



Filed: 2/15/2006

09400HB5031ham001

LRB094 14494 NHT 55985 a

1 AMENDMENT TO HOUSE BILL 5031

2 AMENDMENT NO. _____. Amend House Bill 5031 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 10-23.5 as follows:

6 (105 ILCS 5/10-23.5) (from Ch. 122, par. 10-23.5)

7 Sec. 10-23.5. Educational support personnel employees. To
8 employ such educational support personnel employees as it deems
9 advisable and to define their employment duties; provided that
10 residency within any school district shall not be considered in
11 determining the employment or the compensation of any such
12 employee, or whether to retain, promote, assign or transfer
13 such employee. If an educational support personnel employee is
14 removed or dismissed or the hours he or she works are reduced
15 as a result of a decision of the school board to decrease the
16 number of educational support personnel employees employed by
17 the board or to discontinue some particular type of educational
18 support service, written notice shall be mailed to the employee
19 and also given to the employee either by certified mail, return
20 receipt requested, or personal delivery with receipt, at least
21 30 days before the employee is removed or dismissed or the
22 hours he or she works are reduced, together with a statement of
23 honorable dismissal and the reason therefor if applicable. The
24 employee with the shorter length of continuing service with the

1 district, within the respective category of position, shall be
2 dismissed first unless an alternative method of determining the
3 sequence of dismissal is established in a collective bargaining
4 agreement or contract between the board and any exclusive
5 bargaining agent and except that this provision shall not
6 impair the operation of any affirmative action program in the
7 district, regardless of whether it exists by operation of law
8 or is conducted on a voluntary basis by the board. If the board
9 has any vacancies for the following school term or within one
10 calendar year from the beginning of the following school term,
11 the positions thereby becoming available within a specific
12 category of position shall be tendered to the employees so
13 removed or dismissed from that category or any other category
14 of position, so far as they are qualified to hold such
15 positions. Each board shall, in consultation with any exclusive
16 employee representative or bargaining agent, each year
17 establish a list, categorized by positions, showing the length
18 of continuing service of each full time educational support
19 personnel employee who is qualified to hold any such positions,
20 unless an alternative method of determining a sequence of
21 dismissal is established as provided for in this Section, in
22 which case a list shall be made in accordance with the
23 alternative method. Copies of the list shall be distributed to
24 the exclusive employee representative or bargaining agent on or
25 before February 1 of each year. Where an educational support
26 personnel employee is dismissed by the board as a result of a
27 decrease in the number of employees or the discontinuance of
28 the employee's job, the employee shall be paid all earned
29 compensation on or before the third business day following his
30 or her last day of employment.

31 The provisions of this amendatory Act of 1986 relating to
32 residency within any school district shall not apply to cities
33 having a population exceeding 500,000 inhabitants.

34 (Source: P.A. 89-618, eff. 8-9-96; 90-548, eff. 1-1-98.)

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