



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3814

Introduced 2/14/2020, by Sen. Jennifer Bertino-Tarrant

SYNOPSIS AS INTRODUCED:

105 ILCS 5/24A-4	from Ch. 122, par. 24A-4
105 ILCS 5/24A-5	from Ch. 122, par. 24A-5
105 ILCS 5/24A-7	from Ch. 122, par. 24A-7

Amends the Evaluation of Employees Article of the School Code. In a provision concerning the development of evaluation plans, provides that each school district shall determine research-based and proven evaluation practices (instead of incorporating the use of data and indicators on student growth). Provides that the practices may include incorporating the use of data and indicators on student growth, student surveys, teacher self-evaluation, goal-setting practices, peer-to-peer feedback, practices developed and approved by a specified joint committee, or practices recommended by the Performance Evaluation Advisory Council. Makes conforming changes. Provides that if a joint committee does not reach agreement on an evaluation plan, then the evaluation rating shall be based on professional practice as established by the district's evaluation plan (instead of implementing a model evaluation plan). Provides that the Performance Evaluation Advisory Council may develop nonregulatory guidance on research-based and proven evaluation practices.

LRB101 18618 NHT 68073 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 24A-4, 24A-5, and 24A-7 as follows:

6 (105 ILCS 5/24A-4) (from Ch. 122, par. 24A-4)
7 Sec. 24A-4. Development of evaluation plan.

8 (a) As used in this and the succeeding Sections, "teacher"
9 means any and all school district employees regularly required
10 to be certified under laws relating to the certification of
11 teachers. Each school district shall develop, in cooperation
12 with its teachers or, where applicable, the exclusive
13 bargaining representatives of its teachers, an evaluation plan
14 for all teachers.

15 (b) Each ~~By no later than the applicable implementation~~
16 ~~date, each~~ school district shall, in good faith cooperation
17 with its teachers or, where applicable, the exclusive
18 bargaining representatives of its teachers, determine
19 research-based and proven evaluation practices. Practices may
20 include:

21 (1) incorporating ~~incorporate~~ the use of data and
22 indicators on student growth as a significant factor in
23 rating teaching performance~~7~~ into its evaluation plan for

1 all teachers, both those teachers in contractual continued
2 service and those teachers not in contractual continued
3 service. The plan shall at least meet the standards and
4 requirements for student growth and teacher evaluation
5 established under Section 24A-7, and specifically describe
6 how student growth data and indicators will be used as part
7 of the evaluation process, how this information will relate
8 to evaluation standards, the assessments or other
9 indicators of student performance that will be used in
10 measuring student growth and the weight that each will
11 have, the methodology that will be used to measure student
12 growth, and the criteria other than student growth that
13 will be used in evaluating the teacher and the weight that
14 each will have;

15 (2) student surveys;

16 (3) teacher self-evaluation;

17 (4) goal-setting practices;

18 (5) peer-to-peer feedback;

19 (6) practices developed and approved by the joint
20 committee established under this subsection (b); or

21 (7) practices recommended by the Performance
22 Evaluation Advisory Council established under Section
23 24A-7 of this Code.

24 To incorporate the use of research-based and proven
25 evaluation practices ~~data and indicators of student growth~~ as a
26 significant factor in rating teacher performance into the

1 evaluation plan, the district shall use a joint committee
2 composed of equal representation selected by the district and
3 its teachers or, where applicable, the exclusive bargaining
4 representative of its teachers. If, within 180 calendar days of
5 the committee's first meeting, the committee does not reach
6 agreement on the plan, then the evaluation rating shall be
7 based on professional practice as established by the district's
8 evaluation plan ~~the district shall implement the model~~
9 ~~evaluation plan established under Section 24A-7 with respect to~~
10 ~~the use of data and indicators on student growth as a~~
11 ~~significant factor in rating teacher performance.~~

12 Nothing in this subsection (b) shall make decisions on the
13 use of data and indicators on student growth as a significant
14 factor in rating teaching performance mandatory subjects of
15 bargaining under the Illinois Educational Labor Relations Act
16 that are not currently mandatory subjects of bargaining under
17 the Act.

18 The provisions of the Open Meetings Act shall not apply to
19 meetings of a joint committee formed under this subsection (b).

20 (c) Notwithstanding anything to the contrary in subsection
21 (b) of this Section, if the joint committee referred to in that
22 subsection does not reach agreement on the plan within 90
23 calendar days after the committee's first meeting, a school
24 district having 500,000 or more inhabitants shall not be
25 required to implement any aspect of the model evaluation plan
26 and may implement its last best proposal.

1 (d) Beginning the first school year following the effective
2 date of this amendatory Act of the 100th General Assembly, the
3 joint committee referred to in subsection (b) of this Section
4 shall meet no less than one time annually to assess and review
5 the effectiveness of the district's evaluation plan for the
6 purposes of continuous improvement of instruction and
7 evaluation practices.

8 (Source: P.A. 100-768, eff. 1-1-19.)

9 (105 ILCS 5/24A-5) (from Ch. 122, par. 24A-5)

10 Sec. 24A-5. Content of evaluation plans. This Section does
11 not apply to teachers assigned to schools identified in an
12 agreement entered into between the board of a school district
13 operating under Article 34 of this Code and the exclusive
14 representative of the district's teachers in accordance with
15 Section 34-85c of this Code.

16 Each school district to which this Article applies shall
17 establish a teacher evaluation plan which ensures that each
18 teacher in contractual continued service is evaluated at least
19 once in the course of every 2 school years.

20 By no later than September 1, 2012, each school district
21 shall establish a teacher evaluation plan that ensures that:

22 (1) each teacher not in contractual continued service
23 is evaluated at least once every school year; and

24 (2) each teacher in contractual continued service is
25 evaluated at least once in the course of every 2 school

1 years. However, any teacher in contractual continued
2 service whose performance is rated as either "needs
3 improvement" or "unsatisfactory" must be evaluated at
4 least once in the school year following the receipt of such
5 rating.

6 Notwithstanding anything to the contrary in this Section or
7 any other Section of the School Code, a principal shall not be
8 prohibited from evaluating any teachers within a school during
9 his or her first year as principal of such school. If a
10 first-year principal exercises this option in a school district
11 where the evaluation plan provides for a teacher in contractual
12 continued service to be evaluated once in the course of every 2
13 school years, then a new 2-year evaluation plan must be
14 established.

15 The evaluation plan shall comply with the requirements of
16 this Section and of any rules adopted by the State Board of
17 Education pursuant to this Section.

18 The plan shall include a description of each teacher's
19 duties and responsibilities and of the standards to which that
20 teacher is expected to conform, and shall include at least the
21 following components:

22 (a) personal observation of the teacher in the
23 classroom by the evaluator, unless the teacher has no
24 classroom duties.

25 (b) consideration of the teacher's attendance,
26 planning, instructional methods, classroom management,

1 where relevant, and competency in the subject matter
2 taught.

3 (c) ~~by no later than the applicable implementation~~
4 ~~date,~~ consideration of research-based and proven
5 evaluation practices ~~student growth as a significant~~
6 ~~factor~~ in the rating of the teacher's performance.

7 (d) prior to September 1, 2012, rating of the
8 performance of teachers in contractual continued service
9 as either:

10 (i) "excellent", "satisfactory" or
11 "unsatisfactory"; or

12 (ii) "excellent", "proficient", "needs
13 improvement" or "unsatisfactory".

14 (e) on and after September 1, 2012, rating of the
15 performance of all teachers as "excellent", "proficient",
16 "needs improvement" or "unsatisfactory".

17 (f) specification as to the teacher's strengths and
18 weaknesses, with supporting reasons for the comments made.

19 (g) inclusion of a copy of the evaluation in the
20 teacher's personnel file and provision of a copy to the
21 teacher.

22 (h) within 30 school days after the completion of an
23 evaluation rating a teacher in contractual continued
24 service as "needs improvement", development by the
25 evaluator, in consultation with the teacher, and taking
26 into account the teacher's on-going professional

1 responsibilities including his or her regular teaching
2 assignments, of a professional development plan directed
3 to the areas that need improvement and any supports that
4 the district will provide to address the areas identified
5 as needing improvement.

6 (i) within 30 school days after completion of an
7 evaluation rating a teacher in contractual continued
8 service as "unsatisfactory", development and commencement
9 by the district of a remediation plan designed to correct
10 deficiencies cited, provided the deficiencies are deemed
11 remediable. In all school districts the remediation plan
12 for unsatisfactory, tenured teachers shall provide for 90
13 school days of remediation within the classroom, unless an
14 applicable collective bargaining agreement provides for a
15 shorter duration. In all school districts evaluations
16 issued pursuant to this Section shall be issued within 10
17 days after the conclusion of the respective remediation
18 plan. However, the school board or other governing
19 authority of the district shall not lose jurisdiction to
20 discharge a teacher in the event the evaluation is not
21 issued within 10 days after the conclusion of the
22 respective remediation plan.

23 (j) participation in the remediation plan by the
24 teacher in contractual continued service rated
25 "unsatisfactory", an evaluator and a consulting teacher
26 selected by the evaluator of the teacher who was rated

1 "unsatisfactory", which consulting teacher is an
2 educational employee as defined in the Educational Labor
3 Relations Act, has at least 5 years' teaching experience,
4 and a reasonable familiarity with the assignment of the
5 teacher being evaluated, and who received an "excellent"
6 rating on his or her most recent evaluation. Where no
7 teachers who meet these criteria are available within the
8 district, the district shall request and the applicable
9 regional office of education shall supply, to participate
10 in the remediation process, an individual who meets these
11 criteria.

12 In a district having a population of less than 500,000
13 with an exclusive bargaining agent, the bargaining agent
14 may, if it so chooses, supply a roster of qualified
15 teachers from whom the consulting teacher is to be
16 selected. That roster shall, however, contain the names of
17 at least 5 teachers, each of whom meets the criteria for
18 consulting teacher with regard to the teacher being
19 evaluated, or the names of all teachers so qualified if
20 that number is less than 5. In the event of a dispute as to
21 qualification, the State Board shall determine
22 qualification.

23 (k) a mid-point and final evaluation by an evaluator
24 during and at the end of the remediation period,
25 immediately following receipt of a remediation plan
26 provided for under subsections (i) and (j) of this Section.

1 Each evaluation shall assess the teacher's performance
2 during the time period since the prior evaluation; provided
3 that the last evaluation shall also include an overall
4 evaluation of the teacher's performance during the
5 remediation period. A written copy of the evaluations and
6 ratings, in which any deficiencies in performance and
7 recommendations for correction are identified, shall be
8 provided to and discussed with the teacher within 10 school
9 days after the date of the evaluation, unless an applicable
10 collective bargaining agreement provides to the contrary.
11 These subsequent evaluations shall be conducted by an
12 evaluator. The consulting teacher shall provide advice to
13 the teacher rated "unsatisfactory" on how to improve
14 teaching skills and to successfully complete the
15 remediation plan. The consulting teacher shall participate
16 in developing the remediation plan, but the final decision
17 as to the evaluation shall be done solely by the evaluator,
18 unless an applicable collective bargaining agreement
19 provides to the contrary. Evaluations at the conclusion of
20 the remediation process shall be separate and distinct from
21 the required annual evaluations of teachers and shall not
22 be subject to the guidelines and procedures relating to
23 those annual evaluations. The evaluator may but is not
24 required to use the forms provided for the annual
25 evaluation of teachers in the district's evaluation plan.

26 (1) reinstatement to the evaluation schedule set forth

1 in the district's evaluation plan for any teacher in
2 contractual continued service who achieves a rating equal
3 to or better than "satisfactory" or "proficient" in the
4 school year following a rating of "needs improvement" or
5 "unsatisfactory".

6 (m) dismissal in accordance with subsection (d) of
7 Section 24-12 or Section 24-16.5 or 34-85 of this Code of
8 any teacher who fails to complete any applicable
9 remediation plan with a rating equal to or better than a
10 "satisfactory" or "proficient" rating. Districts and
11 teachers subject to dismissal hearings are precluded from
12 compelling the testimony of consulting teachers at such
13 hearings under subsection (d) of Section 24-12 or Section
14 24-16.5 or 34-85 of this Code, either as to the rating
15 process or for opinions of performances by teachers under
16 remediation.

17 (n) After the implementation date of an evaluation
18 system for teachers in a district as specified in Section
19 24A-2.5 of this Code, if a teacher in contractual continued
20 service successfully completes a remediation plan
21 following a rating of "unsatisfactory" in an annual or
22 biennial overall performance evaluation received after the
23 foregoing implementation date and receives a subsequent
24 rating of "unsatisfactory" in any of the teacher's annual
25 or biennial overall performance evaluation ratings
26 received during the 36-month period following the

1 teacher's completion of the remediation plan, then the
2 school district may forego remediation and seek dismissal
3 in accordance with subsection (d) of Section 24-12 or
4 Section 34-85 of this Code.

5 Nothing in this Section or Section 24A-4 shall be construed
6 as preventing immediate dismissal of a teacher for deficiencies
7 which are deemed irremediable or for actions which are
8 injurious to or endanger the health or person of students in
9 the classroom or school, or preventing the dismissal or
10 non-renewal of teachers not in contractual continued service
11 for any reason not prohibited by applicable employment, labor,
12 and civil rights laws. Failure to strictly comply with the time
13 requirements contained in Section 24A-5 shall not invalidate
14 the results of the remediation plan.

15 Nothing contained in this amendatory Act of the 98th
16 General Assembly repeals, supersedes, invalidates, or
17 nullifies final decisions in lawsuits pending on the effective
18 date of this amendatory Act of the 98th General Assembly in
19 Illinois courts involving the interpretation of Public Act
20 97-8.

21 (Source: P.A. 97-8, eff. 6-13-11; 98-470, eff. 8-16-13; 98-648,
22 eff. 7-1-14.)

23 (105 ILCS 5/24A-7) (from Ch. 122, par. 24A-7)

24 Sec. 24A-7. Rules. The State Board of Education is
25 authorized to adopt such rules as are deemed necessary to

1 implement and accomplish the purposes and provisions of this
2 Article, including, but not limited to, rules:

3 (1) ~~(i)~~ relating to the methods for measuring student
4 growth (including, but not limited to, limitations on the
5 age of usable ~~useable~~ data; the amount of data needed to
6 reliably and validly measure growth for the purpose of
7 teacher and principal evaluations; and whether and at what
8 time annual State assessments may be used as one of
9 multiple measures of student growth);

10 (2), ~~(ii)~~ defining the term "significant factor" for
11 purposes of including consideration of student growth in
12 performance ratings;

13 (3), ~~(iii)~~ controlling for such factors as student
14 characteristics (including, but not limited to, students
15 receiving special education and English ~~Language~~ Learner
16 services), student attendance, and student mobility so as
17 to best measure the impact that a teacher, principal,
18 school and school district has on students' academic
19 achievement;

20 (4), ~~(iv)~~ establishing minimum requirements for
21 district teacher and principal evaluation instruments and
22 procedures; ~~and~~

23 (5) ~~(v)~~ establishing a model evaluation plan for use by
24 school districts in which student growth shall comprise 50%
25 of the performance rating.

26 Notwithstanding any other provision in this Section, such

1 rules shall not preclude a school district having 500,000 or
2 more inhabitants from using an annual State assessment as the
3 sole measure of student growth for purposes of teacher or
4 principal evaluations.

5 The State Superintendent of Education shall convene a
6 Performance Evaluation Advisory Council, which shall be
7 staffed by the State Board of Education. Members of the Council
8 shall be selected by the State Superintendent and include,
9 without limitation, representatives of teacher unions and
10 school district management, persons with expertise in
11 performance evaluation processes and systems, as well as other
12 stakeholders. The Council shall meet at least quarterly, and
13 may also meet at the call of the chairperson of the Council,
14 following August 18, 2017 (the effective date of Public Act
15 100-211) ~~this amendatory Act of the 100th General Assembly~~
16 until June 30, 2021. The Council shall advise the State Board
17 of Education on the ongoing implementation of performance
18 evaluations in this State, which may include gathering public
19 feedback, sharing best practices, developing nonregulatory
20 guidance on research-based and proven evaluation practices,
21 consulting with the State Board on any proposed rule changes
22 regarding evaluations, and other subjects as determined by the
23 chairperson of the Council.

24 Prior to the applicable implementation date, these rules
25 shall not apply to teachers assigned to schools identified in
26 an agreement entered into between the board of a school

1 district operating under Article 34 of this Code and the
2 exclusive representative of the district's teachers in
3 accordance with Section 34-85c of this Code.

4 (Source: P.A. 100-211, eff. 8-18-17; revised 7-15-19.)