

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-15, 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 school district shall establish a teacher evaluation
19 plan that ensures that:

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

22 (2) except as otherwise provided in this Section, each
23 teacher in contractual continued service is evaluated at

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

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

19 For the 2022-2023 school year only, if the Governor has
20 declared a disaster due to a public health emergency pursuant
21 to Section 7 of the Illinois Emergency Management Agency Act,
22 a school district may waive the evaluation requirement of all
23 teachers in contractual continued service whose performances
24 were rated as either "excellent" or "proficient" during the
25 last school year in which the teachers were evaluated under
26 this Section.

1 Notwithstanding anything to the contrary in this Section
2 or any other Section of this ~~the School~~ Code, a principal shall
3 not 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 overall
17 performance evaluation received after the foregoing
18 implementation date and receives a subsequent rating of
19 "unsatisfactory" in any of the teacher's overall
20 performance evaluation ratings received during the
21 36-month period following the teacher's completion of the
22 remediation plan, then the school district may forego
23 remediation and seek dismissal in accordance with
24 subsection (d) of Section 24-12 or Section 34-85 of this
25 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; 102-252, eff. 1-1-22.)

7 (105 ILCS 5/24A-15)

8 Sec. 24A-15. Development of evaluation plan for principals
9 and assistant principals.

10 (a) Each school district, except for a school district
11 organized under Article 34 of this Code, shall establish a
12 principal and assistant principal evaluation plan in
13 accordance with this Section. The plan must ensure that each
14 principal and assistant principal is evaluated as follows:

15 (1) For a principal or assistant principal on a
16 single-year contract, the evaluation must take place by
17 March 1 of each year.

18 (2) For a principal or assistant principal on a
19 multi-year contract under Section 10-23.8a of this Code,
20 the evaluation must take place by March 1 of the final year
21 of the contract.

22 On and after September 1, 2012, the plan must:

23 (i) rate the principal's or assistant principal's
24 performance as "excellent", "proficient", "needs
25 improvement" or "unsatisfactory"; and

1 (ii) ensure that each principal and assistant
2 principal is evaluated at least once every school year.

3 Nothing in this Section prohibits a school district from
4 conducting additional evaluations of principals and assistant
5 principals.

6 For the 2022-2023 school year only, if the Governor has
7 declared a disaster due to a public health emergency pursuant
8 to Section 7 of the Illinois Emergency Management Agency Act,
9 a school district may waive the evaluation requirement of all
10 principals or assistant principals whose performances were
11 rated as either "excellent" or "proficient" during the last
12 school year in which the principals or assistant principals
13 were evaluated under this Section.

14 (b) The evaluation shall include a description of the
15 principal's or assistant principal's duties and
16 responsibilities and the standards to which the principal or
17 assistant principal is expected to conform.

18 (c) The evaluation for a principal must be performed by
19 the district superintendent, the superintendent's designee,
20 or, in the absence of the superintendent or his or her
21 designee, an individual appointed by the school board who
22 holds a registered Type 75 State administrative certificate.

23 Prior to September 1, 2012, the evaluation must be in
24 writing and must at least do all of the following:

25 (1) Consider the principal's specific duties,
26 responsibilities, management, and competence as a

1 principal.

2 (2) Specify the principal's strengths and weaknesses,
3 with supporting reasons.

4 (3) Align with research-based standards established by
5 administrative rule.

6 On and after September 1, 2012, the evaluation must, in
7 addition to the requirements in items (1), (2), and (3) of this
8 subsection (c), provide for the use of data and indicators on
9 student growth as a significant factor in rating performance.

10 (c-5) The evaluation of an assistant principal must be
11 performed by the principal, the district superintendent, the
12 superintendent's designee, or, in the absence of the
13 superintendent or his or her designee, an individual appointed
14 by the school board who holds a registered Type 75 State
15 administrative certificate. The evaluation must be in writing
16 and must at least do all of the following:

17 (1) Consider the assistant principal's specific
18 duties, responsibilities, management, and competence as an
19 assistant principal.

20 (2) Specify the assistant principal's strengths and
21 weaknesses with supporting reasons.

22 (3) Align with the Illinois Professional Standards for
23 School Leaders or research-based district standards.

24 On and after September 1, 2012, the evaluation must, in
25 addition to the requirements in items (1), (2), and (3) of this
26 subsection (c-5), provide for the use of data and indicators

1 on student growth as a significant factor in rating
2 performance.

3 (d) One copy of the evaluation must be included in the
4 principal's or assistant principal's personnel file and one
5 copy of the evaluation must be provided to the principal or
6 assistant principal.

7 (e) Failure by a district to evaluate a principal or
8 assistant principal and to provide the principal or assistant
9 principal with a copy of the evaluation at least once during
10 the term of the principal's or assistant principal's contract,
11 in accordance with this Section, is evidence that the
12 principal or assistant principal is performing duties and
13 responsibilities in at least a satisfactory manner and shall
14 serve to automatically extend the principal's or assistant
15 principal's contract for a period of one year after the
16 contract would otherwise expire, under the same terms and
17 conditions as the prior year's contract. The requirements in
18 this Section are in addition to the right of a school board to
19 reclassify a principal or assistant principal pursuant to
20 Section 10-23.8b of this Code.

21 (f) Nothing in this Section prohibits a school board from
22 ordering lateral transfers of principals or assistant
23 principals to positions of similar rank and salary.

24 (Source: P.A. 96-861, eff. 1-15-10; 97-217, eff. 7-28-11.)

25 (105 ILCS 5/34-85c)

1 Sec. 34-85c. Alternative procedures for teacher
2 evaluation, remediation, and removal for cause after
3 remediation.

4 (a) Notwithstanding any law to the contrary, the board and
5 the exclusive representative of the district's teachers are
6 hereby authorized to enter into an agreement to establish
7 alternative procedures for teacher evaluation, remediation,
8 and removal for cause after remediation, including an
9 alternative system for peer evaluation and recommendations;
10 provided, however, that no later than September 1, 2012: (i)
11 any alternative procedures must include provisions whereby
12 student performance data is a significant factor in teacher
13 evaluation and (ii) teachers are rated as "excellent",
14 "proficient", "needs improvement" or "unsatisfactory".
15 Pursuant exclusively to that agreement, teachers assigned to
16 schools identified in that agreement shall be subject to an
17 alternative performance evaluation plan and remediation
18 procedures in lieu of the plan and procedures set forth in
19 Article 24A of this Code and alternative removal for cause
20 standards and procedures in lieu of the removal standards and
21 procedures set forth in Section 34-85 of this Code. To the
22 extent that the agreement provides a teacher with an
23 opportunity for a hearing on removal for cause before an
24 independent hearing officer in accordance with Section 34-85
25 or otherwise, the hearing officer shall be governed by the
26 alternative performance evaluation plan, remediation

1 procedures, and removal standards and procedures set forth in
2 the agreement in making findings of fact and a recommendation.

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

16 (a-10) No later than September 1, 2022, the school
17 district must establish a teacher evaluation plan that ensures
18 that each teacher in contractual continued service whose
19 performance is rated as either "excellent" or "proficient" is
20 evaluated at least once in the course of the 3 school years
21 after receipt of the rating and establish an informal teacher
22 observation plan 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 (a-15) For the 2022-2023 school year only, if the Governor
2 has declared a disaster due to a public health emergency
3 pursuant to Section 7 of the Illinois Emergency Management
4 Agency Act, the school district may waive the evaluation
5 requirement of any teacher in contractual continued service
6 whose performance was rated as either "excellent" or
7 "proficient" during the last school year in which the teacher
8 was evaluated under this Section.

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; 102-252, eff. 1-1-22.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.