

# HB5405



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB5405**

by Rep. Michael J. Madigan - Barbara Flynn Currie - Kevin A. McCarthy

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/24-11

from Ch. 122, par. 24-11

Amends the School Code. Makes a technical change in a Section concerning teacher tenure.

LRB095 19353 NHT 45648 b

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 ~~and~~ 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 for a teacher who is first employed as a  
4 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. For  
9 the purpose of determining contractual continued service, the  
10 first probationary year shall be any full-time employment from  
11 a date before November 1 through the end of the school year.  
12 If, however, a teacher who was first employed prior to January  
13 1, 1998 has not had one school term of full-time teaching  
14 experience before the beginning of a probationary period of 2  
15 consecutive school terms, the employing board may at its option  
16 extend the probationary period for one additional school term  
17 by giving the teacher written notice by certified mail, return  
18 receipt requested, at least 45 days before the end of the  
19 second school term of the period of 2 consecutive school terms  
20 referred to above. This notice must state the reasons for the  
21 one year extension and must outline the corrective actions that  
22 the teacher must take to satisfactorily complete probation. The  
23 changes made by this amendatory Act of 1998 are declaratory of  
24 existing law.

25 Any full-time teacher who is not completing the last year  
26 of the probationary period described in the preceding

1 paragraph, or any teacher employed on a full-time basis not  
2 later than January 1 of the school term, shall receive written  
3 notice from the employing board at least 45 days before the end  
4 of any school term whether or not he will be re-employed for  
5 the following school term. If the board fails to give such  
6 notice, the employee shall be deemed reemployed, and not later  
7 than the close of the then current school term the board shall  
8 issue a regular contract to the employee as though the board  
9 had reemployed him in the usual manner.

10 Contractual continued service shall continue in effect the  
11 terms and provisions of the contract with the teacher during  
12 the last school term of the probationary period, subject to  
13 this Act and the lawful regulations of the employing board.  
14 This Section and succeeding Sections do not modify any existing  
15 power of the board except with respect to the procedure of the  
16 discharge of a teacher and reductions in salary as hereinafter  
17 provided. Contractual continued service status shall not  
18 restrict the power of the board to transfer a teacher to a  
19 position which the teacher is qualified to fill or to make such  
20 salary adjustments as it deems desirable, but unless reductions  
21 in salary are uniform or based upon some reasonable  
22 classification, any teacher whose salary is reduced shall be  
23 entitled to a notice and a hearing as hereinafter provided in  
24 the case of certain dismissals or removals.

25 The employment of any teacher in a program of a special  
26 education joint agreement established under Section 3-15.14,

1 10-22.31 or 10-22.31a shall be under this and succeeding  
2 Sections of this Article. For purposes of attaining and  
3 maintaining contractual continued service and computing length  
4 of continuing service as referred to in this Section and  
5 Section 24-12, employment in a special educational joint  
6 program shall be deemed a continuation of all previous  
7 certificated employment of such teacher for such joint  
8 agreement whether the employer of the teacher was the joint  
9 agreement, the regional superintendent, or one of the  
10 participating districts in the joint agreement.

11 Any teacher employed after July 1, 1987 as a full-time  
12 teacher in a program of a special education joint agreement,  
13 whether the program is operated by the joint agreement or a  
14 member district on behalf of the joint agreement, for a  
15 probationary period of two consecutive years shall enter upon  
16 contractual continued service in all of the programs conducted  
17 by such joint agreement which the teacher is legally qualified  
18 to hold; except that for a teacher who is first employed on or  
19 after January 1, 1998 in a program of a special education joint  
20 agreement and who has not before that date already entered upon  
21 contractual continued service in all of the programs conducted  
22 by the joint agreement that the teacher is legally qualified to  
23 hold, the probationary period shall be 4 consecutive years  
24 before the teacher enters upon contractual continued service in  
25 all of those programs. In the event of a reduction in the  
26 number of programs or positions in the joint agreement, the

1 teacher on contractual continued service shall be eligible for  
2 employment in the joint agreement programs for which the  
3 teacher is legally qualified in order of greater length of  
4 continuing service in the joint agreement unless an alternative  
5 method of determining the sequence of dismissal is established  
6 in a 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.)