



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0947

Introduced 2/8/2007, by Rep. Robert F. Flider

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/24-11  
30 ILCS 805/8.31 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.

LRB095 09107 NHT 29300 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

1 reason therefor, by certified mail, return receipt requested by  
2 the employing board at least 45 days before the end of such  
3 period; except that (i) for a teacher who is first employed as  
4 a full-time teacher by a school district on or after January 1,  
5 1998 but before the effective date of this amendatory Act of  
6 the 95th General Assembly and who has not before January 1,  
7 1998 ~~that date~~ already entered upon contractual continued  
8 service in that district, the probationary period shall be 4  
9 consecutive school terms before the teacher shall enter upon  
10 contractual continued service and (ii) for a teacher who is  
11 first employed as a full-time teacher by a school district on  
12 or after the effective date of this amendatory Act of the 95th  
13 General Assembly and who has not before the date of this  
14 employment already entered upon contractual continued service  
15 in any district pursuant to this Section or achieved permanent  
16 appointment pursuant to Section 34-84 of this Code, the  
17 probationary period shall be 3 consecutive school terms before  
18 the teacher shall enter upon contractual continued service. For  
19 the purpose of determining contractual continued service, the  
20 first probationary year shall be any full-time employment from  
21 a date before November 1 through the end of the school year.  
22 If, however, a teacher who was first employed prior to January  
23 1, 1998 or first employed on or after the effective date of  
24 this amendatory Act of the 95th General Assembly has not had  
25 one school term of full-time teaching experience before the  
26 beginning of the applicable a probationary period ~~of 2~~

1 ~~consecutive school terms~~, the employing board may at its option  
2 extend the probationary period for one additional school term  
3 by giving the teacher written notice by certified mail, return  
4 receipt requested, at least 45 days before the end of the last  
5 ~~second~~ school term of the applicable probationary period ~~of 2~~  
6 ~~consecutive school terms referred to above~~. This notice must  
7 state the reasons for the one year extension and must outline  
8 the corrective actions that the teacher must take to  
9 satisfactorily complete probation. The changes made by Public  
10 Act 90-653 and this amendatory Act of the 95th General Assembly  
11 ~~this amendatory Act of 1998~~ are declaratory of existing law.

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

23 Contractual continued service shall continue in effect the  
24 terms and provisions of the contract with the teacher during  
25 the last school term of the probationary period, subject to  
26 this Act and the lawful regulations of the employing board.

1 This Section and succeeding Sections do not modify any existing  
2 power of the board except with respect to the procedure of the  
3 discharge of a teacher and reductions in salary as hereinafter  
4 provided. Contractual continued service status shall not  
5 restrict the power of the board to transfer a teacher to a  
6 position which the teacher is qualified to fill or to make such  
7 salary adjustments as it deems desirable, but unless reductions  
8 in salary are uniform or based upon some reasonable  
9 classification, any teacher whose salary is reduced shall be  
10 entitled to a notice and a hearing as hereinafter provided in  
11 the case of certain dismissals or removals.

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

24 Any teacher employed after July 1, 1987 as a full-time  
25 teacher in a program of a special education joint agreement,  
26 whether the program is operated by the joint agreement or a

1 member district on behalf of the joint agreement, for a  
2 probationary period of two consecutive school terms ~~years~~ shall  
3 enter upon contractual continued service in all of the programs  
4 conducted by such joint agreement which the teacher is legally  
5 qualified to hold; except that (i) for a teacher who is first  
6 employed on or after January 1, 1998 but before the effective  
7 date of this amendatory Act of the 95th General Assembly in a  
8 program of a special education joint agreement and who has not  
9 before January 1, 1998 ~~that date~~ already entered upon  
10 contractual continued service in all of the programs conducted  
11 by the joint agreement that the teacher is legally qualified to  
12 hold, the probationary period shall be 4 consecutive school  
13 terms ~~years~~ before the teacher enters upon contractual  
14 continued service in all of those programs and (ii) for a  
15 teacher who is first employed by a school district on or after  
16 the effective date of this amendatory Act of the 95th General  
17 Assembly in a program of a special education joint agreement  
18 and who has not before the date of this employment already  
19 entered upon contractual continued service in any district  
20 pursuant to this Section or achieved permanent appointment  
21 pursuant to Section 34-84 of this Code, the probationary period  
22 shall be 3 consecutive school terms before the teacher enters  
23 upon contractual continued service in all of the programs  
24 conducted by the joint agreement for which the teacher is  
25 legally qualified. In the event of a reduction in the number of  
26 programs or positions in the joint agreement, the teacher on

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

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

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

1           Each joint agreement shall be required to post by February  
2 1, a list of all its employees in order of length of continuing  
3 service in the joint agreement, unless an alternative method of  
4 determining a sequence of dismissal is established in an  
5 applicable collective bargaining agreement.

6           The employment of any teacher in a special education  
7 program authorized by Section 14-1.01 through 14-14.01, or a  
8 joint educational program established under Section 10-22.31a,  
9 shall be under this and the succeeding Sections of this  
10 Article, and such employment shall be deemed a continuation of  
11 the previous employment of such teacher in any of the  
12 participating districts, regardless of the participation of  
13 other districts in the program. Any teacher employed as a  
14 full-time teacher in a special education program prior to  
15 September 23, 1987 in which 2 or more school districts  
16 participate for a probationary period of 2 consecutive years  
17 shall enter upon contractual continued service in each of the  
18 participating districts, subject to this and the succeeding  
19 Sections of this Article, and in the event of the termination  
20 of the program shall be eligible for any vacant position in any  
21 of such districts for which such teacher is qualified.

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

23           Section 90. The State Mandates Act is amended by adding  
24 Section 8.31 as follows:



1 (30 ILCS 805/8.31 new)

2 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8  
3 of this Act, no reimbursement by the State is required for the  
4 implementation of any mandate created by this amendatory Act of  
5 the 95th General Assembly.

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.