

# HB3945



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3945

Introduced 2/17/2023, by Rep. Laura Faver Dias

### SYNOPSIS AS INTRODUCED:

105 ILCS 5/24A-5

from Ch. 122, par. 24A-5

Amends the Evaluation of Certified Employees Article of the School Code. Provides that school districts may not tie teacher performance evaluations to a entire school's standardized testing performance or to a curriculum area in which the teacher is not certified.

LRB103 30079 RJT 56503 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 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 Code, a principal shall not be  
3 prohibited from evaluating any teachers within a school during  
4 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 School districts may not tie teacher performance  
7 evaluations to a entire school's standardized testing  
8 performance or to a curriculum area in which the teacher is not  
9 certified.

10 (Source: P.A. 101-643, eff. 6-18-20; 102-252, eff. 1-1-22;  
11 102-729, eff. 5-6-22.)