

SB3815



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3815

Introduced 2/14/2020, by Sen. Jennifer Bertino-Tarrant

SYNOPSIS AS INTRODUCED:

105 ILCS 5/24A-5

from Ch. 122, par. 24A-5

Amends the School Code. In a provision concerning teacher evaluation plans, provides that for teachers not in contractual continued service who participate in a new teacher induction and mentoring program established by the school district in which they are employed, non-evaluative mentor observation and feedback may be used as part of the evaluation plan.

LRB101 18637 NHT 68092 b

A BILL FOR

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 For teachers not in contractual continued service who
15 participate in a new teacher induction and mentoring program
16 established by the school district in which they are employed,
17 non-evaluative mentor observation and feedback may be used as
18 part of the evaluation plan.

19 The evaluation plan shall comply with the requirements of
20 this Section and of any rules adopted by the State Board of
21 Education pursuant to this Section.

22 The plan shall include a description of each teacher's
23 duties and responsibilities and of the standards to which that
24 teacher is expected to conform, and shall include at least the
25 following components:

26 (a) personal observation of the teacher in the

1 classroom by the evaluator, unless the teacher has no
2 classroom duties.

3 (b) consideration of the teacher's attendance,
4 planning, instructional methods, classroom management,
5 where relevant, and competency in the subject matter
6 taught.

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

10 (d) prior to September 1, 2012, rating of the
11 performance of teachers in contractual continued service
12 as either:

13 (i) "excellent", "satisfactory" or
14 "unsatisfactory"; or

15 (ii) "excellent", "proficient", "needs
16 improvement" or "unsatisfactory".

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

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

22 (g) inclusion of a copy of the evaluation in the
23 teacher's personnel file and provision of a copy to the
24 teacher.

25 (h) within 30 school days after the completion of an
26 evaluation rating a teacher in contractual continued

1 service as "needs improvement", development by the
2 evaluator, in consultation with the teacher, and taking
3 into account the teacher's on-going professional
4 responsibilities including his or her regular teaching
5 assignments, of a professional development plan directed
6 to the areas that need improvement and any supports that
7 the district will provide to address the areas identified
8 as needing improvement.

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

26 (j) participation in the remediation plan by the

1 teacher in contractual continued service rated
2 "unsatisfactory", an evaluator and a consulting teacher
3 selected by the evaluator of the teacher who was rated
4 "unsatisfactory", which consulting teacher is an
5 educational employee as defined in the Educational Labor
6 Relations Act, has at least 5 years' teaching experience,
7 and a reasonable familiarity with the assignment of the
8 teacher being evaluated, and who received an "excellent"
9 rating on his or her most recent evaluation. Where no
10 teachers who meet these criteria are available within the
11 district, the district shall request and the applicable
12 regional office of education shall supply, to participate
13 in the remediation process, an individual who meets these
14 criteria.

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

26 (k) a mid-point and final evaluation by an evaluator

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

1 required to use the forms provided for the annual
2 evaluation of teachers in the district's evaluation plan.

3 (l) reinstatement to the evaluation schedule set forth
4 in the district's evaluation plan for any teacher in
5 contractual continued service who achieves a rating equal
6 to or better than "satisfactory" or "proficient" in the
7 school year following a rating of "needs improvement" or
8 "unsatisfactory".

9 (m) dismissal in accordance with subsection (d) of
10 Section 24-12 or Section 24-16.5 or 34-85 of this Code of
11 any teacher who fails to complete any applicable
12 remediation plan with a rating equal to or better than a
13 "satisfactory" or "proficient" rating. Districts and
14 teachers subject to dismissal hearings are precluded from
15 compelling the testimony of consulting teachers at such
16 hearings under subsection (d) of Section 24-12 or Section
17 24-16.5 or 34-85 of this Code, either as to the rating
18 process or for opinions of performances by teachers under
19 remediation.

20 (n) After the implementation date of an evaluation
21 system for teachers in a district as specified in Section
22 24A-2.5 of this Code, if a teacher in contractual continued
23 service successfully completes a remediation plan
24 following a rating of "unsatisfactory" in an annual or
25 biennial overall performance evaluation received after the
26 foregoing implementation date and receives a subsequent

1 rating of "unsatisfactory" in any of the teacher's annual
2 or biennial overall performance evaluation ratings
3 received during the 36-month period following the
4 teacher's completion of the remediation plan, then the
5 school district may forego remediation and seek dismissal
6 in accordance with subsection (d) of Section 24-12 or
7 Section 34-85 of this Code.

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

18 Nothing contained in this amendatory Act of the 98th
19 General Assembly repeals, supersedes, invalidates, or
20 nullifies final decisions in lawsuits pending on the effective
21 date of this amendatory Act of the 98th General Assembly in
22 Illinois courts involving the interpretation of Public Act
23 97-8.

24 (Source: P.A. 97-8, eff. 6-13-11; 98-470, eff. 8-16-13; 98-648,
25 eff. 7-1-14.)