

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 34-85c as follows:

6 (105 ILCS 5/34-85c)

7 Sec. 34-85c. Alternative procedures for teacher
8 evaluation, remediation, and removal for cause after
9 remediation.

10 (a) Notwithstanding any law to the contrary, the board and
11 the exclusive representative of the district's teachers are
12 hereby authorized to enter into an agreement to establish
13 alternative procedures for teacher evaluation, remediation,
14 and removal for cause after remediation, including an
15 alternative system for peer evaluation and recommendations;
16 provided, however, that no later than September 1, 2012: (i)
17 any alternative procedures must include provisions whereby
18 student performance data is a significant factor in teacher
19 evaluation and (ii) teachers are rated as "excellent",
20 "proficient", "needs improvement" or "unsatisfactory".
21 Pursuant exclusively to that agreement, teachers assigned to
22 schools identified in that agreement shall be subject to an
23 alternative performance evaluation plan and remediation

1 procedures in lieu of the plan and procedures set forth in
2 Article 24A of this Code and alternative removal for cause
3 standards and procedures in lieu of the removal standards and
4 procedures set forth in Section 34-85 of this Code. To the
5 extent that the agreement provides a teacher with an
6 opportunity for a hearing on removal for cause before an
7 independent hearing officer in accordance with Section 34-85
8 or otherwise, the hearing officer shall be governed by the
9 alternative performance evaluation plan, remediation
10 procedures, and removal standards and procedures set forth in
11 the agreement in making findings of fact and a recommendation.

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

25 (a-10) No later than September 1, 2022, the school
26 district must establish a teacher evaluation plan that ensures

1 that each teacher in contractual continued service whose
2 performance is rated as either "excellent" or "proficient" is
3 evaluated at least once in the course of the 3 school years
4 after receipt of the rating and establish an informal teacher
5 observation plan that ensures that each teacher in contractual
6 continued service whose performance is rated as either
7 "excellent" or "proficient" is informally observed at least
8 once in the course of the 2 school years after receipt of the
9 rating.

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

18 (a-20) If after the evaluation procedures established in
19 subsection (a) of this Section are determined by the State
20 Board of Education, in the State Board of Education's report
21 under subsection (e) of Section 24A-20 of this Code, to have
22 clear racial, ethnic, socio-economic, or geographic
23 disparities for the educators evaluated under those evaluation
24 procedures, then the board and the exclusive representative of
25 the district's teachers shall enter into negotiations to
26 create a new evaluation system, to be implemented no later

1 than August 15, 2025, that maintains the requirements
2 established in subsection (a) of this Section and remedies the
3 determined racial, ethnic, socio-economic, or geographic
4 disparities.

5 (b) The board and the exclusive representative of the
6 district's teachers shall submit a certified copy of an
7 agreement as provided under subsection (a) of this Section to
8 the State Board of Education.

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.