



Illinois State Board of Education

July 1, 2014

Non-Regulatory Guidance

Recall Rights of Honorably Dismissed Teachers Changes Made by Public Act 98-0648

*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.*

Dr. Christopher Koch, State Superintendent

Recall Rights of Honorably Dismissed Teachers
Changes Made by Public Act 98-0648

Effective July 1, 2014, Public Act 98-0648 (the “Act”) makes changes to the recall rights of certain teachers honorably dismissed during a reduction in force. Specifically, the Act extends limited recall rights to teachers placed into Group 2 pursuant to Section 5/24-12 (b) of the School Code [105 ILCS 5/24-12 (b)]. The Illinois State Board of Education (ISBE) intends to publish an updated non-regulatory guidance document which will supersede previous versions (12/5/2011 and 01/17/2012) and any other guidance provided by ISBE to the field—into which the information contained in this document on recall rights will be incorporated. However, in light of questions that have arisen surrounding the Act and the recall rights of teachers in Group 2, ISBE is publishing this topic-specific non-regulatory guidance immediately.

A. Do teachers in Group 2 who were reduced have recall rights?

Effective July 1, 2014, if the board or joint agreement has any vacancies within the period from the beginning of the following school term through February 1 of the following school term (unless a date later than February 1, but no later than 6 months from the beginning of the following school term, is established in a collective bargaining agreement), the positions thereby becoming available must be tendered to the teachers so removed or dismissed who were in grouping 2 of the sequence of dismissal due to one "needs improvement" rating on either of the teacher's last 2 performance evaluation ratings, provided that, if 2 ratings are available, the other performance evaluation rating used for grouping purposes is "satisfactory", "proficient", or "excellent", and are qualified to hold the positions, based upon legal qualifications and any other qualifications established in a district or joint agreement job description, on or before the May 10 prior to the date of the positions becoming available.

B. Since teachers in Group 2 are afforded limited recall rights effective July 1, 2014 (see A above), must a district tender positions to such teachers even if their notice of reduction occurred in the 2013-2014 school year?

Yes. A district must tender positions to these teachers in Group 2 beginning July 1, 2014.

C. Must a district tender positions to Group 2 teachers who have recall rights even if the positions become vacant between the end of the school term in which the teachers received their notices of reduction and the beginning of the following school term?

Yes. Beginning July 1, 2014, a district must tender positions for the following school term which open up during this period, as well as tendering positions which open up during the following school term through February 1 or a later date (but not later than 6 months from the beginning of the school term) if established in a collective bargaining agreement.

D. Did P.A. 98-0648 change the order of recall for eligible teachers, including those in Groups 3 and 4?

No. Among teachers eligible for recall, the order of recall must be in inverse order of dismissal, unless an alternative order is established in a collective bargaining agreement. This means that eligible teachers in Group 4 are first tendered positions in inverse order of their dismissal, eligible teachers in Group 3 are next tendered positions in inverse order of their dismissal and eligible teachers in Group 2 are next tendered positions in inverse order of their dismissal.

As noted, the information contained in this document will be incorporated into ISBE’s existing non-regulatory guidance document on PERA and Senate Bill 7. Once that occurs, this document will no longer be posted.

Further information can be found on ISBE’s PERA and Senate Bill 7 website at www.isbe.net/pera. Additional questions or concerns regarding teacher and principal evaluations systems should be directed to pera@isbe.net. Questions or concerns regarding this document or the honorable dismissal of teachers should be directed to Eric Grodsky, Deputy General Counsel, at egrodsky@isbe.net.