



Sen. Meg Loughran Cappel

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10300SB0463sam001

LRB103 02914 RJT 71925 a

1 AMENDMENT TO SENATE BILL 463

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 463 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing  
5 Sections 24-11 and 24A-7 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.

9 (a) As used in this and the succeeding Sections of this  
10 Article:

11 "Teacher" means any or all school district employees  
12 regularly required to be licensed under laws relating to the  
13 licensure of teachers.

14 "Board" means board of directors, board of education, or  
15 board of school inspectors, as the case may be.

16 "School term" means that portion of the school year, July

1 1 to the following June 30, when school is in actual session.

2 "Program" means a program of a special education joint  
3 agreement.

4 "Program of a special education joint agreement" means  
5 instructional, consultative, supervisory, administrative,  
6 diagnostic, and related services that are managed by a special  
7 educational joint agreement designed to service 2 or more  
8 school districts that are members of the joint agreement.

9 "PERA implementation date" means the implementation date  
10 of an evaluation system for teachers as specified by Section  
11 24A-2.5 of this Code for all schools within a school district  
12 or all programs of a special education joint agreement.

13 (b) This Section and Sections 24-12 through 24-16 of this  
14 Article apply only to school districts having less than  
15 500,000 inhabitants.

16 (c) Any teacher who is first employed as a full-time  
17 teacher in a school district or program prior to the PERA  
18 implementation date and who is employed in that district or  
19 program for a probationary period of 4 consecutive school  
20 terms shall enter upon contractual continued service in the  
21 district or in all of the programs that the teacher is legally  
22 qualified to hold, unless the teacher is given written notice  
23 of dismissal by certified mail, return receipt requested, by  
24 the employing board at least 45 days before the end of any  
25 school term within such period.

26 (d) For any teacher who is first employed as a full-time

1 teacher in a school district or program on or after the PERA  
2 implementation date but before July 1, 2023, the probationary  
3 period shall be one of the following periods, based upon the  
4 teacher's school terms of service and performance, before the  
5 teacher shall enter upon contractual continued service in the  
6 district or in all of the programs that the teacher is legally  
7 qualified to hold, unless the teacher is given written notice  
8 of dismissal by certified mail, return receipt requested, by  
9 the employing board on or before April 15:

10 (1) 4 consecutive school terms of service in which the  
11 teacher ~~holds a Professional Educator License and~~ receives  
12 overall annual evaluation ratings of at least "Proficient"  
13 in the last school term and at least "Proficient" in  
14 either the second or third school terms;

15 (2) 3 consecutive school terms of service in which the  
16 teacher ~~holds a Professional Educator License and~~ receives  
17 2 overall annual evaluations of "Excellent"; or

18 (3) 2 consecutive school terms of service in which the  
19 teacher ~~holds a Professional Educator License and~~ receives  
20 2 overall annual evaluations of "Excellent" service, but  
21 only if the teacher (i) previously attained contractual  
22 continued service in a different school district or  
23 program in this State, (ii) voluntarily departed or was  
24 honorably dismissed from that school district or program  
25 in the school term immediately prior to the teacher's  
26 first school term of service applicable to the attainment

1 of contractual continued service under this subdivision  
2 (3), and (iii) received, in his or her 2 most recent  
3 overall annual or biennial evaluations from the prior  
4 school district or program, ratings of at least  
5 "Proficient", with both such ratings occurring after the  
6 school district's or program's PERA implementation date.  
7 For a teacher to attain contractual continued service  
8 under this subdivision (3), the teacher shall provide  
9 official copies of his or her 2 most recent overall annual  
10 or biennial evaluations from the prior school district or  
11 program to the new school district or program within 60  
12 days from the teacher's first day of service with the new  
13 school district or program. The prior school district or  
14 program must provide the teacher with official copies of  
15 his or her 2 most recent overall annual or biennial  
16 evaluations within 14 days after the teacher's request. If  
17 a teacher has requested such official copies prior to 45  
18 days after the teacher's first day of service with the new  
19 school district or program and the teacher's prior school  
20 district or program fails to provide the teacher with the  
21 official copies required under this subdivision (3), then  
22 the time period for the teacher to submit the official  
23 copies to his or her new school district or program must be  
24 extended until 14 days after receipt of such copies from  
25 the prior school district or program. If the prior school  
26 district or program fails to provide the teacher with the

1 official copies required under this subdivision (3) within  
2 90 days from the teacher's first day of service with the  
3 new school district or program, then the new school  
4 district or program shall rely upon the teacher's own  
5 copies of his or her evaluations for purposes of this  
6 subdivision (3).

7 If the teacher does not receive overall annual evaluations  
8 of "Excellent" in the school terms necessary for eligibility  
9 to achieve accelerated contractual continued service in  
10 subdivisions (2) and (3) of this subsection (d), the teacher  
11 shall be eligible for contractual continued service pursuant  
12 to subdivision (1) of this subsection (d). If, at the  
13 conclusion of 4 consecutive school terms of service that count  
14 toward attainment of contractual continued service, the  
15 teacher's performance does not qualify the teacher for  
16 contractual continued service under subdivision (1) of this  
17 subsection (d), then the teacher shall not enter upon  
18 contractual continued service and shall be dismissed. If a  
19 performance evaluation is not conducted for any school term  
20 when such evaluation is required to be conducted under Section  
21 24A-5 of this Code, then the teacher's performance evaluation  
22 rating for such school term for purposes of determining the  
23 attainment of contractual continued service shall be deemed  
24 "Proficient", except that, during any time in which the  
25 Governor has declared a disaster due to a public health  
26 emergency pursuant to Section 7 of the Illinois Emergency

1 Management Agency Act, this default to "Proficient" does not  
2 apply to any teacher who has entered into contractual  
3 continued service and who was deemed "Excellent" on his or her  
4 most recent evaluation. During any time in which the Governor  
5 has declared a disaster due to a public health emergency  
6 pursuant to Section 7 of the Illinois Emergency Management  
7 Agency Act and unless the school board and any exclusive  
8 bargaining representative have completed the performance  
9 rating for teachers or mutually agreed to an alternate  
10 performance rating, any teacher who has entered into  
11 contractual continued service, whose most recent evaluation  
12 was deemed "Excellent", and whose performance evaluation is  
13 not conducted when the evaluation is required to be conducted  
14 shall receive a teacher's performance rating deemed  
15 "Excellent". A school board and any exclusive bargaining  
16 representative may mutually agree to an alternate performance  
17 rating for teachers not in contractual continued service  
18 during any time in which the Governor has declared a disaster  
19 due to a public health emergency pursuant to Section 7 of the  
20 Illinois Emergency Management Agency Act, as long as the  
21 agreement is in writing.

22 (d-5) For any teacher who is first employed as a full-time  
23 teacher in a school district or program on or after July 1,  
24 2023, the probationary period shall be one of the following  
25 periods, based upon the teacher's school terms of service and  
26 performance, before the teacher shall enter upon contractual

1 continued service in the district or in all of the programs  
2 that the teacher is legally qualified to hold, unless the  
3 teacher is given written notice of dismissal by certified  
4 mail, return receipt requested, by the employing board on or  
5 before April 15:

6 (1) 3 consecutive school terms of service in which the  
7 teacher ~~holds a Professional Educator License and~~ receives  
8 overall annual evaluation ratings of at least "Proficient"  
9 in the second and third school terms;

10 (2) 2 consecutive school terms of service in which the  
11 teacher ~~holds a Professional Educator License and~~ receives  
12 2 overall annual evaluations of "Excellent"; or

13 (3) 2 consecutive school terms of service in which the  
14 teacher ~~holds a Professional Educator License and~~ receives  
15 2 overall annual evaluations of "Excellent" service, but  
16 only if the teacher (i) previously attained contractual  
17 continued service in a different school district or  
18 program in this State, (ii) voluntarily departed or was  
19 honorably dismissed from that school district or program  
20 in the school term immediately prior to the teacher's  
21 first school term of service applicable to the attainment  
22 of contractual continued service under this subdivision  
23 (3), and (iii) received, in his or her 2 most recent  
24 overall annual or biennial evaluations from the prior  
25 school district or program, ratings of at least  
26 "Proficient", with both such ratings occurring after the

1 school district's or program's PERA implementation date.  
2 For a teacher to attain contractual continued service  
3 under this subdivision (3), the teacher shall provide  
4 official copies of his or her 2 most recent overall annual  
5 or biennial evaluations from the prior school district or  
6 program to the new school district or program within 60  
7 days from the teacher's first day of service with the new  
8 school district or program. The prior school district or  
9 program must provide the teacher with official copies of  
10 his or her 2 most recent overall annual or biennial  
11 evaluations within 14 days after the teacher's request. If  
12 a teacher has requested such official copies prior to 45  
13 days after the teacher's first day of service with the new  
14 school district or program and the teacher's prior school  
15 district or program fails to provide the teacher with the  
16 official copies required under this subdivision (3), then  
17 the time period for the teacher to submit the official  
18 copies to his or her new school district or program must be  
19 extended until 14 days after receipt of such copies from  
20 the prior school district or program. If the prior school  
21 district or program fails to provide the teacher with the  
22 official copies required under this subdivision (3) within  
23 90 days from the teacher's first day of service with the  
24 new school district or program, then the new school  
25 district or program shall rely upon the teacher's own  
26 copies of his or her evaluations for purposes of this



1 subdivision (3).

2 If the teacher does not receive overall annual evaluations  
3 of "Excellent" in the school terms necessary for eligibility  
4 to achieve accelerated contractual continued service in  
5 subdivisions (2) and (3) of this subsection (d), the teacher  
6 shall be eligible for contractual continued service pursuant  
7 to subdivision (1) of this subsection (d). If, at the  
8 conclusion of 3 consecutive school terms of service that count  
9 toward attainment of contractual continued service, the  
10 teacher's performance does not qualify the teacher for  
11 contractual continued service under subdivision (1) of this  
12 subsection (d), then the teacher shall not enter upon  
13 contractual continued service and shall be dismissed. If a  
14 performance evaluation is not conducted for any school term  
15 when such evaluation is required to be conducted under Section  
16 24A-5 of this Code, then the teacher's performance evaluation  
17 rating for such school term for purposes of determining the  
18 attainment of contractual continued service shall be deemed  
19 "Proficient", except that, during any time in which the  
20 Governor has declared a disaster due to a public health  
21 emergency pursuant to Section 7 of the Illinois Emergency  
22 Management Agency Act, this default to "Proficient" does not  
23 apply to any teacher who has entered into contractual  
24 continued service and who was deemed "Excellent" on his or her  
25 most recent evaluation. During any time in which the Governor  
26 has declared a disaster due to a public health emergency

1 pursuant to Section 7 of the Illinois Emergency Management  
2 Agency Act and unless the school board and any exclusive  
3 bargaining representative have completed the performance  
4 rating for teachers or mutually agreed to an alternate  
5 performance rating, any teacher who has entered into  
6 contractual continued service, whose most recent evaluation  
7 was deemed "Excellent", and whose performance evaluation is  
8 not conducted when the evaluation is required to be conducted  
9 shall receive a teacher's performance rating deemed  
10 "Excellent". A school board and any exclusive bargaining  
11 representative may mutually agree to an alternate performance  
12 rating for teachers not in contractual continued service  
13 during any time in which the Governor has declared a disaster  
14 due to a public health emergency pursuant to Section 7 of the  
15 Illinois Emergency Management Agency Act, as long as the  
16 agreement is in writing.

17 (e) For the purposes of determining contractual continued  
18 service, a school term shall be counted only toward attainment  
19 of contractual continued service if the teacher actually  
20 teaches or is otherwise present and participating in the  
21 district's or program's educational program for 120 days or  
22 more, provided that the days of leave under the federal Family  
23 Medical Leave Act that the teacher is required to take until  
24 the end of the school term shall be considered days of teaching  
25 or participation in the district's or program's educational  
26 program. A school term that is not counted toward attainment

1 of contractual continued service shall not be considered a  
2 break in service for purposes of determining whether a teacher  
3 has been employed for consecutive school terms, provided that  
4 the teacher actually teaches or is otherwise present and  
5 participating in the district's or program's educational  
6 program in the following school term.

7 (f) If the employing board determines to dismiss the  
8 teacher in the last year of the probationary period as  
9 provided in subsection (c) of this Section or subdivision (1)  
10 or (2) of subsection (d) of this Section or subdivision (1) or  
11 (2) of subsection (d-5) of this Section, but not subdivision  
12 (3) of subsection (d) of this Section or subdivision (3) of  
13 subsection (d-5) of this Section, the written notice of  
14 dismissal provided by the employing board must contain  
15 specific reasons for dismissal. Any full-time teacher who does  
16 not receive written notice from the employing board on or  
17 before April 15 as provided in this Section and whose  
18 performance does not require dismissal after the fourth  
19 probationary year pursuant to subsection (d) of this Section  
20 or the third probationary year pursuant to subsection (d-5) of  
21 this Section shall be re-employed for the following school  
22 term.

23 (g) Contractual continued service shall continue in effect  
24 the terms and provisions of the contract with the teacher  
25 during the last school term of the probationary period,  
26 subject to this Act and the lawful regulations of the

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

12 (h) If, by reason of any change in the boundaries of school  
13 districts, by reason of a special education cooperative  
14 reorganization or dissolution in accordance with Section  
15 10-22.31 of this Code, or by reason of the creation of a new  
16 school district, the position held by any teacher having a  
17 contractual continued service status is transferred from one  
18 board to the control of a new or different board, then the  
19 contractual continued service status of the teacher is not  
20 thereby lost, and such new or different board is subject to  
21 this Code with respect to the teacher in the same manner as if  
22 the teacher were its employee and had been its employee during  
23 the time the teacher was actually employed by the board from  
24 whose control the position was transferred.

25 (i) 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 governed by 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 licensed employment of such teacher for such joint agreement  
8 whether the employer of the teacher was the joint agreement,  
9 the regional superintendent, or one of the participating  
10 districts in the joint agreement.

11 (j) For any teacher employed after July 1, 1987 as a  
12 full-time teacher in a program of a special education joint  
13 agreement, whether the program is operated by the joint  
14 agreement or a member district on behalf of the joint  
15 agreement, in the event of a reduction in the number of  
16 programs or positions in the joint agreement in which the  
17 notice of dismissal is provided on or before the end of the  
18 2010-2011 school term, the teacher in contractual continued  
19 service is eligible for employment in the joint agreement  
20 programs for which the teacher is legally qualified in order  
21 of greater length of continuing service in the joint  
22 agreement, unless an alternative method of determining the  
23 sequence of dismissal is established in a collective  
24 bargaining agreement. For any teacher employed after July 1,  
25 1987 as a full-time teacher in a program of a special education  
26 joint agreement, whether the program is operated by the joint

1 agreement or a member district on behalf of the joint  
2 agreement, in the event of a reduction in the number of  
3 programs or positions in the joint agreement in which the  
4 notice of dismissal is provided during the 2011-2012 school  
5 term or a subsequent school term, the teacher shall be  
6 included on the honorable dismissal lists of all joint  
7 agreement programs for positions for which the teacher is  
8 qualified and is eligible for employment in such programs in  
9 accordance with subsections (b) and (c) of Section 24-12 of  
10 this Code and the applicable honorable dismissal policies of  
11 the joint agreement.

12 (k) For any teacher employed after July 1, 1987 as a  
13 full-time teacher in a program of a special education joint  
14 agreement, whether the program is operated by the joint  
15 agreement or a member district on behalf of the joint  
16 agreement, in the event of the dissolution of a joint  
17 agreement, in which the notice to teachers of the dissolution  
18 is provided during the 2010-2011 school term, the teacher in  
19 contractual continued service who is legally qualified shall  
20 be assigned to any comparable position in a member district  
21 currently held by a teacher who has not entered upon  
22 contractual continued service or held by a teacher who has  
23 entered upon contractual continued service with a shorter  
24 length of contractual continued service. Any teacher employed  
25 after July 1, 1987 as a full-time teacher in a program of a  
26 special education joint agreement, whether the program is

1 operated by the joint agreement or a member district on behalf  
2 of the joint agreement, in the event of the dissolution of a  
3 joint agreement in which the notice to teachers of the  
4 dissolution is provided during the 2011-2012 school term or a  
5 subsequent school term, the teacher who is qualified shall be  
6 included on the order of honorable dismissal lists of each  
7 member district and shall be assigned to any comparable  
8 position in any such district in accordance with subsections  
9 (b) and (c) of Section 24-12 of this Code and the applicable  
10 honorable dismissal policies of each member district.

11 (l) 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 (m) The employment of any teacher in a special education  
18 program authorized by Section 14-1.01 through 14-14.01, or a  
19 joint educational program established under Section 10-22.31a,  
20 shall be under this and the succeeding Sections of this  
21 Article, and such employment shall be deemed a continuation of  
22 the previous employment of such teacher in any of the  
23 participating districts, regardless of the participation of  
24 other districts in the program.

25 (n) Any teacher employed as a full-time teacher in a  
26 special education program prior to September 23, 1987 in which

1 2 or more school districts participate for a probationary  
2 period of 2 consecutive years shall enter upon contractual  
3 continued service in each of the participating districts,  
4 subject to this and the succeeding Sections of this Article,  
5 and, notwithstanding Section 24-1.5 of this Code, in the event  
6 of the termination of the program shall be eligible for any  
7 vacant position in any of such districts for which such  
8 teacher is qualified.

9 (Source: P.A. 102-552, eff. 1-1-22; 102-854, eff. 5-13-22;  
10 103-500, eff. 8-4-23.)

11 (105 ILCS 5/24A-7) (from Ch. 122, par. 24A-7)

12 Sec. 24A-7. Rules.

13 (a) The State Board of Education is authorized to adopt  
14 such rules as are deemed necessary to implement and accomplish  
15 the purposes and provisions of this Article, including, but  
16 not limited to, rules:

17 (1) relating to the methods for measuring student  
18 growth (including, but not limited to, limitations on the  
19 age of usable data; the amount of data needed to reliably  
20 and validly measure growth for the purpose of teacher and  
21 principal evaluations; and whether and at what time annual  
22 State assessments may be used as one of multiple measures  
23 of student growth);

24 (2) defining the term "significant factor" for  
25 purposes of including consideration of student growth in



1 performance ratings;

2 (3) controlling for such factors as student  
3 characteristics (including, but not limited to, students  
4 receiving special education and English Learner services),  
5 student attendance, and student mobility so as to best  
6 measure the impact that a teacher, principal, school and  
7 school district has on students' academic achievement;

8 (4) establishing minimum requirements for district  
9 teacher and principal evaluation instruments and  
10 procedures; and

11 (5) establishing a model evaluation plan for use by  
12 school districts in which student growth shall comprise  
13 50% of the performance rating.

14 Notwithstanding any other provision in this Section, such  
15 rules shall not preclude a school district having 500,000 or  
16 more inhabitants from using an annual State assessment as the  
17 sole measure of student growth for purposes of teacher or  
18 principal evaluations.

19 (b) The State Superintendent of Education shall convene a  
20 Performance Evaluation Advisory Council, which shall be  
21 staffed by the State Board of Education. Members of the  
22 Council shall be selected by the State Superintendent and  
23 include, without limitation, representatives of teacher unions  
24 and school district management, persons with expertise in  
25 performance evaluation processes and systems, as well as other  
26 stakeholders. The Council shall meet at least quarterly and

1 may also meet at the call of the chairperson of the Council,  
2 following August 18, 2017 (the effective date of Public Act  
3 100-211) until June 30, 2024. The Council shall advise the  
4 State Board of Education on the ongoing implementation of  
5 performance evaluations in this State, which may include  
6 gathering public feedback, sharing best practices, consulting  
7 with the State Board on any proposed rule changes regarding  
8 evaluations, and other subjects as determined by the  
9 chairperson of the Council.

10 (c) On July 1, 2024, the State Superintendent of Education  
11 shall convene a Performance Evaluation Advisory Committee for  
12 the purpose of maintaining and improving the evaluator  
13 training and pre-qualification program in this State under  
14 Section 24A-3. The Committee shall be staffed by the State  
15 Board of Education. Members of the Committee shall include,  
16 without limitation, representatives from providers of the  
17 evaluator retraining and pre-qualification program in this  
18 State, which include teacher unions, school district  
19 management, including a school district organized under  
20 Article 34, and a statewide organization representing regional  
21 offices of education. Members of the Committee shall be  
22 nominated by the providers and appointed by the State  
23 Superintendent.

24 The Committee shall meet initially at the call of the  
25 State Superintendent and shall select one member as  
26 chairperson at its initial meeting. The Committee shall meet

1 at least quarterly and may also meet at the call of the  
2 chairperson of the Committee.

3 The Committee shall advise the State Board of Education on  
4 the continued implementation of the evaluator training and  
5 pre-qualification program in this State, which may include the  
6 development and delivery of the program's existing and new  
7 administrators' academies, gathering feedback from program  
8 instructors and participants, sharing best practices,  
9 consulting with the State Board on any proposed rule changes  
10 regarding evaluator training, and other subjects as determined  
11 by the chairperson of the Committee.

12 (d) Prior to the applicable implementation date, ~~the~~ these  
13 rules shall not apply to teachers assigned to schools  
14 identified in an agreement entered into between the board of a  
15 school district operating under Article 34 of this Code and  
16 the exclusive representative of the district's teachers in  
17 accordance with Section 34-85c of this Code.

18 (Source: P.A. 102-252, eff. 1-1-22; 102-558, eff. 8-20-21.)

19 Section 99. Effective date. This Act takes effect June 15,  
20 2024."