

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
8 does not apply to teachers assigned to schools identified in
9 an agreement entered into between the board of a school
10 district operating under Article 34 of this Code and the
11 exclusive representative of the district's teachers in
12 accordance with 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 or 3 school years as provided in
17 this Section.

18 ~~Each~~ ~~By no later than September 1, 2012, each~~ school
19 district shall establish a teacher evaluation plan that
20 ensures that:

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

23 (2) except as otherwise provided in this Section, each

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

7 No later than September 1, 2022, each school district must
8 establish a teacher evaluation plan that ensures that each
9 teacher in contractual continued service whose performance is
10 rated as either "excellent" or "proficient" is evaluated at
11 least once in the course of the 3 school years after receipt of
12 the rating and establish an informal teacher evaluation plan
13 that ensures that each teacher in contractual continued
14 service whose performance is rated as either "excellent" or
15 "proficient" is informally evaluated at least once in the
16 course of the 2 school years after receipt of the rating.

17 Notwithstanding anything to the contrary in this Section
18 or any other Section of the School Code, a principal shall not
19 be prohibited from evaluating any teachers within a school
20 during his or her first year as principal of such school. If a
21 first-year principal exercises this option in a school
22 district where the evaluation plan provides for a teacher in
23 contractual continued service to be evaluated once in the
24 course of every 2 or 3 school years, as applicable, then a new
25 2-year or 3-year evaluation plan must be established.

26 The evaluation plan shall comply with the requirements of

1 this Section and of any rules adopted by the State Board of
2 Education pursuant to this Section.

3 The plan shall include a description of each teacher's
4 duties and responsibilities and of the standards to which that
5 teacher is expected to conform, and shall include at least the
6 following components:

7 (a) personal observation of the teacher in the
8 classroom by the evaluator, unless the teacher has no
9 classroom duties.

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

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

17 (d) prior to September 1, 2012, rating of the
18 performance of teachers in contractual continued service
19 as either:

20 (i) "excellent", "satisfactory" or
21 "unsatisfactory"; or

22 (ii) "excellent", "proficient", "needs
23 improvement" or "unsatisfactory".

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

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

3 (g) inclusion of a copy of the evaluation in the
4 teacher's personnel file and provision of a copy to the
5 teacher.

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

16 (i) within 30 school days after completion of an
17 evaluation rating a teacher in contractual continued
18 service as "unsatisfactory", development and commencement
19 by the district of a remediation plan designed to correct
20 deficiencies cited, provided the deficiencies are deemed
21 remediable. In all school districts the remediation plan
22 for unsatisfactory, tenured teachers shall provide for 90
23 school days of remediation within the classroom, unless an
24 applicable collective bargaining agreement provides for a
25 shorter duration. In all school districts evaluations
26 issued pursuant to this Section shall be issued within 10

1 days after the conclusion of the respective remediation
2 plan. However, the school board or other governing
3 authority of the district shall not lose jurisdiction to
4 discharge a teacher in the event the evaluation is not
5 issued within 10 days after the conclusion of the
6 respective remediation plan.

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

22 In a district having a population of less than 500,000
23 with an exclusive bargaining agent, the bargaining agent
24 may, if it so chooses, supply a roster of qualified
25 teachers from whom the consulting teacher is to be
26 selected. That roster shall, however, contain the names of

1 at least 5 teachers, each of whom meets the criteria for
2 consulting teacher with regard to the teacher being
3 evaluated, or the names of all teachers so qualified if
4 that number is less than 5. In the event of a dispute as to
5 qualification, the State Board shall determine
6 qualification.

7 (k) a mid-point and final evaluation by an evaluator
8 during and at the end of the remediation period,
9 immediately following receipt of a remediation plan
10 provided for under subsections (i) and (j) of this
11 Section. Each evaluation shall assess the teacher's
12 performance during the time period since the prior
13 evaluation; provided that the last evaluation shall also
14 include an overall evaluation of the teacher's performance
15 during the remediation period. A written copy of the
16 evaluations and ratings, in which any deficiencies in
17 performance and recommendations for correction are
18 identified, shall be provided to and discussed with the
19 teacher within 10 school days after the date of the
20 evaluation, unless an applicable collective bargaining
21 agreement provides to the contrary. These subsequent
22 evaluations shall be conducted by an evaluator. The
23 consulting teacher shall provide advice to the teacher
24 rated "unsatisfactory" on how to improve teaching skills
25 and to successfully complete the remediation plan. The
26 consulting teacher shall participate in developing the

1 remediation plan, but the final decision as to the
2 evaluation shall be done solely by the evaluator, unless
3 an applicable collective bargaining agreement provides to
4 the contrary. Evaluations at the conclusion of the
5 remediation process shall be separate and distinct from
6 the required annual evaluations of teachers and shall not
7 be subject to the guidelines and procedures relating to
8 those annual evaluations. The evaluator may but is not
9 required to use the forms provided for the annual
10 evaluation of teachers in the district's evaluation plan.

11 (l) reinstatement to the evaluation schedule set forth
12 in the district's evaluation plan for any teacher in
13 contractual continued service who achieves a rating equal
14 to or better than "satisfactory" or "proficient" in the
15 school year following a rating of "needs improvement" or
16 "unsatisfactory".

17 (m) dismissal in accordance with subsection (d) of
18 Section 24-12 or Section 24-16.5 or 34-85 of this Code of
19 any teacher who fails to complete any applicable
20 remediation plan with a rating equal to or better than a
21 "satisfactory" or "proficient" rating. Districts and
22 teachers subject to dismissal hearings are precluded from
23 compelling the testimony of consulting teachers at such
24 hearings under subsection (d) of Section 24-12 or Section
25 24-16.5 or 34-85 of this Code, either as to the rating
26 process or for opinions of performances by teachers under

1 remediation.

2 (n) After the implementation date of an evaluation
3 system for teachers in a district as specified in Section
4 24A-2.5 of this Code, if a teacher in contractual
5 continued service successfully completes a remediation
6 plan following a rating of "unsatisfactory" in an ~~annual~~
7 ~~or biennial~~ overall performance evaluation received after
8 the foregoing implementation date and receives a
9 subsequent rating of "unsatisfactory" in any of the
10 teacher's ~~annual or biennial~~ overall performance
11 evaluation ratings received during the 36-month period
12 following the teacher's completion of the remediation
13 plan, then the school district may forego remediation and
14 seek dismissal in accordance with subsection (d) of
15 Section 24-12 or Section 34-85 of this Code.

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

26 Nothing contained in this amendatory Act of the 98th

1 General Assembly repeals, supersedes, invalidates, or
2 nullifies final decisions in lawsuits pending on the effective
3 date of this amendatory Act of the 98th General Assembly in
4 Illinois courts involving the interpretation of Public Act
5 97-8.

6 If the Governor has declared a disaster due to a public
7 health emergency pursuant to Section 7 of the Illinois
8 Emergency Management Agency Act that suspends in-person
9 instruction, the timelines in this Section connected to the
10 commencement and completion of any remediation plan are
11 waived. Except if the parties mutually agree otherwise and the
12 agreement is in writing, any remediation plan that had been in
13 place for more than 45 days prior to the suspension of
14 in-person instruction shall resume when in-person instruction
15 resumes and any remediation plan that had been in place for
16 fewer than 45 days prior to the suspension of in-person
17 instruction shall be discontinued and a new remediation period
18 shall begin when in-person instruction resumes. The
19 requirements of this paragraph apply regardless of whether
20 they are included in a school district's teacher evaluation
21 plan.

22 (Source: P.A. 101-643, eff. 6-18-20.)