

SB2679



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2679

Introduced 1/10/2024, by Sen. Meg Loughran Cappel

SYNOPSIS AS INTRODUCED:

105 ILCS 5/24-11

from Ch. 122, par. 24-11

Amends the Employment of Teachers Article of the School Code. With regard to the Section concerning contractual continued service, removes provisions specifying that the probationary periods are only for service in which a teacher holds a Professional Educator License. Effective July 1, 2024.

LRB103 35972 RJT 66059 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 24-11 as follows:

6 (105 ILCS 5/24-11) (from Ch. 122, par. 24-11)

7 Sec. 24-11. Boards of Education - Boards of School
8 Inspectors - Contractual continued service.

9 (a) As used in this and the succeeding Sections of this
10 Article:

11 "Teacher" means any or all school district employees
12 regularly required to be licensed under laws relating to the
13 licensure of teachers.

14 "Board" means board of directors, board of education, or
15 board of school inspectors, as the case may be.

16 "School term" means that portion of the school year, July
17 1 to the following June 30, when school is in actual session.

18 "Program" means a program of a special education joint
19 agreement.

20 "Program of a special education joint agreement" means
21 instructional, consultative, supervisory, administrative,
22 diagnostic, and related services that are managed by a special
23 educational joint agreement designed to service 2 or more

1 school districts that are members of the joint agreement.

2 "PERA implementation date" means the implementation date
3 of an evaluation system for teachers as specified by Section
4 24A-2.5 of this Code for all schools within a school district
5 or all programs of a special education joint agreement.

6 (b) This Section and Sections 24-12 through 24-16 of this
7 Article apply only to school districts having less than
8 500,000 inhabitants.

9 (c) Any teacher who is first employed as a full-time
10 teacher in a school district or program prior to the PERA
11 implementation date and who is employed in that district or
12 program for a probationary period of 4 consecutive school
13 terms shall enter upon contractual continued service in the
14 district or in all of the programs that the teacher is legally
15 qualified to hold, unless the teacher is given written notice
16 of dismissal by certified mail, return receipt requested, by
17 the employing board at least 45 days before the end of any
18 school term within such period.

19 (d) For any teacher who is first employed as a full-time
20 teacher in a school district or program on or after the PERA
21 implementation date but before July 1, 2023, the probationary
22 period shall be one of the following periods, based upon the
23 teacher's school terms of service and performance, before the
24 teacher shall enter upon contractual continued service in the
25 district or in all of the programs that the teacher is legally
26 qualified to hold, unless the teacher is given written notice

1 of dismissal by certified mail, return receipt requested, by
2 the employing board on or before April 15:

3 (1) 4 consecutive school terms of service in which the
4 teacher ~~holds a Professional Educator License and~~ receives
5 overall annual evaluation ratings of at least "Proficient"
6 in the last school term and at least "Proficient" in
7 either the second or third school terms;

8 (2) 3 consecutive school terms of service in which the
9 teacher ~~holds a Professional Educator License and~~ receives
10 2 overall annual evaluations of "Excellent"; or

11 (3) 2 consecutive school terms of service in which the
12 teacher ~~holds a Professional Educator License and~~ receives
13 2 overall annual evaluations of "Excellent" service, but
14 only if the teacher (i) previously attained contractual
15 continued service in a different school district or
16 program in this State, (ii) voluntarily departed or was
17 honorably dismissed from that school district or program
18 in the school term immediately prior to the teacher's
19 first school term of service applicable to the attainment
20 of contractual continued service under this subdivision
21 (3), and (iii) received, in his or her 2 most recent
22 overall annual or biennial evaluations from the prior
23 school district or program, ratings of at least
24 "Proficient", with both such ratings occurring after the
25 school district's or program's PERA implementation date.
26 For a teacher to attain contractual continued service

1 under this subdivision (3), the teacher shall provide
2 official copies of his or her 2 most recent overall annual
3 or biennial evaluations from the prior school district or
4 program to the new school district or program within 60
5 days from the teacher's first day of service with the new
6 school district or program. The prior school district or
7 program must provide the teacher with official copies of
8 his or her 2 most recent overall annual or biennial
9 evaluations within 14 days after the teacher's request. If
10 a teacher has requested such official copies prior to 45
11 days after the teacher's first day of service with the new
12 school district or program and the teacher's prior school
13 district or program fails to provide the teacher with the
14 official copies required under this subdivision (3), then
15 the time period for the teacher to submit the official
16 copies to his or her new school district or program must be
17 extended until 14 days after receipt of such copies from
18 the prior school district or program. If the prior school
19 district or program fails to provide the teacher with the
20 official copies required under this subdivision (3) within
21 90 days from the teacher's first day of service with the
22 new school district or program, then the new school
23 district or program shall rely upon the teacher's own
24 copies of his or her evaluations for purposes of this
25 subdivision (3).

26 If the teacher does not receive overall annual evaluations

1 of "Excellent" in the school terms necessary for eligibility
2 to achieve accelerated contractual continued service in
3 subdivisions (2) and (3) of this subsection (d), the teacher
4 shall be eligible for contractual continued service pursuant
5 to subdivision (1) of this subsection (d). If, at the
6 conclusion of 4 consecutive school terms of service that count
7 toward attainment of contractual continued service, the
8 teacher's performance does not qualify the teacher for
9 contractual continued service under subdivision (1) of this
10 subsection (d), then the teacher shall not enter upon
11 contractual continued service and shall be dismissed. If a
12 performance evaluation is not conducted for any school term
13 when such evaluation is required to be conducted under Section
14 24A-5 of this Code, then the teacher's performance evaluation
15 rating for such school term for purposes of determining the
16 attainment of contractual continued service shall be deemed
17 "Proficient", except that, during any time in which the
18 Governor has declared a disaster due to a public health
19 emergency pursuant to Section 7 of the Illinois Emergency
20 Management Agency Act, this default to "Proficient" does not
21 apply to any teacher who has entered into contractual
22 continued service and who was deemed "Excellent" on his or her
23 most recent evaluation. During any time in which the Governor
24 has declared a disaster due to a public health emergency
25 pursuant to Section 7 of the Illinois Emergency Management
26 Agency Act and unless the school board and any exclusive

1 bargaining representative have completed the performance
2 rating for teachers or mutually agreed to an alternate
3 performance rating, any teacher who has entered into
4 contractual continued service, whose most recent evaluation
5 was deemed "Excellent", and whose performance evaluation is
6 not conducted when the evaluation is required to be conducted
7 shall receive a teacher's performance rating deemed
8 "Excellent". A school board and any exclusive bargaining
9 representative may mutually agree to an alternate performance
10 rating for teachers not in contractual continued service
11 during any time in which the Governor has declared a disaster
12 due to a public health emergency pursuant to Section 7 of the
13 Illinois Emergency Management Agency Act, as long as the
14 agreement is in writing.

15 (d-5) For any teacher who is first employed as a full-time
16 teacher in a school district or program on or after July 1,
17 2023, the probationary period shall be one of the following
18 periods, based upon the teacher's school terms of service and
19 performance, before the teacher shall enter upon contractual
20 continued service in the district or in all of the programs
21 that the teacher is legally qualified to hold, unless the
22 teacher is given written notice of dismissal by certified
23 mail, return receipt requested, by the employing board on or
24 before April 15:

25 (1) 3 consecutive school terms of service in which the
26 teacher ~~holds a Professional Educator License and receives~~

1 overall annual evaluation ratings of at least "Proficient"
2 in the second and third school terms;

3 (2) 2 consecutive school terms of service in which the
4 teacher ~~holds a Professional Educator License and~~ receives
5 2 overall annual evaluations of "Excellent"; or

6 (3) 2 consecutive school terms of service in which the
7 teacher ~~holds a Professional Educator License and~~ receives
8 2 overall annual evaluations of "Excellent" service, but
9 only if the teacher (i) previously attained contractual
10 continued service in a different school district or
11 program in this State, (ii) voluntarily departed or was
12 honorably dismissed from that school district or program
13 in the school term immediately prior to the teacher's
14 first school term of service applicable to the attainment
15 of contractual continued service under this subdivision
16 (3), and (iii) received, in his or her 2 most recent
17 overall annual or biennial evaluations from the prior
18 school district or program, ratings of at least
19 "Proficient", with both such ratings occurring after the
20 school district's or program's PERA implementation date.
21 For a teacher to attain contractual continued service
22 under this subdivision (3), the teacher shall provide
23 official copies of his or her 2 most recent overall annual
24 or biennial evaluations from the prior school district or
25 program to the new school district or program within 60
26 days from the teacher's first day of service with the new

1 school district or program. The prior school district or
2 program must provide the teacher with official copies of
3 his or her 2 most recent overall annual or biennial
4 evaluations within 14 days after the teacher's request. If
5 a teacher has requested such official copies prior to 45
6 days after the teacher's first day of service with the new
7 school district or program and the teacher's prior school
8 district or program fails to provide the teacher with the
9 official copies required under this subdivision (3), then
10 the time period for the teacher to submit the official
11 copies to his or her new school district or program must be
12 extended until 14 days after receipt of such copies from
13 the prior school district or program. If the prior school
14 district or program fails to provide the teacher with the
15 official copies required under this subdivision (3) within
16 90 days from the teacher's first day of service with the
17 new school district or program, then the new school
18 district or program shall rely upon the teacher's own
19 copies of his or her evaluations for purposes of this
20 subdivision (3).

21 If the teacher does not receive overall annual evaluations
22 of "Excellent" in the school terms necessary for eligibility
23 to achieve accelerated contractual continued service in
24 subdivisions (2) and (3) of this subsection (d), the teacher
25 shall be eligible for contractual continued service pursuant
26 to subdivision (1) of this subsection (d). If, at the

1 conclusion of 3 consecutive school terms of service that count
2 toward attainment of contractual continued service, the
3 teacher's performance does not qualify the teacher for
4 contractual continued service under subdivision (1) of this
5 subsection (d), then the teacher shall not enter upon
6 contractual continued service and shall be dismissed. If a
7 performance evaluation is not conducted for any school term
8 when such evaluation is required to be conducted under Section
9 24A-5 of this Code, then the teacher's performance evaluation
10 rating for such school term for purposes of determining the
11 attainment of contractual continued service shall be deemed
12 "Proficient", except that, during any time in which the
13 Governor has declared a disaster due to a public health
14 emergency pursuant to Section 7 of the Illinois Emergency
15 Management Agency Act, this default to "Proficient" does not
16 apply to any teacher who has entered into contractual
17 continued service and who was deemed "Excellent" on his or her
18 most recent evaluation. During any time in which the Governor
19 has declared a disaster due to a public health emergency
20 pursuant to Section 7 of the Illinois Emergency Management
21 Agency Act and unless the school board and any exclusive
22 bargaining representative have completed the performance
23 rating for teachers or mutually agreed to an alternate
24 performance rating, any teacher who has entered into
25 contractual continued service, whose most recent evaluation
26 was deemed "Excellent", and whose performance evaluation is

1 not conducted when the evaluation is required to be conducted
2 shall receive a teacher's performance rating deemed
3 "Excellent". A school board and any exclusive bargaining
4 representative may mutually agree to an alternate performance
5 rating for teachers not in contractual continued service
6 during any time in which the Governor has declared a disaster
7 due to a public health emergency pursuant to Section 7 of the
8 Illinois Emergency Management Agency Act, as long as the
9 agreement is in writing.

10 (e) For the purposes of determining contractual continued
11 service, a school term shall be counted only toward attainment
12 of contractual continued service if the teacher actually
13 teaches or is otherwise present and participating in the
14 district's or program's educational program for 120 days or
15 more, provided that the days of leave under the federal Family
16 Medical Leave Act that the teacher is required to take until
17 the end of the school term shall be considered days of teaching
18 or participation in the district's or program's educational
19 program. A school term that is not counted toward attainment
20 of contractual continued service shall not be considered a
21 break in service for purposes of determining whether a teacher
22 has been employed for consecutive school terms, provided that
23 the teacher actually teaches or is otherwise present and
24 participating in the district's or program's educational
25 program in the following school term.

26 (f) If the employing board determines to dismiss the

1 teacher in the last year of the probationary period as
2 provided in subsection (c) of this Section or subdivision (1)
3 or (2) of subsection (d) of this Section or subdivision (1) or
4 (2) of subsection (d-5) of this Section, but not subdivision
5 (3) of subsection (d) of this Section or subdivision (3) of
6 subsection (d-5) of this Section, the written notice of
7 dismissal provided by the employing board must contain
8 specific reasons for dismissal. Any full-time teacher who does
9 not receive written notice from the employing board on or
10 before April 15 as provided in this Section and whose
11 performance does not require dismissal after the fourth
12 probationary year pursuant to subsection (d) of this Section
13 or the third probationary year pursuant to subsection (d-5) of
14 this Section shall be re-employed for the following school
15 term.

16 (g) Contractual continued service shall continue in effect
17 the terms and provisions of the contract with the teacher
18 during the last school term of the probationary period,
19 subject to this Act and the lawful regulations of the
20 employing board. This Section and succeeding Sections do not
21 modify any existing power of the board except with respect to
22 the procedure of the discharge of a teacher and reductions in
23 salary as hereinafter provided. Contractual continued service
24 status shall not restrict the power of the board to transfer a
25 teacher to a position which the teacher is qualified to fill or
26 to make such salary adjustments as it deems desirable, but

1 unless reductions in salary are uniform or based upon some
2 reasonable classification, any teacher whose salary is reduced
3 shall be entitled to a notice and a hearing as hereinafter
4 provided in the case of certain dismissals or removals.

5 (h) If, by reason of any change in the boundaries of school
6 districts, by reason of a special education cooperative
7 reorganization or dissolution in accordance with Section
8 10-22.31 of this Code, or by reason of the creation of a new
9 school district, the position held by any teacher having a
10 contractual continued service status is transferred from one
11 board to the control of a new or different board, then the
12 contractual continued service status of the teacher is not
13 thereby lost, and such new or different board is subject to
14 this Code with respect to the teacher in the same manner as if
15 the teacher were its employee and had been its employee during
16 the time the teacher was actually employed by the board from
17 whose control the position was transferred.

18 (i) The employment of any teacher in a program of a special
19 education joint agreement established under Section 3-15.14,
20 10-22.31 or 10-22.31a shall be governed by this and succeeding
21 Sections of this Article. For purposes of attaining and
22 maintaining contractual continued service and computing length
23 of continuing service as referred to in this Section and
24 Section 24-12, employment in a special educational joint
25 program shall be deemed a continuation of all previous
26 licensed employment of such teacher for such joint agreement

1 whether the employer of the teacher was the joint agreement,
2 the regional superintendent, or one of the participating
3 districts in the joint agreement.

4 (j) For any teacher employed after July 1, 1987 as a
5 full-time teacher in a program of a special education joint
6 agreement, whether the program is operated by the joint
7 agreement or a member district on behalf of the joint
8 agreement, in the event of a reduction in the number of
9 programs or positions in the joint agreement in which the
10 notice of dismissal is provided on or before the end of the
11 2010-2011 school term, the teacher in contractual continued
12 service is eligible for employment in the joint agreement
13 programs for which the teacher is legally qualified in order
14 of greater length of continuing service in the joint
15 agreement, unless an alternative method of determining the
16 sequence of dismissal is established in a collective
17 bargaining agreement. For any teacher employed after July 1,
18 1987 as a full-time teacher in a program of a special education
19 joint agreement, whether the program is operated by the joint
20 agreement or a member district on behalf of the joint
21 agreement, in the event of a reduction in the number of
22 programs or positions in the joint agreement in which the
23 notice of dismissal is provided during the 2011-2012 school
24 term or a subsequent school term, the teacher shall be
25 included on the honorable dismissal lists of all joint
26 agreement programs for positions for which the teacher is

1 qualified and is eligible for employment in such programs in
2 accordance with subsections (b) and (c) of Section 24-12 of
3 this Code and the applicable honorable dismissal policies of
4 the joint agreement.

5 (k) For any teacher employed after July 1, 1987 as a
6 full-time teacher in a program of a special education joint
7 agreement, whether the program is operated by the joint
8 agreement or a member district on behalf of the joint
9 agreement, in the event of the dissolution of a joint
10 agreement, in which the notice to teachers of the dissolution
11 is provided during the 2010-2011 school term, the teacher in
12 contractual continued service who is legally qualified shall
13 be assigned to any comparable position in a member district
14 currently held by a teacher who has not entered upon
15 contractual continued service or held by a teacher who has
16 entered upon contractual continued service with a shorter
17 length of contractual continued service. Any teacher employed
18 after July 1, 1987 as a full-time teacher in a program of a
19 special education joint agreement, whether the program is
20 operated by the joint agreement or a member district on behalf
21 of the joint agreement, in the event of the dissolution of a
22 joint agreement in which the notice to teachers of the
23 dissolution is provided during the 2011-2012 school term or a
24 subsequent school term, the teacher who is qualified shall be
25 included on the order of honorable dismissal lists of each
26 member district and shall be assigned to any comparable

1 position in any such district in accordance with subsections
2 (b) and (c) of Section 24-12 of this Code and the applicable
3 honorable dismissal policies of each member district.

4 (l) The governing board of the joint agreement, or the
5 administrative district, if so authorized by the articles of
6 agreement of the joint agreement, rather than the board of
7 education of a school district, may carry out employment and
8 termination actions including dismissals under this Section
9 and Section 24-12.

10 (m) The employment of any teacher in a special education
11 program authorized by Section 14-1.01 through 14-14.01, or a
12 joint educational program established under Section 10-22.31a,
13 shall be under this and the succeeding Sections of this
14 Article, and such employment shall be deemed a continuation of
15 the previous employment of such teacher in any of the
16 participating districts, regardless of the participation of
17 other districts in the program.

18 (n) Any teacher employed as a full-time teacher in a
19 special education program prior to September 23, 1987 in which
20 2 or more school districts participate for a probationary
21 period of 2 consecutive years shall enter upon contractual
22 continued service in each of the participating districts,
23 subject to this and the succeeding Sections of this Article,
24 and, notwithstanding Section 24-1.5 of this Code, in the event
25 of the termination of the program shall be eligible for any
26 vacant position in any of such districts for which such

1 teacher is qualified.

2 (Source: P.A. 102-552, eff. 1-1-22; 102-854, eff. 5-13-22;

3 103-500, eff. 8-4-23.)

4 Section 99. Effective date. This Act takes effect July 1,

5 2024.