

SB2116



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2116

Introduced 2/7/2025, by Sen. Willie Preston

SYNOPSIS AS INTRODUCED:

105 ILCS 5/24A-5

from Ch. 122, par. 24A-5

Amends the Evaluation of Certified Employees Article of the School Code. Requires the teacher evaluation plan to include a description of the standards described in the Illinois Culturally Responsive Teaching and Leading Standards in Part 24 of Title 23 of the Illinois Administrative Code and be aligned to the Illinois Professional Educator Standards.

LRB104 03465 LNS 13488 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 or 3 school years as provided in
17 this Section.

18 Each school district shall establish a teacher evaluation
19 plan that ensures that:

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

22 (2) except as otherwise provided in this Section, each
23 teacher in contractual continued service is evaluated at

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

6 No later than September 1, 2022, each school district must
7 establish a teacher evaluation plan that ensures that each
8 teacher in contractual continued service whose performance is
9 rated as either "excellent" or "proficient" is evaluated at
10 least once in the course of the 3 school years after receipt of
11 the rating and implement an informal teacher observation plan
12 established by agency rule and by agreement of the joint
13 committee established under subsection (b) of Section 24A-4 of
14 this Code that ensures that each teacher in contractual
15 continued service whose performance is rated as either
16 "excellent" or "proficient" is informally observed at least
17 once in the course of the 2 school years after receipt of the
18 rating.

19 For the 2022-2023 school year only, if the Governor has
20 declared a disaster due to a public health emergency pursuant
21 to Section 7 of the Illinois Emergency Management Agency Act,
22 a school district may waive the evaluation requirement of all
23 teachers in contractual continued service whose performances
24 were rated as either "excellent" or "proficient" during the
25 last school year in which the teachers were evaluated under
26 this Section.

1 Notwithstanding anything to the contrary in this Section
2 or any other Section of this Code, a principal shall not be
3 prohibited from evaluating any teachers within a school during
4 his or her first year as principal of such school. If a
5 first-year principal exercises this option in a school
6 district where the evaluation plan provides for a teacher in
7 contractual continued service to be evaluated once in the
8 course of every 2 or 3 school years, as applicable, then a new
9 2-year or 3-year evaluation plan must be established.

10 The evaluation plan shall comply with the requirements of
11 this Section and of any rules adopted by the State Board of
12 Education pursuant to this Section.

13 The plan shall include a description of each teacher's
14 duties and responsibilities and of the standards described in
15 the Illinois Culturally Responsive Teaching and Leading
16 Standards in Part 24 of Title 23 of the Illinois
17 Administrative Code and be aligned to the Illinois
18 Professional Educator Standards to which that teacher is
19 expected to conform, and shall include at least the following
20 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 ongoing ~~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 Illinois

1 Educational Labor Relations Act, has at least 5 years'
2 teaching experience, and a reasonable familiarity with the
3 assignment of the teacher being evaluated, and who
4 received an "excellent" rating on his or her most recent
5 evaluation. Where no teachers who meet these criteria are
6 available within the district, the district shall request
7 and the applicable regional office of education shall
8 supply, to participate in the remediation process, an
9 individual who meets these 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
25 Section. Each evaluation shall assess the teacher's
26 performance during the time period since the prior

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

25 (1) reinstatement to the evaluation schedule set forth
26 in the district's evaluation plan for any teacher in

1 contractual continued service who achieves a rating equal
2 to or better than "satisfactory" or "proficient" in the
3 school year following a rating of "needs improvement" or
4 "unsatisfactory".

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

16 (n) After the implementation date of an evaluation
17 system for teachers in a district as specified in Section
18 24A-2.5 of this Code, if a teacher in contractual
19 continued service successfully completes a remediation
20 plan following a rating of "unsatisfactory" in an overall
21 performance evaluation received after the foregoing
22 implementation date and receives a subsequent rating of
23 "unsatisfactory" in any of the teacher's overall
24 performance evaluation ratings received during the
25 36-month period following the teacher's completion of the
26 remediation plan, then the school district may forgo

1 remediation and seek dismissal in accordance with
2 subsection (d) of Section 24-12 or Section 34-85 of this
3 Code.

4 (o) Teachers who are due to be evaluated in the last
5 year before they are set to retire shall be offered the
6 opportunity to waive their evaluation and to retain their
7 most recent rating, unless the teacher was last rated as
8 "needs improvement" or "unsatisfactory". The school
9 district may still reserve the right to evaluate a teacher
10 provided the district gives notice to the teacher at least
11 14 days before the evaluation and a reason for evaluating
12 the teacher.

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

23 Nothing contained in Public Act 98-648 repeals,
24 supersedes, invalidates, or nullifies final decisions in
25 lawsuits pending on July 1, 2014 (the effective date of Public
26 Act 98-648) in Illinois courts involving the interpretation of

1 Public Act 97-8.

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

18 (Source: P.A. 102-252, eff. 1-1-22; 102-729, eff. 5-6-22;
19 103-85, eff. 6-9-23; 103-605, eff. 7-1-24; revised 8-8-24.)