

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.