**Section 1.323 Teacher Evaluation Ratings During a Declared Gubernatorial Disaster**

a) This Section does not apply to circumstances in which a board and any exclusive employee representatives have completed the performance rating for teachers or mutually agreed to an alternate performance rating for teachers, with or without contractual continued service. That agreement shall be in writing.

b) *During any time in which the Governor has declared a disaster due to a public health emergency under Section 7 of the Illinois Emergency Management Agency Act (IEMA Act), the following shall apply:*

1) *Any teacher in contractual continued service who received an "Excellent" on his or her most recent evaluation, and whose performance evaluation is not conducted when the evaluation is supposed to be conducted, will not default to the rating of "Proficient" and will instead default to a rating of "Excellent".*

2) Any teacher not in contractual continued service will default to the rating of "Proficient".

c) *A school board and any exclusive bargaining representative may mutually agree to an alternate performance rating for teachers not in contractual continued service during any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the IEMA* *Act. That agreement shall be in writing.* (Section 24-12 of the Code)

(Source: Added at 45 Ill. Reg. 1644, effective January 22, 2021)