

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 10-23.5 as follows:

6 (105 ILCS 5/10-23.5) (from Ch. 122, par. 10-23.5)

7 Sec. 10-23.5. Educational support personnel employees. To
8 employ such educational support personnel employees as it deems
9 advisable and to define their employment duties; provided that
10 residency within any school district shall not be considered in
11 determining the employment or the compensation of any such
12 employee, or whether to retain, promote, assign or transfer
13 such employee. If an educational support personnel employee is
14 removed or dismissed or the hours he or she works are reduced
15 as a result of a decision of the school board to decrease the
16 number of educational support personnel employees employed by
17 the board or to discontinue some particular type of educational
18 support service, written notice shall be mailed to the employee
19 and also given to the employee either by certified mail, return
20 receipt requested, or personal delivery with receipt, at least
21 30 days before the employee is removed or dismissed or the
22 hours he or she works are reduced, together with a statement of
23 honorable dismissal and the reason therefor if applicable.
24 However, if a reduction in hours is due to an unforeseen
25 reduction in the student population, then the written notice
26 must be mailed and given to the employee at least 5 days before
27 the hours are reduced. The employee with the shorter length of
28 continuing service with the district, within the respective
29 category of position, shall be dismissed first unless an
30 alternative method of determining the sequence of dismissal is
31 established in a collective bargaining agreement or contract
32 between the board and any exclusive bargaining agent and except

1 that this provision shall not impair the operation of any
2 affirmative action program in the district, regardless of
3 whether it exists by operation of law or is conducted on a
4 voluntary basis by the board. If the board has any vacancies
5 for the following school term or within one calendar year from
6 the beginning of the following school term, the positions
7 thereby becoming available within a specific category of
8 position shall be tendered to the employees so removed or
9 dismissed from that category or any other category of position,
10 so far as they are qualified to hold such positions. Each board
11 shall, in consultation with any exclusive employee
12 representative or bargaining agent, each year establish a list,
13 categorized by positions, showing the length of continuing
14 service of each full time educational support personnel
15 employee who is qualified to hold any such positions, unless an
16 alternative method of determining a sequence of dismissal is
17 established as provided for in this Section, in which case a
18 list shall be made in accordance with the alternative method.
19 Copies of the list shall be distributed to the exclusive
20 employee representative or bargaining agent on or before
21 February 1 of each year. Where an educational support personnel
22 employee is dismissed by the board as a result of a decrease in
23 the number of employees or the discontinuance of the employee's
24 job, the employee shall be paid all earned compensation on or
25 before the third business day following his or her last day of
26 employment.

27 The provisions of this amendatory Act of 1986 relating to
28 residency within any school district shall not apply to cities
29 having a population exceeding 500,000 inhabitants.

30 (Source: P.A. 89-618, eff. 8-9-96; 90-548, eff. 1-1-98.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.