

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 does  
8 not apply to teachers assigned to schools identified in an  
9 agreement entered into between the board of a school district  
10 operating under Article 34 of this Code and the exclusive  
11 representative of the district's teachers in accordance with  
12 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 such  
4 rating.

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

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

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

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

24 (b) consideration of the teacher's attendance,  
25 planning, instructional methods, classroom management,  
26 where relevant, and competency in the subject matter

1 taught.

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

5 (d) prior to September 1, 2012, rating of the  
6 performance of teachers in contractual continued service  
7 as either:

8 (i) "excellent", "satisfactory" or  
9 "unsatisfactory"; or

10 (ii) "excellent", "proficient", "needs  
11 improvement" or "unsatisfactory".

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

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

17 (g) inclusion of a copy of the evaluation in the  
18 teacher's personnel file and provision of a copy to the  
19 teacher.

20 (h) within 30 school days after the completion of an  
21 evaluation rating a teacher in contractual continued  
22 service as "needs improvement", development by the  
23 evaluator, in consultation with the teacher, and taking  
24 into account the teacher's on-going professional  
25 responsibilities including his or her regular teaching  
26 assignments, of a professional development plan directed

1 to the areas that need improvement and any supports that  
2 the district will provide to address the areas identified  
3 as needing improvement.

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

21 (j) participation in the remediation plan by the  
22 teacher in contractual continued service rated  
23 "unsatisfactory", an evaluator and a consulting teacher  
24 selected by the evaluator of the teacher who was rated  
25 "unsatisfactory", which consulting teacher is an  
26 educational employee as defined in the Educational Labor

1 Relations Act, has at least 5 years' teaching experience,  
2 and a reasonable familiarity with the assignment of the  
3 teacher being evaluated, and who received an "excellent"  
4 rating on his or her most recent evaluation. Where no  
5 teachers who meet these criteria are available within the  
6 district, the district shall request and the applicable  
7 regional office of education shall supply, to participate  
8 in the remediation process, an individual who meets these  
9 criteria.

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

21 (k) a mid-point and final evaluation by an evaluator  
22 during and at the end of the remediation period,  
23 immediately following receipt of a remediation plan  
24 provided for under subsections (i) and (j) of this Section.  
25 Each evaluation shall assess the teacher's performance  
26 during the time period since the prior evaluation; provided

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

24 (1) reinstatement to the evaluation schedule set forth  
25 in the district's evaluation plan for any teacher in  
26 contractual continued service who achieves a rating equal

1 to or better than "satisfactory" or "proficient" in the  
2 school year following a rating of "needs improvement" or  
3 "unsatisfactory".

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

15 (n) After the implementation date of an evaluation  
16 system for teachers in a district as specified in Section  
17 24A-2.5 of this Code, if a teacher in contractual continued  
18 service successfully completes a remediation plan  
19 following a rating of "unsatisfactory" and receives a  
20 subsequent rating of "unsatisfactory" in any of the  
21 teacher's annual or biannual overall performance  
22 evaluation ratings received during the 36-month period  
23 following the teacher's completion of the remediation  
24 plan, then the school district may forego remediation and  
25 seek dismissal in accordance with subsection (d) of Section  
26 24-12 or Section 34-85 of this Code.

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

11           (Source: P.A. 96-861, eff. 1-15-10; 96-1423, eff. 8-3-10; 97-8,  
12 eff. 6-13-11.)

13           Section 99. Effective date. This Act takes effect upon  
14 becoming law.