

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 adding Section
5 10-22.22d as follows:

6 (105 ILCS 5/10-22.22d new)

7 Sec. 10-22.22d. Pilot cooperative elementary school and
8 pilot cooperative high school.

9 (a) Subject to the provisions of this Section, 2 contiguous
10 school districts that are (i) located all or in part in
11 Vermilion County; (ii) have an enrollment in grades 6-8 of less
12 than 100 during the 2009-2010 school year and in grades 9-12 of
13 less than 400 during the 2009-2010 school year; and (iii) have
14 a Junior High School serving grades 6, 7, and 8 in one of the
15 districts may, when in their judgment the interest of the
16 districts and of the students will be best served, jointly
17 pilot a cooperative elementary school or cooperative high
18 school, or both.

19 The board of each district contemplating a joint operation
20 shall, by proper resolution, cause the proposition to enter
21 into such joint operation for a period not to exceed 3 years.

22 The school boards of the participating districts may, if
23 they agree on terms, execute a contract for such joint

1 operation subject to the provisions of this Section.

2 (b) The agreement for joint operation of any such
3 cooperative elementary school or cooperative high school, or
4 both, shall include, but not be limited to, provisions for
5 administration, staff, programs, financing, facilities, and
6 transportation. Agreements may be modified, by approval of each
7 of the participating districts, provided that a district may
8 withdraw from the agreement only if the district is
9 reorganizing with one or more districts under other provisions
10 of this Code.

11 (c) A governing board, which shall govern the operation of
12 any such cooperative elementary school or cooperative high
13 school, or both, shall be apportioned to reflect the number of
14 students in each respective district who attend the cooperative
15 elementary school or cooperative high school, or both. The
16 membership of the governing board shall be 5 members. The
17 school board of each participating district shall select, from
18 its membership, its representatives on the governing board. The
19 governing board shall prepare and adopt a budget for the
20 cooperative elementary school or cooperative high school, or
21 both. The governing board shall administer the cooperative
22 elementary school or cooperative high school, or both, in
23 accordance with the agreement of the districts and shall have
24 the power to hire, supervise, and terminate staff; to enter
25 into contracts; to adopt policies for the school or schools;
26 and to take all other actions necessary and proper for the

1 operation of the school or schools. The governing board may not
2 levy taxes or incur any indebtedness except within the annual
3 budget approved by the participating districts.

4 (d) Each participating district shall pay its per capita
5 cost of educating the students residing in its district and
6 attending any cooperative elementary school or cooperative
7 high school into the budget for the maintenance and operation
8 of the cooperative elementary school or cooperative high
9 school, or both.

10 The manner of determining per capita cost shall be set
11 forth in the agreement. Each district shall pay the amount owed
12 the governing board under the terms of the agreement from the
13 fund that the district would have used if the district had
14 incurred the costs directly and may levy taxes and issue bonds
15 as otherwise authorized for these purposes in order to make
16 payments to the governing board.

17 (e) Upon formation of the cooperative elementary school
18 cooperative high school, or both, the school board of each
19 participating district shall:

20 (1) confer and coordinate with each other and the
21 governing board, if the governing board is then in
22 existence, as to staffing needs for the cooperative
23 elementary school or cooperative high school, or both;

24 (2) in consultation with any exclusive employee
25 representatives and the governing board, if the governing
26 board is then in existence, establish a combined list of

1 teachers in all participating districts, categorized by
2 positions, showing the length of service and the
3 contractual continued service status, if any, of each
4 teacher in each participating district who is qualified to
5 hold any positions at the cooperative elementary school or
6 cooperative high school, or both, and then distribute this
7 list to the exclusive employee representatives on or before
8 February 1 of the school year prior to the commencement of
9 the operation of the cooperative elementary school or
10 cooperative high school, or both, or within 30 days after
11 the date of the board resolutions, whichever occurs first;
12 this list is in addition to and not a substitute for the
13 list mandated by Section 24-12 of this Code; and

14 (3) transfer to the governing board of the cooperative
15 elementary school or cooperative high school, or both, the
16 employment and the position of so many of the full-time or
17 part-time school teachers employed by a participating
18 district as are jointly determined by the school boards of
19 the participating districts and the governing board, if the
20 governing board is then in existence, to be needed at the
21 cooperative school or schools, provided that these teacher
22 transfers shall be done:

23 (A) by categories listed on the seniority list
24 mentioned in item (2) of this subsection (e);

25 (B) in each category, by having teachers in
26 contractual continued service being transferred before

1 any teachers who are not in contractual continued
2 service; and

3 (C) in order from greatest seniority first through
4 lesser amounts of seniority.

5 A teacher who is not in contractual continued service shall
6 not be transferred if there is a teacher in contractual
7 continued service in the same category who is qualified to hold
8 the position that is to be filled.

9 If there are more teachers who have entered upon
10 contractual continued service than there are available
11 positions at the cooperative elementary school or cooperative
12 high school, or both or within other assignments in the
13 district, a school board shall first remove or dismiss all
14 teachers who have not entered upon contractual continued
15 service before removing or dismissing any teacher who has
16 entered upon contractual continued service and who is legally
17 qualified (i) to hold a position at the cooperative elementary
18 school or cooperative high school, or both planned to be held
19 by a teacher who has not entered upon contractual continued
20 service or (ii) to hold another position in the participating
21 district. As between teachers who have entered upon contractual
22 continued service, the teacher or teachers with the shorter
23 length of continuing service in any of the participating
24 districts shall be dismissed first. Any teacher dismissed as a
25 result of such a decrease shall be paid all earned compensation
26 on or before the third business day following the last day of

1 pupil attendance in the regular school term. If the school
2 board that has dismissed a teacher or the governing board has
3 any vacancies for the following school term or within one
4 calendar year from the beginning of the following school term,
5 then the positions thereby becoming available shall be tendered
6 to the teachers so removed or dismissed so far as they are
7 legally qualified to hold such positions. If the number of
8 honorable dismissal notices in all participating districts
9 exceeds 15% of full-time equivalent positions filled by
10 certified employees (excluding principals and administrative
11 personnel) during the preceding school year in all
12 participating districts and if the school board that has
13 dismissed a teacher or the governing board has any vacancies
14 for the following school term or within 2 calendar years from
15 the beginning of the following school term, the positions so
16 becoming available shall be tendered to the teachers who were
17 so notified, removed, or dismissed whenever these teachers are
18 legally qualified to hold those positions.

19 The provisions of Section 24-12 of this Code concerning
20 teachers whose positions are transferred from one board to the
21 control of a different board shall apply to the teachers who
22 are transferred. The contractual continued service of any
23 transferred teacher is not lost and the governing board is
24 subject to this Code with respect to the teacher in the same
25 manner as if the teacher had been the governing board's
26 employee during the time the teacher was actually employed by

1 the board of the district from which the position and the
2 teacher's employment were transferred. The time spent in
3 employment with a participating district by any teacher who has
4 not yet entered upon contractual continued service and who is
5 transferred to the governing board is not lost when computing
6 the time necessary for the teacher to enter upon contractual
7 continued service, and the governing board is subject to this
8 Code with respect to the teacher in the same manner as if the
9 teacher had been the governing board's employee during the time
10 the teacher was actually employed by the school board from
11 which the position and the teacher's employment were
12 transferred.

13 At the conclusion of the pilot program, any teacher who was
14 transferred from a participating district shall be transferred
15 back to the district and Section 24-12 of this Code shall
16 apply. In that case, a district is subject to this Code in the
17 same manner as if the teacher transferred back had been
18 continuously in the service of the receiving district.

19 (f) Upon formation of the cooperative elementary school or
20 cooperative high school, or both, the school board of each
21 participating district shall:

22 (1) confer and coordinate with each other and the
23 governing board, if the governing board is then in
24 existence, as to needs for educational support personnel
25 for the cooperative elementary school or cooperative high
26 school, or both;

1 (2) in consultation with any exclusive employee
2 representative or bargaining agent and the governing
3 board, if the governing board is then in existence,
4 establish a combined list of educational support personnel
5 in participating districts, categorized by positions,
6 showing the length of continuing service of each full-time
7 educational support personnel employee who is qualified to
8 hold any such position at the cooperative elementary school
9 or cooperative high school, or both, and then distribute
10 this list to the exclusive employee representative or
11 bargaining agent on or before February 1 of the school year
12 prior to the commencement of the operation of the
13 cooperative elementary school or cooperative high school,
14 or both or within 30 days after the date of the board
15 resolutions, whichever occurs first; and

16 (3) transfer to the governing board of the cooperative
17 elementary school or cooperative high school, or both the
18 employment and the positions of so many of the full-time
19 educational support personnel employees employed by a
20 participating district as are jointly determined by the
21 school boards of the participating districts and the
22 governing board, if the governing board is then in
23 existence, to be needed at the cooperative elementary
24 school or cooperative high school, or both, provided that
25 the full-time educational personnel employee transfers
26 shall be done by categories on the seniority list mentioned

1 in item (2) of this subsection (f) and done in order from
2 greatest seniority first through lesser amounts of
3 seniority.

4 If there are more full-time educational support personnel
5 employees than there are available positions at the cooperative
6 elementary school or cooperative high school, or both or in the
7 participating district, then a school board shall first remove
8 or dismiss those educational support personnel employees with
9 the shorter length of continuing service in any of the
10 participating districts, within the respective category of
11 position. The governing board is subject to this Code with
12 respect to the educational support personnel employee as if the
13 educational support personnel employee had been the governing
14 board's employee during the time the educational support
15 personnel employee was actually employed by the school board of
16 the district from which the employment and position were
17 transferred. Any educational support personnel employee
18 dismissed as a result of such a decrease shall be paid all
19 earned compensation on or before the third business day
20 following his or her last day of employment. If the school
21 board that has dismissed the educational support personnel
22 employee or the governing board has any vacancies for the
23 following school term or within one calendar year from the
24 beginning of the following school term, then the positions
25 thereby becoming available within a specific category of
26 position shall be tendered to the employees so removed or

1 dismissed from that category of position so far as they are
2 legally qualified to hold such positions. At the conclusion of
3 the pilot, any educational support personnel employee who was
4 transferred from a participating district shall be transferred
5 back to the district and Section 10-23.5 of this Code shall
6 apply. In that case, a district is subject to this Code in the
7 same manner as if the educational support personnel employee
8 transferred back had been continuously in the service of the
9 receiving district.

10 (g) This Section repeals 3 years after the beginning date
11 of operation of a pilot cooperative elementary school or a
12 pilot cooperative high school.

13 Section 99. Effective date. This Act takes effect July 1,
14 2010.