



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB0277**

Introduced 2/3/2005, by Sen. William R. Haine

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/24-11  
30 ILCS 805/8.29 new

from Ch. 122, par. 24-11

Amends the School Code. In school districts other than the Chicago school district, reduces the probationary period of time before a teacher enters upon contractual continued service. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 06701 RAS 36798 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 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 such  
26 period; except that (i) for a teacher who is first employed as  
27 a full-time teacher by a school district on or after January 1,  
28 1998 but before the effective date of this amendatory Act of  
29 the 94th General Assembly and who has not before January 1,  
30 1998 ~~that date~~ already entered upon contractual continued  
31 service in that district, the probationary period shall be 4  
32 consecutive school terms before the teacher shall enter upon

1 contractual continued service and (ii) for a teacher who is  
2 first employed as a full-time teacher by a school district on  
3 or after the effective date of this amendatory Act of the 94th  
4 General Assembly and who has not before the date of this  
5 employment already entered upon contractual continued service  
6 in any district pursuant to this Section or achieved permanent  
7 appointment pursuant to Section 34-84 of this Code, the  
8 probationary period shall be 3 consecutive school terms before  
9 the teacher shall enter upon contractual continued service. For  
10 the purpose of determining contractual continued service, the  
11 first probationary year shall be any full-time employment from  
12 a date before November 1 through the end of the school year.  
13 If, however, a teacher who was first employed prior to January  
14 1, 1998 or first employed on or after the effective date of  
15 this amendatory Act of the 94th General Assembly has not had  
16 one school term of full-time teaching experience before the  
17 beginning of the applicable a probationary period ~~of 2~~  
18 ~~consecutive school terms~~, the employing board may at its option  
19 extend the probationary period for one additional school term  
20 by giving the teacher written notice by certified mail, return  
21 receipt requested, at least 45 days before the end of the last  
22 ~~second~~ school term of the applicable probationary period ~~of 2~~  
23 ~~consecutive school terms referred to above~~. This notice must  
24 state the reasons for the one year extension and must outline  
25 the corrective actions that the teacher must take to  
26 satisfactorily complete probation. The changes made by Public  
27 Act 90-653 and this amendatory Act of the 94th General Assembly  
28 ~~this amendatory Act of 1998~~ are declaratory of existing law.

29 Any full-time teacher who is not completing the last year  
30 of the probationary period described in the preceding  
31 paragraph, or any teacher employed on a full-time basis not  
32 later than January 1 of the school term, shall receive written  
33 notice from the employing board at least 45 days before the end  
34 of any school term whether or not he will be re-employed for  
35 the following school term. If the board fails to give such  
36 notice, the employee shall be deemed reemployed, and not later

1 than the close of the then current school term the board shall  
2 issue a regular contract to the employee as though the board  
3 had reemployed him in the usual manner.

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

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

31 Any teacher employed after July 1, 1987 as a full-time  
32 teacher in a program of a special education joint agreement,  
33 whether the program is operated by the joint agreement or a  
34 member district on behalf of the joint agreement, for a  
35 probationary period of two consecutive school terms ~~years~~  
36 enter upon contractual continued service in all of the programs

1 conducted by such joint agreement which the teacher is legally  
2 qualified to hold; except that (i) for a teacher who is first  
3 employed on or after January 1, 1998 but before the effective  
4 date of this amendatory Act of the 94th General Assembly in a  
5 program of a special education joint agreement and who has not  
6 before January 1, 1998 ~~that date~~ already entered upon  
7 contractual continued service in all of the programs conducted  
8 by the joint agreement that the teacher is legally qualified to  
9 hold, the probationary period shall be 4 consecutive school  
10 terms ~~years~~ before the teacher enters upon contractual  
11 continued service in all of those programs and (ii) for a  
12 teacher who is first employed by a school district on or after  
13 the effective date of this amendatory Act of the 94th General  
14 Assembly in a program of a special education joint agreement  
15 and who has not before the date of this employment already  
16 entered upon contractual continued service in any district  
17 pursuant to this Section or achieved permanent appointment  
18 pursuant to Section 34-84 of this Code, the probationary period  
19 shall be 3 consecutive school terms before the teacher enters  
20 upon contractual continued service in all of the programs  
21 conducted by the joint agreement for which the teacher is  
22 legally qualified. In the event of a reduction in the number of  
23 programs or positions in the joint agreement, the teacher on  
24 contractual continued service shall be eligible for employment  
25 in the joint agreement programs for which the teacher is  
26 legally qualified in order of greater length of continuing  
27 service in the joint agreement unless an alternative method of  
28 determining the sequence of dismissal is established in a  
29 collective bargaining agreement. In the event of the  
30 dissolution of a joint agreement, the teacher on contractual  
31 continued service who is legally qualified shall be assigned to  
32 any comparable position in a member district currently held by  
33 a teacher who has not entered upon contractual continued  
34 service or held by a teacher who has entered upon contractual  
35 continued service with shorter length of contractual continued  
36 service.

1           The governing board of the joint agreement, or the  
2 administrative district, if so authorized by the articles of  
3 agreement of the joint agreement, rather than the board of  
4 education of a school district, may carry out employment and  
5 termination actions including dismissals under this Section  
6 and Section 24-12.

7           For purposes of this and succeeding Sections of this  
8 Article, a program of a special educational joint agreement  
9 shall be defined as instructional, consultative, supervisory,  
10 administrative, diagnostic, and related services which are  
11 managed by the special educational joint agreement designed to  
12 service two or more districts which are members of the joint  
13 agreement.

14           Each joint agreement shall be required to post by February  
15 1, a list of all its employees in order of length of continuing  
16 service in the joint agreement, unless an alternative method of  
17 determining a sequence of dismissal is established in an  
18 applicable collective bargaining agreement.

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

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

1 Section 90. The State Mandates Act is amended by adding  
2 Section 8.29 as follows:

3 (30 ILCS 805/8.29 new)

4 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8  
5 of this Act, no reimbursement by the State is required for the  
6 implementation of any mandate created by this amendatory Act of  
7 the 94th General Assembly.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.