

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.