

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 1. This amendatory Act may be referred to as the  
5 Performance Evaluation Reform Act of 2010.

6 Section 5. Findings; declarations. The General Assembly  
7 finds and declares all of the following:

8 (1) Effective teachers and school leaders are a  
9 critical factor contributing to student achievement.

10 (2) Many existing district performance evaluation  
11 systems fail to adequately distinguish between effective  
12 and ineffective teachers and principals. A recent study of  
13 evaluation systems in 3 of the largest Illinois districts  
14 found that out of 41,174 teacher evaluations performed over  
15 a 5-year period, 92.6% of teachers were rated "superior" or  
16 "excellent", 7% were rated "satisfactory", and only 0.4%  
17 were rated "unsatisfactory".

18 (3) Performance evaluation systems must assess  
19 professional competencies as well as student growth.

20 (4) School districts and the State must ensure that  
21 performance evaluation systems are valid and reliable and  
22 contribute to the development of staff and improved student  
23 achievement outcomes.

1           Section 10. The School Code is amended by changing Sections  
2           2-3.25g, 24A-3, 24A-4, 24A-5, 24A-7, 24A-8, 24A-15, 34-8, and  
3           34-85c and by adding Sections 24A-2.5, 24A-7.1, and 24A-20 as  
4           follows:

5           (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

6           Sec. 2-3.25g. Waiver or modification of mandates within the  
7           School Code and administrative rules and regulations.

8           (a) In this Section:

9           "Board" means a school board or the governing board or  
10          administrative district, as the case may be, for a joint  
11          agreement.

12          "Eligible applicant" means a school district, joint  
13          agreement made up of school districts, or regional  
14          superintendent of schools on behalf of schools and programs  
15          operated by the regional office of education.

16          "Implementation date" has the meaning set forth in  
17          Section 24A-2.5 of this Code.

18          "State Board" means the State Board of Education.

19          (b) Notwithstanding any other provisions of this School  
20          Code or any other law of this State to the contrary, eligible  
21          applicants may petition the State Board of Education for the  
22          waiver or modification of the mandates of this School Code or  
23          of the administrative rules and regulations promulgated by the  
24          State Board of Education. Waivers or modifications of

1 administrative rules and regulations and modifications of  
2 mandates of this School Code may be requested when an eligible  
3 applicant demonstrates that it can address the intent of the  
4 rule or mandate in a more effective, efficient, or economical  
5 manner or when necessary to stimulate innovation or improve  
6 student performance. Waivers of mandates of the School Code may  
7 be requested when the waivers are necessary to stimulate  
8 innovation or improve student performance. Waivers may not be  
9 requested from laws, rules, and regulations pertaining to  
10 special education, teacher certification, teacher tenure and  
11 seniority, or Section 5-2.1 of this Code or from compliance  
12 with the No Child Left Behind Act of 2001 (Public Law 107-110).  
13 On and after the applicable implementation date, eligible  
14 applicants may not seek a waiver or seek a modification of a  
15 mandate regarding the requirements for (i) student performance  
16 data to be a significant factor in teacher or principal  
17 evaluations or (ii) for teachers and principals to be rated  
18 using the 4 categories of "excellent", "proficient", "needs  
19 improvement", or "unsatisfactory". On the applicable  
20 implementation date, any previously authorized waiver or  
21 modification from such requirements shall terminate.

22 (c) Eligible applicants, as a matter of inherent managerial  
23 policy, and any Independent Authority established under  
24 Section 2-3.25f may submit an application for a waiver or  
25 modification authorized under this Section. Each application  
26 must include a written request by the eligible applicant or

1 Independent Authority and must demonstrate that the intent of  
2 the mandate can be addressed in a more effective, efficient, or  
3 economical manner or be based upon a specific plan for improved  
4 student performance and school improvement. Any eligible  
5 applicant requesting a waiver or modification for the reason  
6 that intent of the mandate can be addressed in a more  
7 economical manner shall include in the application a fiscal  
8 analysis showing current expenditures on the mandate and  
9 projected savings resulting from the waiver or modification.  
10 Applications and plans developed by eligible applicants must be  
11 approved by the board or regional superintendent of schools  
12 applying on behalf of schools or programs operated by the  
13 regional office of education following a public hearing on the  
14 application and plan and the opportunity for the board or  
15 regional superintendent to hear testimony from staff directly  
16 involved in its implementation, parents, and students. The time  
17 period for such testimony shall be separate from the time  
18 period established by the eligible applicant for public comment  
19 on other matters. If the applicant is a school district or  
20 joint agreement requesting a waiver or modification of Section  
21 27-6 of this Code, the public hearing shall be held on a day  
22 other than the day on which a regular meeting of the board is  
23 held. If the applicant is a school district, the public hearing  
24 must be preceded by at least one published notice occurring at  
25 least 7 days prior to the hearing in a newspaper of general  
26 circulation within the school district that sets forth the

1 time, date, place, and general subject matter of the hearing.  
2 If the applicant is a joint agreement or regional  
3 superintendent, the public hearing must be preceded by at least  
4 one published notice (setting forth the time, date, place, and  
5 general subject matter of the hearing) occurring at least 7  
6 days prior to the hearing in a newspaper of general circulation  
7 in each school district that is a member of the joint agreement  
8 or that is served by the educational service region, provided  
9 that a notice appearing in a newspaper generally circulated in  
10 more than one school district shall be deemed to fulfill this  
11 requirement with respect to all of the affected districts. The  
12 eligible applicant must notify in writing the affected  
13 exclusive collective bargaining agent and those State  
14 legislators representing the eligible applicant's territory of  
15 its intent to seek approval of a waiver or modification and of  
16 the hearing to be held to take testimony from staff. The  
17 affected exclusive collective bargaining agents shall be  
18 notified of such public hearing at least 7 days prior to the  
19 date of the hearing and shall be allowed to attend such public  
20 hearing. The eligible applicant shall attest to compliance with  
21 all of the notification and procedural requirements set forth  
22 in this Section.

23 (d) A request for a waiver or modification of  
24 administrative rules and regulations or for a modification of  
25 mandates contained in this School Code shall be submitted to  
26 the State Board of Education within 15 days after approval by

1 the board or regional superintendent of schools. The  
2 application as submitted to the State Board of Education shall  
3 include a description of the public hearing. Following receipt  
4 of the request, the State Board shall have 45 days to review  
5 the application and request. If the State Board fails to  
6 disapprove the application within that 45 day period, the  
7 waiver or modification shall be deemed granted. The State Board  
8 may disapprove any request if it is not based upon sound  
9 educational practices, endangers the health or safety of  
10 students or staff, compromises equal opportunities for  
11 learning, or fails to demonstrate that the intent of the rule  
12 or mandate can be addressed in a more effective, efficient, or  
13 economical manner or have improved student performance as a  
14 primary goal. Any request disapproved by the State Board may be  
15 appealed to the General Assembly by the eligible applicant as  
16 outlined in this Section.

17 A request for a waiver from mandates contained in this  
18 School Code shall be submitted to the State Board within 15  
19 days after approval by the board or regional superintendent of  
20 schools. The application as submitted to the State Board of  
21 Education shall include a description of the public hearing.  
22 The description shall include, but need not be limited to, the  
23 means of notice, the number of people in attendance, the number  
24 of people who spoke as proponents or opponents of the waiver, a  
25 brief description of their comments, and whether there were any  
26 written statements submitted. The State Board shall review the

1 applications and requests for completeness and shall compile  
2 the requests in reports to be filed with the General Assembly.  
3 The State Board shall file reports outlining the waivers  
4 requested by eligible applicants and appeals by eligible  
5 applicants of requests disapproved by the State Board with the  
6 Senate and the House of Representatives before each March 1 and  
7 October 1. The General Assembly may disapprove the report of  
8 the State Board in whole or in part within 60 calendar days  
9 after each house of the General Assembly next convenes after  
10 the report is filed by adoption of a resolution by a record  
11 vote of the majority of members elected in each house. If the  
12 General Assembly fails to disapprove any waiver request or  
13 appealed request within such 60 day period, the waiver or  
14 modification shall be deemed granted. Any resolution adopted by  
15 the General Assembly disapproving a report of the State Board  
16 in whole or in part shall be binding on the State Board.

17 (e) An approved waiver or modification (except a waiver  
18 from or modification to a physical education mandate) may  
19 remain in effect for a period not to exceed 5 school years and  
20 may be renewed upon application by the eligible applicant.  
21 However, such waiver or modification may be changed within that  
22 5-year period by a board or regional superintendent of schools  
23 applying on behalf of schools or programs operated by the  
24 regional office of education following the procedure as set  
25 forth in this Section for the initial waiver or modification  
26 request. If neither the State Board of Education nor the

1 General Assembly disapproves, the change is deemed granted.

2 An approved waiver from or modification to a physical  
3 education mandate may remain in effect for a period not to  
4 exceed 2 school years and may be renewed no more than 2 times  
5 upon application by the eligible applicant. An approved waiver  
6 from or modification to a physical education mandate may be  
7 changed within the 2-year period by the board or regional  
8 superintendent of schools, whichever is applicable, following  
9 the procedure set forth in this Section for the initial waiver  
10 or modification request. If neither the State Board of  
11 Education nor the General Assembly disapproves, the change is  
12 deemed granted.

13 (f) On or before February 1, 1998, and each year  
14 thereafter, the State Board of Education shall submit a  
15 cumulative report summarizing all types of waivers of mandates  
16 and modifications of mandates granted by the State Board or the  
17 General Assembly. The report shall identify the topic of the  
18 waiver along with the number and percentage of eligible  
19 applicants for which the waiver has been granted. The report  
20 shall also include any recommendations from the State Board  
21 regarding the repeal or modification of waived mandates.

22 (Source: P.A. 94-198, eff. 1-1-06; 94-432, eff. 8-2-05; 94-875,  
23 eff. 7-1-06; 95-223, eff. 1-1-08.)

24 (105 ILCS 5/24A-2.5 new)

25 Sec. 24A-2.5. Definitions. In this Article:

1 "Evaluator" means:

2 (1) an administrator qualified under Section 24A-3; or

3 (2) other individuals qualified under Section 24A-3,  
4 provided that, if such other individuals are in the  
5 bargaining unit of a district's teachers, the district and  
6 the exclusive bargaining representative of that unit must  
7 agree to those individuals evaluating other bargaining  
8 unit members.

9 Notwithstanding anything to the contrary in item (2) of  
10 this definition, a school district operating under Article 34  
11 of this Code may require department chairs qualified under  
12 Section 24A-3 to evaluate teachers in their department or  
13 departments, provided that the school district shall bargain  
14 with the bargaining representative of its teachers over the  
15 impact and effects on department chairs of such a requirement.

16 "Implementation date" means, unless otherwise specified  
17 and provided that the requirements set forth in subsection (d)  
18 of Section 24A-20 have been met:

19 (1) For school districts having 500,000 or more  
20 inhabitants, in at least 300 schools by September 1, 2012  
21 and in the remaining schools by September 1, 2013.

22 (2) For school districts having less than 500,000  
23 inhabitants and receiving a Race to the Top Grant or School  
24 Improvement Grant after the effective date of this  
25 amendatory Act of the 96th General Assembly, the date  
26 specified in those grants for implementing an evaluation

1 system for teachers and principals incorporating student  
2 growth as a significant factor.

3 (3) For the lowest performing 20% percent of remaining  
4 school districts having less than 500,000 inhabitants  
5 (with the measure of and school year or years used for  
6 school district performance to be determined by the State  
7 Superintendent of Education at a time determined by the  
8 State Superintendent), September 1, 2015.

9 (4) For all other school districts having less than  
10 500,000 inhabitants, September 1, 2016.

11 "Race to the Top Grant" means a grant made by the Secretary  
12 of the U.S. Department of Education pursuant to paragraph (2)  
13 of Section 14006(a) of the American Recovery and Reinvestment  
14 Act of 2009.

15 "School Improvement Grant" means a grant made by the  
16 Secretary of the U.S. Department of Education pursuant to  
17 Section 1003(g) of the Elementary and Secondary Education Act.

18 (105 ILCS 5/24A-3) (from Ch. 122, par. 24A-3)

19 Sec. 24A-3. Evaluation training and pre-qualification.

20 (a) School ~~Beginning January 1, 1986, school~~ boards shall  
21 require evaluators ~~those administrators, or~~ ~~in school~~  
22 ~~districts having a population exceeding 500,000~~ ~~assistant~~  
23 ~~principals, who evaluate other certified personnel~~ to  
24 participate ~~at least once every 2 years~~ in an inservice  
25 training ~~workshop~~ on ~~either school improvement or the~~

1 evaluation of certified personnel provided or approved by the  
2 State Board of Education prior to undertaking any evaluation  
3 and at least once during each certificate renewal cycle.  
4 Training provided or approved by the State Board of Education  
5 shall include the evaluator training program developed  
6 pursuant to Section 24A-20 of this Code.

7 (b) Any evaluator undertaking an evaluation after  
8 September 1, 2012 must first successfully complete a  
9 pre-qualification program provided or approved by the State  
10 Board of Education. The program must involve rigorous training  
11 and an independent observer's determination that the  
12 evaluator's ratings properly align to the requirements  
13 established by the State Board pursuant to this Article.

14 (Source: P.A. 86-1477; 87-1076.)

15 (105 ILCS 5/24A-4) (from Ch. 122, par. 24A-4)

16 Sec. 24A-4. Development ~~and submission~~ of evaluation plan.

17 (a) As used in this and the succeeding Sections, "teacher"  
18 means any and all school district employees regularly required  
19 to be certified under laws relating to the certification of  
20 teachers. Each school district shall develop, in cooperation  
21 with its teachers or, where applicable, the exclusive  
22 bargaining representatives of its teachers, an evaluation plan  
23 for all teachers.

24 (b) By no later than the applicable implementation date,  
25 each school district shall, in good faith cooperation with its

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

18 To incorporate the use of data and indicators of student  
19 growth as a significant factor in rating teacher performance  
20 into the evaluation plan, the district shall use a joint  
21 committee composed of equal representation selected by the  
22 district and its teachers or, where applicable, the exclusive  
23 bargaining representative of its teachers. If, within 180  
24 calendar days of the committee's first meeting, the committee  
25 does not reach agreement on the plan, then the district shall  
26 implement the model evaluation plan established under Section

1 24A-7 with respect to the use of data and indicators on student  
2 growth as a significant factor in rating teacher performance.

3 Nothing in this subsection (a) shall make decisions on the  
4 use of data and indicators on student growth as a significant  
5 factor in rating teaching performance mandatory subjects of  
6 bargaining under the Illinois Educational Labor Relations Act  
7 that are not currently mandatory subjects of bargaining under  
8 the Act.

9 (c) Notwithstanding anything to the contrary in subsection  
10 (b) of this Section, if the joint committee referred to in that  
11 subsection does not reach agreement on the plan within 90  
12 calendar days after the committee's first meeting, a school  
13 district having 500,000 or more inhabitants shall not be  
14 required to implement any aspect of the model evaluation plan  
15 and may implement its last best proposal. ~~in contractual~~  
16 ~~continued service. The district shall, no later than October 1,~~  
17 ~~1986, submit a copy of its evaluation plan to the State Board~~  
18 ~~of Education, which shall review the plan and make public its~~  
19 ~~comments thereon, and the district shall at the same time~~  
20 ~~provide a copy to the exclusive bargaining representatives.~~  
21 ~~Whenever any substantive change is made in a district's~~  
22 ~~evaluation plan, the new plan shall be submitted to the State~~  
23 ~~Board of Education for review and comment, and the district~~  
24 ~~shall at the same time provide a copy of any such new plan to~~  
25 ~~the exclusive bargaining representatives. The board of a school~~  
26 ~~district operating under Article 34 of this Code and the~~

1 ~~exclusive representative of the district's teachers shall~~  
2 ~~submit a certified copy of an agreement entered into under~~  
3 ~~Section 34-85c of this Code to the State Board of Education,~~  
4 ~~and that agreement shall constitute the teacher evaluation plan~~  
5 ~~for teachers assigned to schools identified in that agreement.~~  
6 ~~Whenever any substantive change is made in an agreement entered~~  
7 ~~into under Section 34-85c of this Code by the board of a school~~  
8 ~~district operating under Article 34 of this Code and the~~  
9 ~~exclusive representative of the district's teachers, the new~~  
10 ~~agreement shall be submitted to the State Board of Education.~~

11 (Source: P.A. 95-510, eff. 8-28-07.)

12 (105 ILCS 5/24A-5) (from Ch. 122, par. 24A-5)

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

19 Each school district to which this Article applies shall  
20 establish a teacher evaluation plan which ensures that each  
21 teacher in contractual continued service is evaluated at least  
22 once in the course of every 2 school years, ~~beginning with the~~  
23 ~~1986-87 school year.~~

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

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

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

10           Notwithstanding anything to the contrary in this Section or  
11           any other Section of the School Code, a principal shall not be  
12           prohibited from evaluating any teachers within a school during  
13           his or her first year as principal of such school.

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. ~~The plan may provide for~~  
20           ~~evaluation of personnel whose positions require administrative~~  
21           ~~certification by independent evaluators not employed by or~~  
22           ~~affiliated with the school district. The results of the school~~  
23           ~~district administrators' evaluations shall be reported to the~~  
24           ~~employing school board, together with such recommendations for~~  
25           ~~remediation as the evaluator or evaluators may deem~~  
26           ~~appropriate. Evaluation of teachers whose positions do not~~

1 ~~require administrative certification shall be conducted by an~~  
2 ~~administrator qualified under Section 24A-3, or -- in school~~  
3 ~~districts having a population exceeding 500,000 -- by either an~~  
4 ~~administrator qualified under Section 24A-3 or an assistant~~  
5 ~~principal under the supervision of an administrator qualified~~  
6 ~~under Section 24A-3, and shall include at least the following~~  
7 components:

8 (a) personal observation of the teacher in the  
9 classroom by the evaluator ~~(on at least 2 different school~~  
10 ~~days in school districts having a population exceeding~~  
11 ~~500,000) by a district administrator qualified under~~  
12 ~~Section 24A-3, or -- in school districts having a~~  
13 ~~population exceeding 500,000 -- by either an administrator~~  
14 ~~qualified under Section 24A-3 or an assistant principal~~  
15 ~~under the supervision of an administrator qualified under~~  
16 ~~Section 24A-3, unless the teacher has no classroom duties.~~

17 (b) consideration of the teacher's attendance,  
18 planning, ~~and~~ instructional methods, classroom management,  
19 where relevant, and competency in the subject matter  
20 taught, ~~where relevant.~~

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

24 (d) prior to September 1, 2012, ~~(e)~~ rating of the  
25 ~~teacher's performance~~ of teachers in contractual continued  
26 service as either:

1           (i)       "excellent",       "satisfactory"       or  
2       "unsatisfactory"; ~~or~~

3           (ii)       "excellent",       "proficient",       "needs  
4       improvement" or "unsatisfactory".

5       (e) on and after September 1, 2012, rating of the  
6       performance of teachers in contractual continued service  
7       as "excellent", "proficient", "needs improvement" or  
8       "unsatisfactory".

9       (f) ~~(d)~~ specification as to the teacher's strengths and  
10       weaknesses, with supporting reasons for the comments made.

11       (g) ~~(e)~~ inclusion of a copy of the evaluation in the  
12       teacher's personnel file and provision of a copy to the  
13       teacher.

14       (h) within 30 school days after the completion of an  
15       evaluation rating a teacher in contractual continued  
16       service as "needs improvement", development by the  
17       evaluator, in consultation with the teacher, and taking  
18       into account the teacher's on-going professional  
19       responsibilities including his or her regular teaching  
20       assignments, of a professional development plan directed  
21       to the areas that need improvement and any supports that  
22       the district will provide to address the areas identified  
23       as needing improvement.

24       (i) ~~(f)~~ within 30 days after completion of an  
25       evaluation rating a teacher in contractual continued  
26       service as "unsatisfactory", development and commencement

1 by the district, ~~or by an administrator qualified under~~  
2 ~~Section 24A-3 or an assistant principal under the~~  
3 ~~supervision of an administrator qualified under Section~~  
4 ~~24A-3 in school districts having a population exceeding~~  
5 ~~500,000,~~ of a remediation plan designed to correct  
6 deficiencies cited, provided the deficiencies are deemed  
7 remediable. In all school districts the remediation plan  
8 for unsatisfactory, tenured teachers shall provide for 90  
9 school days of remediation within the classroom, unless an  
10 applicable collective bargaining agreement provides for a  
11 shorter duration. In all school districts evaluations  
12 issued pursuant to this Section shall be issued within 10  
13 days after the conclusion of the respective remediation  
14 plan. However, the school board or other governing  
15 authority of the district shall not lose jurisdiction to  
16 discharge a teacher in the event the evaluation is not  
17 issued within 10 days after the conclusion of the  
18 respective remediation plan.

19 (j) (g) participation in the remediation plan by the  
20 teacher in contractual continued service rated  
21 "unsatisfactory", an evaluator and a ~~district~~  
22 ~~administrator qualified under Section 24A-3 (or in a~~  
23 ~~school district having a population exceeding 500,000 -- an~~  
24 ~~administrator qualified under Section 24A-3 or an~~  
25 ~~assistant principal under the supervision of an~~  
26 ~~administrator qualified under Section 24A-3), and a~~

1 consulting teacher, selected by the evaluator ~~by the~~  
2 ~~participating administrator or by the principal, or in~~  
3 ~~school districts having a population exceeding 500,000~~  
4 ~~by an administrator qualified under Section 24A-3 or by an~~  
5 ~~assistant principal under the supervision of an~~  
6 ~~administrator qualified under Section 24A-3,~~ of the  
7 teacher who was rated "unsatisfactory", which consulting  
8 teacher is an educational employee as defined in the  
9 Educational Labor Relations Act, has at least 5 years'  
10 teaching experience, and a reasonable familiarity with the  
11 assignment of the teacher being evaluated, and who received  
12 an "excellent" rating on his or her most recent evaluation.  
13 Where no teachers who meet these criteria are available  
14 within the district, the district shall request and the  
15 State Board of Education shall supply, to participate in  
16 the remediation process, an individual who meets these  
17 criteria.

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

1           qualification, the State Board shall determine  
2           qualification.

3           (k) a mid-point and final evaluation by an evaluator  
4           during and at the end of the remediation period,  
5           immediately following receipt of a remediation plan  
6           provided for under subsections (i) and (j) of this Section.  
7           Each evaluation shall assess the teacher's performance  
8           during the time period since the prior evaluation; provided  
9           that the last evaluation shall also include an overall  
10           evaluation of the teacher's performance during the  
11           remediation period. A written copy of the evaluations and  
12           ratings, in which any deficiencies in performance and  
13           recommendations for correction are identified, shall be  
14           provided to and discussed with the teacher within 10 school  
15           days after the date of the evaluation, unless an applicable  
16           collective bargaining agreement provides to the contrary.

17           ~~(h) evaluations and ratings once every 30 school days for~~  
18           ~~the 90 school day remediation period immediately following~~  
19           ~~receipt of a remediation plan provided for under~~  
20           ~~subsections (f) and (g) of this Section; provided that in~~  
21           ~~school districts having a population exceeding 500,000~~  
22           ~~there shall be monthly evaluations and ratings for the~~  
23           ~~first 6 months and quarterly evaluations and ratings for~~  
24           ~~the next 6 months immediately following completion of the~~  
25           ~~remediation program of a teacher for whom a remediation~~  
26           ~~plan has been developed. These subsequent evaluations~~

1 shall be conducted by an evaluator ~~the participating~~  
2 ~~administrator, or -- in school districts having a~~  
3 ~~population exceeding 500,000 -- by either the principal or~~  
4 ~~by an assistant principal under the supervision of an~~  
5 ~~administrator qualified under Section 24A-3.~~ The  
6 consulting teacher shall provide advice to the teacher  
7 rated "unsatisfactory" on how to improve teaching skills  
8 and to successfully complete the remediation plan. The  
9 consulting teacher shall participate in developing the  
10 remediation plan, but the final decision as to the  
11 evaluation shall be done solely by the evaluator  
12 ~~administrator, or -- in school districts having a~~  
13 ~~population exceeding 500,000 -- by either the principal or~~  
14 ~~by an assistant principal under the supervision of an~~  
15 ~~administrator qualified under Section 24A-3,~~ unless an  
16 applicable collective bargaining agreement provides to the  
17 contrary. ~~Teachers in the remediation process in a school~~  
18 ~~district having a population exceeding 500,000 are not~~  
19 ~~subject to the annual evaluations described in paragraphs~~  
20 ~~(a) through (c) of this Section.~~ Evaluations at the  
21 conclusion of the remediation process shall be separate and  
22 distinct from the required annual evaluations of teachers  
23 and shall not be subject to the guidelines and procedures  
24 relating to those annual evaluations. The evaluator may but  
25 is not required to use the forms provided for the annual  
26 evaluation of teachers in the district's evaluation plan.

1           (l) ~~(i) in school districts having a population of less~~  
2 ~~than 500,000, reinstatement to the evaluation schedule set~~  
3 ~~forth in the district's evaluation plan a schedule of~~  
4 ~~biennial evaluation for any teacher in contractual~~  
5 ~~continued service who achieves a rating equal to or better~~  
6 ~~than "satisfactory" or "proficient" in the school year~~  
7 ~~following a rating of "needs improvement" or~~  
8 ~~"unsatisfactory". completes the 90 school day remediation~~  
9 ~~plan with a "satisfactory" or better rating, unless the~~  
10 ~~district's plan regularly requires more frequent~~  
11 ~~evaluations; and in school districts having a population~~  
12 ~~exceeding 500,000, reinstatement to a schedule of biennial~~  
13 ~~evaluation for any teacher who completes the 90 school day~~  
14 ~~remediation plan with a "satisfactory" or better rating and~~  
15 ~~the one year intensive review schedule as provided in~~  
16 ~~paragraph (h) of this Section with a "satisfactory" or~~  
17 ~~better rating, unless such district's plan regularly~~  
18 ~~requires more frequent evaluations.~~

19           (m) ~~(j)~~ dismissal in accordance with Section 24-12 or  
20 34-85 of the School Code of any teacher who fails to  
21 complete any applicable remediation plan with a rating  
22 equal to or better than a "satisfactory" or "proficient"  
23 ~~better~~ rating. Districts and teachers subject to dismissal  
24 hearings are precluded from compelling the testimony of  
25 consulting teachers at such hearings under Section 24-12 or  
26 34-85, either as to the rating process or for opinions of

1 performances by teachers under remediation.

2 ~~In a district subject to a collective bargaining agreement~~  
3 ~~as of the effective date of this amendatory Act of 1997, any~~  
4 ~~changes made by this amendatory Act to the provisions of this~~  
5 ~~Section that are contrary to the express terms and provisions~~  
6 ~~of that agreement shall go into effect in that district only~~  
7 ~~upon expiration of that agreement. Thereafter, collectively~~  
8 ~~bargained evaluation plans shall at a minimum meet the~~  
9 ~~standards of this Article. If such a district has an evaluation~~  
10 ~~plan, however, whether pursuant to the collective bargaining~~  
11 ~~agreement or otherwise, a copy of that plan shall be submitted~~  
12 ~~to the State Board of Education for review and comment, in~~  
13 ~~accordance with Section 24A-4.~~

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

24 (Source: P.A. 95-510, eff. 8-28-07.)

25 (105 ILCS 5/24A-7) (from Ch. 122, par. 24A-7)

1           Sec. 24A-7. Rules. The State Board of Education is  
2 authorized to adopt such rules as are deemed necessary to  
3 implement and accomplish the purposes and provisions of this  
4 Article, including, but not limited to, rules (i) relating to  
5 the methods for measuring student growth (including, but not  
6 limited to, limitations on the age of useable data; the amount  
7 of data needed to reliably and validly measure growth for the  
8 purpose of teacher and principal evaluations; and whether and  
9 at what time annual State assessments may be used as one of  
10 multiple measures of student growth), (ii) defining the term  
11 "significant factor" for purposes of including consideration  
12 of student growth in performance ratings, (iii) controlling for  
13 such factors as student characteristics (including, but not  
14 limited to, students receiving special education and English  
15 Language Learner services), student attendance, and student  
16 mobility so as to best measure the impact that a teacher,  
17 principal, school and school district has on students' academic  
18 achievement, (iv) establishing minimum requirements for  
19 district teacher and principal evaluation instruments and  
20 procedures, and (v) establishing a model evaluation plan for  
21 use by school districts in which student growth shall comprise  
22 50% of the performance rating. Notwithstanding any provision in  
23 this Section, rules shall not preclude a school district having  
24 500,000 or more inhabitants from using an annual State  
25 assessment as the sole measure of student growth for purposes  
26 of teacher or principal evaluations.

1       The rules shall be developed through a process involving  
2 collaboration with a Performance Evaluation Advisory Council,  
3 which shall be convened and staffed by the State Board of  
4 Education. Members of the Council shall be selected by the  
5 State Superintendent and include, without limitation,  
6 representatives of teacher unions and school district  
7 management, persons with expertise in performance evaluation  
8 processes and systems, as well as other stakeholders. The  
9 Performance Evaluation Advisory Council shall meet at least  
10 quarterly following the effective date of this amendatory Act  
11 of the 96th General Assembly until June 30, 2017.

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

18 (Source: P.A. 95-510, eff. 8-28-07.)

19 (105 ILCS 5/24A-7.1 new)

20       Sec. 24A-7.1. Teacher, principal, and superintendent  
21 performance evaluations. Except as otherwise provided under  
22 this Act, disclosure of public school teacher, principal, and  
23 superintendent performance evaluations is prohibited.

24 (105 ILCS 5/24A-8) (from Ch. 122, par. 24A-8)

1           Sec. 24A-8. Evaluation of teachers not in contractual  
2 continued service. ~~Each Beginning with the 1987-88 school year~~  
3 ~~each~~ teacher not in contractual continued service shall be  
4 evaluated at least once each school year.

5 (Source: P.A. 84-1419.)

6 (105 ILCS 5/24A-15)

7           Sec. 24A-15. Development ~~and submission~~ of evaluation plan  
8 for principals.

9           (a) ~~Each Beginning with the 2006-2007 school year and each~~  
10 ~~school year thereafter, each~~ school district, except for a  
11 school district organized under Article 34 of this Code, shall  
12 establish a principal evaluation plan in accordance with this  
13 Section. The plan must ensure that each principal is evaluated  
14 as follows:

15           (1) For a principal on a single-year contract, the  
16 evaluation must take place by March ~~February~~ 1 of each  
17 year.

18           (2) For a principal on a multi-year contract under  
19 Section 10-23.8a of this Code, the evaluation must take  
20 place by March 1 ~~February 1~~ of the final year of the  
21 contract.

22 On and after September 1, 2012, the plan must:

23           (i) rate the principal's performance as "excellent",  
24 "proficient", "needs improvement" or "unsatisfactory"; and

25           (ii) ensure that each principal is evaluated at least

1 once every school year.

2 Nothing in this Section prohibits a school district from  
3 conducting additional evaluations of principals.

4 (b) The evaluation shall include a description of the  
5 principal's duties and responsibilities and the standards to  
6 which the principal is expected to conform.

7 (c) The evaluation must be performed by the district  
8 superintendent, the superintendent's designee, or, in the  
9 absence of the superintendent or his or her designee, an  
10 individual appointed by the school board who holds a registered  
11 Type 75 State administrative certificate.

12 Prior to September 1, 2012, the ~~The~~ evaluation must be in  
13 writing and must at least do all of the following:

14 (1) Consider the principal's specific duties,  
15 responsibilities, management, and competence as a  
16 principal.

17 (2) Specify the principal's strengths and weaknesses,  
18 with supporting reasons.

19 (3) Align with ~~the Illinois Professional Standards for~~  
20 ~~School Leaders or~~ research-based standards established by  
21 administrative rule ~~district standards.~~

22 On and after September 1, 2012, the evaluation must, in  
23 addition to the requirements in items (1), (2), and (3) of this  
24 subsection (c), provide for the use of data and indicators on  
25 student growth as a significant factor in rating performance.

26 (d) One copy of the evaluation must be included in the

1 principal's personnel file and one copy of the evaluation must  
2 be provided to the principal.

3 (e) Failure by a district to evaluate a principal and to  
4 provide the principal with a copy of the evaluation at least  
5 once during the term of the principal's contract, in accordance  
6 with this Section, is evidence that the principal is performing  
7 duties and responsibilities in at least a satisfactory manner  
8 and shall serve to automatically extend the principal's  
9 contract for a period of one year after the contract would  
10 otherwise expire, under the same terms and conditions as the  
11 prior year's contract. The requirements in this Section are in  
12 addition to the right of a school board to reclassify a  
13 principal pursuant to Section 10-23.8b of this Code.

14 (f) Nothing in this Section prohibits a school board from  
15 ordering lateral transfers of principals to positions of  
16 similar rank and salary.

17 (Source: P.A. 94-1039, eff. 7-20-06.)

18 (105 ILCS 5/24A-20 new)

19 Sec. 24A-20. State Board of Education data collection and  
20 evaluation assessment and support systems.

21 (a) On or before the date established in subsection (b) of  
22 this Section, the State Board of Education shall, through a  
23 process involving collaboration with the Performance  
24 Evaluation Advisory Council, develop or contract for the  
25 development of and implement all of the following data

1 collection and evaluation assessment and support systems:

2 (1) A system to annually collect and publish data by  
3 district and school on teacher and administrator  
4 performance evaluation outcomes. The system must ensure  
5 that no teacher or administrator can be personally  
6 identified by publicly reported data.

7 (2) Both a teacher and principal model evaluation  
8 template. The model templates must incorporate the  
9 requirements of this Article and any other requirements  
10 established by the State Board by administrative rule, but  
11 allow customization by districts in a manner that does not  
12 conflict with such requirements.

13 (3) An evaluator pre-qualification program based on  
14 the model teacher evaluation template.

15 (4) An evaluator training program based on the model  
16 teacher evaluation template. The training program shall  
17 provide multiple training options that account for the  
18 prior training and experience of the evaluator.

19 (5) A superintendent training program based on the  
20 model principal evaluation template.

21 (6) One or more instruments to provide feedback to  
22 principals on the instructional environment within a  
23 school.

24 (7) A State Board-provided or approved technical  
25 assistance system that supports districts with the  
26 development and implementation of teacher and principal

1 evaluation systems.

2 (8) Web-based systems and tools supporting  
3 implementation of the model templates and the evaluator  
4 pre-qualification and training programs.

5 (9) A process for measuring and reporting correlations  
6 between local principal and teacher evaluations and (A)  
7 student growth in tested grades and subjects and (B)  
8 retention rates of teachers.

9 (10) A process for assessing whether school district  
10 evaluation systems developed pursuant to this Act and that  
11 consider student growth as a significant factor in the  
12 rating of a teacher's and principal's performance are valid  
13 and reliable, contribute to the development of staff, and  
14 improve student achievement outcomes. By no later than  
15 September 1, 2014, a research-based study shall be issued  
16 assessing such systems for validity and reliability,  
17 contribution to the development of staff, and improvement  
18 of student performance and recommending, based on the  
19 results of this study, changes, if any, that need to be  
20 incorporated into teacher and principal evaluation systems  
21 that consider student growth as a significant factor in the  
22 rating performance for remaining school districts to be  
23 required to implement such systems.

24 (b) If the State of Illinois receives a Race to the Top  
25 Grant, the data collection and support systems described in  
26 subsection (a) must be developed on or before September 30,

1 2011. If the State of Illinois does not receive a Race to the  
2 Top Grant, the data collection and support systems described in  
3 subsection (a) must be developed on or before September 30,  
4 2012; provided, however, that the data collection and support  
5 systems set forth in items (3) and (4) of subsection (a) of  
6 this Section must be developed by September 30, 2011 regardless  
7 of whether the State of Illinois receives a Race to the Top  
8 Grant. By no later than September 1, 2011, if the State of  
9 Illinois receives a Race to the Top Grant, or September 1,  
10 2012, if the State of Illinois does not receive a Race to the  
11 Top Grant, the State Board of Education must execute or  
12 contract for the execution of the assessment referenced in item  
13 (10) of subsection (a) of this Section to determine whether the  
14 school district evaluation systems developed pursuant to this  
15 Act have been valid and reliable, contributed to the  
16 development of staff, and improved student performance.

17 (c) Districts shall submit data and information to the  
18 State Board on teacher and principal performance evaluations  
19 and evaluation plans in accordance with procedures and  
20 requirements for submissions established by the State Board.  
21 Such data shall include, without limitation, (i) data on the  
22 performance rating given to all teachers in contractual  
23 continued service, (ii) data on district recommendations to  
24 renew or not renew teachers not in contractual continued  
25 service, and (iii) data on the performance rating given to all  
26 principals.

1       (d) If the State Board of Education does not timely fulfill  
2 any of the requirements set forth in Sections 24A-7 and 24A-20,  
3 and adequate and sustainable federal, State, or other funds are  
4 not provided to the State Board of Education and school  
5 districts to meet their responsibilities under this Article,  
6 the applicable implementation date shall be postponed by the  
7 number of calendar days equal to those needed by the State  
8 Board of Education to fulfill such requirements and for the  
9 adequate and sustainable funds to be provided to the State  
10 Board of Education and school districts. The determination as  
11 to whether the State Board of Education has fulfilled any or  
12 all requirements set forth in Sections 24A-7 and 24A-20 and  
13 whether adequate and sustainable funds have been provided to  
14 the State Board of Education and school districts shall be made  
15 by the State Board of Education in consultation with the P-20  
16 Council.

17       (105 ILCS 5/34-8) (from Ch. 122, par. 34-8)

18       Sec. 34-8. Powers and duties of general superintendent. The  
19 general superintendent of schools shall prescribe and control,  
20 subject to the approval of the board and to other provisions of  
21 this Article, the courses of study mandated by State law,  
22 textbooks, educational apparatus and equipment, discipline in  
23 and conduct of the schools, and shall perform such other duties  
24 as the board may by rule prescribe. The superintendent shall  
25 also notify the State Board of Education, the board and the

1 chief administrative official, other than the alleged  
2 perpetrator himself, in the school where the alleged  
3 perpetrator serves, that any person who is employed in a school  
4 or otherwise comes into frequent contact with children in the  
5 school has been named as a perpetrator in an indicated report  
6 filed pursuant to the Abused and Neglected Child Reporting Act,  
7 approved June 26, 1975, as amended.

8 The general superintendent may be granted the authority by  
9 the board to hire a specific number of employees to assist in  
10 meeting immediate responsibilities. Conditions of employment  
11 for such personnel shall not be subject to the provisions of  
12 Section 34-85.

13 The general superintendent may, pursuant to a delegation of  
14 authority by the board and Section 34-18, approve contracts and  
15 expenditures.

16 Pursuant to other provisions of this Article, sites shall  
17 be selected, schoolhouses located thereon and plans therefor  
18 approved, and textbooks and educational apparatus and  
19 equipment shall be adopted and purchased by the board only upon  
20 the recommendation of the general superintendent of schools or  
21 by a majority vote of the full membership of the board and, in  
22 the case of textbooks, subject to Article 28 of this Act. The  
23 board may furnish free textbooks to pupils and may publish its  
24 own textbooks and manufacture its own apparatus, equipment and  
25 supplies.

26 In addition, in January of each year, the general

1 superintendent of schools shall report to the State Board of  
2 Education the number of high school students in the district  
3 who are enrolled in accredited courses (for which high school  
4 credit will be awarded upon successful completion of the  
5 courses) at any community college, together with the name and  
6 number of the course or courses which each such student is  
7 taking.

8 The general superintendent shall also have the authority to  
9 monitor the performance of attendance centers, to identify and  
10 place an attendance center on remediation and probation, and to  
11 recommend to the board that the attendance center be placed on  
12 intervention and be reconstituted, subject to the provisions of  
13 Sections 34-8.3 and 8.4.

14 The general superintendent, or his or her designee, shall  
15 conduct an annual evaluation of each principal in the district  
16 pursuant to guidelines promulgated by the Board and the Board  
17 approved principal evaluation form. The evaluation shall be  
18 based on factors, including the following: (i) student academic  
19 improvement, as defined by the school improvement plan; (ii)  
20 student absenteeism rates at the school; (iii) instructional  
21 leadership; (iv) effective implementation of programs,  
22 policies, or strategies to improve student academic  
23 achievement; (v) school management; and (vi) other factors,  
24 including, without limitation, the principal's communication  
25 skills and ability to create and maintain a student-centered  
26 learning environment, to develop opportunities for

1 professional development, and to encourage parental  
2 involvement and community partnerships to achieve school  
3 improvement.

4 Effective no later than September 1, 2012, the general  
5 superintendent or his or her designee shall develop a written  
6 principal evaluation plan. The evaluation plan must be in  
7 writing and shall supersede the evaluation requirements set  
8 forth in this Section. The evaluation plan must do at least all  
9 of the following:

10 (1) Provide for annual evaluation of all principals  
11 employed under a performance contract by the general  
12 superintendent or his or her designee, no later than July  
13 1st of each year.

14 (2) Consider the principal's specific duties,  
15 responsibilities, management, and competence as a  
16 principal.

17 (3) Specify the principal's strengths and weaknesses,  
18 with supporting reasons.

19 (4) Align with research-based standards.

20 (5) Use data and indicators on student growth as a  
21 significant factor in rating principal performance.

22 (Source: P.A. 95-496, eff. 8-28-07.)

23 (105 ILCS 5/34-85c)

24 Sec. 34-85c. Alternative procedures for teacher  
25 evaluation, remediation, and removal for cause after

1 remediation.

2 (a) Notwithstanding any law to the contrary, the board and  
3 the exclusive representative of the district's teachers are  
4 hereby authorized to enter into an agreement to establish  
5 alternative procedures for teacher evaluation, remediation,  
6 and removal for cause after remediation, including an  
7 alternative system for peer evaluation and recommendations;  
8 provided, however, that no later than September 1, 2012: (i)  
9 any alternative procedures must include provisions whereby  
10 student performance data is a significant factor in teacher  
11 evaluation and (ii) teachers are rated as "excellent",  
12 "proficient", "needs improvement" or "unsatisfactory".  
13 Pursuant exclusively to that agreement, teachers assigned to  
14 schools identified in that agreement shall be subject to an  
15 alternative performance evaluation plan and remediation  
16 procedures in lieu of the plan and procedures set forth in  
17 Article 24A of this Code and alternative removal for cause  
18 standards and procedures in lieu of the removal standards and  
19 procedures set forth in Sections 34-85 and 34-85b of this Code.  
20 To the extent that the agreement provides a teacher with an  
21 opportunity for a hearing on removal for cause before an  
22 independent hearing officer in accordance with Sections 34-85  
23 and 34-85b or otherwise, the hearing officer shall be governed  
24 by the alternative performance evaluation plan, remediation  
25 procedures, and removal standards and procedures set forth in  
26 the agreement in making findings of fact and a recommendation.

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

5           (Source: P.A. 95-510, eff. 8-28-07.)

6           (105 ILCS 5/24A-6 rep.)

7           Section 20. The School Code is amended by repealing Section  
8 24A-6.

9           Section 99. Effective date. This Act takes effect upon  
10 becoming law.