

1 AN ACT relating to 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
5 Section 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
16 1 to the following June 30, when school is in actual session.

17 This Section and Sections 24-12 through 24-16 of this
18 Code Article apply only to school districts having less than
19 500,000 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
25 by the employing board at least 45 days before the end of
26 such period; except that for a teacher who is first employed
27 as a full-time teacher by a school district on or after
28 January 1, 1998 and who has not before that date already
29 entered upon contractual continued service in that district,
30 the probationary period shall be 4 consecutive school terms
31 before the teacher shall enter upon contractual continued

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

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

29 Contractual continued service shall continue in effect
30 the terms and provisions of the contract with the teacher
31 during the last school term of the probationary period,
32 subject to this Act and the lawful regulations of the
33 employing board. This Section and succeeding Sections do not
34 modify any existing power of the board except with respect to

1 the procedure of the discharge of a teacher and reductions in
2 salary as hereinafter provided. Contractual continued service
3 status shall not restrict the power of the board to transfer
4 a teacher to a position which the teacher is qualified to
5 fill or to make such salary adjustments as it deems
6 desirable, but unless reductions in salary are uniform or
7 based upon some reasonable classification, any teacher whose
8 salary is reduced shall be entitled to a notice and a hearing
9 as hereinafter provided in the case of certain dismissals or
10 removals.

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

23 Any teacher employed after July 1, 1987 as a full-time
24 teacher in a program of a special education joint agreement,
25 whether the program is operated by the joint agreement or a
26 member district on behalf of the joint agreement, for a
27 probationary period of two consecutive years shall enter upon
28 contractual continued service in all of the programs
29 conducted by such joint agreement which the teacher is
30 legally qualified to hold; except that for a teacher who is
31 first employed on or after January 1, 1998 in a program of a
32 special education joint agreement and who has not before that
33 date already entered upon contractual continued service in
34 all of the programs conducted by the joint agreement that the

1 teacher is legally qualified to hold, the probationary period
2 shall be 4 consecutive years before the teacher enters upon
3 contractual continued service in all of those programs. In
4 the event of a reduction in the number of programs or
5 positions in the joint agreement, the teacher on contractual
6 continued service shall be eligible for employment in the
7 joint agreement programs for which the teacher is legally
8 qualified in order of greater length of continuing service in
9 the joint agreement unless an alternative method of
10 determining the sequence of dismissal is established in a
11 collective bargaining agreement. In the event of the
12 dissolution of a joint agreement, the teacher on contractual
13 continued service who is legally qualified shall be assigned
14 to any comparable position in a member district currently
15 held by a teacher who has not entered upon contractual
16 continued service or held by a teacher who has entered upon
17 contractual continued service with shorter length of
18 contractual continued service.

19 The governing board of the joint agreement, or the
20 administrative district, if so authorized by the articles of
21 agreement of the joint agreement, rather than the board of
22 education of a school district, may carry out employment and
23 termination actions including dismissals under this Section
24 and Section 24-12.

25 For purposes of this and succeeding Sections of this
26 Article, a program of a special educational joint agreement
27 shall be defined as instructional, consultative, supervisory,
28 administrative, diagnostic, and related services which are
29 managed by the special educational joint agreement designed
30 to service two or more districts which are members of the
31 joint agreement.

32 Each joint agreement shall be required to post by
33 February 1, a list of all its employees in order of length of
34 continuing service in the joint agreement, unless an

1 alternative method of determining a sequence of dismissal is
2 established in an applicable collective bargaining agreement.

3 The employment of any teacher in a special education
4 program authorized by Section 14-1.01 through 14-14.01, or a
5 joint educational program established under Section
6 10-22.31a, shall be under this and the succeeding Sections of
7 this Article, and such employment shall be deemed a
8 continuation of the previous employment of such teacher in
9 any of the participating districts, regardless of the
10 participation of other districts in the program. Any teacher
11 employed as a full-time teacher in a special education
12 program prior to September 23, 1987 in which 2 or more school
13 districts participate for a probationary period of 2
14 consecutive years shall enter upon contractual continued
15 service in each of the participating districts, subject to
16 this and the succeeding Sections of this Article, and in the
17 event of the termination of the program shall be eligible for
18 any vacant position in any of such districts for which such
19 teacher is qualified.

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