



Sen. Julie A. Morrison

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10200HB0018sam001

LRB102 02679 CMG 24668 a

1 AMENDMENT TO HOUSE BILL 18

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 18 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing  
5 Sections 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

1 this Section.

2 ~~Each By no later than September 1, 2012, each~~ school  
3 district shall establish a teacher evaluation plan that  
4 ensures that:

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

7 (2) except as otherwise provided in this Section, each  
8 teacher in contractual continued service is evaluated at  
9 least once in the course of every 2 school years. However,  
10 any teacher in contractual continued service whose  
11 performance is rated as either "needs improvement" or  
12 "unsatisfactory" must be evaluated at least once in the  
13 school year following the receipt of such rating.

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

1           Notwithstanding anything to the contrary in this Section  
2 or any other Section of the School Code, a principal shall not  
3 be prohibited from evaluating any teachers within a school  
4 during his or her first year as principal of such school. If a  
5 first-year principal exercises this option in a school  
6 district where the evaluation plan provides for a teacher in  
7 contractual continued service to be evaluated once in the  
8 course of every 2 or 3 school years, as applicable, then a new  
9 2-year or 3-year evaluation plan must be established.

10           The evaluation plan shall comply with the requirements of  
11 this Section and of any rules adopted by the State Board of  
12 Education pursuant to this Section.

13           The plan shall include a description of each teacher's  
14 duties and responsibilities and of the standards to which that  
15 teacher is expected to conform, and shall include at least the  
16 following components:

17           (a) personal observation of the teacher in the  
18 classroom by the evaluator, unless the teacher has no  
19 classroom duties.

20           (b) consideration of the teacher's attendance,  
21 planning, instructional methods, classroom management,  
22 where relevant, and competency in the subject matter  
23 taught.

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

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

4 (i) "excellent", "satisfactory" or  
5 "unsatisfactory"; or

6 (ii) "excellent", "proficient", "needs  
7 improvement" or "unsatisfactory".

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

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

13 (g) inclusion of a copy of the evaluation in the  
14 teacher's personnel file and provision of a copy to the  
15 teacher.

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

26 (i) within 30 school days after completion of an

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

17 (j) participation in the remediation plan by the  
18 teacher in contractual continued service rated  
19 "unsatisfactory", an evaluator and a consulting teacher  
20 selected by the evaluator of the teacher who was rated  
21 "unsatisfactory", which consulting teacher is an  
22 educational employee as defined in the Educational Labor  
23 Relations Act, has at least 5 years' teaching experience,  
24 and a reasonable familiarity with the assignment of the  
25 teacher being evaluated, and who received an "excellent"  
26 rating on his or her most recent evaluation. Where no

1 teachers who meet these criteria are available within the  
2 district, the district shall request and the applicable  
3 regional office of education shall supply, to participate  
4 in the remediation process, an individual who meets these  
5 criteria.

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

17 (k) a mid-point and final evaluation by an evaluator  
18 during and at the end of the remediation period,  
19 immediately following receipt of a remediation plan  
20 provided for under subsections (i) and (j) of this  
21 Section. Each evaluation shall assess the teacher's  
22 performance during the time period since the prior  
23 evaluation; provided that the last evaluation shall also  
24 include an overall evaluation of the teacher's performance  
25 during the remediation period. A written copy of the  
26 evaluations and ratings, in which any deficiencies in

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

21 (1) reinstatement to the evaluation schedule set forth  
22 in the district's evaluation plan for any teacher in  
23 contractual continued service who achieves a rating equal  
24 to or better than "satisfactory" or "proficient" in the  
25 school year following a rating of "needs improvement" or  
26 "unsatisfactory".

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

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

26 Nothing in this Section or Section 24A-4 shall be



1 construed as preventing immediate dismissal of a teacher for  
2 deficiencies which are deemed irremediable or for actions  
3 which are injurious to or endanger the health or person of  
4 students in the classroom or school, or preventing the  
5 dismissal or non-renewal of teachers not in contractual  
6 continued service for any reason not prohibited by applicable  
7 employment, labor, and civil rights laws. Failure to strictly  
8 comply with the time requirements contained in Section 24A-5  
9 shall not invalidate the results of the remediation plan.

10 Nothing contained in this amendatory Act of the 98th  
11 General Assembly repeals, supersedes, invalidates, or  
12 nullifies final decisions in lawsuits pending on the effective  
13 date of this amendatory Act of the 98th General Assembly in  
14 Illinois courts involving the interpretation of Public Act  
15 97-8.

16 If the Governor has declared a disaster due to a public  
17 health emergency pursuant to Section 7 of the Illinois  
18 Emergency Management Agency Act that suspends in-person  
19 instruction, the timelines in this Section connected to the  
20 commencement and completion of any remediation plan are  
21 waived. Except if the parties mutually agree otherwise and the  
22 agreement is in writing, any remediation plan that had been in  
23 place for more than 45 days prior to the suspension of  
24 in-person instruction shall resume when in-person instruction  
25 resumes and any remediation plan that had been in place for  
26 fewer than 45 days prior to the suspension of in-person

1 instruction shall be discontinued and a new remediation period  
2 shall begin when in-person instruction resumes. The  
3 requirements of this paragraph apply regardless of whether  
4 they are included in a school district's teacher evaluation  
5 plan.

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

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

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

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

19 (2), ~~(ii)~~ defining the term "significant factor" for  
20 purposes of including consideration of student growth in  
21 performance ratings;

22 (3), ~~(iii)~~ controlling for such factors as student  
23 characteristics (including, but not limited to, students  
24 receiving special education and English ~~Language~~ Learner  
25 services), student attendance, and student mobility so as

1 to best measure the impact that a teacher, principal,  
2 school and school district has on students' academic  
3 achievement;

4 (4), ~~(iv)~~ establishing minimum requirements for  
5 district teacher and principal evaluation instruments and  
6 procedures; ~~7~~ and

7 (5) ~~(v)~~ establishing a model evaluation plan for use  
8 by school districts in which student growth shall comprise  
9 50% of the performance rating.

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

15 The State Superintendent of Education shall convene a  
16 Performance Evaluation Advisory Council, which shall be  
17 staffed by the State Board of Education. Members of the  
18 Council shall be selected by the State Superintendent and  
19 include, without limitation, representatives of teacher unions  
20 and school district management, persons with expertise in  
21 performance evaluation processes and systems, as well as other  
22 stakeholders. The Council shall meet at least quarterly, ~~7~~ and  
23 may also meet at the call of the chairperson of the Council,  
24 following August 18, 2017 (the effective date of Public Act  
25 100-211) ~~this amendatory Act of the 100th General Assembly~~  
26 until June 30, 2024 ~~2021~~. The Council shall advise the State

1 Board of Education on the ongoing implementation of  
2 performance evaluations in this State, which may include  
3 gathering public feedback, sharing best practices, consulting  
4 with the State Board on any proposed rule changes regarding  
5 evaluations, and other subjects as determined by the  
6 chairperson of the Council.

7 Prior to the applicable implementation date, these rules  
8 shall 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 (Source: P.A. 100-211, eff. 8-18-17; revised 7-15-19.)

14 (105 ILCS 5/34-85c)

15 Sec. 34-85c. Alternative procedures for teacher  
16 evaluation, remediation, and removal for cause after  
17 remediation.

18 (a) Notwithstanding any law to the contrary, the board and  
19 the exclusive representative of the district's teachers are  
20 hereby authorized to enter into an agreement to establish  
21 alternative procedures for teacher evaluation, remediation,  
22 and removal for cause after remediation, including an  
23 alternative system for peer evaluation and recommendations;  
24 provided, however, that no later than September 1, 2012: (i)  
25 any alternative procedures must include provisions whereby

1 student performance data is a significant factor in teacher  
2 evaluation and (ii) teachers are rated as "excellent",  
3 "proficient", "needs improvement" or "unsatisfactory".  
4 Pursuant exclusively to that agreement, teachers assigned to  
5 schools identified in that agreement shall be subject to an  
6 alternative performance evaluation plan and remediation  
7 procedures in lieu of the plan and procedures set forth in  
8 Article 24A of this Code and alternative removal for cause  
9 standards and procedures in lieu of the removal standards and  
10 procedures set forth in Section 34-85 of this Code. To the  
11 extent that the agreement provides a teacher with an  
12 opportunity for a hearing on removal for cause before an  
13 independent hearing officer in accordance with Section 34-85  
14 or otherwise, the hearing officer shall be governed by the  
15 alternative performance evaluation plan, remediation  
16 procedures, and removal standards and procedures set forth in  
17 the agreement in making findings of fact and a recommendation.

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

1 remediation plan that had been in place for fewer than 45 days  
2 prior to the suspension of in-person instruction shall  
3 discontinue and a new remediation period will begin when  
4 in-person instruction resumes.

5 (a-10) No later than September 1, 2022, the school  
6 district must establish a teacher evaluation plan that ensures  
7 that each teacher in contractual continued service whose  
8 performance is rated as either "excellent" or "proficient" is  
9 evaluated at least once in the course of the 3 school years  
10 after receipt of the rating and establish an informal teacher  
11 observation plan that ensures that each teacher in contractual  
12 continued service whose performance is rated as either  
13 "excellent" or "proficient" is informally observed at least  
14 once in the course of the 2 school years after receipt of the  
15 rating.

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

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