



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3626

Introduced 2/24/2005, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

105 ILCS 5/24A-5
30 ILCS 805/8.29 new

from Ch. 122, par. 24A-5

Amends the School Code. Provides that in a school district having a population of 500,000 or less, if an evaluation rates a fourth-year probationary teacher as "unsatisfactory", but the teacher's immediately preceding evaluation rated the teacher as "excellent" or "satisfactory", and if there has been a change in the administration or personnel responsible for evaluating that teacher at any time between the current evaluation and the preceding evaluation, then that teacher may receive an optional fifth year of probationary teaching upon the agreement of the school board and the probationary teacher. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 11390 RAS 42273 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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. 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 the
11 course of every 2 school years, beginning with the 1986-87
12 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 that
18 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 an
30 administrator qualified under Section 24A-3 or an assistant
31 principal under the supervision of an administrator qualified
32 under Section 24A-3, and shall include at least the following

1 components:

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

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

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

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

19 (e) inclusion of a copy of the evaluation in the
20 teacher's personnel file and provision of a copy to the
21 teacher.

22 (f) except as provided in this subsection (f), within
23 30 days after completion of an evaluation rating a teacher
24 as "unsatisfactory", development and commencement by the
25 district, or by an administrator qualified under Section
26 24A-3 or an assistant principal under the supervision of an
27 administrator qualified under Section 24A-3 in school
28 districts having a population exceeding 500,000, of a
29 remediation plan designed to correct deficiencies cited,
30 provided the deficiencies are deemed remediable. In all
31 school districts the remediation plan for unsatisfactory,
32 tenured teachers shall provide for 90 school days of
33 remediation within the classroom. In all school districts
34 evaluations issued pursuant to this Section shall be issued
35 within 10 days after the conclusion of the respective
36 remediation plan. However, the school board or other

1 governing authority of the district shall not lose
2 jurisdiction to discharge a teacher in the event the
3 evaluation is not issued within 10 days after the
4 conclusion of the respective remediation plan.
5 Notwithstanding any other provision in this Section, in a
6 school district having a population of 500,000 or less, if
7 an evaluation rates a fourth-year probationary teacher as
8 "unsatisfactory", but the teacher's immediately preceding
9 evaluation rated the teacher as "excellent" or
10 "satisfactory", and if there has been a change in the
11 administration or personnel responsible for evaluating
12 that teacher at any time between the current evaluation and
13 the preceding evaluation, then that teacher may receive an
14 optional fifth year of probationary teaching upon the
15 agreement of the school board and the probationary teacher.

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

1 the remediation process, an individual who meets these
2 criteria.

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

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

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

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

27 (j) dismissal in accordance with Section 24-12 or 34-85
28 of The School Code of any teacher who fails to complete any
29 applicable remediation plan with a "satisfactory" or
30 better rating. Districts and teachers subject to dismissal
31 hearings are precluded from compelling the testimony of
32 consulting teachers at such hearings under Section 24-12 or
33 34-85, either as to the rating process or for opinions of
34 performances by teachers under remediation.

35 In a district subject to a collective bargaining agreement
36 as of the effective date of this amendatory Act of 1997, any

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

11 Nothing in this Section shall be construed as preventing
12 immediate dismissal of a teacher for deficiencies which are
13 deemed irremediable or for actions which are injurious to or
14 endanger the health or person of students in the classroom or
15 school. Failure to strictly comply with the time requirements
16 contained in Section 24A-5 shall not invalidate the results of
17 the remediation plan.

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

20 Section 90. The State Mandates Act is amended by adding
21 Section 8.29 as follows:

22 (30 ILCS 805/8.29 new)

23 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
24 of this Act, no reimbursement by the State is required for the
25 implementation of any mandate created by this amendatory Act of
26 the 94th General Assembly.

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.