



# **Illinois State Board of Education**

**October 28, 2019**

## **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.  
For specific questions, please contact the person(s) identified in the document.*

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Dr. Carmen I. Ayala, State Superintendent of Education

**Memorandum**

To: Regional Superintendents of Schools  
Executive Directors of Immediate Service Centers

From: Trisha Olson  
Chief Legal Officer  
Illinois State Board of Education

Date: October 28, 2019

Re: Application of Section 24-14 of the School Code to Teacher Resignations

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This document has been prepared for your reference in response to recent inquiries seeking guidance on the applicability and effect of Section 24-14 of the School Code ([105 ILCS 5/24-14](#)) regarding teacher resignations.

Section 24-14 of the School Code, titled “Termination of contractual continued service by teacher,” states:

*A teacher who has entered into contractual continued service may resign at any time by obtaining concurrence of the board or by serving at least 30 days’ written notice upon the secretary of the board. However, no teacher may resign during the school term without the concurrence of the board, in order to accept another teaching assignment. Any teacher terminating said service not in accordance with this Section may be referred by the board to the State Superintendent of Education. The State Superintendent or his or her designee shall convene an informal evidentiary hearing no later than 90 days after receipt of a resolution by the board. 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. (Effective August 23, 2019, Public Act 101-0531)*

The Illinois Appellate Court has determined that the prohibition on resignation during a school term to accept another teaching assignment in Section 24-14 of the School Code applies to both tenured and non-tenured teachers. In *Board of Education of Park Forest Heights School District No. 163, Cook County, Illinois v. the State Teacher Certification Board et al.*, the Appellate Court affirmed the decision of the Circuit Court that a teaching certificate should be suspended for one year under Section 24-14 despite the fact that the teacher at issue was not in contractual continued service. 363 Ill. App. 3d 433 (Ill. App. Ct. 2006)

The attached chart has been provided to assist you in identifying the circumstances in which tenured and non-tenured teachers may resign without concern for potential licensure sanction under Section 24-14 of the School Code. **Teachers should keep in mind any potential collective bargaining agreement provisions that may place other non-statutory restrictions on resignation.**

A district alleging a violation of Section 24-14 of the School Code by a licensed educator that wishes to submit the matter for consideration of licensure sanction must submit the following materials to ISBE:

- A dated copy of the educator's resignation letter,
- A copy of the reporting district's current school year calendar,
- Proof of employment for the school year at issue,
- Documentation reflecting that the Board of Education did not accept the educator's resignation, and
- Evidence that the educator left the district in order to accept another teaching assignment.

These items 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 or faxed to the Illinois State Board of Education Legal Department at either of the two following locations:

Illinois State Board of Education  
Legal Department  
100 North 1<sup>st</sup> Street  
Springfield, IL 62777  
Fax: (217) 524-8585

Illinois State Board of Education  
Legal Department  
100 West Randolph Street, Suite 14-300  
Chicago, IL 60601  
Fax: (312) 814-8871

We hope that this information addresses any immediate concerns. In the event that you have any other questions, please do not hesitate to contact Trisha Olson at (217)782-8535.

**Teacher Resignations Under Section 24-14 of the School Code**

**TENURED TEACHERS**

**I. During the School Term**

A. May resign without sanction during the school term if:

- 30 days' notice is given to board or the board concurs with the resignation with less than 30 days' notice; and
- The resignation is not submitted in order to accept another teaching position (unless the board concurs).

B. Resigning without board concurrence:

- 30 days' notice of resignation is not given to the board (regardless of the reason for resignation); or
- The resignation is submitted in order to accept another teaching position.

II. Not During the School Term

A. May resign in between school terms without sanction if:

- 30 days' notice is given to board; or
- The board concurs with the resignation with less than 30 days' notice.

Note: Provided proper notice is given, a tenured teacher may resign in between school terms in order to accept another teaching position.

**NON-TENURED TEACHERS \***

**I. During the School Term**

A. May resign without sanction during the school term if:

- The resignation is not submitted in order to accept another teaching position (unless the board concurs).

B. Resigning without board concurrence:

- The resignation is submitted in order to accept another teaching position.

II. Not During the School Term

May resign in between school terms without sanction for any reason, including accepting another teaching position.

\*(Board of Educ. State Teacher Cert. Bd., 363 Ill. App. 3d 433 (Ill. App. Ct. 2006))

The Court rules that prohibition on resigning during the school year to take another teaching position provided in Section 24-14 applies to both tenured and non-tenured teachers.

B. Must receive a one-year license suspension if, without board concurrence, accepted another teaching position:

- 30 days' notice of resignation is not given to board
- Finding, at informal evidentiary hearing, that the teacher resigned during the school term without board concurrence to accept another teaching assignment

C. In lieu of a hearing and finding, the teacher may agree to a lesser licensure sanction at the discretion of the State Superintendent.