

SB0123



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0123

Introduced 1/30/2009, by Sen. Deanna Demuzio

SYNOPSIS AS INTRODUCED:

105 ILCS 5/24-11

from Ch. 122, par. 24-11

30 ILCS 805/8.33 new

Amends the School Code. In provisions concerning contractual continued service in school districts other than the Chicago school district, adds an exception to the probationary period of 4 consecutive school terms for a teacher who is first employed as a full-time teacher by a school district on or after the effective date of the amendatory Act but who, prior to employment with the district, already entered upon contractual continued service in another school district, in which case the probationary period is 2 consecutive school terms. Makes a similar change with respect to a teacher employed in a program of a special education joint agreement. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 04104 NHT 14143 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 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 and who has not before that date already entered upon
6 contractual continued service in that district, the
7 probationary period shall be 4 consecutive school terms before
8 the teacher shall enter upon contractual continued service and
9 (ii) for a teacher who is first employed as a full-time teacher
10 by a school district on or after the effective date of this
11 amendatory Act of the 96th General Assembly but who, prior to
12 employment with the district, already entered upon contractual
13 continued service in another school district pursuant to this
14 Section, the probationary period shall be 2 consecutive school
15 terms before the teacher shall enter upon contractual continued
16 service. For the purpose of determining contractual continued
17 service, the first probationary year shall be any full-time
18 employment from a date before November 1 through the end of the
19 school year. If, however, a teacher who was first employed
20 prior to January 1, 1998 has not had one school term of
21 full-time teaching experience before the beginning of a
22 probationary period of 2 consecutive school terms, the
23 employing board may at its option extend the probationary
24 period for one additional school term by giving the teacher
25 written notice by certified mail, return receipt requested, at
26 least 45 days before the end of the second school term of the

1 period of 2 consecutive school terms referred to above. This
2 notice must state the reasons for the one year extension and
3 must outline the corrective actions that the teacher must take
4 to satisfactorily complete probation. The changes made by this
5 amendatory Act of 1998 are declaratory of existing law.

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

17 Contractual continued service shall continue in effect the
18 terms and provisions of the contract with the teacher during
19 the last school term of the probationary period, subject to
20 this Act and the lawful regulations of the employing board.
21 This Section and succeeding Sections do not modify any existing
22 power of the board except with respect to the procedure of the
23 discharge of a teacher and reductions in salary as hereinafter
24 provided. Contractual continued service status shall not
25 restrict the power of the board to transfer a teacher to a
26 position which the teacher is qualified to fill or to make such

1 salary adjustments as it deems desirable, but unless reductions
2 in salary are uniform or based upon some reasonable
3 classification, any teacher whose salary is reduced shall be
4 entitled to a notice and a hearing as hereinafter provided in
5 the case of certain dismissals or removals.

6 The employment of any teacher in a program of a special
7 education joint agreement established under Section 3-15.14,
8 10-22.31 or 10-22.31a shall be under this and succeeding
9 Sections of this Article. For purposes of attaining and
10 maintaining contractual continued service and computing length
11 of continuing service as referred to in this Section and
12 Section 24-12, employment in a special educational joint
13 program shall be deemed a continuation of all previous
14 certificated employment of such teacher for such joint
15 agreement whether the employer of the teacher was the joint
16 agreement, the regional superintendent, or one of the
17 participating districts in the joint agreement.

18 Any teacher employed after July 1, 1987 as a full-time
19 teacher in a program of a special education joint agreement,
20 whether the program is operated by the joint agreement or a
21 member district on behalf of the joint agreement, for a
22 probationary period of two consecutive years shall enter upon
23 contractual continued service in all of the programs conducted
24 by such joint agreement which the teacher is legally qualified
25 to hold; except that (i) for a teacher who is first employed on
26 or after January 1, 1998 in a program of a special education

1 joint agreement and who has not before that date already
2 entered upon contractual continued service in all of the
3 programs conducted by the joint agreement that the teacher is
4 legally qualified to hold, the probationary period shall be 4
5 consecutive years before the teacher enters upon contractual
6 continued service in all of those programs and (ii) for a
7 teacher who is first employed on or after the effective date of
8 this amendatory Act of the 96th General Assembly in a program
9 of a special education joint agreement but who, prior to this
10 employment, already entered upon contractual continued service
11 in the programs of another joint agreement pursuant to this
12 Section, the probationary period shall be 2 consecutive years
13 before the teacher enters upon contractual continued service.

14 In the event of a reduction in the number of programs or
15 positions in the joint agreement, the teacher on contractual
16 continued service shall be eligible for employment in the joint
17 agreement programs for which the teacher is legally qualified
18 in order of greater length of continuing service in the joint
19 agreement unless an alternative method of determining the
20 sequence of dismissal is established in a collective bargaining
21 agreement. In the event of the dissolution of a joint
22 agreement, the teacher on contractual continued service who is
23 legally qualified shall be assigned to any comparable position
24 in a member district currently held by a teacher who has not
25 entered upon contractual continued service or held by a teacher
26 who has entered upon contractual continued service with shorter

1 length of contractual continued service.

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

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

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

20 The employment of any teacher in a special education
21 program authorized by Section 14-1.01 through 14-14.01, or a
22 joint educational program established under Section 10-22.31a,
23 shall be under this and the succeeding Sections of this
24 Article, and such employment shall be deemed a continuation of
25 the previous employment of such teacher in any of the
26 participating districts, regardless of the participation of

1 other districts in the program. Any teacher employed as a
2 full-time teacher in a special education program prior to
3 September 23, 1987 in which 2 or more school districts
4 participate for a probationary period of 2 consecutive years
5 shall enter upon contractual continued service in each of the
6 participating districts, subject to this and the succeeding
7 Sections of this Article, and in the event of the termination
8 of the program shall be eligible for any vacant position in any
9 of such districts for which such teacher is qualified.

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

11 Section 90. The State Mandates Act is amended by adding
12 Section 8.33 as follows:

13 (30 ILCS 805/8.33 new)

14 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8
15 of this Act, no reimbursement by the State is required for the
16 implementation of any mandate created by this amendatory Act of
17 the 96th General Assembly.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.