

HB2392



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2392

Introduced 2/15/2023, by Rep. Sue Scherer

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. With respect to a school district's teacher evaluation plan, provides that a teacher does not need to undergo the last evaluation cycle before the teacher retires if the teacher has notified the school district of the teacher's intent to retire. Effective immediately.

LRB103 29836 NHT 56244 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
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, except that a teacher does not need to undergo
18 the last evaluation cycle before the teacher retires if the
19 teacher has notified the school district of the teacher's
20 intent to retire.

21 Each school district shall establish a teacher evaluation
22 plan that ensures that:

23 (1) each teacher not in contractual continued service

1 is evaluated at least once every school year; and

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

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

22 For the 2022-2023 school year only, if the Governor has
23 declared a disaster due to a public health emergency pursuant
24 to Section 7 of the Illinois Emergency Management Agency Act,
25 a school district may waive the evaluation requirement of all
26 teachers in contractual continued service whose performances

1 were rated as either "excellent" or "proficient" during the
2 last school year in which the teachers were evaluated under
3 this Section.

4 Notwithstanding anything to the contrary in this Section
5 or any other Section of this Code, a principal shall not be
6 prohibited from evaluating any teachers within a school during
7 his or her first year as principal of such school. If a
8 first-year principal exercises this option in a school
9 district where the evaluation plan provides for a teacher in
10 contractual continued service to be evaluated once in the
11 course of every 2 or 3 school years, as applicable, then a new
12 2-year or 3-year evaluation plan must be established.

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, and shall include at least the
19 following components:

20 (a) personal observation of the teacher in the
21 classroom by the evaluator, unless the teacher has no
22 classroom duties.

23 (b) consideration of the teacher's attendance,
24 planning, instructional methods, classroom management,
25 where relevant, and competency in the subject matter
26 taught.

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

4 (d) prior to September 1, 2012, rating of the
5 performance of teachers in contractual continued service
6 as either:

7 (i) "excellent", "satisfactory" or
8 "unsatisfactory"; or

9 (ii) "excellent", "proficient", "needs
10 improvement" or "unsatisfactory".

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

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

16 (g) inclusion of a copy of the evaluation in the
17 teacher's personnel file and provision of a copy to the
18 teacher.

19 (h) within 30 school days after the completion of an
20 evaluation rating a teacher in contractual continued
21 service as "needs improvement", development by the
22 evaluator, in consultation with the teacher, and taking
23 into account the teacher's on-going professional
24 responsibilities including his or her regular teaching
25 assignments, of a professional development plan directed
26 to the areas that need improvement and any supports that

1 the district will provide to address the areas identified
2 as needing improvement.

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

20 (j) participation in the remediation plan by the
21 teacher in contractual continued service rated
22 "unsatisfactory", an evaluator and a consulting teacher
23 selected by the evaluator of the teacher who was rated
24 "unsatisfactory", which consulting teacher is an
25 educational employee as defined in the Educational Labor
26 Relations Act, has at least 5 years' teaching experience,

1 and a reasonable familiarity with the assignment of the
2 teacher being evaluated, and who received an "excellent"
3 rating on his or her most recent evaluation. Where no
4 teachers who meet these criteria are available within the
5 district, the district shall request and the applicable
6 regional office of education shall supply, to participate
7 in the remediation process, an individual who meets these
8 criteria.

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

20 (k) a mid-point and final evaluation by an evaluator
21 during and at the end of the remediation period,
22 immediately following receipt of a remediation plan
23 provided for under subsections (i) and (j) of this
24 Section. Each evaluation shall assess the teacher's
25 performance during the time period since the prior
26 evaluation; provided that the last evaluation shall also

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

24 (1) reinstatement to the evaluation schedule set forth
25 in the district's evaluation plan for any teacher in
26 contractual continued service who achieves a rating equal

1 to or better than "satisfactory" or "proficient" in the
2 school year following a rating of "needs improvement" or
3 "unsatisfactory".

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

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

1 subsection (d) of Section 24-12 or Section 34-85 of this
2 Code.

3 Nothing in this Section or Section 24A-4 shall be
4 construed as preventing immediate dismissal of a teacher for
5 deficiencies which are deemed irremediable or for actions
6 which are injurious to or endanger the health or person of
7 students in the classroom or school, or preventing the
8 dismissal or non-renewal of teachers not in contractual
9 continued service for any reason not prohibited by applicable
10 employment, labor, and civil rights laws. Failure to strictly
11 comply with the time requirements contained in Section 24A-5
12 shall not invalidate the results of the remediation plan.

13 Nothing contained in this amendatory Act of the 98th
14 General Assembly repeals, supersedes, invalidates, or
15 nullifies final decisions in lawsuits pending on the effective
16 date of this amendatory Act of the 98th General Assembly in
17 Illinois courts involving the interpretation of Public Act
18 97-8.

19 If the Governor has declared a disaster due to a public
20 health emergency pursuant to Section 7 of the Illinois
21 Emergency Management Agency Act that suspends in-person
22 instruction, the timelines in this Section connected to the
23 commencement and completion of any remediation plan are
24 waived. Except if the parties mutually agree otherwise and the
25 agreement is in writing, any remediation plan that had been in
26 place for more than 45 days prior to the suspension of

1 in-person instruction shall resume when in-person instruction
2 resumes and any remediation plan that had been in place for
3 fewer than 45 days prior to the suspension of in-person
4 instruction shall be discontinued and a new remediation period
5 shall begin when in-person instruction resumes. The
6 requirements of this paragraph apply regardless of whether
7 they are included in a school district's teacher evaluation
8 plan.

9 (Source: P.A. 101-643, eff. 6-18-20; 102-252, eff. 1-1-22;
10 102-729, eff. 5-6-22.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.