



1 school terms shall enter upon contractual continued service  
2 unless given written notice of dismissal stating the specific  
3 reason therefor, by certified mail, return receipt requested  
4 by the employing board at least 45 days before the end of  
5 such period; except that (i) for a teacher who is first  
6 employed as a full-time teacher by a school district on or  
7 after January 1, 1998 but before the effective date of this  
8 amendatory Act of the 93rd General Assembly and who has not  
9 before January 1, 1998 that--date already entered upon  
10 contractual continued service in that district, the  
11 probationary period shall be 4 consecutive school terms  
12 before the teacher shall enter upon contractual continued  
13 service and (ii) for a teacher who is first employed as a  
14 full-time teacher by a school district on or after the  
15 effective date of this amendatory Act of the 93rd General  
16 Assembly and who has not before the date of this employment  
17 already entered upon contractual continued service in any  
18 district pursuant to this Section or achieved permanent  
19 appointment pursuant to Section 34-84 of this Code, the  
20 probationary period shall be 3 consecutive school terms  
21 before the teacher shall enter upon contractual continued  
22 service. For the purpose of determining contractual continued  
23 service, the first probationary year shall be any full-time  
24 employment from a date before November 1 through the end of  
25 the school year. If, however, a teacher who was first  
26 employed prior to January 1, 1998 or first employed on or  
27 after the effective date of this amendatory Act of the 93rd  
28 General Assembly has not had one school term of full-time  
29 teaching experience before the beginning of the applicable a  
30 probationary period ~~of--2--consecutive--school--terms~~, the  
31 employing board may at its option extend the probationary  
32 period for one additional school term by giving the teacher  
33 written notice by certified mail, return receipt requested,  
34 at least 45 days before the end of the last ~~second~~ school

1 term of the applicable probationary period of ~~2~~ consecutive  
2 ~~school-terms-referred-to-above~~. This notice must state the  
3 reasons for the one year extension and must outline the  
4 corrective actions that the teacher must take to  
5 satisfactorily complete probation. The changes made by  
6 Public Act 90-653 and this amendatory Act of the 93rd General  
7 Assembly ~~this--amendatory--Act--of--1998~~ are declaratory of  
8 existing law.

9 Any full-time teacher who is not completing the last year  
10 of the probationary period described in the preceding  
11 paragraph, or any teacher employed on a full-time basis not  
12 later than January 1 of the school term, shall receive  
13 written notice from the employing board at least 45 days  
14 before the end of any school term whether or not he will be  
15 re-employed for the following school term. If the board fails  
16 to give such notice, the employee shall be deemed reemployed,  
17 and not later than the close of the then current school term  
18 the board shall issue a regular contract to the employee as  
19 though the board had reemployed him in the usual manner.

20 Contractual continued service shall continue in effect  
21 the terms and provisions of the contract with the teacher  
22 during the last school term of the probationary period,  
23 subject to this Act and the lawful regulations of the  
24 employing board. This Section and succeeding Sections do not  
25 modify any existing power of the board except with respect to  
26 the procedure of the discharge of a teacher and reductions in  
27 salary as hereinafter provided. Contractual continued service  
28 status shall not restrict the power of the board to transfer  
29 a teacher to a position which the teacher is qualified to  
30 fill or to make such salary adjustments as it deems  
31 desirable, but unless reductions in salary are uniform or  
32 based upon some reasonable classification, any teacher whose  
33 salary is reduced shall be entitled to a notice and a hearing  
34 as hereinafter provided in the case of certain dismissals or

1 removals.

2 The employment of any teacher in a program of a special  
3 education joint agreement established under Section 3-15.14,  
4 10-22.31 or 10-22.31a shall be under this and succeeding  
5 Sections of this Article. For purposes of attaining and  
6 maintaining contractual continued service and computing  
7 length of continuing service as referred to in this Section  
8 and Section 24-12, employment in a special educational joint  
9 program shall be deemed a continuation of all previous  
10 certificated employment of such teacher for such joint  
11 agreement whether the employer of the teacher was the joint  
12 agreement, the regional superintendent, or one of the  
13 participating districts in the joint agreement.

14 Any teacher employed after July 1, 1987 as a full-time  
15 teacher in a program of a special education joint agreement,  
16 whether the program is operated by the joint agreement or a  
17 member district on behalf of the joint agreement, for a  
18 probationary period of two consecutive school terms years  
19 shall enter upon contractual continued service in all of the  
20 programs conducted by such joint agreement which the teacher  
21 is legally qualified to hold; except that (i) for a teacher  
22 who is first employed on or after January 1, 1998 but before  
23 the effective date of this amendatory Act of the 93rd General  
24 Assembly in a program of a special education joint agreement  
25 and who has not before January 1, 1998 that--date already  
26 entered upon contractual continued service in all of the  
27 programs conducted by the joint agreement that the teacher is  
28 legally qualified to hold, the probationary period shall be 4  
29 consecutive school terms years before the teacher enters upon  
30 contractual continued service in all of those programs and  
31 (ii) for a teacher who is first employed by a school district  
32 on or after the effective date of this amendatory Act of the  
33 93rd General Assembly in a program of a special education  
34 joint agreement and who has not before the date of this

1 employment already entered upon contractual continued service  
2 in any district pursuant to this Section or achieved  
3 permanent appointment pursuant to Section 34-84 of this Code,  
4 the probationary period shall be 3 consecutive school terms  
5 before the teacher enters upon contractual continued service  
6 in all of the programs conducted by the joint agreement for  
7 which the teacher is legally qualified. In the event of a  
8 reduction in the number of programs or positions in the joint  
9 agreement, the teacher on contractual continued service shall  
10 be eligible for employment in the joint agreement programs  
11 for which the teacher is legally qualified in order of  
12 greater length of continuing service in the joint agreement  
13 unless an alternative method of determining the sequence of  
14 dismissal is established in a collective bargaining  
15 agreement. In the event of the dissolution of a joint  
16 agreement, the teacher on contractual continued service who  
17 is legally qualified shall be assigned to any comparable  
18 position in a member district currently held by a teacher who  
19 has not entered upon contractual continued service or held by  
20 a teacher who has entered upon contractual continued service  
21 with shorter length of contractual continued service.

22 The governing board of the joint agreement, or the  
23 administrative district, if so authorized by the articles of  
24 agreement of the joint agreement, rather than the board of  
25 education of a school district, may carry out employment and  
26 termination actions including dismissals under this Section  
27 and Section 24-12.

28 For purposes of this and succeeding Sections of this  
29 Article, a program of a special educational joint agreement  
30 shall be defined as instructional, consultative, supervisory,  
31 administrative, diagnostic, and related services which are  
32 managed by the special educational joint agreement designed  
33 to service two or more districts which are members of the  
34 joint agreement.

1 Each joint agreement shall be required to post by  
2 February 1, a list of all its employees in order of length of  
3 continuing service in the joint agreement, unless an  
4 alternative method of determining a sequence of dismissal is  
5 established in an applicable collective bargaining agreement.

6 The employment of any teacher in a special education  
7 program authorized by Section 14-1.01 through 14-14.01, or a  
8 joint educational program established under Section  
9 10-22.31a, shall be under this and the succeeding Sections of  
10 this Article, and such employment shall be deemed a  
11 continuation of the previous employment of such teacher in  
12 any of the participating districts, regardless of the  
13 participation of other districts in the program. Any teacher  
14 employed as a full-time teacher in a special education  
15 program prior to September 23, 1987 in which 2 or more school  
16 districts participate for a probationary period of 2  
17 consecutive years shall enter upon contractual continued  
18 service in each of the participating districts, subject to  
19 this and the succeeding Sections of this Article, and in the  
20 event of the termination of the program shall be eligible for  
21 any vacant position in any of such districts for which such  
22 teacher is qualified.

23 (Source: P.A. 90-548, eff. 1-1-98; 90-653, eff. 7-29-98.)

24 Section 90. The State Mandates Act is amended by adding  
25 Section 8.27 as follows:

26 (30 ILCS 805/8.27 new)

27 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6  
28 and 8 of this Act, no reimbursement by the State is required  
29 for the implementation of any mandate created by this  
30 amendatory Act of the 93rd General Assembly.

31 Section 99. Effective date. This Act takes effect upon

1 becoming law.".