



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 2/6/2004, by Tom Cross

SYNOPSIS AS INTRODUCED:

105 ILCS 5/24-11

from Ch. 122, par. 24-11

Amends the School Code. Makes a technical change in a Section concerning teacher tenure.

LRB093 14922 NHT 40488 b

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. As used in this and
9 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 1
16 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 500,000
19 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 by
25 the employing board at least 45 days before the end of that
26 ~~such~~ period; except that for a teacher who is first employed as
27 a full-time teacher by a school district on or after January 1,
28 1998 and who has not before that date already entered upon
29 contractual continued service in that district, the
30 probationary period shall be 4 consecutive school terms before
31 the teacher shall enter upon contractual continued service. For
32 the purpose of determining contractual continued service, the

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

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

27 Contractual continued service shall continue in effect the
28 terms and provisions of the contract with the teacher during
29 the last school term of the probationary period, subject to
30 this Act and the lawful regulations of the employing board.
31 This Section and succeeding Sections do not modify any existing
32 power of the board except with respect to the procedure of the
33 discharge of a teacher and reductions in salary as hereinafter
34 provided. Contractual continued service status shall not
35 restrict the power of the board to transfer a teacher to a
36 position which the teacher is qualified to fill or to make such

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

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

18 Any teacher employed after July 1, 1987 as a full-time
19 teacher in a program of a special education joint agreement,
20 whether the program is operated by the joint agreement or a
21 member district on behalf of the joint agreement, for a
22 probationary period of two consecutive years shall enter upon
23 contractual continued service in all of the programs conducted
24 by such joint agreement which the teacher is legally qualified
25 to hold; except that for a teacher who is first employed on or
26 after January 1, 1998 in a program of a special education joint
27 agreement and who has not before that date already entered upon
28 contractual continued service in all of the programs conducted
29 by the joint agreement that the teacher is legally qualified to
30 hold, the probationary period shall be 4 consecutive years
31 before the teacher enters upon contractual continued service in
32 all of those programs. In the event of a reduction in the
33 number of programs or positions in the joint agreement, the
34 teacher on contractual continued service shall be eligible for
35 employment in the joint agreement programs for which the
36 teacher is legally qualified in order of greater length of

1 continuing service in the joint agreement unless an alternative
2 method of determining the sequence of dismissal is established
3 in a collective bargaining agreement. In the event of the
4 dissolution of a joint agreement, the teacher on contractual
5 continued service who is legally qualified shall be assigned to
6 any comparable position in a member district currently held by
7 a teacher who has not entered upon contractual continued
8 service or held by a teacher who has entered upon contractual
9 continued service with shorter length of contractual continued
10 service.

11 The governing board of the joint agreement, or the
12 administrative district, if so authorized by the articles of
13 agreement of the joint agreement, rather than the board of
14 education of a school district, may carry out employment and
15 termination actions including dismissals under this Section
16 and Section 24-12.

17 For purposes of this and succeeding Sections of this
18 Article, a program of a special educational joint agreement
19 shall be defined as instructional, consultative, supervisory,
20 administrative, diagnostic, and related services which are
21 managed by the special educational joint agreement designed to
22 service two or more districts which are members of the joint
23 agreement.

24 Each joint agreement shall be required to post by February
25 1, a list of all its employees in order of length of continuing
26 service in the joint agreement, unless an alternative method of
27 determining a sequence of dismissal is established in an
28 applicable collective bargaining agreement.

29 The employment of any teacher in a special education
30 program authorized by Section 14-1.01 through 14-14.01, or a
31 joint educational program established under Section 10-22.31a,
32 shall be under this and the succeeding Sections of this
33 Article, and such employment shall be deemed a continuation of
34 the previous employment of such teacher in any of the
35 participating districts, regardless of the participation of
36 other districts in the program. Any teacher employed as a

1 full-time teacher in a special education program prior to
2 September 23, 1987 in which 2 or more school districts
3 participate for a probationary period of 2 consecutive years
4 shall enter upon contractual continued service in each of the
5 participating districts, subject to this and the succeeding
6 Sections of this Article, and in the event of the termination
7 of the program shall be eligible for any vacant position in any
8 of such districts for which such teacher is qualified.

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