

1 AN ACT concerning schools.

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  
5 Section 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. As used in this  
9 and the succeeding Sections of this Article:

10 "Teacher" means any or all school district employees  
11 regularly required to be certified under laws relating to the  
12 certification of teachers.

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

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

17 This Section and Sections 24-12 through 24-16 of this  
18 Article apply only to school districts having less than  
19 500,000 inhabitants.

20 Any teacher who has been employed in any district as a  
21 full-time teacher for a probationary period of 2 consecutive  
22 school terms shall enter upon contractual continued service  
23 unless given written notice of dismissal stating the specific  
24 reason therefor, by certified mail, return receipt requested  
25 by the employing board at least 45 days before the end of  
26 such period; except that for a teacher who is first employed  
27 as a full-time teacher by a school district on or after  
28 January 1, 1998 but before the effective date of this  
29 amendatory Act of the 93rd General Assembly and who has not  
30 before January 1, 1998 that--date already entered upon  
31 contractual continued service in that district, the

1 probationary period shall be 4 consecutive school terms  
2 before the teacher shall enter upon contractual continued  
3 service. For the purpose of determining contractual  
4 continued service, the first probationary year shall be any  
5 full-time employment from a date before November 1 through  
6 the end of the school year. If, however, a teacher who was  
7 first employed prior to January 1, 1998 or first employed on  
8 or after the effective date of this amendatory Act of the  
9 93rd General Assembly has not had one school term of  
10 full-time teaching experience before the beginning of a  
11 probationary period of 2 consecutive school terms, the  
12 employing board may at its option extend the probationary  
13 period for one additional school term by giving the teacher  
14 written notice by certified mail, return receipt requested,  
15 at least 45 days before the end of the second school term of  
16 the period of 2 consecutive school terms referred to above.  
17 This notice must state the reasons for the one year extension  
18 and must outline the corrective actions that the teacher must  
19 take to satisfactorily complete probation. The changes made  
20 by this amendatory Act of 1998 are declaratory of existing  
21 law.

22 Any full-time teacher who is not completing the last year  
23 of the probationary period described in the preceding  
24 paragraph, or any teacher employed on a full-time basis not  
25 later than January 1 of the school term, shall receive  
26 written notice from the employing board at least 45 days  
27 before the end of any school term whether or not he will be  
28 re-employed for the following school term. If the board fails  
29 to give such notice, the employee shall be deemed reemployed,  
30 and not later than the close of the then current school term  
31 the board shall issue a regular contract to the employee as  
32 though the board had reemployed him in the usual manner.

33 Contractual continued service shall continue in effect  
34 the terms and provisions of the contract with the teacher

1 during the last school term of the probationary period,  
2 subject to this Act and the lawful regulations of the  
3 employing board. This Section and succeeding Sections do not  
4 modify any existing power of the board except with respect to  
5 the procedure of the discharge of a teacher and reductions in  
6 salary as hereinafter provided. Contractual continued service  
7 status shall not restrict the power of the board to transfer  
8 a teacher to a position which the teacher is qualified to  
9 fill or to make such salary adjustments as it deems  
10 desirable, but unless reductions in salary are uniform or  
11 based upon some reasonable classification, any teacher whose  
12 salary is reduced shall be entitled to a notice and a hearing  
13 as hereinafter provided in the case of certain dismissals or  
14 removals.

15 The employment of any teacher in a program of a special  
16 education joint agreement established under Section 3-15.14,  
17 10-22.31 or 10-22.31a shall be under this and succeeding  
18 Sections of this Article. For purposes of attaining and  
19 maintaining contractual continued service and computing  
20 length of continuing service as referred to in this Section  
21 and Section 24-12, employment in a special educational joint  
22 program shall be deemed a continuation of all previous  
23 certificated employment of such teacher for such joint  
24 agreement whether the employer of the teacher was the joint  
25 agreement, the regional superintendent, or one of the  
26 participating districts in the joint agreement.

27 Any teacher employed after July 1, 1987 as a full-time  
28 teacher in a program of a special education joint agreement,  
29 whether the program is operated by the joint agreement or a  
30 member district on behalf of the joint agreement, for a  
31 probationary period of two consecutive years shall enter upon  
32 contractual continued service in all of the programs  
33 conducted by such joint agreement which the teacher is  
34 legally qualified to hold; except that for a teacher who is

1 first employed on or after January 1, 1998 but before the  
2 effective date of this amendatory Act of the 93rd General  
3 Assembly in a program of a special education joint agreement  
4 and who has not before January 1, 1998 that--date already  
5 entered upon contractual continued service in all of the  
6 programs conducted by the joint agreement that the teacher is  
7 legally qualified to hold, the probationary period shall be 4  
8 consecutive years before the teacher enters upon contractual  
9 continued service in all of those programs. In the event of  
10 a reduction in the number of programs or positions in the  
11 joint agreement, the teacher on contractual continued service  
12 shall be 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. In the event of the dissolution of a  
18 joint agreement, the teacher on contractual continued service  
19 who is legally qualified shall be assigned to any comparable  
20 position in a member district currently held by a teacher who  
21 has not entered upon contractual continued service or held by  
22 a teacher who has entered upon contractual continued service  
23 with shorter length of contractual continued service.

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

30 For purposes of this and succeeding Sections of this  
31 Article, a program of a special educational joint agreement  
32 shall be defined as instructional, consultative, supervisory,  
33 administrative, diagnostic, and related services which are  
34 managed by the special educational joint agreement designed

1 to service two or more districts which are members of the  
2 joint agreement.

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

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

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

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

28 (30 ILCS 805/8.27 new)

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

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