

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

1 2-year or 3-year evaluation plan must be established.

2 The evaluation plan shall comply with the requirements of
3 this Section and of any rules adopted by the State Board of
4 Education pursuant to this Section.

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

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

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

16 (c) (blank).

17 (d) (blank).

18 (e) rating of the performance of all teachers as
19 "excellent", "proficient", "needs improvement" or
20 "unsatisfactory".

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

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

26 (h) within 30 school days after the completion of an

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

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

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

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

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

1 be subject to the guidelines and procedures relating to
2 those annual evaluations. The evaluator may but is not
3 required to use the forms provided for the annual
4 evaluation of teachers in the district's evaluation plan.

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

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

22 (n) If a teacher in contractual continued service
23 successfully completes a remediation plan following a
24 rating of "unsatisfactory" in an overall performance
25 evaluation received after the foregoing implementation
26 date and receives a subsequent rating of "unsatisfactory"

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

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

16 An evaluator is prohibited from using an artificial
17 intelligence tool to assign a numerical score or qualitative
18 rating, such as "excellent", "proficient", "need improvement",
19 or "unsatisfactory", for any component of a teacher's
20 evaluation or any evaluation task that requires professional
21 judgment. However, an artificial intelligence tool may be used
22 to support the evaluator in administrative tasks.

23 A teacher is prohibited from using an artificial
24 intelligence tool to generate evidence of professional
25 practice that will be used by an evaluator to evaluate the
26 teacher's performance. However, an artificial intelligence

1 tool may be used by a teacher to support the teacher in
2 administrative tasks.

3 The joint committee under subsection (b-5) of Section
4 24A-4 shall determine how artificial intelligence tools may be
5 used in accordance with paragraphs (a) through (o). If an
6 evaluator uses an artificial intelligence tool, the name and
7 specific purpose of the artificial intelligence tool must be
8 disclosed to the teacher being evaluated. If a teacher uses an
9 artificial intelligence tool, the name and specific purpose of
10 the artificial intelligence tool must be disclosed to the
11 evaluator evaluating the teacher.

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

22 Nothing contained in Public Act 98-648 repeals,
23 supersedes, invalidates, or nullifies final decisions in
24 lawsuits pending on July 1, 2014 (the effective date of Public
25 Act 98-648) in Illinois courts involving the interpretation of
26 Public Act 97-8.

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

17 (Source: P.A. 103-85, eff. 6-9-23; 103-605, eff. 7-1-24;
18 104-20, eff. 7-1-25; 104-417, eff. 8-15-25.)