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e-BLACKBOARD

SCARIANO, HIMES & PETRARCA

SENATE BILL 7 ANALYSIS - PART ONE- TENURE

BY: JESSICA M. BARGNES

On June 13, 2011, Governor Quinn signed Senate Bill 7 into law, effectuating changes in various aspects of the *School Code* including the attainment of tenure, tenured teacher dismissal, reductions in force, and the bargaining process, among other provisions.

This e-Blackboard is the first in a series addressing the educational reforms implemented by Senate Bill 7. This e-Blackboard specifically addresses changes to the tenure process under Senate Bill 7.

Attainment of Tenure

All currently employed teachers, as well as those teachers hired prior to a school district's implementation of the Performance Evaluation Review Act (PERA), will earn tenure in accordance with the standard four year tenure requirements currently in place in the *School Code*. "PERA" refers to recent legislation amending the teacher evaluation process, as outlined in the *School Code* at 105 ILCS 5/24A. Outside Chicago, PERA will be implemented in 2015 for school districts in the lowest performing 20% statewide, and in 2016 for all other school districts.

After a school district implements PERA, the four year probationary period is accelerated to three years when a teacher obtains ratings of "Excellent" in each of the first three probationary years. Should a teacher not receive a rating of "Excellent" in each of the first three years, the four year probationary period applies.

Additionally, during the four year probationary period, teachers must demonstrate proficiency in order to attain tenure. To demonstrate proficiency, the teacher must receive a "Proficient" or "Excellent" rating in two out of the last three years of the probationary period, including the final year. If a teacher does not attain Proficient or Excellent ratings in two out of three years, the teacher cannot attain tenure and the district must dismiss the teacher. Should a district fail to perform an annual evaluation of a teacher, the teacher will be deemed to be proficient for that year.

Should a school district choose to dismiss a probationary teacher, the school district must provide the teacher with notice forty-five days prior to the end of the school term. Fourth year probationary teachers must continue to receive a specific reason for the dismissal.

A teacher must work at least 120 days of a school year in order to have that year count toward tenure. If a teacher takes FMLA leave, that leave will count toward the 120 day requirement. If a teacher does not work at least 120 days, the teacher will not be deemed to have had a break in service, but that year will not count toward the attainment of tenure.

If, for any reason, the boundaries of a school district change, a teacher will not lose his or her tenure, but that tenure will transfer to the newly formed district.

Portability of Tenure

In the past, tenure has not been portable from school district to school district. Now, under Senate Bill 7, to a certain extent tenure is portable. A teacher may obtain tenure within two years at a new school district if the teacher was rated "Proficient" or "Excellent" in the final two years of employment at the teacher's previous district, and if the

teacher obtains two "Excellent" ratings in the first two years at the new district. In order to qualify for this shortened probationary period, the teacher must have been honorably discharged or left the previous district voluntarily, and must have been tenured in the previous district.

Please do not hesitate to contact Scariano, Himes and Petrarca, Chtd., with any questions about the changes to the tenure process outlined herein, or any other aspect of Senate Bill 7 about which you may have questions.

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CHICAGO OFFICE

Two Prudential Plaza
180 N. Stetson, Suite 3100
Chicago, Illinois 60601-6702
Phone 312.565.3100 / Fax 312.565.0000

CHICAGO HEIGHTS OFFICE

1450 Aberdeen
Chicago Heights, Illinois 60411
Phone 708.755.1900 / Fax 708.755.0000

WAUKEGAN OFFICE

209 W. Madison Street
Waukegan, Illinois 60085
Phone 847.662.5800 / Fax 847.662.6813

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