

HB2888



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2888

Introduced 2/24/2009, by Rep. Tom Cross

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.

LRB096 06127 NHT 16209 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
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 ~~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.)