

**July 19, 2024**

Non-Regulatory Guidance

# **Application of Section 24-14 of the Illinois School Code to Teacher Resignations**

*This document is intended to  
provide non-regulatory  
guidance on the subject matter  
listed above*

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This non-regulatory guidance document has been prepared in response to recent changes to Section 24-14 of the Illinois School Code. All previous non-regulatory guidance disseminated by ISBE regarding this Section of the School Code is replaced by this document.

On August 11, 2023, Governor JB Pritzker signed into law Public Act 103-0549 (Senate Bill 1352), which made several significant changes to Section 24-14 of the Illinois School Code. This Section addresses teacher resignations and potential licensure sanctions if a teacher fails to resign in accordance with the requirements set forth in the statute. The effective date of the Public Act is August 11, 2023.

Public Act 103-0549 states as follows:

*Sec. 24-14. Termination of service by teacher. As used in this Section, "teaching assignment" means any full-time position that requires licensure under Article 21B of this Code.*

*A teacher, as defined in Section 24-11 of this Code may resign at any time by obtaining concurrence of the board. During the school term, no teacher may resign without the concurrence of the board, in order to accept another teaching assignment. Outside of a school term, a resignation submitted by any teacher after the completion of the school year must be submitted in writing to the secretary of the board a minimum of 30 calendar days prior to the first student attendance day of the following school year or else the teacher will be deemed to have resigned during the school term. Any teacher terminating said service not in accordance with this Section may be referred by the board to the State Superintendent of Education. A referral to the State Superintendent for an alleged violation of this Section must include (i) a dated copy of the teacher's resignation letter, (ii) a copy of the reporting district's current school year calendar, (iii) proof of employment for the school year at issue, (iv) documentation showing that the district's board did not accept the teacher's resignation, and (v) evidence that the teacher left the district in order to accept another teaching assignment. If the district intends to submit a referral to the State Superintendent, the district shall submit the referral to the State Superintendent within 10 business days after the board denies acceptance of the resignation. The district shall notify the teacher that it submitted the referral to the State Superintendent within 5 business days after submitting the referral to the State Superintendent. The State Superintendent or his or her designee shall convene an informal evidentiary hearing no later than 90 days after receipt of the required documentation from the school district as required in this Section. The teacher shall receive a written determination from the State Superintendent or his or her designee no later than 14 days after the hearing is completed. If the State Superintendent or his or her designee finds that the teacher resigned during the school term without the concurrence of the board to accept another teaching assignment, the State Superintendent must suspend the teacher's license for one calendar year. In lieu of a hearing and finding, the teacher may agree to a lesser licensure sanction at the discretion of the State Superintendent or his or her designee. (Effective August 11, 2023, Public Act 103-0549.)*

## What's Different?

Public Act 103-0549 amended Section 24-14 to add clarity and context with respect to resignations and the submission of referrals to the State Superintendent for teachers who resign during the school term. Following are the changes:

- 1.** The Public Act makes it clear that the provisions of Section 24-14 apply to all teachers, regardless of whether they are in contractual continued service (i.e., tenured) or not. Prior to the revisions, tenured teachers had to provide 30 days advance notice if resigning before the school term started. Non-tenured teachers did not have to provide 30 days advance notice if resigning before the school term started. Starting with resignations tendered on or after August 11, 2023, the 30-day notice requirement applies to both tenured and non-tenured teachers.
- 2.** The Public Act adds a definition of “teaching assignment.” A teaching assignment means any full-time position that requires licensure under Article 21B of the School Code.
- 3.** The Public Act clarifies what is considered a school term for purposes of a teacher submitting a resignation. Specifically, “Outside of a school term, a resignation submitted by any teacher after the completion of the school year must be submitted in writing to the secretary of the board a minimum of 30 calendar days prior to the first student attendance day of the following school year or else the teacher will be deemed to have resigned during the school term.” Prior to the new Public Act, ISBE interpreted the “school term” for purposes of Section 24-14 to begin on the first day of teacher attendance, rather than student attendance. The Public Act clarifies that the resignation must be submitted a full 30 days prior to the first day of student attendance.
- 4.** The Public Act requires a school district that intends to submit a referral to the State Superintendent to do so within 10 business days after the school board denies acceptance of the resignation. Prior to the new Public Act, there was no time limit in the statute in which a school district could submit a referral.
- 5.** Under the new Public Act, the school district shall notify the teacher that it submitted the referral within five business days after the referral is submitted to the State Superintendent. There was no teacher notification requirement in the previous version of the statute.
- 6.** The State Superintendent or designee shall convene an informal evidentiary hearing no later than 90 days after receipt of the required documentation from the school district as required in Section 24-14. The previous version of the statute required the hearing to be convened no later than 90 days after receipt of a resolution by the school board.
- 7.** The teacher shall receive a written determination from the State Superintendent or designee no later than 14 days after the hearing is completed. In practice, a written determination was always provided to the teacher, but the new Public Act requires written notification and adds the requirement that it be provided to the teacher no later than 14 days after the hearing is completed.
- 8.** In lieu of a hearing and finding, the teacher may agree to a lesser licensure sanction at the discretion of the State Superintendent or *his or her designee*. The italicized language was added by the Public Act.

## **Frequently Asked Questions**

### **Q-1. Does PA 103-0549 apply to teachers who resigned prior to August 11, 2023?**

No. The effective date of the Public Act is August 11, 2023; therefore, resignations submitted prior to that date will be reviewed under the requirements set forth in the former version of Section 24-14.

### **Q-2. What does Section 24-14 prohibit?**

No teacher may resign during the school term to accept another teaching assignment without the concurrence of the school board. Outside the school term, a teacher may resign for any reason without the concurrence of the school board if the teacher submits a resignation in writing to the secretary of the school board a minimum of 30 calendar days prior to the first student attendance day of the following school year.

### **Q-3. What is a “teaching assignment”?**

A “teaching assignment” is any full-time position that requires licensure under Article 21B of the Illinois School Code.

### **Q-4. Who does Section 24-14 apply to?**

It applies to teachers, as defined in Section 24-11 of the Illinois School Code.

### **Q-5. How does Section 24-11 define “teacher”?**

“Teacher” means any or all school district employees regularly required to be licensed under the laws relating to the licensure of teachers.

### **Q-6. For purposes of the Public Act, does it matter if the teacher is in contractual continued service (tenured) or not?**

No, not after August 11, 2023, which is the effective date of the Public Act.

### **Q-7. What is a “school term”?**

A “school term” begins on the first day of student attendance and ends on the last day of student attendance.

### **Q-8. What is “outside of a school term”?**

“Outside of a school term” is the day after the last day of student attendance through the day prior to the first day of student attendance for the following school year.

### **Q-9. When must a resignation be submitted if a teacher intends to resign outside of the school term?**

The resignation must be submitted after the last day of student attendance and a full 30 days prior to the first day of student attendance in order to be deemed a resignation outside of the school term. If the resignation is submitted short of the 30-day timeframe, then the resignation will be deemed to have been submitted during the school term.

### **Q-10. If a teacher submits a timely resignation outside the school term, does the school board have to concur with the resignation to avoid licensure sanctions under Section 24-14?**

No. School board concurrence with the resignation is not needed as long as timely notice is given outside the school term.

**Q-11. What happens if a teacher resigns during the school term with concurrence of the school board?**

Nothing. There is no violation of Section 24-14 because the school board accepted the resignation.

**Q-12. What happens if a teacher resigns during the school term and an administrator indicates the resignation will or will not be accepted, but then the school board does not concur with the administrator?**

The school board must concur with a resignation submitted during the school term in order for it to be in compliance with Section 24-14.

**Q-13. What happens if a teacher resigns during the school term to accept another teaching assignment without the concurrence of the school board?**

The school board may refer the teacher to the State Superintendent for licensure sanctions. If, after the referral and an informal hearing, the State Superintendent or designee finds the teacher resigned during the school term without the concurrence of the school board to accept another teaching assignment, the State Superintendent must suspend the teacher's license for one calendar year. In lieu of a hearing and finding, however, the teacher may agree to a lesser licensure sanction at the discretion of the State Superintendent or designee.

**Q-14. Is a school board required to refer a teacher to the State Superintendent for licensure sanctions if the teacher does not comply with Section 24-14?**

No. A school board may refer the teacher but is not required to do so under the law.

**Q-15. When can a teacher resign without the risk of licensure sanctions?**

Any teacher can resign:

- 1.** At any time by obtaining concurrence of the school board;
- 2.** Outside of the school term, as long the resignation is submitted 30 days prior to the first day of student attendance; or
- 3.** At any time, if the teacher is not resigning in order to accept another full-time teaching assignment that requires licensure under Article 21B.

Concurrence of the school board is not required for numbers 2 or 3.

**Q-16. If a teacher resigns outside of the school term, are there any limitations?**

Yes. The resignation must be submitted by the teacher *after the completion of the school year* and must be submitted in writing to the secretary of the board a *minimum of 30 calendar days prior to the first student attendance day* of the following school year or else the teacher will be deemed to have resigned during the school term.

**Q-17. The statute uses the terms "school term" and "school year." Is there a difference?**

For purposes of this statute, there is no difference between the two terms. School year and school term both mean student attendance days.

**Q-18. What does a school board need to provide when making a referral to the State Superintendent of Education for an alleged violation of Section 24-14?**

A referral to the State Superintendent for an alleged violation of Section 24-14 must include:

- 1.** A dated copy of the teacher's resignation letter,
- 2.** A copy of the reporting district's current school year calendar,

- 3.** Proof of employment for the school year at issue,
- 4.** Documentation showing that the district's school board did not accept the teacher's resignation, and
- 5.** Evidence that the teacher left the school district in order to accept another teaching assignment.

**Q-19. What qualifies as proof of employment for the school year at issue?**

This will vary from school to school but may include a contract, assignment letter, or correspondence from the school district indicating that, but for the resignation, the teacher would have continued employment during the applicable school year.

**Q-20. What qualifies as documentation showing that the district's school board did not accept the teacher's resignation?**

This typically requires the school board taking action during an open meeting to reject the resignation of the teacher. This may be done through a resolution adopted by the school board or by submission of the approved minutes from the school board meeting that reflect the rejection of the resignation specifically for the teacher in question. Whatever method is used, this documentation and the other information required by the statute must be submitted to the State Superintendent within 10 business days after the school board denies acceptance of the resignation. If using school board minutes, districts should be mindful that the minutes must be approved by the school board and available within the 10-day time limit.

**Q-21. What qualifies as evidence that the teacher left the school district in order to accept another teaching assignment?**

This will vary depending on the circumstances but may include evidence that another school board took action to approve the hiring of the teacher for the relevant school year. Evidence also may be an admission by the teacher that the teacher has accepted another teaching assignment.

**Q-22. Who is responsible for providing evidence to the State Superintendent that the teacher resigned in order to accept another teaching assignment?**

The school district submitting the referral to the State Superintendent.

**Q-23. What if the referring district cannot obtain evidence of the new teaching assignment within 10 business days after the school board denies the acceptance of the resignation?**

The State Superintendent will not act on the referral because proof that the teacher left the district in order to accept another teaching assignment is required by the statute as part of the referral.

**Q-24. What is the timeline for a district to submit the referral to the State Superintendent?**

If the district intends to submit a referral, it must submit ALL the documentation required in the statute within 10 business days after the school board denies acceptance of the resignation. The district also must notify the teacher that it submitted the referral to the State Superintendent within five business days after submitting the referral to the State Superintendent.

**Q-25. What happens if the referral is not submitted to the State Superintendent within 10 business days after the school board denies acceptance of the resignation?**

The State Superintendent or designee may dismiss the referral for not being timely submitted.

**Q-26. What happens if the referral is submitted within 10 business days but does not contain all the information/documentation required by Section 24-14?**

All the information/documentation must be received by the State Superintendent within 10 business days for the referral to be processed.

**Q-27. Where should referrals to the State Superintendent be submitted?**

The items for the referral should be submitted electronically to the Illinois State Board of Education Legal Department at [reportmisconduct@isbe.net](mailto:reportmisconduct@isbe.net). These items may also be mailed to the Illinois State Board of Education Legal Department at either of the two following locations:

Illinois State Board of Education Legal Department Educator Misconduct Division 100 North 1st Street Springfield, IL 62777	Illinois State Board of Education Legal Department Educator Misconduct Division 555 West Monroe Street, Suite 900 Chicago, Illinois 60661
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**Q-28. Does the teacher have to receive notice that a referral is made?**

Yes. The school district must notify the teacher that it submitted the referral to the State Superintendent within five business days after submitting the referral to the State Superintendent.

**Q-29. Can the district suspend or put a hold on a teacher’s license if it believes the teacher has resigned in violation of Section 24-14?**

No. There is no authority for a school district to put a hold on a license. Only the State Superintendent has the authority to sanction or suspend a license. The State Superintendent only acts on Section 24-14 cases upon receipt of referrals submitted by a school district.

**Q-30. What happens after a referral is made?**

Unless a settlement agreement is reached with the teacher or the case is dismissed, the State Superintendent or designee shall convene an informal evidentiary hearing no later than 90 calendar days after receipt of the documentation from the school district as required above.

**Q-31. What happens when the State Superintendent or designee makes a determination after the hearing?**

The teacher shall receive a written determination from the State Superintendent or designee no later than 14 days after the hearing is completed.

If the State Superintendent or designee finds that a teacher’s resignation is not in accordance with Section 24-14, the State Superintendent must suspend the teacher’s license for one calendar year.

**Q-32. If a school board refers a teacher to the State Superintendent, is there an option to avoid the hearing and finding by the State Superintendent or designee?**

Yes. In lieu of a hearing and finding, the statute allows the teacher to agree to a lesser licensure sanction at the discretion of the State Superintendent or designee.

**Q-33. Will a license always be sanctioned for one year under Section 24-14?**

After a hearing, if the State Superintendent or designee finds that a teacher resigned during the school term without the concurrence of the school board to accept another teaching assignment, the State Superintendent must suspend the teacher's license for one calendar year. In lieu of a hearing and finding, however, the teacher may agree to a lesser licensure sanction at the discretion of the State Superintendent or designee. Historically, most cases have been resolved without a hearing for a lesser sanction.

**Q-34. Does Section 24-14 apply to paraprofessionals or substitute teachers leaving employment with their current school districts?**

No.

**Q-35. Does Section 24-14 apply to teachers who leave during the school term to go to another school district to become a paraprofessional?**

Yes, if the paraprofessional position is full-time and requires licensure under Article 21B of the School Code.

**Q-36. Does Section 24-14 apply to teachers who leave during the school term to go to another school district for an administrative position?**

Yes, if the administrative position is full-time and requires licensure under Article 21B of the School Code.

**Q-37. Does Section 24-14 apply to teachers who leave during the school term to go to another school district for a position that prefers licensure?**

No. The new position must require licensure under Article 21B of the School Code.

**Q-38. Does Section 24-14 apply to teachers who leave during the school term to go to another school district for a position that is a part-time teaching position that requires licensure?**

No. The teaching assignment must be full-time for Section 24-14 to apply.

**Q-39. Does Section 24-14 apply to teachers who leave during the school term for a teaching position in another state?**

No. A teacher who leaves Illinois to accept a teaching position in another state is not subject to Section 24-14 because the other state would not require the teacher to be licensed under Article 21B of the Illinois School Code.

**Q-40. Does Section 24-14 apply to teachers who are resigning from nonpublic schools?**

No. Nonpublic schoolteachers are not teachers as defined in Section 24-11. In other words, they are not "any or all school district employees regularly required to be licensed under the laws relating to the licensure of teachers."

**Q-41. Does Section 24-14 apply to teachers who are resigning from public schools to accept a teaching assignment at a nonpublic school?**

No, unless the teaching assignment is a full-time position that requires licensure under Article 21B of the School Code.



**Q-42. Are there any exceptions for medical reasons or other special circumstances that would allow a teacher to leave a school district during the school year to accept another teaching position, even if the school district refers the teacher to the State Superintendent for licensure sanctions?**

No, there are no special circumstances provided in the statute that would exempt a teacher from Section 24-14 if the teacher leaves a school district to accept another teaching position during the school year without the concurrence of the board and the school district refers the teacher under Section 24-14.

**Q-43. Who can I contact at ISBE if I have questions about Section 24-14?**

<p>Colette McCarty Deputy Legal Officer 217-782-1874 <a href="mailto:cmccarty@isbe.net">cmccarty@isbe.net</a></p>	<p>Mary A. Karagiannis Assistant Legal Counsel 312-814-2804 <a href="mailto:makaragi@isbe.net">makaragi@isbe.net</a></p>
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