

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 150 during the 2008-2009 school year and in grades 9-12 of  
13 less than 400 during the 2008-2009 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 or  
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.