

1 AN ACT with regard to 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
5 Section 24A-5 and adding Article 24B as follows:

6 (105 ILCS 5/24A-5) (from Ch. 122, par. 24A-5)

7 Sec. 24A-5. Content of evaluation plans. Each school
8 district to which this Article applies shall establish a
9 teacher evaluation plan which ensures that each teacher in
10 contractual continued service is evaluated at least once in
11 the course of every 2 school years, beginning with the
12 1986-87 school year.

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

16 The plan shall include a description of each teacher's
17 duties and responsibilities and of the standards to which
18 that teacher is expected to conform.

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

26 Evaluation of teachers whose positions do not require
27 administrative certification shall be conducted by an
28 administrator qualified under Section 24A-3, or -- in school
29 districts having a population exceeding 500,000 -- by either
30 an administrator qualified under Section 24A-3 or an
31 assistant principal under the supervision of an administrator

1 qualified under Section 24A-3, and shall include at least the
2 following components:

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

12 (b) consideration of the teacher's attendance,
13 planning, and instructional methods, classroom
14 management, where relevant, and competency in the subject
15 matter taught, where relevant.

16 (b-5) results of the teacher's participation, if
17 any, in a peer assistance and review program for teachers
18 established pursuant to Article 24B of this Code.

19 (c) rating of the teacher's performance as
20 "excellent", "satisfactory" or "unsatisfactory".

21 (d) specification as to the teacher's strengths and
22 weaknesses, with supporting reasons for the comments
23 made.

24 (e) inclusion of a copy of the evaluation in the
25 teacher's personnel file and provision of a copy to the
26 teacher.

27 (f) within 30 days after completion of an
28 evaluation rating a teacher as "unsatisfactory",
29 development and commencement by the district, or by an
30 administrator qualified under Section 24A-3 or an
31 assistant principal under the supervision of an
32 administrator qualified under Section 24A-3 in school
33 districts having a population exceeding 500,000, of a
34 remediation plan designed to correct deficiencies cited,

1 provided the deficiencies are deemed remediable. In all
2 school districts the remediation plan for unsatisfactory,
3 tenured teachers shall provide for 90 school days of
4 remediation within the classroom and participation in a
5 peer assistance and review program for teachers
6 established pursuant to Article 24B of this Code, if
7 available. In all school districts evaluations issued
8 pursuant to this Section shall be issued within 10 days
9 after the conclusion of the respective remediation plan.
10 However, the school board or other governing authority of
11 the district shall not lose jurisdiction to discharge a
12 teacher in the event the evaluation is not issued within
13 10 days after the conclusion of the respective
14 remediation plan.

15 (g) participation in the remediation plan by the
16 teacher rated "unsatisfactory", a district administrator
17 qualified under Section 24A-3 (or -- in a school district
18 having a population exceeding 500,000 -- an administrator
19 qualified under Section 24A-3 or an assistant principal
20 under the supervision of an administrator qualified under
21 Section 24A-3), and a consulting teacher, selected by the
22 participating administrator or by the principal, or -- in
23 school districts having a population exceeding 500,000 --
24 by an administrator qualified under Section 24A-3 or by
25 an assistant principal under the supervision of an
26 administrator qualified under Section 24A-3, of the
27 teacher who was rated "unsatisfactory", which consulting
28 teacher is an educational employee as defined in the
29 Educational Labor Relations Act, has at least 5 years'
30 teaching experience and a reasonable familiarity with the
31 assignment of the teacher being evaluated, and who
32 received an "excellent" rating on his or her most recent
33 evaluation. Where no teachers who meet these criteria
34 are available within the district, the district shall

1 request and the State Board of Education shall supply, to
2 participate in the remediation process, an individual who
3 meets these criteria.

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

15 (h) evaluations and ratings once every 30 school
16 days for the 90 school day remediation period immediately
17 following receipt of a remediation plan provided for
18 under subsections (f) and (g) of this Section; provided
19 that in school districts having a population exceeding
20 500,000 there shall be monthly evaluations and ratings
21 for the first 6 months and quarterly evaluations and
22 ratings for the next 6 months immediately following
23 completion of the remediation program of a teacher for
24 whom a remediation plan has been developed. These
25 subsequent evaluations shall be conducted by the
26 participating administrator, or -- in school districts
27 having a population exceeding 500,000 -- by either the
28 principal or by an assistant principal under the
29 supervision of an administrator qualified under Section
30 24A-3. The consulting teacher shall provide advice to
31 the teacher rated "unsatisfactory" on how to improve
32 teaching skills and to successfully complete the
33 remediation plan. The consulting teacher shall
34 participate in developing the remediation plan, but the

1 final decision as to the evaluation shall be done solely
2 by the administrator, or -- in school districts having a
3 population exceeding 500,000 -- by either the principal
4 or by an assistant principal under the supervision of an
5 administrator qualified under Section 24A-3, unless an
6 applicable collective bargaining agreement provides to
7 the contrary. Teachers in the remediation process in a
8 school district having a population exceeding 500,000 are
9 not subject to the annual evaluations described in
10 paragraphs (a) through (e) of this Section. Evaluations
11 at the conclusion of the remediation process shall be
12 separate and distinct from the required annual
13 evaluations of teachers and shall not be subject to the
14 guidelines and procedures relating to those annual
15 evaluations. The evaluator may but is not required to
16 use the forms provided for the annual evaluation of
17 teachers in the district's evaluation plan.

18 (i) in school districts having a population of less
19 than 500,000, reinstatement to a schedule of biennial
20 evaluation for any teacher who completes the 90 school
21 day remediation plan with a "satisfactory" or better
22 rating, unless the district's plan regularly requires
23 more frequent evaluations; and in school districts having
24 a population exceeding 500,000, reinstatement to a
25 schedule of biennial evaluation for any teacher who
26 completes the 90 school day remediation plan with a
27 "satisfactory" or better rating and the one year
28 intensive review schedule as provided in paragraph (h) of
29 this Section with a "satisfactory" or better rating,
30 unless such district's plan regularly requires more
31 frequent evaluations.

32 (j) dismissal in accordance with Section 24-12 or
33 34-85 of The School Code of any teacher who fails to
34 complete any applicable remediation plan with a

1 "satisfactory" or better rating. Districts and teachers
 2 subject to dismissal hearings are precluded from
 3 compelling the testimony of consulting teachers at such
 4 hearings under Section 24-12 or 34-85, either as to the
 5 rating process or for opinions of performances by
 6 teachers under remediation.

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

19 Nothing in this Section shall be construed as preventing
 20 immediate dismissal of a teacher for deficiencies which are
 21 deemed irremediable or for actions which are injurious to or
 22 endanger the health or person of students in the classroom or
 23 school. Failure to strictly comply with the time requirements
 24 contained in Section 24A-5 shall not invalidate the results
 25 of the remediation plan.

26 (Source: P.A. 89-15, eff. 5-30-95; 90-548, eff. 1-1-98;
 27 90-653, eff. 7-29-98.)

28 (105 ILCS 5/Art. 24B heading new)

29 ARTICLE 24B. PEER ASSISTANCE AND REVIEW PROGRAM FOR TEACHERS

30 (105 ILCS 5/24B-5 new)

31 Sec. 24B-5. Legislative intent. It is the intent of the
 32 General Assembly to establish a teacher peer assistance and

1 review system as a critical feedback mechanism that allows
 2 exemplary teachers to assist veteran teachers in need of
 3 development in subject matter knowledge or teaching
 4 strategies or both. It is further the intent of the General
 5 Assembly that a school district that operates a program
 6 pursuant to this Article coordinate its employment policies
 7 and procedures for that program with its activities for
 8 professional staff development and the evaluations of
 9 teachers pursuant to Article 24A of this Code.

10 (105 ILCS 5/24B-10 new)

11 Sec. 24B-10. Definitions. In this Article:

12 "Program" means a peer assistance and review program for
 13 teachers established pursuant to this Article.

14 "School district" includes a regional office of
 15 education.

16 (105 ILCS 5/24B-15 new)

17 Sec. 24B-15. Peer assistance and review program for
 18 teachers.

19 (a) The governing board of a school district and the
 20 exclusive representative of the teachers in the school
 21 district may develop and implement a peer assistance and
 22 review program for teachers that meets local conditions and
 23 conforms with the principles set forth in subsection (b) of
 24 this Section.

25 (b) At a minimum, the following principles shall be
 26 included in a locally developed program authorized by this
 27 Article:

28 (1) A teacher participant must be tenured if he or
 29 she is an employee in a school district with 250 or
 30 greater pupils in average daily attendance. A teacher
 31 participant must volunteer to participate in the program
 32 or be referred for participation in the program as a

1 result of an evaluation performed pursuant to Article 24A
2 of this Code. In addition, teachers receiving assistance
3 may be referred pursuant to a collective bargaining
4 agreement.

5 (2) Performance goals for an individual teacher
6 must be in writing, clearly stated, aligned with pupil
7 learning, and consistent with Article 24A of this Code.

8 (3) Assistance and review must include multiple
9 observations of a teacher during periods of classroom
10 instruction.

11 (4) The program must expect and strongly encourage
12 a cooperative relationship between the consulting teacher
13 and the principal with respect to the process of peer
14 assistance and review.

15 (5) The school district must provide sufficient
16 staff development activities to assist a teacher in
17 improving his or her teaching skills and knowledge.

18 (6) The program must have a monitoring component
19 with a written record.

20 (7) The final evaluation of a teacher's
21 participation in the program shall be made available for
22 placement in the personnel file of the teacher receiving
23 assistance.

24 (105 ILCS 5/24B-20 new)

25 Sec. 24B-20. Consulting teacher. A consulting teacher
26 participating in a program operated pursuant to this Article
27 shall meet locally determined criteria and each of the
28 following qualifications:

29 (1) The consulting teacher must be a certified,
30 tenured teacher.

31 (2) The consulting teacher must have substantial
32 recent experience in classroom instruction.

33 (3) The consulting teacher must have demonstrated

1 exemplary teaching ability, as indicated by effective
2 communication skills, subject matter knowledge, and
3 mastery of a range of teaching strategies necessary to
4 meet the needs of pupils in different contexts, among
5 other indications.

6 (105 ILCS 5/24B-25 new)

7 Sec. 24B-25. Joint teacher and administrator peer review
8 panel.

9 (a) The governance structure of a program designed
10 pursuant to this Article shall include a joint teacher and
11 administrator peer review panel that shall select consulting
12 teachers, review peer review reports prepared by consulting
13 teachers, and make recommendations to the governing board of
14 a school district regarding participants in the program,
15 including forwarding to the governing board the names of
16 individuals who, after sustained assistance, are not able to
17 demonstrate satisfactory improvement.

18 (b) The majority of the panel shall be composed of
19 certified teachers chosen to serve on the panel by other
20 certified teachers. The remainder of the panel shall be
21 composed of school administrators chosen to serve on the
22 panel by the school district.

23 (c) At a minimum, the panel's procedures for selecting
24 consulting teachers shall require the following:

25 (1) Consulting teachers must be selected by
26 majority vote of the panel.

27 (2) The selection process must include provisions
28 for classroom observation of the candidates for
29 consulting teacher by the panel.

30 (d) The panel shall also annually evaluate the impact of
31 the school district's peer assistance and review program in
32 order to improve the program. This evaluation may include,
33 but is not limited to, interviews or surveys of the program

1 participants. The panel may submit recommendations for
2 improvement of the program to the governing board of the
3 school district and to the exclusive representative of the
4 teachers in the school district, if the teachers in the
5 school district are represented by an exclusive
6 representative.

7 (105 ILCS 5/24B-30 new)

8 Sec. 24B-30. Condition for accepting State funds. The
9 governing board of a school district that accepts State funds
10 for the purposes of this Article must agree to negotiate the
11 development and implementation of the program with the
12 exclusive representative of the teachers in the school
13 district, if the teachers in the school district are
14 represented by an exclusive representative. In a school
15 district in which the teachers are not represented, the
16 school district shall develop a peer assistance and review
17 program for teachers consistent with this Article in order to
18 be eligible to receive funding under this Article.

19 (105 ILCS 5/24B-35 new)

20 Sec. 24B-35. Performance of functions. Functions
21 performed pursuant to this Article by teachers employed in a
22 bargaining unit position shall not constitute either
23 management or supervisory functions.

24 (105 ILCS 5/24B-40 new)

25 Sec. 24B-40. Liability. Teachers who provide assistance
26 and review under a program shall have the same protection
27 from liability and access to an appropriate defense as other
28 public school teachers.

29 (105 ILCS 5/24B-45 new)

30 Sec. 24B-45. Programs combined. It is the intent of the

1 General Assembly that school districts be allowed to combine,
2 by mutual agreement, their programs with those of other
3 school districts.

4 (105 ILCS 5/24B-50 new)

5 Sec. 24B-50. Administrative expenses. Not more than 5%
6 of the funds received by a school district for a program may
7 be expended for administrative expenses.

8 (105 ILCS 5/24B-55 new)

9 Sec. 24B-55. Participation in program.

10 (a) A peer assistance and review program for teachers
11 authorized under this Article must become fully operational
12 by July 1, 2003. A school district that elects to
13 participate in a program authorized under this Article must
14 certify to the State Superintendent of Education that it has
15 implemented a peer assistance and review program for teachers
16 pursuant to this Article.

17 (b) A school district that does not elect to participate
18 in a program authorized under this Article by July 1, 2003 is
19 not eligible for any apportionment, allocation, or other
20 funding from an appropriation for programs authorized under
21 this Article.

22 (c) Commencing February 1, 2004, a school district that
23 elects not to participate in a program authorized under this
24 Article shall report annually at a regularly scheduled
25 meeting of the governing board of the school district on the
26 rationale for not participating in the program.

27 (105 ILCS 5/24A-60 new)

28 Sec. 24A-60. State funding; uses.

29 (a) The State funding for programs authorized under this
30 Article is subject to an annual appropriation.

31 (b) A school district that receives funds for the

1 purposes of this Article may also expend those funds for any
2 of the following purposes:

3 (1) A school district intern program.

4 (2) Professional development or other educational
5 activities.

6 (3) Any program that supports the training and
7 development of new teachers.

8 (105 ILCS 5/24B-65 new)

9 Sec. 24B-65. Evaluation of programs. Subject to the
10 availability of funding, the State Superintendent of
11 Education shall contract with an independent evaluator on or
12 before December 15, 2004 to prepare a comprehensive
13 evaluation of the implementation, impact, cost, and benefit
14 of peer assistance and review programs for teachers
15 authorized under this Article. The evaluation shall be
16 delivered to the General Assembly, the Governor, and other
17 interested parties on or before January 1, 2006.

18 Section 99. Effective date. This Act takes effect on
19 July 1, 2001.