



Sen. Kimberly A. Lightford

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1 AMENDMENT TO SENATE BILL 1351

2 AMENDMENT NO. _____. Amend Senate Bill 1351 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing
5 Sections 24A-5 and 34-84 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

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 For the 2022-2023 school year only, if the Governor has

1 declared a disaster due to a public health emergency pursuant
2 to Section 7 of the Illinois Emergency Management Agency Act,
3 a school district may waive the evaluation requirement of all
4 teachers in contractual continued service whose performances
5 were rated as either "excellent" or "proficient" during the
6 last school year in which the teachers were evaluated under
7 this Section.

8 Notwithstanding anything to the contrary in this Section
9 or any other Section of this Code, a principal shall not be
10 prohibited from evaluating any teachers within a school during
11 his or her first year as principal of such school. If a
12 first-year principal exercises this option in a school
13 district where the evaluation plan provides for a teacher in
14 contractual continued service to be evaluated once in the
15 course of every 2 or 3 school years, as applicable, then a new
16 2-year or 3-year evaluation plan must be established.

17 The evaluation plan shall comply with the requirements of
18 this Section and of any rules adopted by the State Board of
19 Education pursuant to this Section.

20 The plan shall include a description of each teacher's
21 duties and responsibilities and of the standards to which that
22 teacher is expected to conform, and shall include at least the
23 following components:

- 24 (a) personal observation of the teacher in the
25 classroom by the evaluator, unless the teacher has no
26 classroom duties.

1 (b) consideration of the teacher's attendance,
2 planning, instructional methods, classroom management,
3 where relevant, and competency in the subject matter
4 taught.

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

8 (d) prior to September 1, 2012, rating of the
9 performance of teachers in contractual continued service
10 as either:

11 (i) "excellent", "satisfactory" or
12 "unsatisfactory"; or

13 (ii) "excellent", "proficient", "needs
14 improvement" or "unsatisfactory".

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

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

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

23 (h) within 30 school days after the completion of an
24 evaluation rating a teacher in contractual continued
25 service as "needs improvement", development by the
26 evaluator, in consultation with the teacher, and taking

1 into account the teacher's on-going professional
2 responsibilities including his or her regular teaching
3 assignments, of a professional development plan directed
4 to the areas that need improvement and any supports that
5 the district will provide to address the areas identified
6 as needing improvement.

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

24 (j) participation in the remediation plan by the
25 teacher in contractual continued service rated
26 "unsatisfactory", an evaluator and a consulting teacher

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

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

24 (k) a mid-point and final evaluation by an evaluator
25 during and at the end of the remediation period,
26 immediately following receipt of a remediation plan

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

1 evaluation of teachers in the district's evaluation plan.

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

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

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

1 performance evaluation ratings received during the
2 36-month period following the teacher's completion of the
3 remediation plan, then the school district may forego
4 remediation and seek dismissal in accordance with
5 subsection (d) of Section 24-12 or Section 34-85 of this
6 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 Nothing in this Section or Section 24A-4 shall be
17 construed as preventing immediate dismissal of a teacher for
18 deficiencies which are deemed irremediable or for actions
19 which are injurious to or endanger the health or person of
20 students in the classroom or school, or preventing the
21 dismissal or non-renewal of teachers not in contractual
22 continued service for any reason not prohibited by applicable
23 employment, labor, and civil rights laws. Failure to strictly
24 comply with the time requirements contained in Section 24A-5
25 shall not invalidate the results of the remediation plan.

26 Nothing contained in this amendatory Act of the 98th

1 General Assembly repeals, supersedes, invalidates, or
2 nullifies final decisions in lawsuits pending on the effective
3 date of this amendatory Act of the 98th General Assembly in
4 Illinois courts involving the interpretation of Public Act
5 97-8.

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

22 (Source: P.A. 101-643, eff. 6-18-20; 102-252, eff. 1-1-22;
23 102-729, eff. 5-6-22.)

24 (105 ILCS 5/34-84) (from Ch. 122, par. 34-84)

25 Sec. 34-84. Appointments and promotions of teachers.

1 Appointments and promotions of teachers shall be made for
2 merit only, and after satisfactory service for a probationary
3 period of 3 years with respect to probationary employees
4 employed as full-time teachers in the public school system of
5 the district before January 1, 1998 and 4 years with respect to
6 probationary employees who are first employed as full-time
7 teachers in the public school system of the district on or
8 after January 1, 1998, during which period the board may
9 dismiss or discharge any such probationary employee upon the
10 recommendation, accompanied by the written reasons therefor,
11 of the general superintendent of schools and after which
12 period appointments of teachers shall become permanent,
13 subject to removal for cause in the manner provided by Section
14 34-85.

15 For a probationary-appointed teacher in full-time service
16 who is appointed on or after July 1, 2013 and who receives
17 ratings of "excellent" during his or her first 3 school terms
18 of full-time service, the probationary period shall be 3
19 school terms of full-time service. For a
20 probationary-appointed teacher in full-time service who is
21 appointed on or after July 1, 2013 and who had previously
22 entered into contractual continued service in another school
23 district in this State or a program of a special education
24 joint agreement in this State, as defined in Section 24-11 of
25 this Code, the probationary period shall be 2 school terms of
26 full-time service, provided that (i) the teacher voluntarily

1 resigned or was honorably dismissed from the prior district or
2 program within the 3-month period preceding his or her
3 appointment date, (ii) the teacher's last 2 ratings in the
4 prior district or program were at least "proficient" and were
5 issued after the prior district's or program's PERA
6 implementation date, as defined in Section 24-11 of this Code,
7 and (iii) the teacher receives ratings of "excellent" during
8 his or her first 2 school terms of full-time service.

9 For a probationary-appointed teacher in full-time service
10 who is appointed on or after July 1, 2013 and who has not
11 entered into contractual continued service after 2 or 3 school
12 terms of full-time service as provided in this Section, the
13 probationary period shall be 4 school terms of full-time
14 service, provided that the teacher receives a rating of at
15 least "proficient" in the last school term and a rating of at
16 least "proficient" in either the second or third school term.

17 As used in this Section, "school term" means the school
18 term established by the board pursuant to Section 10-19 of
19 this Code, and "full-time service" means the teacher has
20 actually worked at least 150 days during the school term. As
21 used in this Article, "teachers" means and includes all
22 members of the teaching force excluding the general
23 superintendent and principals.

24 There shall be no reduction in teachers because of a
25 decrease in student membership or a change in subject
26 requirements within the attendance center organization after

1 the 20th day following the first day of the school year, except
2 that: (1) this provision shall not apply to desegregation
3 positions, special education positions, or any other positions
4 funded by State or federal categorical funds, and (2) at
5 attendance centers maintaining any of grades 9 through 12,
6 there may be a second reduction in teachers on the first day of
7 the second semester of the regular school term because of a
8 decrease in student membership or a change in subject
9 requirements within the attendance center organization.

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

18 The school principal shall make the decision in selecting
19 teachers to fill new and vacant positions consistent with
20 Section 34-8.1.

21 (Source: P.A. 97-8, eff. 6-13-11.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."