**Section 25.491 Licensure of Persons with Unsatisfactory Performance Evaluation Ratings**

The State Superintendent may initiate an action under 23 Ill. Adm. Code 475 (Contested Cases and Other Formal Hearings) for revocation, suspension or required professional development against a license based on incompetency. *Incompetency* *shall include, without limitation, two or more school terms of service for which the* licensee *has received an unsatisfactory rating on a performance evaluation conducted pursuant to Article 24A of the School Code* [105 ILCS 5/Art. 24A] *within a period of seven school terms of service*.  [105 ILCS 5/21B-75] A rating of unsatisfactory received following a period of remediation under Section 24A-5 of the School Code shall not count as a "performance evaluation rating" for the purposes of this Section.

a) Each applicant for the issuance, registration, reinstatement or renewal of an Illinois professional educator license issued pursuant to Article 21B of the School Code or for the addition of another credential (e.g., endorsement, approval, designation), including any credential issued under Subpart G of this Part, shall be required to indicate on the relevant form whether he or she has received two unsatisfactory performance evaluation ratings within seven school terms of service. Each applicant providing an affirmative response to this question shall be ineligible to receive, register, reinstate or renew a license or to receive an additional credential until he or she provides to the State Superintendent of Education a statement or documentation responding to each of the items listed in this subsection (a):

1) if known by the applicant, the date upon which the evaluator who provided the unsatisfactory performance evaluation rating successfully completed the prequalification process required under Section 24A-3 of the School Code [105 ILCS 5/24A-3], and any retraining, as applicable;

2) a copy of each remediation plan resulting from the unsatisfactory performance evaluation rating developed for the applicant;

3) an indication of whether the applicant successfully completed each remediation plan (i.e., received a subsequent performance evaluation rating of "proficient" or better);

4) the assignments the applicant held at the time each unsatisfactory performance evaluation rating was received; and

5) the date on which the applicant first began teaching, or in the case of an administrator, the date on which the applicant began his or her first assignment as an administrator, provided that the assignment subjects the applicant to a performance evaluation conducted under Article 24A of the School Code.

b) If the State Superintendent becomes aware of a licensee's having received two unsatisfactory ratings at any time, the State Superintendent shall request from the educator the information required under subsection (a). The educator shall submit the information no later than three weeks after receiving the State Superintendent's request.

c) The State Superintendent shall consider the factors outlined in Section 21B-75(b) when *determining whether to initiate action against one or more licenses based on incompetency and the recommended sanction for* any *action* (Section 21B-75(b) of the School Code).

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)