



PERA Overview for School Board Members

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1. **What is PERA and where can I get detailed information?**
2. **What are the central requirements for the evaluation system?**
3. **What are the basic components of a principal or assistant principal evaluation plan?**
4. **What happens if a district fails to conduct a principal or assistant principal's evaluation?**
5. **Who performs evaluations?**
6. **What are the major components of the teacher evaluation plan?**
7. **How does a district review its evaluation plan?**
8. **Did education reform alter contractual continued service (tenure)?**
9. **What are the consequences if a teacher receives a performance rating of *needs improvement* or *unsatisfactory*?**
10. **What happens if a district fails to conduct a teacher's performance evaluation?**
11. **How did education reform alter the process to dismiss a probationary teacher?**
12. **What is the traditional process for dismissing a tenured teacher? May it be used now?**
13. **What is the Optional Alternative Evaluation Dismissal Process for dismissing a tenured teacher? When may it be used?**
14. **What is the process for selecting teachers for a reduction in force/layoff (RIF)?**
15. **What are the mandatory training requirements for board members?**
16. **What is the school board's role in PERA and education reform?**

1. What is PERA and where can I get detailed information?

PERA is the acronym for the Performance Evaluation Reform Act that became Illinois law on January 1, 2010. It was followed by education reform legislation that took effect on June 13, 2011 and has been subsequently amended. PERA and the reform measures almost exclusively concern the terms and conditions of teacher and principal employment.

The Illinois State Board of Education (ISBE) has posted considerable information on its website about PERA and education reform at www.isbe.net/Pages/Educator-Evaluations.aspx.

2. What are the central requirements for the evaluation system?

In every Illinois school system,

- a. All principals and assistant principals must be evaluated by trained, pre-qualified evaluators (often the superintendent), and beginning July 1, 2025, their evaluations may, but are not required to, include data and indicators of student growth as a factor.
- b. Principals, assistant principals, and teachers must be evaluated using four rating categories (excellent, proficient, needs improvement, or unsatisfactory).
- c. Teachers must be evaluated by trained evaluators (usually the principal).
- d. Beginning July 1, 2025, teacher evaluations may, but are not required to, include data and indicators of student growth as a factor. State law provides unique requirements for Chicago Public Schools.

3. What are the basic components of a principal or assistant principal evaluation plan?

The education reform measures contain many requirements for a district's evaluation plan for principals and assistant principals. The evaluation plan must consider the principal's or assistant principal's duties, responsibilities, management, and competence; the individual's strengths and weaknesses; and performance goals. Beginning July 1, 2025, evaluations of principals and assistant principals may, but are not required to, incorporate student growth as a factor. Principals and assistant principals on single-year contracts must be evaluated at least once every school year, no later than March 1. Principals and assistant principals on multi-year contracts must be evaluated by March 1 of the final year of their contracts.

4. What happens if a district fails to conduct a timely principal or assistant principal's evaluation?

Failure to timely evaluate a principal or assistant principal automatically extends his or her contract for an additional year.

5. Who performs evaluations?

Evaluators must be pre-qualified by having successfully completed a program provided or approved by ISBE. This means that principals, assistant principals, superintendents, and any other individuals who conduct evaluations must be pre-qualified. If your superintendent also serves as a principal, your board must appoint a pre-qualified evaluator to conduct an evaluation of the individual as a principal.

In all districts, your board will continue to evaluate your superintendent. PERA and the education reform legislation did not change superintendent evaluations. This process is left to the board and its superintendent. The IASB guide, "The Superintendent Evaluation Process: Strengthening the Board-Superintendent Relationship," is available at <http://www.iasb.com/IASB/media/Documents/superintendent-evaluation-process.pdf>.

6. What are the major components of the teacher evaluation plan?

The following items include the major components of a teacher evaluation plan:

- a. **Rating Categories and Instructional Framework:** The rating categories must be excellent, proficient, needs improvement, and unsatisfactory. Each district must evaluate its teachers using an instructional framework that: (i) is based upon research regarding effective instruction; (ii) addresses at least planning, instructional delivery, and classroom management; and (iii) aligns with the Illinois Professional Teaching Standards.
- b. **Evaluation Frequency:** Each teacher in contractual continued service (tenured) generally must be evaluated at least once every two or three school years.¹ Each district must: (1) have a teacher evaluation plan that ensures tenured teachers rated as *excellent* or *proficient* are evaluated at least once every three school years; and (2) implement an informal teacher observation plan that ensures such tenured teachers are informally observed at least once in the course of the two school years after receipt of the rating.² 105 ILCS 5/24A-5. A tenured teacher who receives a *needs improvement* or *unsatisfactory* rating must be evaluated in the next school year after receiving that rating. Each teacher not in contractual continued service (nontenured) must be evaluated at least once every year.
- c. **Evidence Collection:** Evidence of each teacher's professional practice must be collected using formal and informal observations.
 - i. For each tenured teacher who received an excellent or proficient rating, a minimum of two observations are required during the cycle in which the current evaluation is conducted, one of which must be a formal observation.
 - ii. For each tenured teacher who received a needs improvement or unsatisfactory rating, a minimum of three observations are required in the school year immediately following the year in which the needs improvement or unsatisfactory rating was assigned, of which two must be formal observations.
 - iii. For each nontenured teacher, a minimum of three observations are required each school year, of which two must be formal observations.
- d. **Post-Observation Conferences:** During a conference held after an observation, the qualified evaluator must share with the teacher any evidence collected during an observation and the evaluator's judgments concerning the evidence.
 - i. Following a formal observation, the qualified evaluator must meet with the teacher to discuss the evidence collected about the teacher's professional practice and provide written feedback to the teacher.
 - ii. Following an informal observation, the qualified evaluator must provide feedback to the teacher either orally or in writing and, if the feedback is in a written format, must also provide the teacher with an opportunity to have an in-person discussion with the evaluator.
- e. The evaluation plan must provide for the consideration of each teacher's attendance, planning, instructional methods, classroom management, where relevant, and competency in the subject matter taught.
- f. Beginning July 1, 2025, the evaluation plan may, but is not required to, provide for the use of student growth as a factor in each teacher's evaluation. A district may, in good faith cooperation with its PERA Joint Committee, incorporate student growth as a factor in rating teacher performance at a level that is locally determined. See Question #7, below, for more information about the PERA Joint Committee.

7. How does a district review its evaluation plan?

The PERA Joint Committee must meet at least once a year to assess and review the effectiveness of the district's evaluation plan for the purposes of continuous improvement of instruction and evaluation practices. (105 ILCS 5/24A-4(d)). The PERA Joint Committee is "composed of equal representation selected by the district and its teachers, or where applicable, the executive bargaining representative of its teachers," and it is not subject to the requirements of the Open Meetings Act (OMA).

The amendment of an evaluation plan continues to be a mandatory subject of bargaining. As the school board must approve the bargaining agreement between the district and the teachers' exclusive representative, school board members will be interested in the PERA Joint Committee's progress and will want to request updates from the superintendent or designee.

8. Did education reform alter contractual continued service (tenure)?

Yes. Following PERA implementation, your teachers³ acquire tenure on the basis of performance evaluations.

Before education reform there were, and now after it, there still are three broad categories of teachers for purposes of statutory employment rights:

- a. Tenured teachers have a continuing employment relationship (referred to in State law as "contractual continued service").
- b. Probationary teachers do not have tenure.
- c. Probationary teachers in their final year of probationary service have slightly greater rights than other probationary teachers.

Before a district's PERA implementation date, a teacher's probationary period for earning tenure was four consecutive years. For teachers first employed as full-time teachers after the PERA implementation date but *before July 1, 2023*:

- a. Tenure is given to teachers who have completed four consecutive school terms of employment, earning a proficient or better overall rating in their fourth school term and also in either of their second or third school terms.
- b. Accelerated tenure is given to teachers who have completed three consecutive school terms of employment and received two overall annual performance ratings of excellent.
- c. Portable tenure is given to teachers who: 1) previously attained tenure in a different district, 2) complete two consecutive years of service and earn a performance rating of excellent in each of those two years, and 3) meet other statutory requirements.

For a teacher first employed as a full-time teacher *on or after July 1, 2023*:

- a. Tenure is conferred on teachers who have completed three consecutive school terms of employment, earning a proficient or better overall rating in their second and third school terms.
- b. Accelerated tenure is given to teachers who have completed two consecutive school terms of employment and receive two overall annual performance ratings of excellent.

The requirements for portable tenure (item c, above) are the same for teachers hired on or after July 1, 2023. However, portable tenure is effectively no longer relevant because teachers hired on or after July 1, 2023, can attain accelerated tenure after two years of *excellent* evaluations, without meeting any of the additional requirements for portable tenure.

9. What are the consequences if a teacher receives a performance rating of needs improvement or unsatisfactory?

Any tenured teacher rated needs improvement must receive a professional development plan. If a tenured teacher is rated *unsatisfactory*, the district must develop and commence a plan for 90 school days of remediation within the classroom.⁴ The remediation plan must involve a consulting teacher and include multiple evaluations. The teacher must be dismissed if he or she fails to complete the remediation plan with a rating of proficient or better.

A nontenured teacher must be dismissed if he or she is not eligible for tenure at the end of his or her probationary period.

Districts must also have a local appeals process for unsatisfactory teacher ratings.

10. What happens if a district fails to conduct a teacher's performance evaluation?

Except in limited circumstances, if a required teacher evaluation is not conducted, State law provides that the teacher's rating will automatically default to *proficient*.⁵

Practically speaking, this means if a required evaluation for a teacher is not conducted, a probationary teacher could acquire tenure earlier or later than he or she otherwise would have, and/or a teacher could be placed in a higher or lower grouping for honorable dismissal purposes than he or she would have been placed, had the evaluation occurred (see Question #13, below).

11. How did education reform alter the process to dismiss a probationary teacher?

To dismiss a probationary teacher a district must (a) fully comply with its evaluation plan and collectively bargained evaluation procedure, and (b) give a written notice of dismissal to the teacher on or before April 15.

The written notice must contain specific reasons for the dismissal when the probationary teacher is in the last year of his or her probationary period.⁶

12. What is the traditional process for dismissing a tenured teacher? May it be used now?

The traditional dismissal process is available now for dismissing tenured teachers. It was streamlined by education reform and is found in 105 ILCS 5/24-12(d). It may be used in a dismissal for any reason other than a reduction in force/layoff. The traditional process is independent of the Optional Alternative Evaluation Dismissal Process described in Question #13, below.

The traditional dismissal process was informally labeled "streamlined" because education reform made it more efficient. ISBE no longer appoints a hearing officer. Instead, the parties may mutually agree on a hearing officer or the board appoints one from a list maintained by ISBE. The hearing officer now has mandatory timelines for holding the hearing and presenting findings of fact to the board. The failure of a board to strictly follow the timelines does "not render it without jurisdiction to dismiss the teacher." The process is different depending on whether the board seeks to dismiss a tenured teacher due to:

- a. Performance: When a teacher received an unsatisfactory evaluation rating and failed to successfully complete a remediation plan. If the teacher requests a hearing, a hearing officer holds the hearing and renders the final decision.

- b. Conduct (incompetency, cruelty, negligence, immorality, other sufficient cause, or whenever, in the board's opinion, the interests of the schools require it): If the conduct is remediable, the board must first allow the teacher time to remediate or cure the conduct. The board makes the decision to dismiss or retain a teacher after receipt of the hearing officer's recommendation. The board's decision is final unless the teacher files a lawsuit to appeal its decision.

13. What is the Optional Alternative Evaluation Dismissal Process for dismissing a tenured teacher? When may it be used?

The expedited dismissal process is known as the "Optional Alternative Evaluation Dismissal Process" for tenured teachers and is found in 105 ILCS 5/24-16.5. This dismissal process may be used only after a teacher has failed to complete a remediation plan with a rating equal to or better than a proficient rating.

An Optional Alternative Evaluation Dismissal is a shorter process than the streamlined process described in Question #12, above. This is the reason it is nicknamed "expedited." The basic timelines, procedures, and requirements follow:

- a. The dismissal must be preceded by a statutory remediation process that, among other things, requires the use of a second evaluator.
- b. To institute a dismissal proceeding, the board must first provide written notice to the teacher within 30 days after the completion of the final remediation evaluation.
- c. No hearing is required unless the teacher requests one within 17 days after receiving notice.
- d. The hearing officer may only consider and give weight to performance evaluations relevant to the scope of the hearing.
- e. With a few exceptions, each party has only two days to present evidence and testimony.
- f. The hearing officer, within 30 days from the close of the hearing, issues findings of fact and a recommendation to the board to either retain or dismiss the teacher.
- g. The board, within 45 days after receipt of the hearing officer's findings of fact and recommendation, must decide, through adoption of a written order, whether the teacher is dismissed from its employ or retained, provided that only PERA-trained board members may participate in the vote with respect to the decision.

14. What is the process for selecting teachers for a reduction in force/layoff (RIF)?

The education reform legislation significantly changed the method for selecting teachers for RIF. Before the reform legislation, the selection was strictly based on seniority. After the reform legislation, the process generally involves categorizing teachers in one or more position list(s) by certification and qualifications. The next step is to place teachers on each position list in one of four groups based on their performance evaluations as follows:

Group 1 – Nontenured teachers who (i) have not received a performance evaluation rating, (ii) are employed for one school term or less to replace a teacher on leave, or (iii) are employed on a part-time basis as defined in the statute

Group 2 – Teachers evaluated as needs improvement or unsatisfactory

Group 3 – Teachers evaluated as satisfactory or proficient

Group 4 – Teachers evaluated as excellent

The district must choose teachers according to group number beginning with Group 1. The district must annually establish, in consultation with any exclusive employee representatives:

1. A list of the sequence of honorable dismissal showing each teacher by name and categorized by positions and groupings, and
2. A list showing the length of continuing service of each teacher who is qualified to hold any position, unless an alternative method of determining a sequence of dismissal is established, in which case a list must be made in accordance with the alternative method.

The statute provides deadlines for providing these lists to the exclusive representative. Each district must use a RIF Joint Committee selected by the school board and its teachers (or the exclusive bargaining representative of its teachers). The RIF Joint Committee considers various issues identified in the reform legislation concerning the selection of teachers for layoff. On or before December 1 each year, the RIF Joint Committee must be established and must hold its first meeting. 105 ILCS 5/24-12(b), or any applicable collective bargaining agreement, controls the notice of honorable dismissal that a district must give a teacher and the order of recall. The RIF Joint Committee is not subject to the requirements of OMA.

15. What are the mandatory training requirements for board members?

Of the three training requirements described below, the first two are the result of education reform.

- a. **Professional Development and Leadership Training.** Board members elected or appointed must complete this training within the first year of their first term. The training must be a minimum of four hours and cover education and labor law, financial oversight and accountability, fiduciary responsibilities, trauma-informed practices for students and staff, and improving student outcomes.
- b. **PERA Training.** A board member must complete PERA training before participating in the vote on an Optional Alternative Evaluation Dismissal.
- c. **Open Meetings Act Training.** Board members must complete this training no later than 90 days after taking the oath of office. The Illinois Attorney General's office and IASB are authorized to provide this training.

IASB offers courses on these topics in a variety of formats and locations, including through the Online Learning Center at www.iasb.com/conference-training-and-events/training/online-learning.

16. What is the school board's role in PERA and education reform?

The school board's role in PERA and education reform is one of governance of the school district with an elevated and focused obligation for ensuring student growth. This means that the board must identify the district's ends in accordance with the reform measures and revise its monitoring function accordingly. The board must enter into performance-based contracts with administrators that contain meaningful goals and indicators of student performance and academic growth. The board must evaluate the superintendent. It must review information that will inform the board whether principals and staff members are being effectively evaluated and it must dismiss staff based on inadequate performance. It must monitor student growth. It must select members to the RIF Joint Committee. Individual board members must complete professional development leadership training and, eventually, PERA training for Optional Alternative Evaluation Dismissals.

Endnotes

1. Teachers who (1) are due to be evaluated in the last year before they retire and (2) received an excellent or proficient rating on their most recent evaluation must be offered the opportunity to waive their last evaluation and retain their most recent rating. 105 ILCS 5/24A-5(o), added by P.A. 103-85. Additionally, for the 2022-2023 school year only, and while the Governor's disaster declaration for COVID-19 was in effect, a district had the option to waive the evaluation requirement of all tenured teachers whose performances were rated as either excellent or proficient during the last school year in which the teachers were evaluated. 105 ILCS 5/24A-5.
2. The informal teacher observation plan implemented must be established by ISBE rules and agreement of the district's PERA Joint Committee. 105 ILCS 5/24A-5.
3. Teachers include those who hold a Professional Educator License, an Educator License with Stipulations with a career and technical educator endorsement, or an Educator License with Stipulations with a provisional career and technical educator endorsement. 105 ILCS 5/24-11, amended by P.A. 103-617.
4. The timelines for remediation plans are waived in the event the Governor has declared a disaster due to a public health emergency that suspends in-person instruction. Under that circumstance, unless the board and union agree otherwise in writing, remediation plans that were in place for more than 45 days prior to the suspension of in-person instruction resume when in-person instruction resumes, and those plans in place for fewer than 45 days must be discontinued and re-started when in-person instruction resumes. 105 ILCS 5/24A-5.
5. The one exception to this general rule is that during any time in which the Governor has declared a disaster due to a public health emergency, the rating will default to excellent for a tenured teacher only if the tenured teacher's most recent evaluation was deemed excellent, unless the board and union agree to an alternative rating. A probationary teacher's evaluation would continue to default to proficient in this specific circumstance, unless the board and union agree to an alternative rating. 105 ILCS 5/24-11 and 24-12.
6. Specific reasons for dismissal are not required for those teachers who are in the last year of their probationary period and meet the requirements for portable tenure. 105 ILCS 5/24-11(f), amended by P.A. 103-500.

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