

1 AMENDMENT TO HOUSE BILL 1244

2 AMENDMENT NO. _____. Amend House Bill 1244, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing
6 Sections 24-11 and 34-84 as follows:

7 (105 ILCS 5/24-11) (from Ch. 122, par. 24-11)

8 Sec. 24-11. Boards of Education - Boards of School
9 Inspectors - Contractual continued service. As used in this
10 and the succeeding Sections of this Article:

11 "Teacher" means any or all school district employees
12 regularly required to be certified under laws relating to the
13 certification 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 This Section and Sections 24-12 through 24-16 of this
19 Article apply only to school districts having less than
20 500,000 inhabitants.

21 Any teacher who has been employed in any district as a
22 full-time teacher for a probationary period of 2 consecutive

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 (105 ILCS 5/34-84) (from Ch. 122, par. 34-84)

25 Sec. 34-84. Appointments and promotions of teachers.
26 Appointments and promotions of teachers shall be made for
27 merit only, and after satisfactory service for a probationary
28 period of (i) 3 years with respect to probationary employees
29 employed as full-time teachers in the public school system of
30 the district before January 1, 1998 or on or after the
31 effective date of this amendatory Act of the 93rd General
32 Assembly and (ii) 4 years with respect to probationary
33 employees who are first employed as full-time teachers in the

1 public school system of the district on or after January 1,
2 1998 but before the effective date of this amendatory Act of
3 the 93rd General Assembly, (during-which-period-the-board-may
4 dismiss-or-discharge-any-such-probationary-employee-upon--the
5 recommendation,--accompanied-by-the-written-reasons-therefor,
6 of-the-general-superintendent--of--schools) appointments of
7 teachers shall become permanent, subject to removal for cause
8 in the manner provided by Section 34-85. During the
9 probationary period, the board may dismiss or discharge a
10 probationary employee upon the recommendation, accompanied by
11 the written reasons therefor, of the general superintendent
12 of schools, provided that for a teacher first employed on or
13 after the effective date of this amendatory Act of the 93rd
14 General Assembly, notice of dismissal or discharge and the
15 written reasons therefor shall be sent by certified mail,
16 return receipt requested, by the board at least 45 days
17 before the end of the probationary period.

18 Notwithstanding any other provision of this Section, the
19 probationary period for any teacher who is first employed as
20 a full-time teacher in the public school system of the
21 district on or after the effective date of this amendatory
22 Act of the 93rd General Assembly and who on the date of this
23 employment has already achieved permanent appointment
24 pursuant to this Section or entered upon contractual
25 continued service in any district pursuant to Section 24-11
26 of this Code shall be 2 consecutive school terms before the
27 appointment of the teacher shall become permanent.

28 If a teacher who is first employed on or after the
29 effective date of this amendatory Act of the 93rd General
30 Assembly has not had one year of full-time teaching
31 experience before the beginning of a probationary period of 3
32 years, the board may at its option extend the probationary
33 period for one additional year by giving the teacher written
34 notice by certified mail, return receipt requested, at least

1 45 days before the end of the third year of the probationary
2 period. This notice must state the reasons for the one-year
3 extension and must outline the corrective actions that the
4 teacher must take to satisfactorily complete probation.

5 As used in this Article, "teachers" means and includes
6 all members of the teaching force excluding the general
7 superintendent and principals.

8 There shall be no reduction in teachers because of a
9 decrease in student membership or a change in subject
10 requirements within the attendance center organization after
11 the 20th day following the first day of the school year,
12 except that: (1) this provision shall not apply to
13 desegregation positions, special education positions, or any
14 other positions funded by State or federal categorical funds,
15 and (2) at attendance centers maintaining any of grades 9
16 through 12, there may be a second reduction in teachers on
17 the first day of the second semester of the regular school
18 term because of a decrease in student membership or a change
19 in subject requirements within the attendance center
20 organization.

21 The school principal shall make the decision in selecting
22 teachers to fill new and vacant positions consistent with
23 Section 34-8.1.

24 (Source: P.A. 89-15, eff. 5-30-95; 90-548, eff. 1-1-98.)

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

27 (30 ILCS 805/8.27 new)

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".