



Sen. Christopher Belt

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10400SB2909sam001

LRB104 17520 LNS 34544 a

1 AMENDMENT TO SENATE BILL 2909

2 AMENDMENT NO. _____. Amend Senate Bill 2909 by replacing
3 everything after the enacting clause with the following:

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

1 this Section.

2 Each school district shall establish a teacher evaluation
3 plan that ensures that:

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

6 (2) except as otherwise provided in this Section, each
7 teacher in contractual continued service is evaluated at
8 least once in the course of every 2 school years. However,
9 any teacher in contractual continued service whose
10 performance is rated as either "needs improvement" or
11 "unsatisfactory" must be evaluated at least once in the
12 school year following the receipt of such rating.

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

26 Notwithstanding anything to the contrary in this Section

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

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

12 The plan shall include a description of each teacher's
13 duties and responsibilities and of the standards to which that
14 teacher is expected to conform, and shall include at least the
15 following components:

16 (a) personal observation of the teacher in the
17 classroom by the evaluator, unless the teacher has no
18 classroom duties.

19 (b) consideration of the teacher's attendance,
20 planning, instructional methods, classroom management,
21 where relevant, and competency in the subject matter
22 taught.

23 (c) (blank).

24 (d) (blank).

25 (e) rating of the performance of all teachers as
26 "excellent", "proficient", "needs improvement" or

1 "unsatisfactory".

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

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

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

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

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

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

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

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

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

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

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

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

1 process or for opinions of performances by teachers under
2 remediation.

3 (n) If a teacher in contractual continued service
4 successfully completes a remediation plan following a
5 rating of "unsatisfactory" in an overall performance
6 evaluation received after the foregoing implementation
7 date and receives a subsequent rating of "unsatisfactory"
8 in any of the teacher's overall performance evaluation
9 ratings received during the 36-month period following the
10 teacher's completion of the remediation plan, then the
11 school district may forgo remediation and seek dismissal
12 in accordance with subsection (d) of Section 24-12 or
13 Section 34-85 of this Code.

14 (o) Teachers who are due to be evaluated in the last
15 year before they are set to retire shall be offered the
16 opportunity to waive their evaluation and to retain their
17 most recent rating, unless the teacher was last rated as
18 "needs improvement" or "unsatisfactory". The school
19 district may still reserve the right to evaluate a teacher
20 provided the district gives notice to the teacher at least
21 14 days before the evaluation and a reason for evaluating
22 the teacher.

23 An evaluator is prohibited from using an artificial
24 intelligence tool to assign a numerical score or qualitative
25 rating, such as "excellent", "proficient", "need improvement",
26 or "unsatisfactory", for any component of a teacher's

1 evaluation or any evaluation task that requires professional
2 judgment. However, an artificial intelligence tool may be used
3 to support the evaluator in administrative tasks.

4 A teacher is prohibited from using an artificial
5 intelligence tool to generate evidence of professional
6 practice that will be used by an evaluator to evaluate the
7 teacher's performance. However, an artificial intelligence
8 tool may be used by a teacher to support the teacher in
9 administrative tasks.

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

19 Nothing in this Section or Section 24A-4 shall be
20 construed as preventing immediate dismissal of a teacher for
21 deficiencies which are deemed irreparable or for actions
22 which are injurious to or endanger the health or person of
23 students in the classroom or school, or preventing the
24 dismissal or non-renewal of teachers not in contractual
25 continued service for any reason not prohibited by applicable
26 employment, labor, and civil rights laws. Failure to strictly

1 comply with the time requirements contained in Section 24A-5
2 shall not invalidate the results of the remediation plan.

3 Nothing contained in Public Act 98-648 repeals,
4 supersedes, invalidates, or nullifies final decisions in
5 lawsuits pending on July 1, 2014 (the effective date of Public
6 Act 98-648) in Illinois courts involving the interpretation of
7 Public Act 97-8.

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

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