



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1831

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

SYNOPSIS AS INTRODUCED:

105 ILCS 5/24A-4	from Ch. 122, par. 24A-4
105 ILCS 5/24A-5	from Ch. 122, par. 24A-5
105 ILCS 5/24A-7	from Ch. 122, par. 24A-7

Amends the Evaluation of Employees Article of the School Code. In a provision concerning the development of evaluation plans, provides that each school district shall determine research-based and proven evaluation practices (instead of incorporating the use of data and indicators on student growth). Provides that the practices may include incorporating the use of data and indicators on student growth, student surveys, teacher self-evaluation, goal-setting practices, peer-to-peer feedback, practices developed and approved by a specified joint committee, or practices recommended by the Performance Evaluation Advisory Council. Makes conforming changes. Provides that if a joint committee does not reach agreement on an evaluation plan, then the evaluation rating shall be based on professional practice as established by the district's evaluation plan (instead of implementing a model evaluation plan). Provides that the Performance Evaluation Advisory Council may develop nonregulatory guidance on research-based and proven evaluation practices.

LRB102 13728 CMG 19078 b

FISCAL NOTE ACT
MAY APPLY

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-4, 24A-5, and 24A-7 as follows:

6 (105 ILCS 5/24A-4) (from Ch. 122, par. 24A-4)
7 Sec. 24A-4. Development of evaluation plan.

8 (a) As used in this and the succeeding Sections, "teacher"
9 means any and all school district employees regularly required
10 to be certified under laws relating to the certification of
11 teachers. Each school district shall develop, in cooperation
12 with its teachers or, where applicable, the exclusive
13 bargaining representatives of its teachers, an evaluation plan
14 for all teachers.

15 (b) Each ~~By no later than the applicable implementation~~
16 ~~date, each~~ school district shall, in good faith cooperation
17 with its teachers or, where applicable, the exclusive
18 bargaining representatives of its teachers, determine
19 research-based and proven evaluation practices. Practices may
20 include:

21 (1) incorporating ~~incorporate~~ the use of data and
22 indicators on student growth as a significant factor in
23 rating teaching performance, into its evaluation plan for

1 all teachers, both those teachers in contractual continued
2 service and those teachers not in contractual continued
3 service. The plan shall at least meet the standards and
4 requirements for student growth and teacher evaluation
5 established under Section 24A-7, and specifically describe
6 how student growth data and indicators will be used as
7 part of the evaluation process, how this information will
8 relate to evaluation standards, the assessments or other
9 indicators of student performance that will be used in
10 measuring student growth and the weight that each will
11 have, the methodology that will be used to measure student
12 growth, and the criteria other than student growth that
13 will be used in evaluating the teacher and the weight that
14 each will have;

15 (2) student surveys;

16 (3) teacher self-evaluation;

17 (4) goal-setting practices;

18 (5) peer-to-peer feedback;

19 (6) practices developed and approved by the joint
20 committee established under this subsection (b); or

21 (7) practices recommended by the Performance
22 Evaluation Advisory Council established under Section
23 24A-7 of this Code.

24 To incorporate the use of research-based and proven
25 evaluation practices ~~data and indicators of student growth~~ as
26 a significant factor in rating teacher performance into the

1 evaluation plan, the district shall use a joint committee
2 composed of equal representation selected by the district and
3 its teachers or, where applicable, the exclusive bargaining
4 representative of its teachers. If, within 180 calendar days
5 of the committee's first meeting, the committee does not reach
6 agreement on the plan, then the evaluation rating shall be
7 based on professional practice as established by the
8 district's evaluation plan ~~the district shall implement the~~
9 ~~model evaluation plan established under Section 24A-7 with~~
10 ~~respect to the use of data and indicators on student growth as~~
11 ~~a significant factor in rating teacher performance.~~

12 Nothing in this subsection (b) shall make decisions on the
13 use of data and indicators on student growth as a significant
14 factor in rating teaching performance mandatory subjects of
15 bargaining under the Illinois Educational Labor Relations Act
16 that are not currently mandatory subjects of bargaining under
17 the Act.

18 The provisions of the Open Meetings Act shall not apply to
19 meetings of a joint committee formed under this subsection
20 (b).

21 (c) Notwithstanding anything to the contrary in subsection
22 (b) of this Section, if the joint committee referred to in that
23 subsection does not reach agreement on the plan within 90
24 calendar days after the committee's first meeting, a school
25 district having 500,000 or more inhabitants shall not be
26 required to implement any aspect of the model evaluation plan

1 and may implement its last best proposal.

2 (d) Beginning the first school year following the
3 effective date of this amendatory Act of the 100th General
4 Assembly, the joint committee referred to in subsection (b) of
5 this Section shall meet no less than one time annually to
6 assess and review the effectiveness of the district's
7 evaluation plan for the purposes of continuous improvement of
8 instruction and evaluation practices.

9 (Source: P.A. 100-768, eff. 1-1-19.)

10 (105 ILCS 5/24A-5) (from Ch. 122, par. 24A-5)

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

17 Each school district to which this Article applies shall
18 establish a teacher evaluation plan which ensures that each
19 teacher in contractual continued service is evaluated at least
20 once in the course of every 2 school years.

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

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

25 (2) each teacher in contractual continued service is

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

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

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

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

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

26 (b) consideration of the teacher's attendance,

1 planning, instructional methods, classroom management,
2 where relevant, and competency in the subject matter
3 taught.

4 (c) ~~by no later than the applicable implementation~~
5 ~~date,~~ consideration of research-based and proven
6 evaluation practices ~~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 annual
24 or biennial overall performance evaluation received after
25 the foregoing implementation date and receives a
26 subsequent rating of "unsatisfactory" in any of the

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

14 (105 ILCS 5/24A-7) (from Ch. 122, par. 24A-7)

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

19 (1) ~~(i)~~ relating to the methods for measuring student
20 growth (including, but not limited to, limitations on the
21 age of usable ~~useable~~ data; the amount of data needed to
22 reliably and validly measure growth for the purpose of
23 teacher and principal evaluations; and whether and at what
24 time annual State assessments may be used as one of
25 multiple measures of student growth);

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

4 (3),~~(iii)~~ controlling for such factors as student
5 characteristics (including, but not limited to, students
6 receiving special education and English ~~Language~~ Learner
7 services), student attendance, and student mobility so as
8 to best measure the impact that a teacher, principal,
9 school and school district has on students' academic
10 achievement;

11 (4),~~(iv)~~ establishing minimum requirements for
12 district teacher and principal evaluation instruments and
13 procedures;~~r~~ and

14 (5) ~~(v)~~ establishing a model evaluation plan for use
15 by school districts in which student growth shall comprise
16 50% of the performance rating.

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

22 The State Superintendent of Education shall convene a
23 Performance Evaluation Advisory Council, which shall be
24 staffed by the State Board of Education. Members of the
25 Council shall be selected by the State Superintendent and
26 include, without limitation, representatives of teacher unions

1 and school district management, persons with expertise in
2 performance evaluation processes and systems, as well as other
3 stakeholders. The Council shall meet at least quarterly, and
4 may also meet at the call of the chairperson of the Council,
5 following August 18, 2017 (the effective date of Public Act
6 100-211) ~~this amendatory Act of the 100th General Assembly~~
7 until June 30, 2021. The Council shall advise the State Board
8 of Education on the ongoing implementation of performance
9 evaluations in this State, which may include gathering public
10 feedback, sharing best practices, developing nonregulatory
11 guidance on research-based and proven evaluation practices,
12 consulting with the State Board on any proposed rule changes
13 regarding evaluations, and other subjects as determined by the
14 chairperson of the Council.

15 Prior to the applicable implementation date, these rules
16 shall not apply to teachers assigned to schools identified in
17 an agreement entered into between the board of a school
18 district operating under Article 34 of this Code and the
19 exclusive representative of the district's teachers in
20 accordance with Section 34-85c of this Code.

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