

In Brief

January 21, 2021

NEW OMNIBUS LEGISLATION HAS BROAD IMPLICATIONS FOR ILLINOIS K-12 DISTRICTS

On January 11, 2021, House Bill 2170 officially passed the Illinois legislature and is currently awaiting Governor Pritzker's signature. HB 2170, which was backed by the Black legislative caucus, was designed to address equity issues in education impacting minority students. The bill makes significant changes to high school curriculum and graduation requirements to ensure more students meet College admissions standards and have access to advanced courses. The bill extends the eligibility timeframe for Early Intervention services, requires the Illinois State Board of Education ("ISBE") to conduct mandatory assessment of all public school students entering kindergarten, and requires all K-12 school districts to expand their Black history curriculum. The bill also includes incentives to address teacher shortages and promote greater educator diversity. Below provides a detailed overview of the major legislative changes impacting K-12 school districts, each of which will take effect at different times over the course of the next seven years. We address HB 2170's proposed changes in greater detail below.

Black History Study

In addition to the curriculum instruction already required relative to Black History, HB 2170 requires every public elementary school and high school to include in its curriculum a unit of instruction studying the events of Black History, including the history of the pre-enslavement of Black people from 3,000 BCE to AD 1619, the study of the reasons why Black people came to be enslaved, and the study of the American civil rights renaissance. These changes will go into effect immediately upon the bill's signing.

Teacher Incentives and Alternative Educator Licensure

Several changes regarding teacher incentives and teacher licensure also will go into effect immediately when Governor Pritzker signs HB 2170. For qualified educators who provide at least 30 hours of mentoring or National Board for Professional Teaching Standards professional development during the school year, there is now an annual incentive of no more than \$1,500 prorated at \$50 per hour as long as funds are available. If adequate funds remain available, there is also (1) a one-time incentive of \$3,000 payable to Tier 2 teachers or rural or remote schools in Tier 1 or Tier 2 school districts; (2) an annual incentive of \$3,200 for distant candidate cohort facilitators, diverse candidate cohort facilitators, and candidate cohort facilitators; and (3) an annual incentive of \$2,500 for distant liaisons, diverse liaisons, and liaisons. In addition, an alternative provisional educator endorsement on an Educator License with Stipulations will no longer require a cumulative grade point average of 3.0 or greater on a 4.0 scale or its equivalent on another scale.

Kindergarten Assessment

Beginning no later than the 2021-2022 school year, unless a student is otherwise deemed exempt, the ISBE shall annually assess all public school children entering full and half-day kindergarten. ISBE shall use a common assessment tool that assesses multiple developmental domains, including literacy, language, mathematics, and social and emotional development. The assessment results may not be used to prevent a child from enrolling in kindergarten or as the sole measure in determining the grade promotion or retention of a student. However, results from the assessment may be used by the school to understand the child's development and readiness for kindergarten, to tailor instruction, to measure the child's progress over time, to identify a need for professional development of teachers and early childhood educators and to inform State and district-level policies and resource allocation.

Early Intervention

Beginning July 1, 2022, children who receive early intervention services prior to their third birthday and are determined eligible for special education under the Individuals with Disabilities Education Act ("IDEA"), and whose birthday falls between May 1st and August 31st, may continue to receive early intervention services until the beginning of the school year following their third birthday in order to minimize gaps in services, ensure better continuity of care, and align practices for the enrollment of preschool children with special needs to the enrollment practices of typically developing preschool children.

High School Curriculum

Students starting the 9th grade in the 2022-2023 school year will need to complete one year of a course that includes intensive instruction in computer literacy, but that may take place within a course on another subject. More generally, beginning the 2024-2025 school year, all students entering the 9th grade must successfully complete the following courses, in order to earn a high school diploma:

1. Four years of language arts;
2. Two years of writing intensive courses, one of which must be English and the other of which may be English or another subject (the writing intensive courses may be counted towards fulfillment of other graduation requirements, as well);
3. Three years of mathematics, one of which may be Algebra I, one must include geometry content, and one which may be an Advanced Placement computer science course;
4. Two years of laboratory science;
5. Two years of social studies, at least one must be U.S. history or a combination of US and American governments, and at least one semester must be civics (focusing on government institutions, the discussion of current and controversial issues, service learning and simulations of the democratic process);
6. One year chosen from music, art, foreign language (which may include American Sign Language), or vocational education.

The updated requirements specify that the two years of science must be laboratory science. In addition to the course requirements listed above, beginning the 2028-2029 school year, each student entering the 9th grade also must successfully complete 2 years of foreign language, which may include ASL.

Access to University Admission Coursework

To ensure that every public high school student has access to and understands course expectations for admission to the University of Illinois, ISBE will make the Board of High Education (BHE) course review publicly available on the ISBE website. Additionally, school districts must make available to all students in grades 8-12 and their parents/guardians, that BHE review before the student's course schedule is finalized for the student's particular grade level. Beginning the 2022-2023 school year, every Illinois public high school also must provide access to each course identified in the BHE review to any of its students who request to enroll in the course. If the public high school cannot offer the course through the district's existing program, it must find an alternative way to offer the course to the student, which may include partnering with another district, institution of higher education, or some other course provider. No student may be denied access to a course identified in the BHE review for financial reasons.

Advanced Placement

No later than the beginning of the 2023-2024 school year, each school district's accelerated placement policy must allow for the automatic enrollment of a student in the next most rigorous level of advanced coursework offered by the high school, if the student meets or exceeds the State standards in the relevant course area, on the State assessment. Enrollment in the next most rigorous level of advanced coursework may include enrollment in Advanced Placement ("AP") or dual credit courses, as applicable. However, districts must also allow the student's parents or guardians to opt into alternative coursework that would better align with the student's educational or career goals.

A student's most recent State assessment results may be used to determine whether the student meets or exceeds State standards. For a student enrolling a ninth grade, State assessment results from grades 6-8 may be used. For other high school grades, results from a locally selected, nationally normed assessment may be used instead of the State assessment, if those results are the most recent.

Conclusion

It is expected that Governor Pritzker will sign HB 2107. As such, while many of these legislative changes will not take effect right away, we encourage school officials to start planning ahead, by reviewing current course and curriculum offerings and identifying necessary changes to current programming, to ensure compliance with the various provisions impacting their schools. Feel free to contact your Robbins Schwartz attorney with any questions or concerns regarding these legislative changes.