

**HB0791**



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB0791**

Introduced 2/2/2005, by Rep. Michael K. Smith

**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.

LRB094 06987 AMC 37107 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  
24 reason therefor, by certified mail, return receipt requested by  
25 the employing board at least 45 days before the end of such  
26 period; except that for a teacher who is first employed as a  
27 full-time teacher by a school district on or after January 1,  
28 1998 and who has not before that date already entered upon  
29 contractual continued service in that district, the  
30 probationary period shall be 4 consecutive school terms before  
31 the teacher shall enter upon contractual continued service. For  
32 the purpose of determining contractual continued service, the

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

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

27 Contractual continued service shall continue in effect the  
28 terms and provisions of the contract with the teacher during  
29 the last school term of the probationary period, subject to  
30 this Act and the lawful regulations of the employing board.  
31 This Section and succeeding Sections do not modify any existing  
32 power of the board except with respect to the procedure of the  
33 discharge of a teacher and reductions in salary as hereinafter  
34 provided. Contractual continued service status shall not  
35 restrict the power of the board to transfer a teacher to a  
36 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 for a teacher who is first employed on or  
26 after January 1, 1998 in a program of a special education joint  
27 agreement and who has not before that date already entered upon  
28 contractual continued service in all of the programs conducted  
29 by the joint agreement that the teacher is legally qualified to  
30 hold, the probationary period shall be 4 consecutive years  
31 before the teacher enters upon contractual continued service in  
32 all of those programs. In the event of a reduction in the  
33 number of programs or positions in the joint agreement, the  
34 teacher on contractual continued service shall be eligible for  
35 employment in the joint agreement programs for which the  
36 teacher is legally qualified in order of greater length of

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

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

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

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

29 The employment of any teacher in a special education  
30 program authorized by Section 14-1.01 through 14-14.01, or a  
31 joint educational program established under Section 10-22.31a,  
32 shall be under this and the succeeding Sections of this  
33 Article, and such employment shall be deemed a continuation of  
34 the previous employment of such teacher in any of the  
35 participating districts, regardless of the participation of  
36 other districts in the program. Any teacher employed as a

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

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