPS' current financial situation is critical when evaluating the parties' proposals. Pursuant to Section 34-43 of the School Code, the CBE must adopt a

⁵ <https://www.cps.edu/press-releases/2024/june/2024-spring-state-assessment-results/>

⁶ <https://www.cps.edu/sites/ara/district-overview/quality/#:~:text=In%20the%202022%2D23%20school,rate%20has%20increased%20from%2081%25.>

⁷ <https://www.cps.edu/globalassets/cps-pages/about-cps/policies/administrative-hearings/collective-bargaining/cps-cba-2019-24-3.pdf>

balanced budget for the fiscal year, which begins on July 1 of each year and ends on June 30 of the following year. 105 ILCS 5/34-42, 34-43. After CBE adopts a balanced budget, CPS is prohibited from incurring any expenditure that exceeds the budgeted appropriations and unrestricted fund balance without a commensurate reduction in other appropriated expenditures. 105 ILCS 5/34-47, 34-48, 34-49, 34-52.

1. Operating Fund Uses and Fund Balance

CPS has an operating budget for fiscal year 2025 of \$9.9B, a capital budget of \$611.1M⁸ and total outstanding debt of \$9.3B. (CPS Budget 2024-2025, Ex. 1, p.20) The operating budget pays for the day-to-day operations and includes \$5.8B in salaries and benefits and more than \$1B in teacher pension contributions. *Id.* at p.14. Sixty-nine percent of the operating budget is used to pay for the salaries and benefits of the 45,965 full time employees - 96% of whom directly support schools. *Id.* at p.15. The remaining 31% of the operating budget pays for facilities management, safe passage, tuition payments to charter schools and private therapeutic schools, food, utilities, instructional supplies, equipment and software, student transportation and building repair. *Id.*

CPS' Fund Balance and Management Policy establishes a baseline level of fund balance, or financial reserves, for the General Fund, and other funds.⁹ Comparable in concept to an individual's checking account, CPS must have funds in reserve to enhance financial stability and ensure smooth day-to-day operations. To assist in this capacity, the financial reserves or fund balance must reflect physical bank account cash balances and be free to

⁸ The capital budget pays for construction of new schools and for renovation and expansion of existing schools and is generated largely from the issuance of bonds.

⁹<https://www.cps.edu/sites/cps-policy-rules/policies/400/403/403-10/#:~:text=The%20stated%20goals%20of%20maintaining,within%20a%204%2Dyear%20period.>

spend without restrictions. The goals of CPS' policy are to maintain adequate fund balances to provide sufficient cash flow for daily financial needs, to offset significant economic downturns or revenue shortfalls, to provide funds for unforeseen expenditures related to emergencies, and to secure and maintain strong credit ratings. *Id.* For the General Fund, the fund balance target is set at 15% percent of the total operating and debt service budgets. *Id.* The Illinois State Board of Education recommends a fund level to revenue ratio of between 10 and 25 percent.¹⁰

CPS ended FY23 with a General Fund balance of \$1.3B and expects to end FY24 with a General Fund balance of the same amount. (Bond Ratings, Ex. 2, p.9) CPS' General Fund balance has improved since FY17 due to increased state funding for educational purposes, earmarks for pension contributions, streamlined operational costs that shifted resources to the classroom, additional local revenues from Tax Increment Financing (TIF) funds, and Federal COVID-19 relief monies. *Id.* at pp.1-2.

However, despite the improvements in reserve levels, the fund balance is insufficient to cover CPS' cash flow needs throughout the year. *Id.* This is because CPS is in a negative cash position for much of each fiscal year and must rely on short-term borrowing to meet its obligations, effectively leveraging the fund balance to bridge these gaps between when revenue is received. *Id.* Additionally, the fund balance does not represent the amount of bank account balance physical cash available at the end of the fiscal year because of a decision made in 2015 to extend the period of time within which revenues can be recorded from 30 to 60 days after the fiscal year end. (Ex. 1, pp.254-155) As a result, CPS had only \$66M or

¹⁰ https://www.isbe.net/Documents/OEPP-PCTC-Profile.pdf_p.3

three days of unrestricted operating fund cash on hand as of June 30, 2024. Independent bond rating agencies have noted the extremely weak cash position of CPS, and three of the four bond rating agencies currently rate CPS General Obligation Bonds as below investment grade or junk status. (Ex. 2, throughout).

On January 13, 2025, the Civic Federation issued a report on CPS finances. (*Financial Landscape Analysis of the Chicago Public School District FY2025*, Ex. 3) The Civic Federation found that CPS “faces a critical financial juncture, highlighted by structural budget imbalances, rising expenditures, declining enrollment, significant near-term infrastructure investment needs, and substantial long-term liabilities.” *Id.* at p.2. One piece of the economic imbalance is the lack of sufficient reserve funds being maintained by the district; funds that are “intended to be used as a cushion in times of financial emergency.” *Id.* at p. 23. The report explained the following about the fund balance:

However, despite the significant improvement in the total reserve level, this fund balance is still insufficient to cover the District’s cash flow needs throughout the year. As a practical matter, it is effectively unavailable to draw on because it is already used by the District during the year to cover short-term borrowing used to bridge gaps between when revenues come in. It also does not represent the amount of cash actually available at the end of the fiscal year because of a decision made in 2015 to extend the period of time within which revenues can be recorded from 30 to 60 days after the fiscal year-end. As of June 30, the District only had three days of cash on hand. This shortfall is due to the timing of debt and pension payments the District must make annually, which occur just before it receives its two installments of property tax revenue.

Id. at p.24. As the Civic Federation confirms, if CPS had sufficient funds in its General Operating Fund, it could use those funds “during periods of low cash flow to make payroll and vendor payments...” *Id.* However, because the fund balance is too low to serve as a financial bridge while awaiting revenue, CPS must depend on short-term borrowing, which results in increased interest costs. *Id.*

2. Operating Fund Revenue Sources

Fifty-nine percent of operating revenues come from local sources: primarily property tax, personal property replacement tax and TIF surplus. (FY25 Budget Presentation, Ex. 4, slide 10) CPS is subject to the Property Tax Extension Limitation Law (PTELL), which caps property tax increases at the rate of inflation, equal to 3.4% in FY25. 35 ILCS 200/18-205¹¹ CPS has no legal authority to increase taxes beyond the maximum amount allowed under PTELL. *Id.*

Property tax revenue is primarily dispersed in March and August of each year. (Ex.1, p. 256) The timing of this revenue causes cash flow pressures throughout the year. Because of this, and with the limited fund balance, short-term Tax Anticipation Notes (TANS) have been used to finance the cash flow needs of the District over ten years. *Id.* In 2024, CPS borrowed \$1.3B against FY24 property tax revenues to cover cash flow deficiencies at various parts of the fiscal year with TANS. *Id.* These short-term loans resulted in \$20.3M of short-term interest costs. *Id.* at p.257.

Between FY21 to FY25, CPS reduced its use of TANS due to Federal COVID-19 relief monies. However, the claims window for COVID-19 relief ended in fall 2024. In total, CPS received over \$2.8B in assistance which was strategically claimed to increase CPS' cash position and reduce TANS borrowings. In FY24, CPS claimed over \$689M, and in FY25 (the final year of reimbursements), CPS claimed over \$229M. (ISBE FRIS Data, Ex. 5) In FY25, CPS' cash position is forecasted to decline further than prior years due to the end of Federal COVID-19 relief along with increased budgetary expenditure pressures. As a result, and for

¹¹ <https://www.bls.gov/news.release/cpi.nr0.htm>

the first time since FY22, this weaker cash position is projected to necessitate TANS being drawn and outstanding at June 30, 2025 due to CPS' cash position being negative. (Ex. 1, p. 255). Without a new source of revenue or significant expenditure reductions, CPS' cash flow will remain under severe pressure in future years.

State income accounts for 25% of CPS' operating budget. (Ex. 4, slide 10). Most of the state funding is a result of the evidence-based funding formula (EBF). *Id.* In 2017, the Illinois General Assembly passed comprehensive school funding reform designed to make state funding more equitable and targeting dollars to districts most in need. 105 ILCS 5/18-8.5. Under EBF, districts are separated into four tiers, based on the percentage of an Adequacy Target that a school district is able to fulfill with local resources. *Id.* Adequacy Targets are determined by how much it would cost to provide each student in Illinois with core investments, and weight is added based on whether the student is low-income, an English Learner, or requires special education interventions. *Id.* A Regionalization Factor is included to adjust for regional variations in employee salaries throughout the state. Tier 1 school districts receive the most newly appropriated "tier-funded" dollars. *Id.* CPS had been considered a Tier 1 school district until FY23 when it was placed in Tier 2.¹² CPS remained in Tier 2 for FY 2025 and will receive an additional \$25 million in Tier funding in FY2025.¹³

3. Pension Obligations and Long and Short-Term Debt

Unlike all other school districts in Illinois, the state has not historically funded CPS' pension. The EBF legislation partially addressed this long-standing inequity by requiring the

¹² <https://www.cps.edu/globalassets/cps-pages/about-cps/finance/budget/budget-2025/docs/fy2025-proposed-budget-book.pdf>

¹³ <https://www.isbe.net/ebfdist>

state to pay the normal cost of CPS' annual pension contribution - the portion related to currently incurred costs rather than legacy liabilities. 105 ILCS 5/18-8.5(U). However, CPS continues to pay for unfunded liability and is responsible for the statutorily required employer contribution. *Id.* The state is projected to pay 35% of the District's total teacher pension costs, leaving CPS to pay \$662 million. (Ex. 4, slide 14)

CPS also carries \$9.3B in outstanding long-term debt and \$1.2B in short-term revolving debt. (Ex. 1, p. 248; Short-Term Debt, Ex. 6). The long-term debt service budget pays interest and principal on bonds and is primarily funded through state revenues and the Personal Property Replacement Tax (PPRT). (Ex. 1, p.248). The short-term debt service budget pays principal and interest on TANS and is funded by operating revenues received from property taxes. For FY25, CPS has budgeted payments of \$816.9M for long-term debt service and \$9M for short-term debt service.

4. CPS' FY2025 Budget

While CPS has taken steps to identify budget balancing strategies for FY25, the District still faces significant budget challenges in the future. (Ex. 4, slides 7-8) CPS' FY26 budget deficit projects to be at least \$500 million before factoring in the cost of a new collective bargaining agreement. *Id.* at slide 8. The deficit is projected to grow to a minimum of \$560 million in FY27. *Id.* at slide 21. This deficit is a result of minimal increases in state and local revenue over last year, increased expenses in pension and debt service obligations, projected labor and healthcare cost increases, and inflation of operational expenses. *Id.* at slide 20. CPS is working diligently to identify areas to resolve the deficit that do not negatively impact the classroom.

In summary, CPS does not have a revenue surplus and is still determining how to close its projected budget deficit. It will manage cash flow issues in FY25 by relying upon \$1.25B in TANS authorization leveraged against property taxes and is projected to have a fund balance slightly below its target and below the GFOA minimal recommended target. Quite simply, the Board does not have the ability to fund CTU's proposals based on existing available resources.

C. Summary of Applicable Law Governing Fact-Finding Proceedings

1. The Relevant Criteria

Section 12(a-10)(4) of the IELRA dictates the criteria upon which the Panel must base its findings and recommendations:

- (A) the lawful authority of the employer;
- (B) the federal and State statutes or local ordinances and resolutions applicable to the employer;
- (C) prior collective bargaining agreements and the bargaining history between the parties;
- (D) stipulations of the parties;
- (E) the interests and welfare of the public and the students and families served by the employer;
- (F) the employer's financial ability to fund the proposals based on existing available resources, provided that such ability is not predicated on an assumption that lines of credit or reserve funds are available or that the employer may or will receive or develop new sources of revenue or increase existing sources of revenue;
- (G) the impact of any economic adjustments on the employer's ability to pursue its educational mission;
- (H) the present and future general economic conditions in the locality and State;
- (I) a comparison of the wages, hours, and conditions of employment of the employees involved in the dispute with the wages, hours, and conditions of employment of employees performing similar services in public education in the 10 largest U.S. cities;

- (J) the average consumer prices in urban areas for goods and services, which is commonly known as the cost of living;
- (K) the overall compensation presently received by the employees involved in the dispute, including direct wage compensation; vacations, holidays, and other excused time; insurance and pensions; medical and hospitalization benefits; the continuity and stability of employment and all other benefits received; and how each party's proposed compensation structure supports the educational goals of the district;
- (L) changes in any of the circumstances listed in items (A) through (K) of this paragraph (4) during the fact-finding proceedings;
- (M) the effect that any term the parties are at impasse on has or may have on the overall educational environment, learning conditions, and working conditions with the school district; and
- (N) the effect that any term the parties are at impasse on has or may have in promoting the public policy of this State.

The factors to be considered by the Panel are designed to ensure a student-first approach. That is, the Panel must consider "the interests and welfare of the public and the students and families" served by CPS. 5/12(a-10)(4)(E). The Panel must also determine the effect of the proposals on: CPS' ability to pursue its educational mission; the overall educational environment and learning conditions; and promoting the public policy of the state. 5/12(a-10)(4)(G), (M), (N). The focus of the fact-finding process is to reach an agreement that furthers the educational mission of CPS. The wages, benefits and other terms and conditions of employment are secondary to this overarching principle established by the General Assembly. This is buttressed by subsection (4)(F), the legislature's determination that the Board's ability to pay, by demonstrable *existing* revenue sources, is dispositive and not relegated to the secondary status it usually occupies in interest arbitrations.

Although the Fact-Finding Report is advisory, its obvious purpose is to give the parties the benefit of a seasoned neutral, skilled in dissecting parties' claims and evidence

according to governing principles, which, if not rejected by either party, becomes their collective bargaining agreement.

2. Issues the Panel May Not Consider in Fact-Finding

Section 27A-4(j) of the Illinois School Code provides that the CBE does not have a duty to bargain over decisions to grant or deny a charter school proposal or to renew or revoke an existing charter school agreement, and the impact of those decisions. 105 ILCS 5/27A-4(j). Section 4 of the IELRA specifies “matters of inherent managerial policy” are not mandatory subjects of bargaining, which includes, *inter alia*, “functions of the employer,” “standards of services,” “organizational structure” and “selection of new employees and direction of employees.” Section 4.10 of the IELRA specifies that decisions around the length of the work and school day and the length of the work and school year are not mandatory subjects of bargaining. 115 ILCS 5/4.10.

THE DISPUTED ISSUES

The Board and CTU have identified these disputed issues for fact finding:

- Salaries (COLA and step increases; Article 36, Appendices A and F)
- Staffing
- Outstanding financial items (including coaching stipends/ELPT stipends, fine arts budget/workload funds/supply money etc.)
- Teacher preparation time and professional development (Articles 4, 5, 6, 19, 25 and Elementary School Day)
- Grievance and arbitration process changes (Article 3)
- Teacher evaluation (Article 39)
- Mid-Year transfers (Article 35-4)
- Term of Agreement (Proposal to modify termination date from July 1 to May)
- Sports (Article 13)
- Guest Staffing (Article 27)
- Class size limits, automatic support and class size relief funding (Article 28)
- School closings and Charter expansion moratoriums (Side Letters)
- Assessments (Article 44-32)
- Early Childhood (Article 17)
- Clinicians (Article 20)

- PSRP Issues (Article 9, Appendix I)

The Board addresses these issues below.

A. Salary and Wage Proposals

1. The Board’s Proposal on Salaries

Teachers are eligible for three types of increases: (a) a percentage increase in their base salaries; (b) a step increase based on years of service; and (c) a lane increase for attainment of approved post-graduate educational credit. A review of compensation must consider base and step combined.

The Board proposes a four-year agreement with generous base increases in recognition that teachers make the difference in student learning and achievement:

	% Increase	Incremental Cost of Increase
Year 1	4%	\$120M
Year 2	4%	\$246M
Year 3	% increase based on CPI with a floor of 4% and a ceiling of 5%	\$376M
Year 4	% increase based on CPI with a floor of 4% and a ceiling of 5%	\$511M
Total 4-Yr. Cost		\$1.25B

These COLA increases are substantially greater than what CPS employees have historically received. For example, the 2019-2024 contract included annual COLA increases of 3.0% for the first three years of the agreement and 3.5% for the final two years. The COLA increases for the 2016-2019 agreement were: 2016: 0%; 2017: 0%; 2018: 2% and 2019: 2.5%.

In addition to these base increases, 87% of teachers will also receive a step increase. For the majority of those teachers who are on Steps 1-14 (64%), the average increase from steps over the course of the contract is \$7,158. For the other 23% of teachers (those on steps 15 through 17), the average increase from steps is \$1,352. After factoring in step, most teachers will see a 4-7.5% increase this current school year and raises of 4-8.5% for the next three years. (CPS negotiation update 11.21.24, Ex. 7, slide 8) The average CPS teacher will earn over \$110,00 by the 2027-2028 school year. (CPS Contract Proposals, Ex. 8, Key Categories).

FY24 Step	# Teachers	% Teacher	% Teachers	Avg 4-Yr Total Step Increment	Avg 4-Yr Total Step Increase
1	972	4.3%		\$5,585	
2	1066	4.7%		\$7,192	
3	1089	4.8%		\$8,729	
4	941	4.2%		\$10,161	
5	1001	4.4%		\$10,769	
6	1011	4.5%		\$10,760	
7	1048	4.6%	64.2%	\$10,345	\$7,158
8	1066	4.7%		\$9,484	
9	991	4.4%		\$8,381	
10	880	3.9%		\$7,208	
11	1308	5.8%		\$4,943	
12	842	3.7%		\$2,950	
13	615	2.7%		\$2,330	
14	1711	7.5%		\$1,377	
15	2019	8.9%		\$1,445	
16	1926	8.5%	22.4%	\$1,346	\$1,352
17	1125	5.0%		\$1,266	
18	3053	13.5%	13.5%	\$0	N/A

As examples, a teacher in Lane 2 (Master's), step 3 in SY24 will see her earnings rise from \$73,159 in 2024 to \$96,613 in the final year of the Agreement,¹⁴ for a net increase of 32% over the four-year term of the contract. Ex. 7 at slide 9. The results are similar for a teacher in Lane 2, step 11; a teacher in that position will see an increase from \$94,966 to \$125,045 over the four years; an increase of 31.67% in her income. *Id.* at slide 10. Even for

¹⁴ The increase may be higher if the COLA goes up based on CPI.

those at the top of the schedule with smaller steps, the increases are generous. A teacher at lane 3, step 22/16c will begin at \$115,819 and end at \$140,309, a 21.1% increase over the four years. *Id.* at slide 11.

PSRPs will also receive the COLA increases listed above. In addition, over 75% of PSRPs are projected to receive a step increase over a 4-year agreement. (PSRP 4-Year Projection, Ex. 9). The average cost of a PSRP step is \$3,066. With the base and step increases, PSRPs will receive an average wage increase of 24.4% over the life of the Agreement. *Id.*

2. The Section 12 Criteria Demonstrate Why the Fact Finder Should Recommend the Board's Salary Proposal

Under Section 12(a-10)(4), the Panel is charged with considering various factors when evaluating salary proposals, including: the parties' bargaining history; the overall salary and benefits package received by the employees; the cost of living as measured by CPI; a comparison of wages with the wages of employees in comparable positions in the ten largest U.S. cities, and how each party's proposed compensation structure supports the educational goals of the district. A review of each of these factors establishes the Fact Finder should recommend the Board's position on salary.

a. CTU Members Historically Have Benefited From Robust Salary Increases.

i. Historical Teacher Salary Growth

Despite ongoing fiscal challenges, CPS teachers have received significant increases during the last contract, including a 17% COLA compounded over the course of the contract.¹⁵ In addition to salary increases from base and step increases, many CPS teachers also had their wages increased due to lane movement. Approximately 75% of all teachers are currently in Lanes 2 through 6 and so have received at least one lane increase and possibly five.

ii. Historical PSRP Wage Growth

PSRPs also experienced significant wage growth since 2012. (PSRP Historical Wage Growth, Ex. 10). Like teachers, PSRPs are eligible for base and step increases. Since 2012, PSRPs have seen their wages increase by 73.1%, or an average annual rate of 4.7%, higher than average CPI during that same period of 3.1%. *Id.*

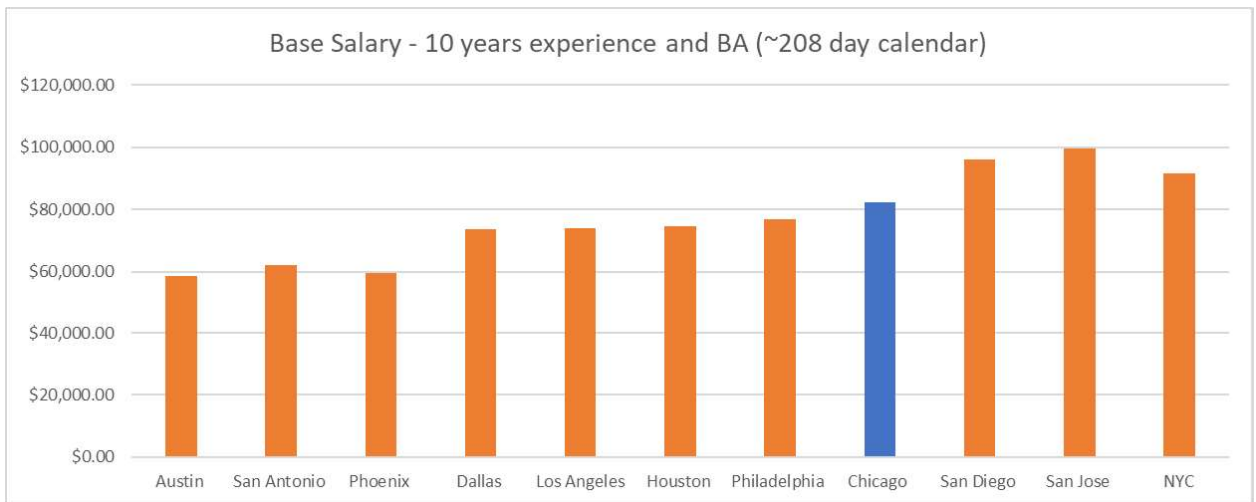
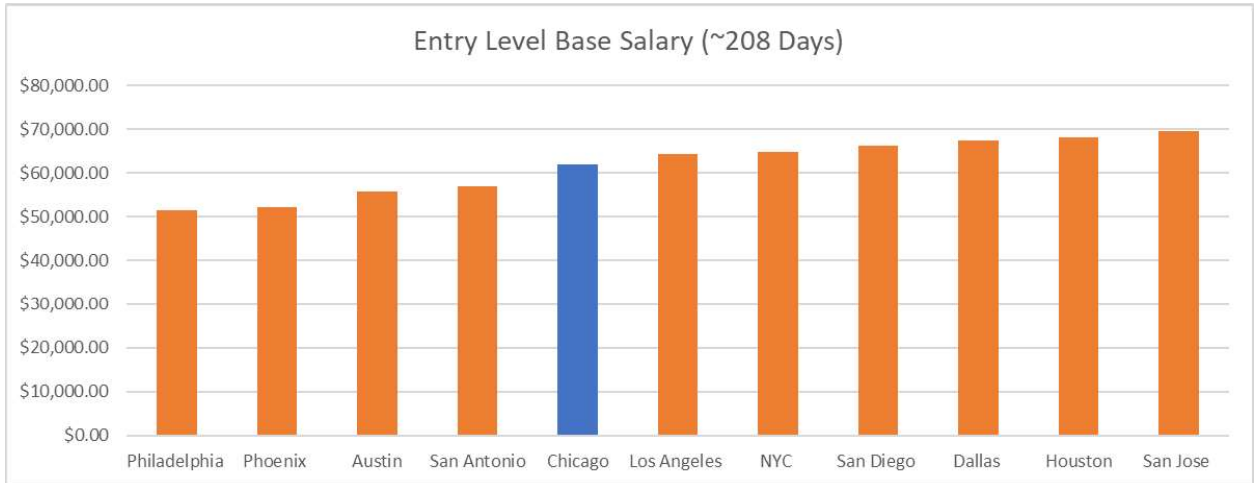
b. CPS' Current Compensation Leads Most External Comparable Districts

i. Teacher Salaries are Competitive with Comparables

The robust and fair compensation package offered by CPS compels adoption of the Board's proposal; however, other statutory factors, like review of comparables, also support the Board's position. Section 12(a-10)(4)(I) identifies the relevant external comparables as employees performing similar services in public education in the ten largest U.S. cities. 115

¹⁵ <https://www.cps.edu/globalassets/cps-pages/about-cps/policies/administrative-hearings/collective-bargaining/cps-cba-2019-24-3.pdf>

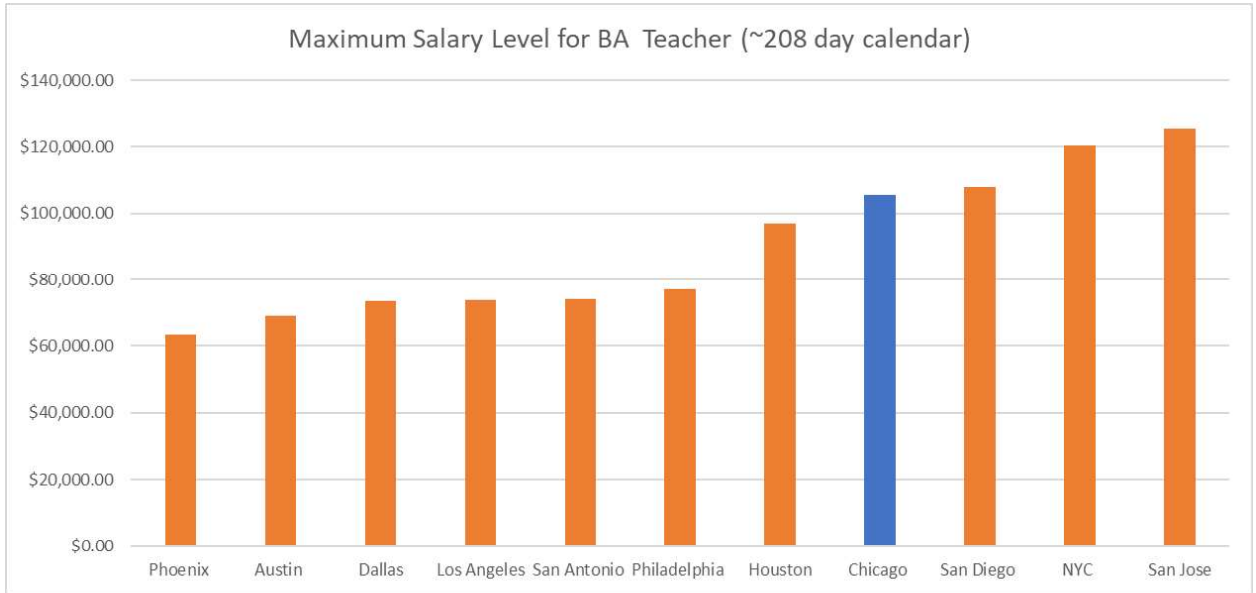
ILCS 5/12(a-10)(4)(I).¹⁶ CPS' starting salaries for teachers with a bachelor's degree land in the middle among the ten districts, and CPS teachers gain considerable ground as the charts show.¹⁷



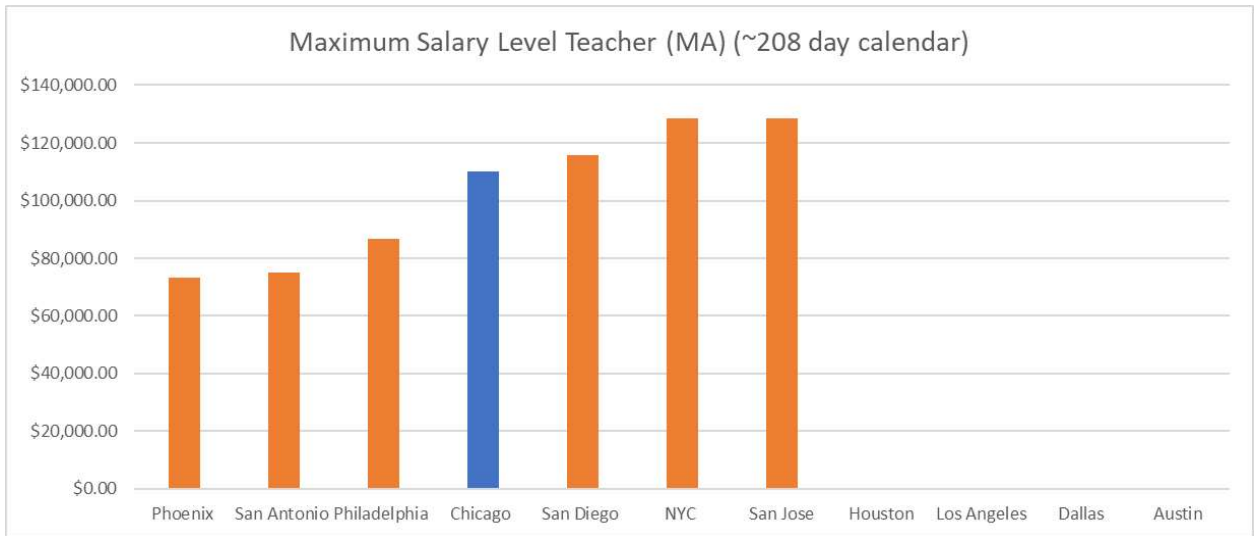
¹⁶ The ten largest U.S. cities exclusive of Chicago are as follows: 1) New York, 2) Los Angeles 3) Houston 4) Philadelphia, 5) Phoenix 6) San Antonio 7) San Diego 8) Dallas 9) San Jose and 10) Austin. Phoenix does not have a single school district covering its elementary, middle, and high schools. We have selected Phoenix Union High School District 1 and Phoenix Elementary School District 1 as the most appropriate for this purpose.

¹⁷ These data were pulled from these districts' collective bargaining agreements which are all publicly available and can be provided if requested.

Teachers at the top step earn salaries behind only three other districts, New York, San Diego and San Jose.¹⁸



Likewise, teachers with a master's degree earn salaries behind only three districts, and this remains largely consistent as they move steps.

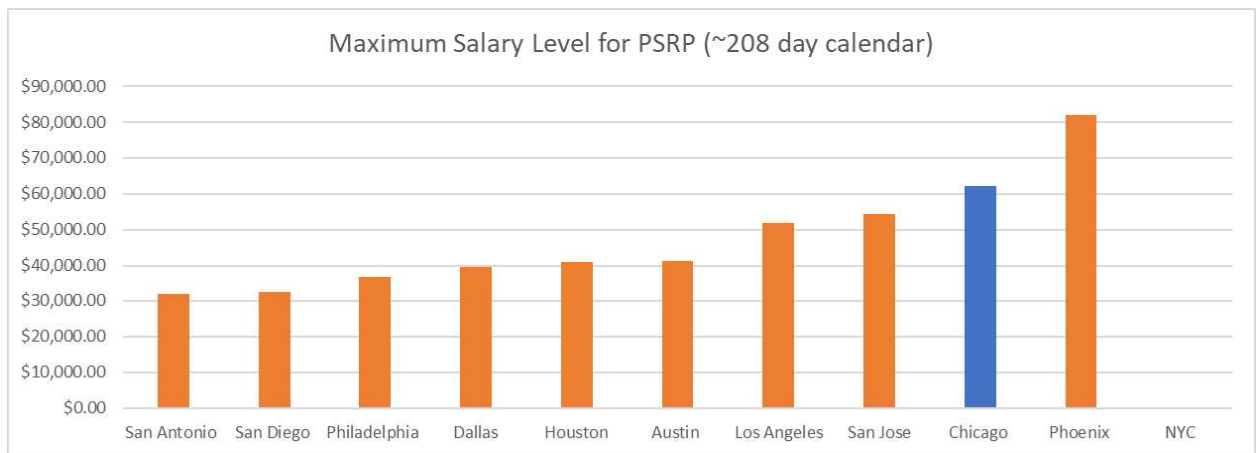
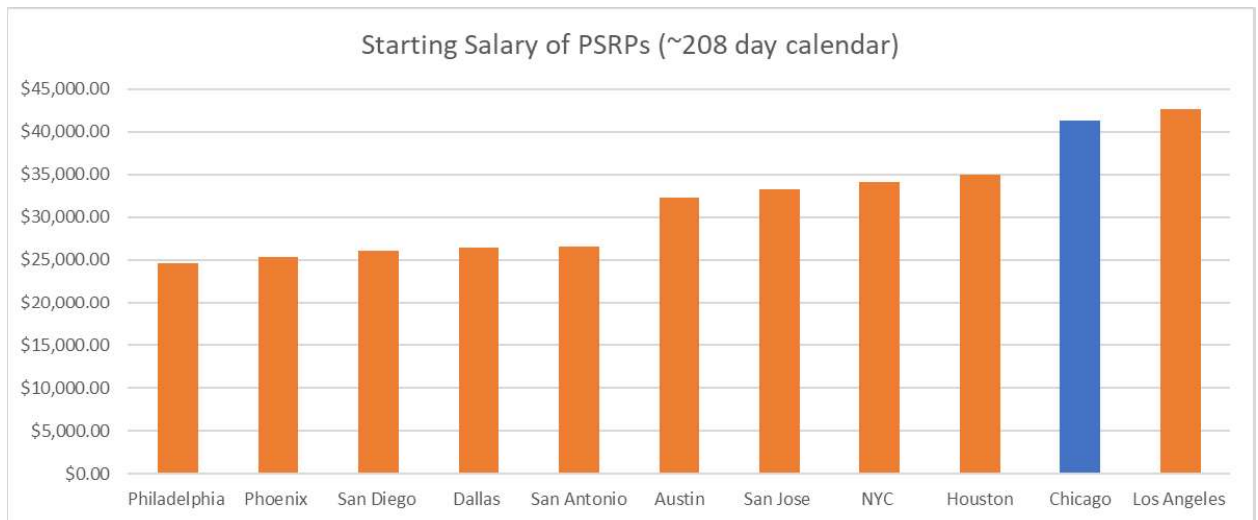


¹⁸ Each district ends its schedule on a different step so the time period to get to the maximum varies.

As these charts show, CPS' salaries have remained competitive among its comparables despite years of significant financial strain.

ii. PSRP's Outpace Most Comparable Districts

PSRP salaries have exceeded those of starting employees in all comparable districts except Los Angeles. CPS teacher assistants continue to outperform other districts on salary as they advance up the schedule, ending with a maximum salary of \$62,268 which again exceeds all other districts that provide step advancement for teacher assistants other than Phoenix.¹⁹



¹⁹ NYC's contract does not appear to account for a maximum salary.

c. CPS' Proposal Exceeds the Projected Cost of Living

The Board's proposal will exceed the cost of living as predicted by current forecasts, which is an average of 2.3% for 2025-2029.²⁰ Simply put, the 4% proposed increase to base, without considering step, exceeds this amount. When step increases are also factored in, the Board's proposal well exceeds the forecasted cost of living.

d. CPS' Generous Health Benefits

In addition to their salaries, CPS employees receive generous benefits. The parties have agreed on an expanded health insurance package with no increase in health plan costs for employees making under \$90,000 a year. (CPS Contract Proposals Key Categories, Ex. 8, p.1; CPS/CTU Article 32 Tentative Agreement, Ex.11) The average CPS teacher will only contribute 2.66% of salary to healthcare whereas the private sector contribution averages approximately 7%. *Id.* CPS has made significant enhancements to healthcare by increasing coverage and resources for preventive health, chronic conditions, women's health, and weight management. A summary of the improvements includes:

Mental and Behavioral Health:

- Lowered copays and coinsurance for behavioral health services
- Enhanced resources for substance misuse therapy
- Expanded network of mental health providers and resources
- Free digital app for anxiety and sleep disorders

Chronic Conditions Support:

- Implemented a Diabetes and Hypertension Care and Management program.

Rx and Vaccination:

- Implemented the Broad Vaccination Program and Network for free vaccines
- Implemented the PrudentRx program to provide low-cost for specialty drugs

²⁰ https://www.whitehouse.gov/wp-content/uploads/2024/03/ap_2_assumptions_fy2025.pdf

- Implemented GoodRx to provide lower out-of-pocket costs for generic medications

Women's Health:

- Expanded access and coverage for abortion care on all medical plans
- Enhanced infertility coverage from 4 cycles per lifetime to 4 cycles annually

Specialty Services and Coverage:

- Added coverage for bariatric surgery on all medical plans
- Expanded the network, programs, and resources for weight management care and support
- Enhanced hearing aid coverage

Physical Therapy and Other Services:

- Provides access to physical therapy at participating PT facilities at a zero copay after the eligible-member satisfies the deductible
- Increased therapy visits from a combined total 60 visits to 60 visits per specialty in physical, occupational, speech, and chiropractic therapy

Dental and Orthodontic Coverage:

- Increased dental coverage for preventive and diagnostic services (cleanings, exams, sealants, radiographs, fluorides, etc.) from 80% to 100% (lowered coinsurance for members)
- Increased dental annual maximum from \$1,500 to \$2,000
- Added orthodontic coverage at 50% coinsurance to a lifetime maximum of \$2,000 for adults and dependents up to age 26 on dental PPO plan

Bargaining unit members have also obtained additional leave benefits during negotiations, including extending leaves previously only available for appointed teachers to PSRPS, such as religious holiday, personal illness leave, travel leave, student leave, parental leave, and supplemental leave, ensuring greater support and flexibility for their needs.

3. CTU's Salary Proposal Does Not Meet the Statutory Criteria

CTU's proposal consists of two parts: COLA increases and revisions to the step schedules for both teachers and PSRPs. CTU proposes a 5% increase to base for the first two years of the contract and then a range based on CPI for the final two years with a floor of 4%

and a ceiling of 5%. The cost of the COLA proposal is \$151M in just the first year. (Cost out of CTU Roadmap, Ex. 12) CTU is proposing a four year agreement, and the total cost of CTU's COLA proposal over four years is \$1.48B. *Id.*

CTU is also seeking the addition of new steps to replace multi-year steps in the current teacher and PSRP schedules. Adjustments to the teacher pay scale alone will cost the district an additional \$65M over four years. *Id.* Adjustments to the PSRP schedule will cost \$40M in the first year of the agreement and a total of \$172M over four years. *Id.* Finally, CTU is seeking an additional lane on the PSRP salary schedule that is projected to cost approximately \$3.1M over four years. *Id.*

Additionally, the Fact-Finder must consider that CTU has also included numerous other financial items in its economic proposal, including increases to coaching stipends, English Learner stipends, fine arts budgets, funds to reduce special education teacher workloads, supply money and more. *Id.* While CTU has made a handful of revised proposals to bring costs down slightly, the overall economic package proposed by CTU in December would cost CPS more than **3.5 billion dollars** over the term of the four-year agreement.

The Fact-Finder must reject the CTU salary proposals based on the Section 12 criteria. Section 12(a-10)(4)(F) establishes a two-part analysis to determine the Board's ability to fund proposals. First, the Board's ability to fund must be based on "existing available resources." Second, the Board's ability to fund cannot be predicated on certain assumptions, namely, that lines of credit or reserve funds are available or that CPS will receive or develop new sources of revenue or increase existing sources of revenue. In other words, the Fact-Finder is proscribed from considering lines of credit, reserve funds or new or increased existing sources of revenue as resources available to fund proposals. As a result, "existing

available resources” constitutes total available revenues only for purposes of the Fact-Finder’s analysis.

CPS cannot fund CTU’s proposals based on existing available resources, particularly when excluding lines of credit, reserve funds, or hopes of increased future funding as the General Assembly requires. 12(a-10)(4)(F). As noted in the introduction, CPS is required to adopt and maintain a balanced budget each school year. CPS is in the process of developing its balanced budget for FY26, which has a \$509 projected deficit without factoring in new labor costs. (Ex. 4, slide 21) Due primarily to wage increases, pension payments, debt service increases for capital improvements in CPS facilities, programmatic investments and school funding, CPS is still determining how to fill its projected shortfall for FY26. It will do so, but it cannot sustain greater salary costs. CTU proclaims that CPS can fund its proposals, primarily relying on CPS’ reserve funds. But reserve funds cannot be considered a source of revenue under Section 12 and, equally important and as explained above, CPS does not have sufficient reserves to fund CTU’s proposals.

Finally, CPS’ ability to pursue its educational mission will be thwarted if it were to pay these kinds of increases. The commitments set out in the Strategic Plan cannot happen under CTU’s compensation proposals. Diverting that money to larger salary increases flies in the face of the statutory directives to consider the interests and welfare of the students and families, the ability of CPS to pursue its educational mission and the impact on learning conditions.

B. CPS' Staffing Proposal Is Geared Toward Student Growth; CTU's Proposal will Bankrupt the District

Since 2019, CPS has added more than 7,000 new staff, far above the requirements of any labor agreement. This includes 2,500 more teachers, over 4,000 more special education classroom assistants (SECAs) to support students with disabilities, and hundreds of additional nurses, counselors, social workers, case managers, restorative justice coordinators, and coordinators to assist students in temporary living situations. The positions were added to aid CPS students in recovering from the COVID-19 pandemic, and that strategy has led to CPS students experiencing growth at rates above their peers in other large urban districts. Within CPS, this growth is being driven largely by Black students, showing that CPS' intentional investments are working. The key goal in these financially uncertain times has been to preserve those 7,000 positions. Further, any new positions that are added must also contribute to equitable outcomes for the district and its students.

Under CPS' new and more equitable school funding model, the District provides a baseline of resources and staff to each school regardless of size, including a set number of teacher positions and a minimum of three holistic teachers for arts, music, languages, PE, etc. CPS also provides additional resources and staff to schools with the greatest needs, especially in communities that have been historically underserved. Principals receive flexible discretionary funding so they can hire additional positions based on each school's unique needs. This school year, CPS was able to sustain these staffing levels and incorporate a new, more equitable school funding model into the District's currently-balanced budget for the 2024–25 school year. In the coming years, however, CPS is projecting structural deficits,

and it will be a challenge to sustain the current level of staffing in future years without additional revenue.

CTU's initial proposal was to add 13,900 staff positions over the life of the contract, a 41.5 percent increase over the 33,491 staff currently employed by CPS. (CTU initial proposal Ex. 13). These additional positions would cost an annualized \$1.4 Billion at the onset of the contract, and \$5.5 Billion over the total length of the agreement. CTU then presented a 'roadmap' where they narrowed their proposal to include around 5,000 new positions. This reduced proposal will still cost the district roughly \$580 Million, totaling **\$1.3 Billion** over 4 years. (CTU Roadmap Cost Out, Ex. 12).

In recent days, CTU has provided a second 'roadmap' with some adjustments to bring costs down slightly. Despite recent adjustments, these proposals remain fiscally imprudent and unsustainable given CPS' structural deficits and limited capacity to generate additional revenue. While CPS appreciates these adjustments, given that the District faces large structural deficits over the next several years, CPS has prioritized staffing increases where it sees growing student needs. This includes additional staff to serve the district's growing population of special education students and English Learners. It also includes supporting the academic vision in CPS' five-year strategic plan, which includes holistic, joyful experiences that enrich student learning. These include the arts and athletics, which is why CPS has committed to tripling the amount of funding for athletic staff, programs, equipment, and transportation as part of these negotiations.

CPS' staffing proposal includes 100 additional English Learner Program Teachers, approximately 165 additional teacher assistants in Kindergarten classrooms averaging 23 students, a teacher assistant in every general ed preschool classroom, 30 additional bilingual

teacher assistants, 160 new special education case managers, 55 additional social workers, 30 new librarian positions and a program to support educators earning library media endorsements, new technology coordinators in every network, and new arts positions in schools. CPS has also proposed an increase of 300 counselors over the commitments of the 2019-2024 agreement. CPS' proposals enhance staffing in critical areas and are economically sustainable for the district. CTU's proposal will cost the district billions over the course of the contract and will inevitably lead to layoffs when the staffing levels cannot be sustained by the budget. CPS' current proposal should be accepted.

In addition to the monetary concerns around CTU's staffing proposals, CTU's proposals include hiring 700-800 additional teacher assistants. As addressed in Section O, CTU proposes to take work traditionally performed by Special Education Classroom Assistants (SECAs), represented by SEIU Local 73, and have the work performed by teacher assistants, who are part of CTU's bargaining unit. CTU's proposal has led to a significant dispute between CTU and SEIU Local 73, and SEIU has already issued CPS a "cease and desist" letter. (SEIU Cease and Desist, Ex. 14).

Lastly, CTU seeks to memorialize CPS' equity staffing model from SY24-25 and place a moratorium on staff layoffs, other than at individual schools due to attendance fluctuations. It is both irresponsible and unrealistic to propose that CPS maintain its current staffing levels, add thousands of additional positions, and avoid layoffs despite the undeniable structural deficits projected throughout the term of the proposed agreement. CPS must retain the tools necessary to make hard decisions to ensure the financial solvency of the district. As noted by the Civic Federation: "With no sign of an influx in additional revenue from the State of Illinois and otherwise limited sources of revenue, the Board must focus on

right-sizing district personnel and operations to align with the student population and facility needs based on the level of fiscal resources available. As part of this process, the Board will need to prioritize programming and operations and identify areas for efficiencies based on desired outcomes.” (Ex. 3.)

C. CTU’s Proposal to Increase Teacher Preparation Time Should Be Rejected

1. Existing Preparation Time

CPS teachers already outpace their peers in the amount of preparation time they receive. CPS elementary teachers currently receive a minimum of 330 minutes of preparation time each week, 270 of which are teacher-directed and 60 minutes principal-directed. Teachers also have 12 professional development days distributed across the school year, further supporting their growth and readiness. Within their 7-hour workday, teachers dedicate 296 minutes to direct instruction, 15 minutes of non-classroom supervision during transitions, and 60 minutes of duty-free preparation time daily. Twice a week, teachers also receive an additional 15 minutes of teacher-directed planning time in the morning.

The student 7-hour day consists of one hour of lunch/recess/transition, five hours of core instruction (literacy, math, science, and social science) and one hour of “holistic/enrichment” instruction (arts, PE, library, world language, etc.) Teacher preparation is essential to the success of students, but it must be balanced against the needs of students for robust instructional time. Any additions to preparation time during the current 7-hour work day come at the cost of teacher time in front of students.

K-2 Day			
Minutes	Student Day	Teacher Day	Time
	Arrival	Arrival	9:00
5 mins	Transition	Transition	9:00-9:05
120 mins	Literacy	Literacy	9:05-11:05
30 mins	Social Science	Social Science	11:05-11:35
5 mins	Transition	Lunch	11:35-12:25
20 mins	Recess		
25 mins	Lunch		
20 mins	Intervention Block	Intervention Block	12:25- 12:45
60 mins	Arts	<i>Preparation Period</i>	12:45- 1:45
90 mins	Math	Math	1:45- 3:15
40 mins	Science	Science	3:15-3:55
5 mins	Transition	Transition	3:55-4:00
	Instructional Mins: 360	Instructional Mins: 296	

Student Day:
7 hours

6 hours of instruction

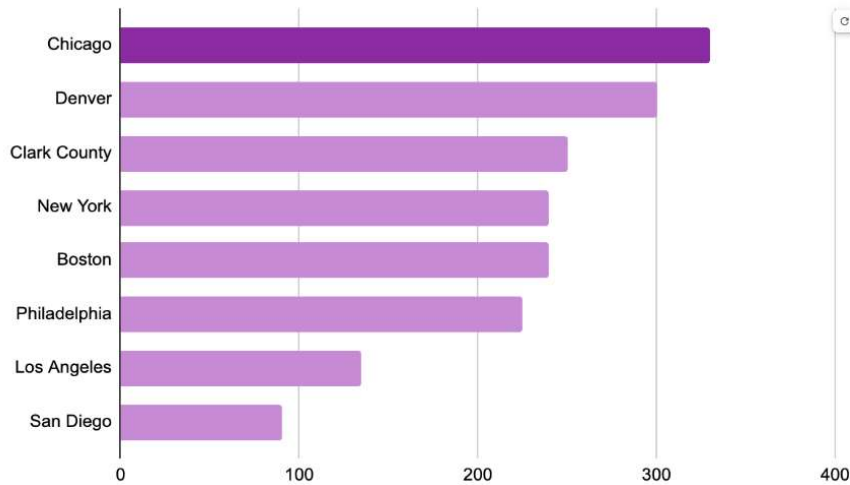
Teacher Day:
7 hours

4 hours, 56 minutes of instruction

A review of collective bargaining agreements from similarly sized urban school districts reveals that Chicago leads in the amount of preparation time allocated to teachers.²¹

Key findings include:

CPS Leading in Weekly Preparation Time



ES Preparation Minutes	
330	Chicago
300	Denver
250	Clark County
240	New York
240	Boston
225	Philadelphia
135	Los Angeles
90	San Diego

²¹ These data were pulled from these districts' collective bargaining agreements which are all publicly available and can be provided if requested.

2. CTU's Proposal on Preparation Time Would Reduce Instructional Time

CTU has proposed that elementary school teachers receive an additional contiguous 20 minutes of preparation time each day, totaling an additional 100 minutes per week. While teacher preparation time is vital to delivering quality education, it is essential to consider the practical implications of increasing preparation time within the current school day.

CTU's proposal will significantly impact student instructional time. Increasing prep time during the 7-hour workday can happen in two ways: 1) by reducing instructional time, meaning less time for subjects such as literacy, math, science and other core content areas; or 2) by hiring more staff. Additional preparation time, if supported by increased licensed staffing, would not expand student instructional/enrichment offerings, but would rather allow another teacher to swap in for coverage. Given the district's current financial constraints, this option is infeasible. CPS does not have the resources to hire enough subject-specific certified staff to provide coverage breaks for teacher preparation.

Coming out of the pandemic, CPS students experienced growth that outpaced their peers because of investments in strong classroom instruction and supplemental academic interventions. Preserving instructional time is particularly critical for students who require additional support to reach grade level; reduced instructional time most negatively affects low-income, minority and diverse learners. To maintain the district's progress and continue fostering student success, it is essential to protect robust instructional time. Cutting 20 minutes from each instructional day results in a loss of 3,500 minutes annually, equivalent to approximately 12 full instructional days. CTU's proposal must be rejected to safeguard the educational growth and equity of all its students.

D. The Board's Proposal Provides Needed Clarity to the Grievance Process

As is common in most collective bargaining agreements, Section 3-6 of the Agreement establishes time limits for filing a grievance for school-based grievances. However, Section 3-8, which addresses grievances that are not under the jurisdiction of the principal or head administrator, contains no time limit for filing a grievance. CPS' position has long been that the timelines in Section 3-6 apply to Section 3-8 grievances. Conversely, CTU disputes the applicability of these timelines. The Board proposes clarifying that the Section 6 timelines apply to all grievances, including those filed under Section 3-8.

Filing a grievance in a timely manner helps ensure that evidence, documents and witness testimony remains fresh and reliable, making it easier to investigate and resolve issues accurately. It is essential to a full, fair and prompt adjudication. Deadlines also motivate employees and unions to address issues promptly, leading to quicker and more effective resolutions. Allowing an employee or the union to file a grievance months or even years after an event is fundamentally unfair to CPS and its ability to investigate and fairly resolve issues.

CTU also has proposed a change to the grievance process, specifically regarding the expedited hearing process, known as Med-Arb.²² CTU seeks to expand the Med-Arb process to cover contract interpretation grievances valued at up to \$35,000, with CTU having sole

²² Per the current Articles 29-4 and 29-5 of the CBA, the Union is permitted to submit Level 3 discipline and PSRP terminations to an expedited, informal dispute resolution forum. The sessions are held monthly and typically cover 2 or 3 cases in one day. The parties provide the arbitrator with relevant documents; each party offers an opening statement outlining their respective positions; and the mediator attempts to facilitate a settlement. If settlement cannot be reached, the mediator puts on an arbitrator hat and issues a decision based on the information presented. The decision is final and binding on the parties.

discretion over which such grievances can be submitted to Med-Arb. CTU's proposal to identify cases unilaterally for Med-Arb constitutes an overreach. While CPS recognizes the value of quicker resolution, the decision must be mutual as to whether a case is appropriate for expedited review. Many grievances are simply too complex for the Med-Arb process, often involving multiple witnesses and extensive documents. Given the 2-3 hour time limit for each case, it is not feasible to conduct a thorough review and render a fully-informed decision that fairly considers both parties' interests.

CTU expressed concern that a mutual decision process allows CPS to refuse to submit any cases to the expedited process. To address this concern, CPS proposed to defer a set number of cases to Med-Arb. This compromise retains both parties' discretion in determining the appropriate resolution process, while also establishing a minimum number of cases for expedited hearings.

E. CTU's proposals for evaluations would lower the standard for classroom instruction

CTU proposes to modify the evaluation process in the following ways: (1) 3-year evaluation cycles for tenured proficient teachers; (2) lower the cut scores; (3) preclude the CBE from non-renewing non-tenured teachers; and (4) CBE and CTU joint legislative advocacy to abolish the Illinois Performance Evaluation Reform Act.

1. 3 Year Evaluation Cycle

In 2012 and as required by PERA, CPS, in collaboration with CTU, implemented a robust teacher evaluation system known as REACH. Consistent with state law and with CPS' vision that every student will be engaged in rigorous instruction, REACH combines teacher

professional practice with student growth to provide feedback to teachers.²³ The professional practice component is aligned with CPS' Framework for Teaching; through formal and informal observations, evaluators assess teacher performance based on components contained within 4 domains that are all research-based and correspond to student improvement. *Id.* at p.20-21. Seventy percent of the teacher's rating comes from professional practice. *Id.* at p.15. The remaining 30% is calculated based on a student growth component, based on the number of students who show growth on teacher-designed performance tasks given at the beginning and end of the year. *Id.* The goal of the evaluation system is to guide teacher professional development and improvement, while also establishing a clear expectation for proficient practice.

Effective in 2022 and at unions initiative, the Illinois School Code was amended to change the required cadence of tenured teacher evaluations. Previously, the School Code required that tenured teachers receive a formal evaluation and summative rating every two years. The law was amended so that districts had the option to formally evaluate tenured teachers rated proficient or above every three years. CTU proposes that (1) tenured teachers whose most recent rating is excellent; (2) tenured teachers whose most recent rating is proficient and who have been employed by the CBE as an appointed teacher for at least six years, and (3) National Board Certified Teachers be evaluated every three years. CPS has agreed that tenured teachers rated excellent and National Board Certified Teachers be evaluated every three years. CPS does not agree that tenured teachers rated proficient should be evaluated every three years. Approximately 35% of tenured teachers who were

²³ https://www.ctulocal1.org/wp-content/uploads/2024/10/SY25_-REACH-Handbook-Final-8.12.24.pdf

rated following SY24 received a proficient rating, and approximately 63% received an excellent rating.²⁴ Thus under CTU's proposal, nearly the entire tenured teaching population would be evaluated every three years.

It is axiomatic that effective teaching is directly related to student success. Evaluations help ensure instructional quality, provide feedback that help teachers identify their strengths and areas for improvement, and support continuous professional development. Evaluating teachers only every three years means that teachers lose out on valuable job-embedded feedback that can immediately improve their instructional practice to impact, positively, the students they currently have in front of them. It also means that schools leadership teams have three-year cycles to formalize feedback for teachers who need it the most, and in the most serious cases where teachers may be instructionally ineffective, the school cannot address this for three full calendar years, which can undermine the instructional program across the entire school. For these reasons, the Fact-Finder should reject CTU's proposal to have tenured teachers rated proficient evaluated every three years.

2. Lower Teacher Evaluation Cut Scores

CTU proposes to lower the cut score for Proficient teaching from 285 points to 265 points. As noted above, nearly 98% of tenured teachers are rated proficient or excellent. Only 3% are rated developing, which is the rating below proficient. For non-tenured teachers following SY24, about 84% were rated proficient or excellent and 15% rated developing. The developing rating means that a teacher has the necessary knowledge and skills to be

24

https://docs.google.com/presentation/d/1iKdqGRJBKiLa8yRRD2AZMZ42GHZ1Llxmlc9Q11Ls6MM/edit#slide=id.g28b0195c624_0_441, slide 14.

effective, but their application is inconsistent. Given these current proficiency rates, CPS believes that investing in teacher development is a better approach than lowering cut scores.

CTU has raised as a concern the findings of the Illinois State Board of Education Teacher Evaluation Research Project, which found that, state-wide, Black and Hispanic teachers received lower ratings than white teachers.²⁵ At CPS, data shows that teachers of all races who work in high needs schools tend to receive lower observation scores than teachers who work in more affluent communities. Black teachers are more likely to teach in high needs schools than White and Hispanic teachers. Subsequently, because Black teachers tend to work in higher needs schools, they tend to score lower on REACH. To address these issues, CPS has proposed that teachers in the top 20% of the highest needs schools under the CPS Opportunity Index who are trending towards a developing rating shall be offered additional mentoring through CPS or CTU programming and upon successful completion of mentorship, teachers who receive a developing rating can appeal their rating. This targeted intervention will assist struggling teachers to improve their practice, which in turn benefits the students these teachers serve.

CPS has also proposed REACH training for evaluators on bias and culturally responsive practices and proposed that the Joint REACH evaluation committee develop best practices and recommendations for evaluation processes in high needs schools, including mechanisms by which to address potential inequities in the evaluation process. CTU's proposal to lower the cut scores, while intended to address the disparity issue, is not sound educational policy. CTU's proposal has the effect of retaining poorer performing teachers at

²⁵ www.isbe.net/Documents/AIR-ISBE-Final-Report.pdf.

schools where students are most in need of excellent instruction. CTU's proposal should be rejected.

3. CTU Cannot Preclude the Board from Non-Renewing Non-Tenured Teachers

CTU has a proposal that would preclude the Board from non-renewing non-tenured teachers that receive a developing summative rating. Caselaw is clear that the Board's authority to non-renew non-tenured teachers cannot be diminished in a collective bargaining agreement. *IL. Ed. Ass'n Local Comm. High Sch. Dist. 218 v. Bd. of Educ. of Sch. Dist. 218*, 62 Ill.2d 127, 130-31 (Ill. 1975). As such, the Fact-Finder cannot consider this CTU proposal.

4. CTU's Proposal to Abolish the Performance Evaluation Reform Act

Finally, CTU is proposing that the Board and CTU jointly advocate for the repeal of the Illinois Performance Evaluation Reform Act (PERA). This presents significant legal, educational, and operational concerns for the Board. The Board acknowledges the challenges associated with PERA's current implementation, particularly affecting educators in high-need schools. However, rather than repeal the law and leave Chicago and the State without any required evaluation system, the Board supports amendments to the law. This approach allows for targeted adjustments to address these disparities while maintaining principles of accountability and continuous improvement. Jointly advocating for amendments that establish more appropriate criteria for evaluating teachers in high-need schools, taking into account the unique challenges faced by students and teachers in these communities, along with developing tailored professional development opportunities for teachers in these schools, provides a more balanced approach.

F. CPS' Proposal on Mid-Year Transfers Benefits the Students in the Hardest to Staff Schools

Section 9.5 of the CBA states that teachers may apply to transfer to vacant positions for which they qualify at any time during the school year. CPS has tracked data on mid-year transfers and has found that teachers disproportionately request transfers out of the hardest to staff schools, which compounds inequities in teacher staffing. In Winter 2023-2024, a teacher working in Network 9, 11, or 12 (Southside networks) was 6 times more likely to transfer out of their position than in Network 1 (Northside network). Similarly, 53% of mid-year teacher transfers came from schools with an Opportunity Index of 3.0+ or more, compared to just 5% of the total from schools with an Opportunity Index below 2.0. These schools serve the most at-risk students, and a teacher transfer has a significant impact on the students in that teacher's classroom, typically students for whom coverage by substitute teachers has the most detrimental impact. Continuity of instruction is crucial for these students. Additionally, the departure of a teacher creates a ripple effect throughout the whole school. When a classroom teacher cannot be easily or quickly replaced, the teacher's duties must be covered by other staff, placing an additional burden on colleagues and reducing overall adult support for the students in the building. To mitigate this harm, CPS proposed to eliminate this provision, which would prevent a teacher from requesting a transfer to be effective between the beginning and the end of the school year.

G. CTU's Proposal to End the CBA in May: A Detrimental Risk to CPS Operations, Students, and Communities

CTU has proposed that the contract end May 1, 2028 rather than on June 30, 2028. While a small shift from a timing perspective, this would result in the next contract beginning during one fiscal year (FY28) but then extending for the first year into the next fiscal year

(FY29). In short, year one of the contract would span two fiscal years. This would present significant challenges in implementing new contract terms 10 months into the fiscal year and near the end of the school year.

CTU's proposal aligns with a broader initiative led by the United Auto Workers to synchronize union contract expirations on May 1, International Workers' Day, with the aim of a mass strike on May 1, 2028. The American Federation of Teachers has passed a resolution encouraging locals to consider this common expiration date as a "useful tactic in the fight to advance racial, economic, and social justice." While CPS understands the broader goals of this initiative, implementing such a tactic would have profound impacts on CPS schools, particularly as May marks the critical final stretch of the academic year. A strike or disruption at this time could jeopardize students' preparation for end-of-year assessments, graduation activities, and summer programming. Additionally, these challenges would ripple through communities, as families rely on schools for stability, resources, and support. The potential disruption to students' education, the added strain on families and communities during an already demanding time of year, and the impact on CPS finances are all reasons to deny this request.

H. CPS Continues to Make Investments in Sports but cannot support CTU's Proposal

Recognizing that athletic programming is an important part of a well-rounded student experience, CPS has proposed a nearly \$21 million investment in athletic programs, more than tripling what was provided for athletics in the last contract. Specifics include: (1) an athletic director in every large high school; (2) increasing stipends for coaches on average more than 50%; and (3) \$10 million to fund sports equipment, uniforms, supplies, athletic

trainers and transportation. CTU is seeking extensive increases for coaching positions, additional athletic offerings, and additional funds for the district's sports program. The cost of CTU's coaching proposal alone is \$27.3M and the total cost of CTU's proposal is \$ 37.3M. CPS agrees on the importance of providing a strong athletic program and, as demonstrated above, has already made extensive investments in this area. As set forth above, CPS' financial position cannot support CTU's current proposal and the Fact-Finder should reject it.

I. CTU's Proposal on Guest Staff is Not Economically Sound

CTU proposes extensive new benefits for "guest teachers" and "guest PSRPs" (substitutes), including vacation days, leave benefit days, a pay scale, preparation time and professional development. CPS acknowledges the benefit of incentivizing these positions because of the shortages of substitutes and the benefits to students of quality guest teachers and PSRPs. To that end, CPS has agreed to provide sick and paid leave, professional development to guest teachers and guest PSRPs, and preparation time for guest teachers when no lesson plans are provided. CPS has also committed to codifying 170 "core cadre" substitute positions in the contract, which will cost at least \$13M per year. The CTU proposal to add \$20 to the base sub rate for experienced subs would cost more than \$4M dollars annually and \$16M over the course of the contract, excluding the cost of the 4-5% colas that the district is already committing to as part of the overall compensation package. CPS' proposals provide significant new benefits and, building on benefits already built into the contract during last negotiations, are sufficient building blocks to recruit new guest teachers and PSRPs.

J. CTU's Proposal on Class Size is Not Economically Viable

CPS has made significant investments in reducing class size over the past five years, in partnership with the CTU. While research on class size is mixed, CPS remains committed to reasonable class sizes that allow teachers to meet student needs. As part of the 2019 negotiations, the parties had agreed to a joint class size committee that provided relief to classrooms that exceeded class size limits. The joint committee reviews over-sized classes and determines if relief is appropriate, which could include splitting the class into two separate classes or providing a teacher assistant for the class. In 2019, CPS and CTU agreed to earmark \$35M per year for class size relief.

During these negotiations, both CTU and CPS have agreed on changes to the class size provisions that will benefit students in the classroom. CPS and CTU have tentatively agreed to lowering Kindergarten class size from 28 to 25. CPS has also proposed that kindergarten classes that have an average of 23 students automatically receive a teacher assistant. (If the kindergarten class reaches 25 students, the class size limit, they are then eligible for additional relief including an additional teacher). The parties remain apart on the target class size for grades 4-8. CPS proposes to reduce the class size from 31 to 30; CTU proposes the class size at 28.

CPS must maintain reasonable class sizes that it can fund so that expenditures in this area do not lead to staffing cuts elsewhere. Furthermore, CPS has proposed a comprehensive revamp of how the current CTU agreement redefines an oversized class that is eligible for support. The current agreement includes a range of oversized classes and a separate class size limit that triggers automatic investigation for potential relief. CPS proposed moving

away from this multiple-tier system, proposing instead that any class exceeding the proposed class size limits is automatically eligible for class size support.

Additionally, CPS has proposed a streamlined process for the beginning of the school year where the Board, rather than a joint committee, automatically assigns class size support to ensure a more efficient and timely response to class size needs. This approach will ensure that resources are allocated swiftly and equitably to address oversized classrooms. The current agreement provides \$35 million towards class size relief, and CPS has accepted CTU's proposal to increase this amount to \$40 million. However, CTU is now proposing that any automatic class size relief provided by the Board should not come from the \$40 million allocated specifically for this purpose. While CPS certainly understands the desire to provide even more funds for class size relief, the \$40M to cover all these areas of relief is a substantial investment and fiscally sound.

K. CTU's Proposals on Charter Expansion and School Closures are not Mandatory Subjects of Bargaining

CPS recognizes that school closures have a significant impact on local communities. In its five-year strategic plan, Success 2029: Together We Rise, CPS has prioritized the transformation of neighborhood schools, particularly in under-resourced areas.²⁶ The goal is for every student to be able to complete their pathway from preschool to high school at high quality neighborhood schools. *Id.* This joins an enhanced commitment to community schools. *Id.* This commitment is coupled with the goal of empowering families to consider which schools are the best for their students, whether that is a neighborhood school, a charter, a selective enrollment school or other high-quality options. *Id.*

²⁶ <https://www.cps.edu/sites/five-year-plan/>

As noted above, decisions to grant or deny a charter school proposal or to renew or revoke an existing charter school agreement, and the impact of those decisions are not subject to bargaining. 105 ILCS 5/27A-4(j). Likewise, decisions regarding school closings are inherent managerial policy that are not subject to bargaining.²⁷ As such, they are not issues for Fact-Finding.

L. Assessments

Assessments are a critical component of student learning. Assessments identify learning gaps, guiding interventions and support. They help evaluate how well students understand the material, identifying strengths and areas needing improvement. The results inform teachers about the effectiveness of their teaching strategy and provide valuable feedback allowing them to adjust lessons to better meet students' needs.

A research-based balanced assessment plan prioritizes the use of curriculum embedded assessments to monitor and drive student learning. It also requires that diagnostics/screener assessments are administered 3 times per year in K-2 and at least once per year in 3-9 to identify which students might need additional academic support through a school's MTSS (Multi-Tiered System of Supports) work. The other required assessments in the CPS Balanced Assessment plan are either required by the state, by a specific program accreditation (i.e. IB), or through REACH.

CPS' proposal codifies the Balanced Assessment Plan guidance by maintaining the required assessments: state required assessments, assessments required by a program accreditation (ie. IB programs), and assessments required for the REACH evaluation system.

²⁷ Indeed, the Board has already decided to extend its current moratorium on school closures through 2026-2027 https://www.cpsboe.org/content/actions/2024_09/24-0926-RS1.pdf

Additionally, CPS' proposal includes a requirement that a diagnostic/screener is administered in grades K-9 aligned to the Balanced Assessment Plan. Teachers can vote to select which screener or diagnostic is used. Notably, diagnostic/screeners are not high stakes standardized tests but are quicker, targeted tools designed to identify where students may need additional support and academic interventions.

CPS proposes that all students in grades 3-8 take this diagnostic once at the beginning of the year, and then students who receive Tier 2 or 3 interventions would take the assessment at mid-year or end of year to gauge progression or identify further intervention needs. CTU's proposal is to maintain the current voting process whereby teachers can vote whether to follow the District's balanced assessment plan.

M. Early Childhood

In its proposal on Early Childhood education, CTU proposes: 1) at least 1 PSRP for every Kindergarten and Pre-K classroom; 2) reduced class size for blended Pre-K; 3) a stipend for teachers/PSRPs who assist students who have a toileting accident; 4) one less day of student attendance for Kindergarten students at the beginning and end of the school year; and 5) two additional Family Engagement Coordinators and Professional Learning Specialists.

1. PSRP for Every Pre-K Classroom

CPS has both general and blended pre-K classrooms. General pre-K classrooms are staffed with a teacher and a teacher assistant (PSRP) already. Blended pre-K classrooms include general ed students and students with disabilities who need a special education teacher. Blended pre-K classrooms are staffed with a general ed teacher, a special education teacher, and a Special Education Classroom Assistant (SECA), who are paraprofessionals

represented by SEIU Local 73. The maximum class size for blended classrooms is 20 students. CTU's proposal would add a fourth adult to the pre-K classroom and would require CPS to hire an additional 337 teacher assistants. The cost of this proposal is at least \$74M over the life of the agreement. CPS disagrees with CTU's proposal to add a fourth adult to these classrooms, as there is no educational or operational need for an additional adult in a class size of 20. CPS believes that the current staffing structure - two teachers (a general education teacher and a special education teacher) and a SECA - best supports the needs of a blended pre-K classroom.

2. Reduced Class Size for Blended Classroom

ISBE requires a ratio for blended classrooms of at least 70% general education students and up to 30% students with disabilities. Reducing class size in blended Pre-K classrooms, as proposed by CTU, would lead to fewer available seats and limit opportunities for students with special needs to enroll in Pre-K programs. Patently, this is not in the best interests and welfare of the students and families and must be rejected.

3. Toileting Stipend

CTU has proposed a \$4,000 annual stipend for a teacher or teacher assistant who assists students in pre-K through 3rd grade who have a toileting accident.²⁸ Initially, CTU proposed a \$5,000 stipend for all teachers and teacher assistants performing this task, but they have since reduced the request and limited the role to one designated individual per building. This proposal contradicts Article 44-7 of the CTU Agreement, which states that bargaining unit members are not required to perform hygienic care for students. CTU's

²⁸ This proposal does not apply to students with special needs who may need diapering assistance or other care, as those needs are addressed by SECAs.

proposal now implies that such care could be performed if compensated, which raises questions about the consistency of their position.

Toileting accidents are an occasional occurrence and assisting students in these situations is part of the developmental support educators provide to young students. Teachers and teacher assistants are responsible for fostering independence and addressing the needs of their students, including supporting them during such moments. Students are required to have a change of clothes with them, so if an accident happens, an adult walks the student to the bathroom where they change their pants and underpants. Teachers are expected to support young students with toileting needs, and this is not an additional duty for which they should receive a stipend. Requesting additional compensation for addressing this aspect of student development overlooks the inherent role educators play in supporting their students' growth with care and professionalism. Further, designating one person per building to provide this support is logistically difficult - if the teacher is in the middle of instruction in another classroom are they supposed to halt instruction to support the child in a different class who had an accident? And, children who have accidents are likely embarrassed and need someone they know supporting them, not a stranger they have never met.

4. Reduction of Kindergarten Student Attendance Days

CTU proposes that Kindergarten programs start one day later and end one day earlier than the regular school year; meaning Kindergarten students would have two less student attendance days. As an initial matter, the length of the school year is not a mandatory subject of bargaining and, for this reason, the Fact-Finder should not consider this proposal. 115 ILCS 5/4.10.

CTU's rationale for shortening Kindergarten student attendance days is to allow families to come in on that first day to acclimate to Kindergarten. However, a vast majority of Kindergarten students have attended Pre-K, so students have already acclimated and should not lose the days of instructional time. Applying the interests and welfare of students and families, this proposal should be rejected.

5. Family Engagement Coordinators and Professional Learning Specialists

CTU's proposal to add two additional Family Engagement Coordinators and Professional Learning Specialists per school year for the duration of the agreement, while seemingly modest, must be evaluated within the broader context of over 68 other staffing-related proposals. Each individual proposal, when considered separately, may appear minor, but collectively they represent a significant financial request that CPS cannot sustain. Furthermore, CPS does not agree that there is a demonstrated operational need for these positions, adding to the reasons for rejecting this proposal.

N. Clinicians

CTU proposes the following for Clinicians: (1) 2 IEP release days per year; (2) ISBE Special Educator Workload Plan enforceable through the CBA and codification in CBA of ISBE Workload Formula; (3) Workspace protections prohibiting the designation of closets, hallways, or boiler rooms as clinician workspace; (4) protections against reassignment without cause; and (5) Clinician workload fund.

1. IEP Release Days

CTU's proposal seeks more release time for clinicians to complete IEPs and 504s. While CPS recognizes the value of providing more time to complete these tasks, CTU's proposal would reduce the time clinicians have to support students. Post pandemic, it is

crucial that students not only have access to high quality instruction, but also to trained mental health professionals and other clinicians. An increase in release time will result in clinicians being unavailable to provide services to students. CPS has already committed to adding more social workers and other staff to support students and to provide more flexibility for release time; CTU's proposal is simply unsustainable and would negatively impact supports students need.

2. ISBE Workload Plan and Formula

The Illinois State Board of Education (ISBE) regulations govern special educator workload plans, providing a comprehensive framework that districts are required to follow. Incorporating these regulations into the collective bargaining agreement could create conflicts with state law and establish duplicative enforcement mechanisms, causing unnecessary confusion and inefficiency. Moreover, the existing CTU/CBE contract already includes robust provisions to address workload concerns through a clinician work committee. This committee investigates workload complaints from clinicians working with students with disabilities and makes recommendations for hiring additional clinicians to alleviate current workload pressures. It also explores pipeline programs to address shortages in hard-to-staff disciplines, ensuring a proactive approach to staffing challenges.

In addition, the CBE has committed \$2.5M annually under the current agreement to fund workload reduction initiatives recommended by the Special Education Committee, the Counselor and Case Management Committee, and the Clinician Workload Committee. These resources and collaborative structures demonstrate the district's commitment to addressing workload issues effectively. Codifying ISBE workload plans and formulas into the CBA would be redundant and could undermine established processes by creating conflicting

enforcement pathways, and reducing the flexibility needed to address workload challenges effectively. The current contractual provisions and funding commitments already provide the necessary framework to manage workload concerns while maintaining compliance with ISBE regulations.

3. Workspace Protections

The CBE and the CTU share a fundamental agreement regarding an appropriate workspace. Both parties agree that closets, boiler rooms, and bathrooms are not appropriate workspaces. Both parties acknowledge that non-instructional spaces - such as hallways, auditoriums, playgrounds, and staircases - can be used for therapeutic services under limited circumstances. CTU's proposal emphasizes that these spaces should only be used when deemed appropriate by the clinician or when mandated by the student's IEP. The Board's proposal permits the use of these spaces when an alternative environment is not conducive to the services being provided. Both proposals aim to safeguard the quality and appropriateness of therapeutic services while acknowledging the practical challenges of space limitations within schools. Given the significant overlap in the proposals and the shared commitment to student welfare, the Fact-Finder should remand the matter to the parties for further negotiation.

4. Protections Against Reassignments Without Cause

The Board's and CTU's proposals regarding clinician reassignment demonstrate significant alignment. Both parties agree that if a principal requests that a clinician be reassigned, the principal must clearly state the reasons for reassignment and provide for a 90-day period before the reassignment takes place. The key difference lies in the process when clinicians request reassignments. The Board's proposal maintains a 90-day notice

period for reassignment requests with a problem-solving meeting held beforehand. Conversely, the union's proposal removes the 90-day notice requirement and instead requires a problem-solving meeting to occur only after the clinician submits a reassignment request. Despite these differences, the proposals are quite close, and the Fact-Finder should remand the issue to the parties to further refine the language.

5. Clinician Workload Fund

The CTU proposes an increase in the workload fund from \$2.5 million to \$5 million. It is essential to recognize that CTU's proposal cannot be considered in isolation. Instead, it must be evaluated within the greater context of the Board's overall financial situation and strategic resource allocation. The Board has expressed a willingness to maintain the workload fund at \$2.5 million. The District must prioritize its financial constraints while continuing to invest strategically in critical positions such as case managers, social workers, and other support staff. While both parties acknowledge the importance of supporting clinician workloads, the District's proposal reflects a responsible approach to resource allocation that considers the financial realities faced by the District. Given these constraints, it is recommended that the Fact-Finder reject the Union's proposal. The District's commitment to maintaining a \$2.5 million fund, while making additional investments in essential roles, ensures that clinician needs are met within its fiscal capacity.

O. CTU's PSRP Proposals Are Detrimental to CPS Operations

The CTU has made a number of proposals impacting paraprofessionals and other school-related personnel. Of particular concern is the proposal to require an investigatory conference and hearing before probationary employees can be dismissed. The purpose of the probationary period is to allow the District to assess a new employee's job performance

and work habits. Within a union context, probationary employees traditionally are not entitled to a dismissal hearing, and that tradition should be maintained here. CPS needs the flexibility and authority to terminate underperforming probationary employees without hearing so that it can bring in higher performing replacements. CTU's proposal seeks to prevent that.

Additionally, CTU's proposal - specifically, that Teacher Assistants may provide supports for students with IEPs where appropriate - seeks to undermine the work of another bargaining unit. This work is the exclusive bargaining unit work of another of CPS' unions, SEIU Local 73. Indeed, SEIU has already sent CPS a "cease and desist" letter (SEIU Letter, Ex. 14) regarding the bargaining of this provision with the CTU, asserting that any such provision would violate their rights under the collective bargaining agreement in place between the Board and SEIU. CTU's proposal, which may appear reasonable on its face, seeks to undermine the work of another bargaining unit. Special Education Classroom Assistants play a vital role in supporting students with disabilities by delivering academic, social and life skills assistance. Their job description and the SEIU Local 73 contract clearly outline their duties, making it explicit that this body of work is exclusive to their position and bargaining unit. The Fact-Finder should not recommend proposals that create these work jurisdiction issues.

Finally, CTU seeks the establishment of a "pre-approved" list of religious holidays that would automatically be granted without regard to operational needs. This request follows significant revisions by the Board at the start of the SY25 to expand the religious holiday policy. Under the original policy, religious holiday pay was limited to appointed teachers and restricted to holidays requiring religious observance that precluded work during the school

day. In response to feedback during negotiations, the Board broadened the policy to encompass all employees and to include holidays associated with sincerely held religious beliefs, even if such observances did not explicitly restrict work.

While the district shares the vision of providing equitable access to this benefit, CTU's proposal to approve, automatically, leave for designated holidays without consideration of operational needs would place an undue burden on the district. The potential widespread absenteeism on pre-approved dates could lead to staffing shortages so severe that schools may be forced to close, disrupting instruction and compromising the district's ability to provide a safe and effective learning environment. Balancing the rights of employees with the district's responsibility to ensure uninterrupted educational programming and student safety is imperative, and the operational implications of CTU's proposal must not be overlooked.

CONCLUSION

Throughout negotiations, both the Board and CTU have affirmed their commitment to the District's newly adopted Strategic Plan and its goals of providing a rigorous, joyful and equitable learning experience in well-resourced schools, in all neighborhoods throughout the City. The Board remains dedicated to collaborating with CTU and all CPS' stakeholders on impactful educational initiatives to improve CPS schools and sustain the District's historic growth and student achievement. But these issues do not belong solely in the negotiation or fact-finding process. Rather the Board looks forward to the next four years of meaningful collaboration with teachers, staff, families, students, and community partners, harnessing their collective energy and dedication to best serve the students of Chicago.

Respectfully submitted,

BOARD OF EDUCATION OF THE
CITY OF CHICAGO

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the ***Board of Education of the City of Chicago's Pre-Hearing Brief*** was served on the individual below via electronic mail on this 20th day of January 2025:

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