

# SB1829



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB1829

Introduced 2/26/2021, by Sen. Meg Loughran Cappel

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/24A-5

from Ch. 122, par. 24A-5

Amends the School Code. In a provision concerning teacher evaluation plans, provides that for teachers not in contractual continued service who participate in a new teacher induction and mentoring program established by the school district in which they are employed, non-evaluative mentor observation and feedback may be used as part of the evaluation plan.

LRB102 13729 CMG 19079 b

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 Section  
5 24A-5 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 school years.

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

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

21 (2) each teacher in contractual continued service is  
22 evaluated at least once in the course of every 2 school  
23 years. However, any teacher in contractual continued

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

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

14 For teachers not in contractual continued service who  
15 participate in a new teacher induction and mentoring program  
16 established by the school district in which they are employed,  
17 non-evaluative mentor observation and feedback may be used as  
18 part of the evaluation plan.

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

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

26 (a) personal observation of the teacher in the

1 classroom by the evaluator, unless the teacher has no  
2 classroom duties.

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

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

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

13 (i) "excellent", "satisfactory" or  
14 "unsatisfactory"; or

15 (ii) "excellent", "proficient", "needs  
16 improvement" or "unsatisfactory".

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

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

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

25 (h) within 30 school days after the completion of an  
26 evaluation rating a teacher in contractual continued

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

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

26 (j) participation in the remediation plan by the

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

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

26 (k) a mid-point and final evaluation by an evaluator

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

1 those annual evaluations. The evaluator may but is not  
2 required to use the forms provided for the annual  
3 evaluation of teachers in the district's evaluation plan.

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

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

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



1 the foregoing implementation date and receives a  
2 subsequent rating of "unsatisfactory" in any of the  
3 teacher's annual or biennial overall performance  
4 evaluation ratings received during the 36-month period  
5 following the teacher's completion of the remediation  
6 plan, then the school district may forego remediation and  
7 seek dismissal in accordance with subsection (d) of  
8 Section 24-12 or Section 34-85 of this Code.

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

19 Nothing contained in this amendatory Act of the 98th  
20 General Assembly repeals, supersedes, invalidates, or  
21 nullifies final decisions in lawsuits pending on the effective  
22 date of this amendatory Act of the 98th General Assembly in  
23 Illinois courts involving the interpretation of Public Act  
24 97-8.

25 If the Governor has declared a disaster due to a public  
26 health emergency pursuant to Section 7 of the Illinois

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

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