

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-5, 24A-7, and 34-85c as follows:

6 (105 ILCS 5/24A-5) (from Ch. 122, par. 24A-5)

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

13 Each school district to which this Article applies shall
14 establish a teacher evaluation plan which ensures that each
15 teacher in contractual continued service is evaluated at least
16 once in the course of every 2 or 3 school years as provided in
17 this Section.

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

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

23 (2) except as otherwise provided in this Section, each

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

7 No later than September 1, 2022, each school district must
8 establish a teacher evaluation plan that ensures that each
9 teacher in contractual continued service whose performance is
10 rated as either "excellent" or "proficient" is evaluated at
11 least once in the course of the 3 school years after receipt of
12 the rating and implement an informal teacher observation plan
13 established by agency rule and by agreement of the joint
14 committee established under subsection (b) of Section 24A-4 of
15 this Code that ensures that each teacher in contractual
16 continued service whose performance is rated as either
17 "excellent" or "proficient" is informally observed at least
18 once in the course of the 2 school years after receipt of the
19 rating.

20 Notwithstanding anything to the contrary in this Section
21 or any other Section of the School Code, a principal shall not
22 be prohibited from evaluating any teachers within a school
23 during his or her first year as principal of such school. If a
24 first-year principal exercises this option in a school
25 district where the evaluation plan provides for a teacher in
26 contractual continued service to be evaluated once in the

1 course of every 2 or 3 school years, as applicable, then a new
2 2-year or 3-year evaluation plan must be established.

3 The evaluation plan shall comply with the requirements of
4 this Section and of any rules adopted by the State Board of
5 Education pursuant to this Section.

6 The plan shall include a description of each teacher's
7 duties and responsibilities and of the standards to which that
8 teacher is expected to conform, and shall include at least the
9 following components:

10 (a) personal observation of the teacher in the
11 classroom by the evaluator, unless the teacher has no
12 classroom duties.

13 (b) consideration of the teacher's attendance,
14 planning, instructional methods, classroom management,
15 where relevant, and competency in the subject matter
16 taught.

17 (c) by no later than the applicable implementation
18 date, consideration of student growth as a significant
19 factor in the rating of the teacher's performance.

20 (d) prior to September 1, 2012, rating of the
21 performance of teachers in contractual continued service
22 as either:

23 (i) "excellent", "satisfactory" or
24 "unsatisfactory"; or

25 (ii) "excellent", "proficient", "needs
26 improvement" or "unsatisfactory".

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

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

6 (g) inclusion of a copy of the evaluation in the
7 teacher's personnel file and provision of a copy to the
8 teacher.

9 (h) within 30 school days after the completion of an
10 evaluation rating a teacher in contractual continued
11 service as "needs improvement", development by the
12 evaluator, in consultation with the teacher, and taking
13 into account the teacher's on-going professional
14 responsibilities including his or her regular teaching
15 assignments, of a professional development plan directed
16 to the areas that need improvement and any supports that
17 the district will provide to address the areas identified
18 as needing improvement.

19 (i) within 30 school days after completion of an
20 evaluation rating a teacher in contractual continued
21 service as "unsatisfactory", development and commencement
22 by the district of a remediation plan designed to correct
23 deficiencies cited, provided the deficiencies are deemed
24 remediable. In all school districts the remediation plan
25 for unsatisfactory, tenured teachers shall provide for 90
26 school days of remediation within the classroom, unless an

1 applicable collective bargaining agreement provides for a
2 shorter duration. In all school districts evaluations
3 issued pursuant to this Section shall be issued within 10
4 days after the conclusion of the respective remediation
5 plan. However, the school board or other governing
6 authority of the district shall not lose jurisdiction to
7 discharge a teacher in the event the evaluation is not
8 issued within 10 days after the conclusion of the
9 respective remediation plan.

10 (j) participation in the remediation plan by the
11 teacher in contractual continued service rated
12 "unsatisfactory", an evaluator and a consulting teacher
13 selected by the evaluator of the teacher who was rated
14 "unsatisfactory", which consulting teacher is an
15 educational employee as defined in the Educational Labor
16 Relations Act, has at least 5 years' teaching experience,
17 and a reasonable familiarity with the assignment of the
18 teacher being evaluated, and who received an "excellent"
19 rating on his or her most recent evaluation. Where no
20 teachers who meet these criteria are available within the
21 district, the district shall request and the applicable
22 regional office of education shall supply, to participate
23 in the remediation process, an individual who meets these
24 criteria.

25 In a district having a population of less than 500,000
26 with an exclusive bargaining agent, the bargaining agent

1 may, if it so chooses, supply a roster of qualified
2 teachers from whom the consulting teacher is to be
3 selected. That roster shall, however, contain the names of
4 at least 5 teachers, each of whom meets the criteria for
5 consulting teacher with regard to the teacher being
6 evaluated, or the names of all teachers so qualified if
7 that number is less than 5. In the event of a dispute as to
8 qualification, the State Board shall determine
9 qualification.

10 (k) a mid-point and final evaluation by an evaluator
11 during and at the end of the remediation period,
12 immediately following receipt of a remediation plan
13 provided for under subsections (i) and (j) of this
14 Section. Each evaluation shall assess the teacher's
15 performance during the time period since the prior
16 evaluation; provided that the last evaluation shall also
17 include an overall evaluation of the teacher's performance
18 during the remediation period. A written copy of the
19 evaluations and ratings, in which any deficiencies in
20 performance and recommendations for correction are
21 identified, shall be provided to and discussed with the
22 teacher within 10 school days after the date of the
23 evaluation, unless an applicable collective bargaining
24 agreement provides to the contrary. These subsequent
25 evaluations shall be conducted by an evaluator. The
26 consulting teacher shall provide advice to the teacher

1 rated "unsatisfactory" on how to improve teaching skills
2 and to successfully complete the remediation plan. The
3 consulting teacher shall participate in developing the
4 remediation plan, but the final decision as to the
5 evaluation shall be done solely by the evaluator, unless
6 an applicable collective bargaining agreement provides to
7 the contrary. Evaluations at the conclusion of the
8 remediation process shall be separate and distinct from
9 the required annual evaluations of teachers and shall not
10 be subject to the guidelines and procedures relating to
11 those annual evaluations. The evaluator may but is not
12 required to use the forms provided for the annual
13 evaluation of teachers in the district's evaluation plan.

14 (l) reinstatement to the evaluation schedule set forth
15 in the district's evaluation plan for any teacher in
16 contractual continued service who achieves a rating equal
17 to or better than "satisfactory" or "proficient" in the
18 school year following a rating of "needs improvement" or
19 "unsatisfactory".

20 (m) dismissal in accordance with subsection (d) of
21 Section 24-12 or Section 24-16.5 or 34-85 of this Code of
22 any teacher who fails to complete any applicable
23 remediation plan with a rating equal to or better than a
24 "satisfactory" or "proficient" rating. Districts and
25 teachers subject to dismissal hearings are precluded from
26 compelling the testimony of consulting teachers at such

1 hearings under subsection (d) of Section 24-12 or Section
2 24-16.5 or 34-85 of this Code, either as to the rating
3 process or for opinions of performances by teachers under
4 remediation.

5 (n) After the implementation date of an evaluation
6 system for teachers in a district as specified in Section
7 24A-2.5 of this Code, if a teacher in contractual
8 continued service successfully completes a remediation
9 plan following a rating of "unsatisfactory" in an ~~annual~~
10 ~~or biennial~~ overall performance evaluation received after
11 the foregoing implementation date and receives a
12 subsequent rating of "unsatisfactory" in any of the
13 teacher's ~~annual— or —biennial~~ overall performance
14 evaluation ratings received during the 36-month period
15 following the teacher's completion of the remediation
16 plan, then the school district may forego remediation and
17 seek dismissal in accordance with subsection (d) of
18 Section 24-12 or Section 34-85 of this Code.

19 Nothing in this Section or Section 24A-4 shall be
20 construed as preventing immediate dismissal of a teacher for
21 deficiencies which are deemed irreparable or for actions
22 which are injurious to or endanger the health or person of
23 students in the classroom or school, or preventing the
24 dismissal or non-renewal of teachers not in contractual
25 continued service for any reason not prohibited by applicable
26 employment, labor, and civil rights laws. Failure to strictly

1 comply with the time requirements contained in Section 24A-5
2 shall not invalidate the results of the remediation plan.

3 Nothing contained in this amendatory Act of the 98th
4 General Assembly repeals, supersedes, invalidates, or
5 nullifies final decisions in lawsuits pending on the effective
6 date of this amendatory Act of the 98th General Assembly in
7 Illinois courts involving the interpretation of Public Act
8 97-8.

9 If the Governor has declared a disaster due to a public
10 health emergency pursuant to Section 7 of the Illinois
11 Emergency Management Agency Act that suspends in-person
12 instruction, the timelines in this Section connected to the
13 commencement and completion of any remediation plan are
14 waived. Except if the parties mutually agree otherwise and the
15 agreement is in writing, any remediation plan that had been in
16 place for more than 45 days prior to the suspension of
17 in-person instruction shall resume when in-person instruction
18 resumes and any remediation plan that had been in place for
19 fewer than 45 days prior to the suspension of in-person
20 instruction shall be discontinued and a new remediation period
21 shall begin when in-person instruction resumes. The
22 requirements of this paragraph apply regardless of whether
23 they are included in a school district's teacher evaluation
24 plan.

25 (Source: P.A. 101-643, eff. 6-18-20.)

1 (105 ILCS 5/24A-7) (from Ch. 122, par. 24A-7)

2 Sec. 24A-7. Rules. The State Board of Education is
3 authorized to adopt such rules as are deemed necessary to
4 implement and accomplish the purposes and provisions of this
5 Article, including, but not limited to, rules:

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

13 (2) ~~(ii)~~ defining the term "significant factor" for
14 purposes of including consideration of student growth in
15 performance ratings;

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

23 (4) ~~(iv)~~ establishing minimum requirements for
24 district teacher and principal evaluation instruments and
25 procedures; ~~r~~ and

26 (5) ~~(v)~~ establishing a model evaluation plan for use

1 by school districts in which student growth shall comprise
2 50% of the performance rating.

3 Notwithstanding any other provision in this Section, such
4 rules shall not preclude a school district having 500,000 or
5 more inhabitants from using an annual State assessment as the
6 sole measure of student growth for purposes of teacher or
7 principal evaluations.

8 The State Superintendent of Education shall convene a
9 Performance Evaluation Advisory Council, which shall be
10 staffed by the State Board of Education. Members of the
11 Council shall be selected by the State Superintendent and
12 include, without limitation, representatives of teacher unions
13 and school district management, persons with expertise in
14 performance evaluation processes and systems, as well as other
15 stakeholders. The Council shall meet at least quarterly⁷ and
16 may also meet at the call of the chairperson of the Council,
17 following August 18, 2017 (the effective date of Public Act
18 100-211) ~~this amendatory Act of the 100th General Assembly~~
19 until June 30, 2024 ~~2021~~. The Council shall advise the State
20 Board of Education on the ongoing implementation of
21 performance evaluations in this State, which may include
22 gathering public feedback, sharing best practices, consulting
23 with the State Board on any proposed rule changes regarding
24 evaluations, and other subjects as determined by the
25 chairperson of the Council.

26 Prior to the applicable implementation date, these rules

1 shall not apply to teachers assigned to schools identified in
2 an agreement entered into between the board of a school
3 district operating under Article 34 of this Code and the
4 exclusive representative of the district's teachers in
5 accordance with Section 34-85c of this Code.

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

7 (105 ILCS 5/34-85c)

8 Sec. 34-85c. Alternative procedures for teacher
9 evaluation, remediation, and removal for cause after
10 remediation.

11 (a) Notwithstanding any law to the contrary, the board and
12 the exclusive representative of the district's teachers are
13 hereby authorized to enter into an agreement to establish
14 alternative procedures for teacher evaluation, remediation,
15 and removal for cause after remediation, including an
16 alternative system for peer evaluation and recommendations;
17 provided, however, that no later than September 1, 2012: (i)
18 any alternative procedures must include provisions whereby
19 student performance data is a significant factor in teacher
20 evaluation and (ii) teachers are rated as "excellent",
21 "proficient", "needs improvement" or "unsatisfactory".
22 Pursuant exclusively to that agreement, teachers assigned to
23 schools identified in that agreement shall be subject to an
24 alternative performance evaluation plan and remediation
25 procedures in lieu of the plan and procedures set forth in

1 Article 24A of this Code and alternative removal for cause
2 standards and procedures in lieu of the removal standards and
3 procedures set forth in Section 34-85 of this Code. To the
4 extent that the agreement provides a teacher with an
5 opportunity for a hearing on removal for cause before an
6 independent hearing officer in accordance with Section 34-85
7 or otherwise, the hearing officer shall be governed by the
8 alternative performance evaluation plan, remediation
9 procedures, and removal standards and procedures set forth in
10 the agreement in making findings of fact and a recommendation.

11 (a-5) If the Governor has declared a disaster due to a
12 public health emergency pursuant to Section 7 of the Illinois
13 Emergency Management Agency Act that suspends in-person
14 instruction, the timelines connected to the commencement and
15 completion of any remediation plan are paused. Except where
16 the parties mutually agree otherwise and such agreement is in
17 writing, any remediation plan that had been in place for 45 or
18 more days prior to the suspension of in-person instruction
19 shall resume when in-person instruction resumes; any
20 remediation plan that had been in place for fewer than 45 days
21 prior to the suspension of in-person instruction shall
22 discontinue and a new remediation period will begin when
23 in-person instruction resumes.

24 (a-10) No later than September 1, 2022, the school
25 district must establish a teacher evaluation plan that ensures
26 that each teacher in contractual continued service whose

1 performance is rated as either "excellent" or "proficient" is
2 evaluated at least once in the course of the 3 school years
3 after receipt of the rating and establish an informal teacher
4 observation plan that ensures that each teacher in contractual
5 continued service whose performance is rated as either
6 "excellent" or "proficient" is informally observed at least
7 once in the course of the 2 school years after receipt of the
8 rating.

9 (b) The board and the exclusive representative of the
10 district's teachers shall submit a certified copy of an
11 agreement as provided under subsection (a) of this Section to
12 the State Board of Education.

13 (Source: P.A. 101-643, eff. 6-18-20.)