



Sen. Deanna Demuzio

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1 AMENDMENT TO SENATE BILL 2686

2 AMENDMENT NO. _____. Amend Senate Bill 2686 by replacing
3 everything after the enacting clause with the following:

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.

1 This Section and Sections 24-12 through 24-16 of this
2 Article apply only to school districts having less than 500,000
3 inhabitants.

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

1 prior to January 1, 1998 has not had one school term of
2 full-time teaching experience before the beginning of a
3 probationary period of 2 consecutive school terms, the
4 employing board may at its option extend the probationary
5 period for one additional school term by giving the teacher
6 written notice by certified mail, return receipt requested, at
7 least 45 days before the end of the second school term of the
8 period of 2 consecutive school terms referred to above. This
9 notice must state the reasons for the one year extension and
10 must outline the corrective actions that the teacher must take
11 to satisfactorily complete probation. The changes made by this
12 amendatory Act of 1998 are declaratory of existing law.

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

24 Contractual continued service shall continue in effect the
25 terms and provisions of the contract with the teacher during
26 the last school term of the probationary period, subject to

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

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

25 Any teacher employed after July 1, 1987 as a full-time
26 teacher in a program of a special education joint agreement,

1 whether the program is operated by the joint agreement or a
2 member district on behalf of the joint agreement, for a
3 probationary period of two consecutive years shall enter upon
4 contractual continued service in all of the programs conducted
5 by such joint agreement which the teacher is legally qualified
6 to hold; except that (i) for a teacher who is first employed on
7 or after January 1, 1998 in a program of a special education
8 joint agreement and who has not before that date already
9 entered upon contractual continued service in all of the
10 programs conducted by the joint agreement that the teacher is
11 legally qualified to hold, the probationary period shall be 4
12 consecutive years before the teacher enters upon contractual
13 continued service in all of those programs and (ii) for a
14 teacher who is first employed on or after the effective date of
15 this amendatory Act of the 95th General Assembly in a program
16 of a special education joint agreement but who, prior to this
17 employment, already entered upon contractual continued service
18 in the programs of another joint agreement pursuant to this
19 Section, the probationary period shall be 2 consecutive years
20 before the teacher enters upon contractual continued service.

21 In the event of a reduction in the number of programs or
22 positions in the joint agreement, the teacher on contractual
23 continued service shall be eligible for employment in the joint
24 agreement programs for which the teacher is legally qualified
25 in order of greater length of continuing service in the joint
26 agreement unless an alternative method of determining the

1 sequence of dismissal is established in a collective bargaining
2 agreement. In the event of the dissolution of a joint
3 agreement, the teacher on contractual continued service who is
4 legally qualified shall be assigned to any comparable position
5 in a member district currently held by a teacher who has not
6 entered upon contractual continued service or held by a teacher
7 who has entered upon contractual continued service with shorter
8 length of contractual continued service.

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

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

22 Each joint agreement shall be required to post by February
23 1, a list of all its employees in order of length of continuing
24 service in the joint agreement, unless an alternative method of
25 determining a sequence of dismissal is established in an
26 applicable collective bargaining agreement.

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

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

18 Section 90. The State Mandates Act is amended by adding
19 Section 8.32 as follows:

20 (30 ILCS 805/8.32 new)

21 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8
22 of this Act, no reimbursement by the State is required for the
23 implementation of any mandate created by this amendatory Act of
24 the 95th General Assembly.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".