



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4540

Introduced 1/11/2006, by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-10
30 ILCS 805/8.30 new

Amends the Charter Schools Law of the School Code. Provides that a charter school that is operating in Chicago may not employ an individual in an instructional position who is not State-certified and highly qualified as defined in the federal No Child Left Behind Act of 2001. Provides that with respect to a charter school that is operating in Chicago, beginning August 15, 2006, residency within the city must be considered in determining the employment and compensation of a teacher and whether to retain, promote, assign, or transfer that teacher. Provides, however, that with respect to teachers employed prior to August 15, 2006 by a charter school that is operating in a city having a population exceeding 500,000, residency within the city must not be considered in determining a teacher's employment or compensation or whether to retain, promote, assign, or transfer a teacher. Amends the State Mandates Act to require implementation without reimbursement. Effective August 15, 2006.

LRB094 16259 NHT 51503 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 27A-10 as follows:

6 (105 ILCS 5/27A-10)

7 Sec. 27A-10. Employees.

8 (a) A person shall be deemed to be employed by a charter
9 school unless a collective bargaining agreement or the charter
10 school contract otherwise provides.

11 (b) In all school districts, including special charter
12 districts and districts located in cities having a population
13 exceeding 500,000, the local school board shall determine by
14 policy or by negotiated agreement, if one exists, the
15 employment status of any school district employees who are
16 employed by a charter school and who seek to return to
17 employment in the public schools of the district. Each local
18 school board shall grant, for a period of up to 5 years, a
19 leave of absence to those of its teachers who accept employment
20 with a charter school. At the end of the authorized leave of
21 absence, the teacher must return to the school district or
22 resign; provided, however, that if the teacher chooses to
23 return to the school district, the teacher must be assigned to
24 a position which requires the teacher's certification and legal
25 qualifications. The contractual continued service status and
26 retirement benefits of a teacher of the district who is granted
27 a leave of absence to accept employment with a charter school
28 shall not be affected by that leave of absence.

29 (c) Charter schools shall employ in instructional
30 positions, as defined in the charter, individuals who are
31 certificated under Article 21 of this Code or who possess the
32 following qualifications:

1 (i) graduated with a bachelor's degree from an
2 accredited institution of higher learning;

3 (ii) been employed for a period of at least 5 years in
4 an area requiring application of the individual's
5 education;

6 (iii) passed the tests of basic skills and subject
7 matter knowledge required by Section 21-1a of the School
8 Code; and

9 (iv) demonstrate continuing evidence of professional
10 growth which shall include, but not be limited to,
11 successful teaching experience, attendance at professional
12 meetings, membership in professional organizations,
13 additional credits earned at institutions of higher
14 learning, travel specifically for educational purposes,
15 and reading of professional books and periodicals.

16 Charter schools employing individuals without
17 certification in instructional positions shall provide such
18 mentoring, training, and staff development for those
19 individuals as the charter schools determine necessary for
20 satisfactory performance in the classroom. A charter school
21 that is operating in a city having a population exceeding
22 500,000 may not employ an individual in an instructional
23 position who is not State-certified and highly qualified as
24 defined in the federal No Child Left Behind Act of 2001.

25 ~~Beginning with the 2006-2007 school year, at least 50% of~~
26 ~~the individuals employed in instructional positions by a~~
27 ~~charter school that is operating in a city having a population~~
28 ~~exceeding 500,000 and that is established on or after the~~
29 ~~effective date of this amendatory Act of the 93rd General~~
30 ~~Assembly shall hold teaching certificates issued under Article~~
31 ~~21 of this Code.~~

32 ~~Beginning with the 2006-2007 school year, at least 75% of~~
33 ~~the individuals employed in instructional positions by a~~
34 ~~charter school that is operating in a city having a population~~
35 ~~exceeding 500,000 and that is established before the effective~~
36 ~~date of this amendatory Act of the 93rd General Assembly shall~~

1 ~~hold teaching certificates issued under Article 21 of this~~
2 ~~Code.~~

3 Charter schools operating in a city having a population
4 exceeding 500,000 are exempt from any annual cap on new
5 participants in an alternative certification program. The
6 second and third phases of the alternative certification
7 program may be conducted and completed at the charter school,
8 and the alternative teaching certificate is valid for 4 years
9 or the length of the charter (or any extension of the charter),
10 whichever is longer.

11 With respect to a charter school that is operating in a
12 city having a population exceeding 500,000, beginning August
13 15, 2006, residency within the city must be considered in
14 determining the employment and compensation of a teacher and
15 whether to retain, promote, assign, or transfer that teacher.
16 However, with respect to teachers employed prior to August 15,
17 2006 by a charter school that is operating in a city having a
18 population exceeding 500,000, residency within the city must
19 not be considered in determining a teacher's employment or
20 compensation or whether to retain, promote, assign, or transfer
21 a teacher.

22 Notwithstanding any other provisions of the School Code,
23 charter schools may employ non-certificated staff in all other
24 positions.

25 (d) A teacher at a charter school may resign his or her
26 position only if the teacher gives notice of resignation to the
27 charter school's governing body at least 60 days before the end
28 of the school term, and the resignation must take effect
29 immediately upon the end of the school term.

30 (Source: P.A. 93-3, eff. 4-16-03.)

31 Section 90. The State Mandates Act is amended by adding
32 Section 8.30 as follows:

33 (30 ILCS 805/8.30 new)

34 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the
2 implementation of any mandate created by this amendatory Act of
3 the 94th General Assembly.

4 Section 99. Effective date. This Act takes effect August
5 15, 2006.