

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 if the employment from the one school district to the  
17 other has been continuous. For the purpose of determining  
18 contractual continued service, the first probationary year  
19 shall be any full-time employment from a date before November 1  
20 through the end of the school year. If, however, a teacher who  
21 was first employed prior to January 1, 1998 has not had one  
22 school term of full-time teaching experience before the  
23 beginning of a probationary period of 2 consecutive school  
24 terms, the employing board may at its option extend the  
25 probationary period for one additional school term by giving  
26 the teacher written notice by certified mail, return receipt

1 requested, at least 45 days before the end of the second school  
2 term of the period of 2 consecutive school terms referred to  
3 above. This notice must state the reasons for the one year  
4 extension and must outline the corrective actions that the  
5 teacher must take to satisfactorily complete probation. The  
6 changes made by this amendatory Act of 1998 are declaratory of  
7 existing law.

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

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

1 restrict the power of the board to transfer a teacher to a  
2 position which the teacher is qualified to fill or to make such  
3 salary adjustments as it deems desirable, but unless reductions  
4 in salary are uniform or based upon some reasonable  
5 classification, any teacher whose salary is reduced shall be  
6 entitled to a notice and a hearing as hereinafter provided in  
7 the case of certain dismissals or removals.

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

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

1 to hold; except that (i) for a teacher who is first employed on  
2 or after January 1, 1998 in a program of a special education  
3 joint agreement and who has not before that date already  
4 entered upon contractual continued service in all of the  
5 programs conducted by the joint agreement that the teacher is  
6 legally qualified to hold, the probationary period shall be 4  
7 consecutive years before the teacher enters upon contractual  
8 continued service in all of those programs and (ii) for a  
9 teacher who is first employed on or after the effective date of  
10 this amendatory Act of the 96th General Assembly in a program  
11 of a special education joint agreement but who, prior to this  
12 employment, already entered upon contractual continued service  
13 in the programs of another joint agreement pursuant to this  
14 Section, the probationary period shall be 2 consecutive years  
15 before the teacher enters upon contractual continued service if  
16 the employment from the programs of the one joint agreement to  
17 the other has been continuous. In the event of a reduction in  
18 the number of programs or positions in the joint agreement, the  
19 teacher on contractual continued service shall be eligible for  
20 employment in the joint agreement programs for which the  
21 teacher is legally qualified in order of greater length of  
22 continuing service in the joint agreement unless an alternative  
23 method of determining the sequence of dismissal is established  
24 in a collective bargaining agreement. In the event of the  
25 dissolution of a joint agreement, the teacher on contractual  
26 continued service who is legally qualified shall be assigned to

1 any comparable position in a member district currently held by  
2 a teacher who has not entered upon contractual continued  
3 service or held by a teacher who has entered upon contractual  
4 continued service with shorter length of contractual continued  
5 service.

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

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

19 Each joint agreement shall be required to post by February  
20 1, a list of all its employees in order of length of continuing  
21 service in the joint agreement, unless an alternative method of  
22 determining a sequence of dismissal is established in an  
23 applicable collective bargaining agreement.

24 The employment of any teacher in a special education  
25 program authorized by Section 14-1.01 through 14-14.01, or a  
26 joint educational program established under Section 10-22.31a,

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

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

15 Section 90. The State Mandates Act is amended by adding  
16 Section 8.33 as follows:

17 (30 ILCS 805/8.33 new)

18 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8  
19 of this Act, no reimbursement by the State is required for the  
20 implementation of any mandate created by this amendatory Act of  
21 the 96th General Assembly.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.