



Sen. Julie A. Morrison

Filed: 3/17/2022

10200HB4256sam001

LRB102 21733 NLB 37430 a

1 AMENDMENT TO HOUSE BILL 4256

2 AMENDMENT NO. _____. Amend House Bill 4256 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 and 24A-15 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 school district shall establish a teacher evaluation
3 plan that ensures that:

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

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

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

26 For the 2022-2023 school year only, if the Governor has

1 declared a disaster due to a public health emergency pursuant
2 to Section 7 of the Illinois Emergency Management Agency Act,
3 a school district may waive the evaluation requirement of any
4 teacher in contractual continued service whose performance was
5 rated as either "excellent" or "proficient" during the last
6 school year in which the teacher was evaluated under this
7 Section.

8 Notwithstanding anything to the contrary in this Section
9 or any other Section of this ~~the School~~ Code, a principal shall
10 not be prohibited from evaluating any teachers within a school
11 during his or her first year as principal of such school. If a
12 first-year principal exercises this option in a school
13 district where the evaluation plan provides for a teacher in
14 contractual continued service to be evaluated once in the
15 course of every 2 or 3 school years, as applicable, then a new
16 2-year or 3-year evaluation plan must be established.

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

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

- 24 (a) personal observation of the teacher in the
25 classroom by the evaluator, unless the teacher has no
26 classroom duties.

1 (b) consideration of the teacher's attendance,
2 planning, instructional methods, classroom management,
3 where relevant, and competency in the subject matter
4 taught.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (k) a mid-point and final evaluation by an evaluator
25 during and at the end of the remediation period,
26 immediately following receipt of a remediation plan

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

1 evaluation of teachers in the district's evaluation plan.

2 (l) reinstatement to the evaluation schedule set forth
3 in the district's evaluation plan for any teacher in
4 contractual continued service who achieves a rating equal
5 to or better than "satisfactory" or "proficient" in the
6 school year following a rating of "needs improvement" or
7 "unsatisfactory".

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

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

1 performance evaluation ratings received during the
2 36-month period following the teacher's completion of the
3 remediation plan, then the school district may forego
4 remediation and seek dismissal in accordance with
5 subsection (d) of Section 24-12 or Section 34-85 of this
6 Code.

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

17 Nothing contained in this amendatory Act of the 98th
18 General Assembly repeals, supersedes, invalidates, or
19 nullifies final decisions in lawsuits pending on the effective
20 date of this amendatory Act of the 98th General Assembly in
21 Illinois courts involving the interpretation of Public Act
22 97-8.

23 If the Governor has declared a disaster due to a public
24 health emergency pursuant to Section 7 of the Illinois
25 Emergency Management Agency Act that suspends in-person
26 instruction, the timelines in this Section connected to the

1 commencement and completion of any remediation plan are
2 waived. Except if the parties mutually agree otherwise and the
3 agreement is in writing, any remediation plan that had been in
4 place for more than 45 days prior to the suspension of
5 in-person instruction shall resume when in-person instruction
6 resumes and any remediation plan that had been in place for
7 fewer than 45 days prior to the suspension of in-person
8 instruction shall be discontinued and a new remediation period
9 shall begin when in-person instruction resumes. The
10 requirements of this paragraph apply regardless of whether
11 they are included in a school district's teacher evaluation
12 plan.

13 (Source: P.A. 101-643, eff. 6-18-20; 102-252, eff. 1-1-22.)

14 (105 ILCS 5/24A-15)

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

17 (a) Each school district, except for a school district
18 organized under Article 34 of this Code, shall establish a
19 principal and assistant principal evaluation plan in
20 accordance with this Section. The plan must ensure that each
21 principal and assistant principal is evaluated as follows:

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

25 (2) For a principal or assistant principal on a

1 multi-year contract under Section 10-23.8a of this Code,
2 the evaluation must take place by March 1 of the final year
3 of the contract.

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

5 (i) rate the principal's or assistant principal's
6 performance as "excellent", "proficient", "needs
7 improvement" or "unsatisfactory"; and

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

10 Nothing in this Section prohibits a school district from
11 conducting additional evaluations of principals and assistant
12 principals.

13 For the 2022-2023 school year only, if the Governor has
14 declared a disaster due to a public health emergency pursuant
15 to Section 7 of the Illinois Emergency Management Agency Act,
16 a school district may waive the evaluation requirement of any
17 principal or assistant principal whose performance was rated
18 as either "excellent" or "proficient" during the last school
19 year in which the principal or assistant principal was
20 evaluated under this Section.

21 (b) The evaluation shall include a description of the
22 principal's or assistant principal's duties and
23 responsibilities and the standards to which the principal or
24 assistant principal is expected to conform.

25 (c) The evaluation for a principal must be performed by
26 the district superintendent, the superintendent's designee,

1 or, in the absence of the superintendent or his or her
2 designee, an individual appointed by the school board who
3 holds a registered Type 75 State administrative certificate.

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

6 (1) Consider the principal's specific duties,
7 responsibilities, management, and competence as a
8 principal.

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

11 (3) Align with research-based standards established by
12 administrative rule.

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

17 (c-5) The evaluation of an assistant principal must be
18 performed by the principal, the district superintendent, the
19 superintendent's designee, or, in the absence of the
20 superintendent or his or her designee, an individual appointed
21 by the school board who holds a registered Type 75 State
22 administrative certificate. The evaluation must be in writing
23 and must at least do all of the following:

24 (1) Consider the assistant principal's specific
25 duties, responsibilities, management, and competence as an
26 assistant principal.

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

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

5 On and after September 1, 2012, the evaluation must, in
6 addition to the requirements in items (1), (2), and (3) of this
7 subsection (c-5), provide for the use of data and indicators
8 on student growth as a significant factor in rating
9 performance.

10 (d) One copy of the evaluation must be included in the
11 principal's or assistant principal's personnel file and one
12 copy of the evaluation must be provided to the principal or
13 assistant principal.

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

1 Section 10-23.8b of this Code.

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

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."