

## 2023 LEGISLATIVE ROUNDUP FOR SCHOOLS

2023 has brought a deluge of legislation, with 561 bills signed into law in Illinois so far. This publication summarizes more than 50 of those bills (and one federal bill) that are relevant to school districts. These new bills include some with major changes to procurement, student services, and personnel operations that will require substantial efforts by school administrators to update their policies, procedures, and practices. Administrators interested in more information about the latest legal developments can register [here](#) to attend our School Administrators' Conference in person or virtually on October 4, 2023. And as always, please contact your Robbins Schwartz attorney with questions about how these new laws may affect your organization.

### BOARD GOVERNANCE

#### **Public Act 103-0311: OMA - Remote Attendance, Bans from School Events** (eff. 7/28/2023)

This legislation amends the Illinois Open Meetings Act (OMA) to expand the reasons that members of a public body may attend a meeting by phone or videoconference. Specifically, when a quorum of the board is physically present, a member may attend a meeting remotely if they are prevented from attending in person due to unexpected childcare obligations. Districts with policies allowing remote meeting attendance will need to update their policies to include unexpected childcare obligations alongside the previously available reasons for remote attendance, including personal illness or disability, employment purposes or the business of the public body, and a family or other emergency. The Act also creates a new exception to allow closed session hearings about denying admission to school events or property under Section 24-24 of the School Code, provided that the school board makes a written decision with its reasoning available for public inspection.

#### **Public Act 103-0393: Community Input on Standardized Testing** (eff. 7/1/2024)

This Act requires school boards to allow public comment and hold a public vote at a regular meeting of the board prior to approving any new contract for a district-administered standardized assessment. The terms of the proposal must be substantially presented at the board meeting. However, this legislation also provides for technical and procedural safeguards in order to prevent any copyrighted material or intellectual property from being disseminated widely or the assessment process from being undermined.

### HIRING AND WAGES

#### **Public Act 103-0539: Posting Pay Scale and Benefits** (eff. 1/1/2025)

Public Act 103-0539 applies to employers with at least 15 employees and requires that employers must include the pay scale and benefits for a position in any job posting which is posted on or after January 1, 2025. The new law adds each position's job posting, pay scale, and benefits to the list of records that an employer is required to make and preserve for at least five years.

It also requires employers to notify all current employees of all opportunities for promotion no

later than 14 calendar days after making an external job posting for the position. Upon request, employers must also disclose pay scale and benefits to an applicant for a job, promotion, transfer, or other employment opportunity, if the posting was not made available to the applicant. Finally, the new law requires that disclosure must occur prior to making an offer or discussing compensation.

Under this new law, IDOL will have jurisdiction over investigation and enforcement of alleged violations, and the civil penalties for such violations will depend upon whether the posting is active or inactive at the time IDOL issues a notice of violation and whether it is an employer's first, second, or third or subsequent offense.

### **Public Act 103-0515: Teacher Minimum Salary** (eff. 8/11/2023)

This legislation amends the Pension Code to exempt employer contributions to TRS for salary increases greater than 6%, if such increases are necessary to bring a school board in compliance with the changes to the minimum salary provisions of the School Code.

The Act also provides that annual increases to the minimum salary rate for teachers beginning with the 2024-2025 school year will equal to CPI-U for the 12-month period ending on June 30 of the school year that ended 12 months prior to the school year in which the adjusted salary is to be in effect (instead of for the previous school year).

### **Public Act 103-0395: ESP Paid Holidays** (eff. 1/1/2024)

Public Act 103-0395 clarifies that educational support personnel (in addition to teachers) cannot be required to work on a legal school holiday (except in certain circumstances). It also adds new language to this section of the School Code that no deduction shall be made from the time or compensation of a school employee, including an educational support personnel employee, on account of any legal or special holiday in which that employee would have otherwise been scheduled to work but for the legal or special holiday.

### **Public Act 103-0088: Teacher Return to Service** (eff. 6/9/2023)

The Illinois Pension Code was amended to provide that through June 30, 2026 (instead of June 30, 2023), an annuitant may accept employment as a teacher without impairing their TRS retirement status if that employment is not within the school year during which service was terminated and does not exceed 120 paid days or 600 paid hours in each school year.

### **Public Act 103-0193: Substitute Teacher Additional Days for Vacant Positions** (eff. 1/1/2024)

Public Act 103-0193 permits a school district to continue to employ the same substitute teacher in the same vacant teaching position for 90 calendar days, or until the end of the semester, whichever is greater, if, prior to the expiration of the initial 30-calendar-day period, the school district files a written request with the appropriate ROE for a 30-calendar-day extension on the basis that the position remains vacant and the district continues to actively seek qualified candidates, and the school district provides documentation that it has provided the substitute teacher with training

specific to the vacant position.

## **Public Act 103-0046: Teacher Hiring Priorities** (eff. 1/1/2024)

The School Code is amended to require that when hiring or assigning physical education, music, and visual arts educators, school districts must prioritize hiring/assigning educators who hold an educator license and endorsement in those particular content areas. A PEL applicant must either: (1) pass the licensure content area test for the content area they are assigned to teach; or (2) complete at least 9 semester hours of coursework in the content area prior to their employment start date. To retain employment in subsequent years, the teacher must complete all coursework in the respective content area in which they teach and apply for a license endorsement within 3 calendar years of their employment start date.

## **Public Act 103-0437: Day and Temporary Laborers** (eff. 1/1/2024)

Public Act 103-0437 requires that day and temporary laborers assigned to work for more than 90 calendar days at a third-party client company must be paid not less than: (1) the pay rate and equivalent benefits as the lowest paid directly hired employee of the client company with the same level of seniority and performing substantially similar work that requires substantially similar skill, effort, and responsibility under similar working conditions; or (2) if there is no comparative employee, the pay rate and equivalent benefits of the company's lowest paid directly hired employee with the closest level of seniority.

Additionally, before a day or temporary laborer begins work, the client company must: (1) document and inform the day and temporary labor service agency about anticipated job hazards; (2) review the safety and health awareness training provided by the agency to determine if it addresses recognized hazards for the company's industry; (3) provide specific training tailored to particular hazards at the workplace; and (4) document and maintain records of site-specific training and provide confirmation that the training occurred to the agency within 3 business days. Also, no agency may send a day or temporary laborer to a work location where a strike, lockout, or other labor trouble exists without first providing written notice of the labor dispute and the right to refuse the work assignment without prejudice.

## **EVALUATIONS AND TENURE**

### **Public Act 103-0085: Last Year Teacher Evaluations** (eff. 6/9/2023)

This Act requires that, where a teacher is due to be evaluated in the last year before their retirement, the school district must offer the teacher an opportunity to waive their final evaluation and retain their most recent rating, unless the teacher was last rated as "needs improvement" or "unsatisfactory" rating. School districts can reserve the right to evaluate a teacher in their last year if it provides the teacher with at least 14 days advance notice of the evaluation and a reason for conducting the evaluation.

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## **Public Act 103-0500: Shortened Teacher Tenure** (eff. 8/4/2023)

Public Act 103-0500 establishes new tenure and accelerated tenure timelines for teachers first employed in a school district after July 1, 2023, as follows:

- three (3) consecutive school terms of service if the teacher receives overall evaluation ratings of at least “Proficient” in the second and third terms; and
- two (2) consecutive school terms of service if the teacher receives two overall evaluation ratings of “Excellent.”

For teachers hired post-PERA implementation but prior to July 1, 2023, it appears that a teacher who completes three years of service with two overall evaluations of “Excellent” is entitled to tenure based on a change made to the statutory language (the previous statutory language required teachers to attain three overall evaluations of “Excellent” in three years of service in order to qualify for accelerated tenure). It is unclear whether this was the intended outcome of the legislature, and the change may be subject to different interpretations. School districts should contact legal counsel to discuss how this may impact the tenure status of teacher(s). It is possible that this could be clarified in a future trailer bill.

The Act also changes a school district’s deadline to deliver notice of non-reemployment to a probationary teacher to on or before April 15 (versus 45-day before the end of the school year).

## **EMPLOYEE LEAVES AND BENEFITS**

### **20 U.S.C. § 2000gg: Pregnant Workers Fairness Act** (eff. 6/27/2023)

The federal Pregnant Workers Fairness Act (PWFA) adds another layer of legal protections for employees who have physical or mental limitations affected by pregnancy, childbirth, or related medical conditions. While Illinois employees already enjoy similar protections under the Illinois Human Rights Act (IHRA), the PWFA adds a federal requirement to provide reasonable accommodations for conditions that may occur even with uncomplicated pregnancies and that may not qualify as disabilities under the Americans with Disabilities Act (ADA). The PWFA also provides protection for employees who temporarily cannot perform an essential function until “the near future”, under certain conditions.

Like the ADA and IHRA, the PWFA requires an interactive process to discuss what adjustments to the work environment or how work is performed may be reasonable and effective. While the PWFA does not require accommodations imposing an undue hardship on the employer’s business operations, the Act makes clear that employers cannot require an employee to accept an accommodation other than a reasonable accommodation reached through this interactive process. Mirroring the IHRA, the PWFA also prohibits requiring an employee to take leave if another reasonable accommodation can be provided. As with other legal protections for pregnant employees, employers are prohibited from discriminating or retaliating against an employee based on a request for accommodation.

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## **Public Act 103-0466: Child Extended Bereavement Leave** (eff. 1/1/2024)

The Child Extended Bereavement Leave Act provides additional leave for employees who have lost a child to suicide or homicide. Employers with 50 to 249 full-time employees must provide up to 6 weeks of unpaid child bereavement leave to any full-time employee who has been employed for at least two weeks. Employers with 250 or more full-time employees must provide up to 12 weeks of unpaid leave. Leave may be taken continuously or intermittently but must be taken within 1 year of the employee notifying the employer of the loss. Reasonable documentation and reasonable advance notice may be required.

## **Public Act 103-0450: Organ Donation Leave** (eff. 1/1/2024)

The Employee Blood Donation Leave Act is amended to extend its leave protections to organ donation. Private employers with 51 or more employees, as well as units of local government, must provide employees who have worked full-time for at least 6 months with paid leave to donate an organ. Employees may use up to 10 days of leave in any 12-month period for organ donation, with employer approval.

## **Public Act 103-0314: VESSA Leave for Victim Death** (eff. 1/1/2024)

The Victims' Economic Security and Safety Act provides unpaid leave to employees who are victims or whose family or household members are victims of crimes of violence. Public Act 103-0314 amends VESSA to provide additional unpaid leave for employees whose family or household member was killed in a crime of violence. Namely, employees may take two work weeks, or 10 workdays, to attend the funeral or alternative to a funeral or wake, to make arrangements necessitated by the death, or to grieve the death of their family or household member. Leave must be taken within 60 days of when the employee receives notice of the death. The Act also addresses the interplay of the Family Bereavement Leave Act.

## **Public Act 103-0308: PTO for Federal Union Advocacy** (eff. 1/1/2024)

Public Act 103-0308 provides teachers who are members of a statewide association representing teachers and who have been elected to represent that association in federal advocacy work with up to 10 days of paid time off each school term. However, the statewide association must reimburse the school district for the cost of any substitute teacher needed during the teacher's absence.

## **Public Act 103-0481: Choice of Provider for 457 Plans** (eff. 1/1/2024)

School districts with 575 or more full-time licensed teachers that also maintain Section 457 retirement and deferred compensation plans are required to make available at least two financial institutions or investment providers to provide services to participants for the 457 plan, in addition to any financial institution or investment provider that administers the 457 plan. School districts have until January 1, 2025 to find a 457 plan provider to satisfy this requirement.

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## **EMPLOYEE TRAINING**

### **Public Act 103-0542: Teacher Trainings Consolidation** (eff. 1/1/2024)

The School Code is amended to provide consolidated training for teachers, administrators, and school support personnel at public and non-public institutions. Training may be provided in the form of institutes, in-service training workshops or programs, or equivalent professional educational experiences, and must include the following topics: (1) health conditions of students, including response to life-threatening bleeding; (2) social-emotional learning; (3) developing cultural competency, including understanding implicit bias; (4) identifying warning signs of mental illness and suicidal behavior in youth; (5) domestic and sexual violence and the needs of expectant and parenting youth; (6) protections and accommodations for students, including recognizing signs of homelessness and housing insecurity; (7) educator ethics; (8) responding to child sexual abuse and grooming behavior; and (9) effective instruction in violence prevention and conflict resolution. School support personnel may be exempt if the training is not relevant to the work they do. All in-service program training in these topics will count toward professional development hours required for license renewal.

Beginning July 1, 2024, training must be completed within six months of employment and renewed at least once every 5 years, unless other State or federal law requires more frequent renewal.

### **Public Act 103-0413: Trauma Training** (eff. 1/1/2024)

Starting with the 2024-2025 school year, teacher institutes must provide instruction on trauma-informed practices, including the new definitions of “trauma,” “trauma-responsive learning environments,” and “whole child,” before the first student attendance day of each school year.

Beginning with the October 2024 school report card, the following statistics must be reported with regard to each school and district: the total number of school counselors, school social workers, school nurses, and school psychologists, and the average number of students per social worker, counselor, school nurse, and school psychologist.

### **Public Act 103-0128: Trauma Kit Access and Training** (eff. 6/30/2023)

At least once every two years, school boards shall conduct in-service training for all school district employees on methods to respond to trauma. This must include instruction on how to respond to life-threatening bleeding and how to use a school’s trauma kit (if one is provided).

### **Public Act 103-0041: Homelessness Training** (eff. 8/20/2024)

Public Act 103-0041 provides that a school board shall conduct in-service training on homelessness for all school personnel at least once every two years. The training must include information on the signs of homelessness and housing insecurity, rights of students experiencing homelessness under State and federal law, steps to take when a homeless or housing-insecure student is identified, and appropriate referral techniques.

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## TEACHER DISMISSALS AND RESIGNATIONS

### **Public Act 103-0398: Race on Dismissal List** (eff. 1/1/2024)

This legislation provides that a school board's sequence of honorable dismissal (SOD) list shall include the race or ethnicity of a teacher, if provided by the teacher.

### **Public Act 103-0354: Tenured Teacher Dismissal Hearings** (eff. 1/1/2024)

Public Act 103-0354 expands the availability of accommodations to protect students and minors from being intimidated, traumatized, or re-traumatized during tenured teacher dismissal hearings. As amended, a student or minor witness cannot be compelled to testify in the presence of a teacher or other witness, regardless of what charges have been brought against the teacher. Instead, if a student or minor witness invokes this right, the hearing officer must provide an accommodation that allows the student/minor to provide testimony outside of the teacher's presence, but which allows each party to hear the witness's testimony. Failure to do so will result in removal of the hearing officer from the master list maintained by ISBE for up to 24 months.

The legislation also changes the cross-examination process for students and minors. Rather than allow a teacher or their representative to directly question these witnesses, the tenured teacher or their representative will submit questions to the hearing officer, and they will pose the questions to the student/minor.

### **Public Act 103-0549: Teacher Resignations** (eff. 8/11/2023)

Public Act 103-0539 amends Section 24-14 of the School Code to make clear no teacher (tenured or non-tenured) may resign to accept another teaching assignment without the concurrence of the board "during the school term," and that resignations submitted with less than 30 calendar days' notice prior to the first student attendance day are deemed to be "during the school term."

It also creates additional obligations for a school district when it refers a teacher to the State Superintendent of Education for asserted violations of Section 24-14. Specifically, the district must submit the referral within 10 business days after the board denies acceptance of the resignation, and it must notify the teacher of the referral within 5 business days after submitting it to the State Superintendent.

## PENSIONS

### **Public Act 103-0464: IMRF 6% Exception, Employer Training** (eff. 8/4/2023 and 1/1/2024)

Effective August 4, 2023, this new law adds an exemption to employer payments for earnings increases exceeding 6% if such increases are due to the participating employee returning to the regular number of hours worked after having a temporary reduction in the number of hours worked.

Public Act 103-0464 also amends several provisions relating to the Illinois Municipal Retirement Fund (IMRF). Starting on January 1, 2024, newly appointed IMRF Authorized Agents are required

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to complete a training course “no less than 3 months” after their initial appointment. IMRF will make the training course available no less than quarterly, and at no cost.

**Public Act 103-0008: TRS Disregard Final Year** (eff. 6/7/2023)

Public Act 103-0008 adds a provision that upon written application within 6 months after the effective date of the Act (June 7, 2023), the creditable service and earnings received in the last fiscal year of employment may be disregarded when determining the retirement effective date and the retirement benefit. However, the employment in the last fiscal year must be (1) less than 10 days in length, (2) less than \$2,500 in creditable earnings, and (3) must fall between July 1, 2016 and June 30, 2023 (i.e., no earlier than July 1, 2016).

**DISCRIMINATION, BULLYING, DISCIPLINE**

**Public Act 103-0472: Racism-Free Schools Act** (eff. 8/1/2024)

Public Act 103-0472 amends the Illinois Human Rights Act to add several significant new requirements for school districts with regard to their anti-discrimination policies, training, and data collection. Beginning in August 2024, schools will be required to maintain at least one written policy (or a distinct section in a broader policy) on discrimination and harassment based on race, color, or national origin and retaliation. The policy must be posted on the school’s website, distributed to employees annually, and included in student handbooks. This legislation also lists many specific requirements about what this policy and related complaint resolution procedures must include, such as descriptions and examples of various forms of discrimination and harassment; potential remedies for policy violations; and the school’s prevention and response program.

Schools also must provide training aimed at preventing discrimination and harassment based on race, color, and national origin for all new employees and at least once every two (2) years for existing employees. The Illinois Department of Human Rights will produce a model training program which schools must adopt, unless they develop their own training program that meets or exceeds the minimum standards in the legislation.

Finally, ISBE will establish a data collection system to report annually on allegations of various categories of discrimination, harassment, and retaliation against students. The data must include the number of reported allegations of retaliation and discrimination or harassment based on race, color, national origin, sex, religion, or disability. The data must also include the status of the allegations. ISBE will use this data to publish an annual report which will not publicly attribute any data to an individual school or student.

**Public Act 103-0047: Bullying Notifications and Data Collection** (eff. 6/9/2023)

Bullying allegations can now prompt a 24-hour deadline for notifying parents or guardians, as well as new record-keeping requirements. Administrators who are interested in learning more can attend our School Administrators’ Conference in person or virtually on October 4, 2023.



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## **Public Act 103-0473: Alternative Placements** (eff. 1/1/2024)

This Act applies to students who have been administratively transferred to alternative school programs because they are subject to suspension or expulsion. Before the date of transfer, parents or guardians must receive certain details about the alternative school program, including the nature of the curriculum, the number of students in the program, any available services, the discipline policies, typical daily schedules, and any extracurricular activities that may be offered. This legislation maintains the requirement for a meeting, at the earliest time after the effective date of the transfer, between appropriate personnel from the sending school district and the alternative school program to develop an alternative educational plan for the student. Now, the student must be invited to this meeting in addition to the student's parents or guardians.

This legislation expands the required components of an alternative school program plan to include a method and timeframe for transitioning the student to regular education programming of the transferring district and a transition meeting at least thirty (30) days prior to the date of return. Although parents no longer have the ability to file an objection to the student's return for decision by the regional superintendent, the date of the student's return may not be extended over their objection. As was the case before, an IEP that was in effect before the student's transfer will continue to apply.

## **HEALTH AND SAFETY**

### **Public Act 103-0194: Rapid Entry School Safety Plan** (eff. 1/1/2024)

This amendment to the School Safety Drill Act provides that a school building's emergency and crisis response plan and procedures should include a plan for local law enforcement to rapidly enter the school building in the event of an emergency.

### **Public Act 103-0438: After-School Epi-Pens and Asthma Medications** (eff. 8/4/2023)

In addition to students in recreational camps, students in after-school programs can now possess, use, and self-administer epinephrine auto injectors or inhalers with a parent or guardian's written consent and verification that their child can safely possess and administer the auto-injector or pen in that setting. After-school program personnel who have completed the anaphylaxis training program may carry and administer an epinephrine injection that is undesignated (that is, prescribed to the district instead of a specific child) if they believe, in good faith, that a child is having an anaphylactic reaction while in their program care. Additionally, after-school personnel may carry and administer undesignated asthma medication to any child if they believe, in good faith, that the child is experiencing respiratory distress.

### **Public Act 103-0348: School Opioid Antagonist** (eff. 1/1/2024)

Schools must now maintain a supply of opioid antagonists in any secure location where a student or individual may have an opioid overdose, unless there is a shortage of opioid antagonists and the school makes a reasonable effort to maintain its supply. Unless the district is able to obtain opioid antagonists without a prescription, designated health care professionals must prescribe opioid

antagonists in the name of school districts. Trained personnel for the administration of opioid antagonists still must submit proof of completing their training, but they no longer need to complete the training annually.

**Public Act 103-0143: Suicide Help Line Identification Cards** (eff. 7/1/2023)

If a school distributes identification cards to students grades 6-12, the district must include the Safe2Help helpline. The previous option to include a local suicide prevention hotline is no longer available. Schools are also still required to list the contact information for the Safe2Help helpline, the National Suicide Prevention Lifeline, and the Crisis Text line in student handbooks and planners if the planners are custom printed by the school for distribution to any students in grades 6-12.

**Public Act 103-0282: Gender Violence Act** (eff. 1/1/2024)

Public Act 103-0282 amends the Gender Violence Act to create liability for employers when their employees or agents engage in acts of gender-related violence. Employers may be liable for such acts in the workplace when (1) the interaction arises in the course of employment, (2) the gender-related violence occurs while the employee or agent was directly performing job duties or contracted work, (3) the employee's violence or the agent's performance of contracted work was a substantial factor in causing the victim's injury, and (4) the employer acted inconsistently with how a reasonable person would act under similar circumstances. Even where all of these conditions are satisfied, an employer is then only liable if the employer either failed to supervise, train, or monitor the employee or agent who engaged in gender-related violence, or if the employer failed to investigate complaints or reports of similar conduct by the employee or agent and failed to take remedial measures in response.

## **ENROLLMENT AND TUITION**

**Public Act 103-0410: Full-Day Kindergarten** (eff. 8/2/2023)

Beginning with the 2027-2028 school year, each school district must establish a full-day attendance kindergarten and may, but is not required to, establish a half-day attendance kindergarten. The full-day and half-day programs should be developmentally appropriate and provide opportunities for play-based learning. Schools may apply for an additional two (2) year extension through ISBE if they meet certain financial criteria or other criteria set by ISBE based on recommendations of the Full-Day Kindergarten Task Force. That task force must issue an interim report to inform the planning and implementation of full-day kindergarten by June 30, 2024, and a final report by January 31, 2025.

**Public Act 103-0111: Tuition Waiver** (eff. 6/29/2023)

Schools can adopt a policy to waive tuition costs for non-resident students if a district employee is the parent (including a foster parent or step-parent) or legal guardian of the student.

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## **Public Act 103-0204: Higher Ed Access to Student Information** (eff. 1/1/2024)

School districts with high school students are currently required by federal law to provide their high school students' names, addresses, and telephone numbers on request to institutions of higher education and state or federal military recruiters. This legislation aligns state law with federal law and adds that, by January 1, 2024, this student information will be made electronically accessible through a secure centralized data system for State public institutions of higher education and military recruiters.

## **CURRICULUM AND INSTRUCTION**

### **Public Act 103-0212: Allergen Safety Education** (eff. 1/1/2024)

Beginning with the 2024-2025 school year for grades 9-12, allergen safety must be taught as part of the Comprehensive Health Education Program. The instruction, at a minimum, must include information from the Department of Public Health and the CDC about recognizing the signs and symptoms of an allergic reaction (including anaphylaxis, steps for the prevention of exposure to allergens, and safe emergency epinephrine administration).

### **Public Act 103-0365: Fentanyl Education** (eff. 1/1/2024)

Beginning with the 2024-2025 school year, the dangers of fentanyl must be taught in every State-required health course for grades 9-12. Information for this instruction should come from the National Institute of Health, US Drug Enforcement Administration, and the US Department of Health and Human Services. It must include information on fentanyl itself, fentanyl side effects, risks of use, the concept of fentanyl lacing, how to detect fentanyl, and how to save someone from an overdose of fentanyl. Students must be assessed on this instruction.

### **Public Act 103-0560: Career Development Experiences** (eff. 1/1/2024)

In addition to participation in a Supervised Career Development Experience, any work-based learning experience where a student's participation is directed by a licensed educator for assessment of competencies should count towards the calculation of clock hours or school work. This may include scheduled events of State FFA associations, the National FFA Organization, and 4-H programs. The student and their parent or guardian are responsible for retrieving and making up any missed work.

### **Public Act 103-0422: Native American History Education** (eff. 8/4/2023)

Beginning with the 2024-2025 school year, Native American history is required as part of every elementary and high school social studies course. This unit may be incorporated into an existing unit of instruction relating to United States history or the Holocaust and genocide. In addition to contemporary experiences, the unit of instruction must include Native American history within the Midwest and the State of Illinois. Grades 6-12 will study the genocide of Native Americans, tribal sovereignty, historical treaties, forced relocation, societal contributions, and historical

discrimination against Native Americans. Instructional materials that may be used as guidelines will be made available on ISBE's website by January 1, 2025.

## **SCHOOL REPORT CARDS**

### **Public Act 103-0263: Gifted and Accelerated Placement Reporting** (eff. 6/30/2023)

State Superintendent school report cards should now include data about (1) the numbers and percentages of all students in grades K-8, disaggregated by demographics, who were assessed for placement and/or enrolled in a gifted education program or accelerated placement, and the subsets of those students who received direct instruction from a teacher who holds a gifted education endorsement; and (2) the number and percentage of all students in grades 9-12, disaggregated by demographics, who have been enrolled in an advanced placement academic program. This legislation also allows school district policies on accelerated placement to include procedures to promote equity based on specific evidence-based practices.

### **Public Act 103-0116: Graduation Completion Reporting** (eff. 6/30/2023)

State Superintendent school report cards will include the percentage of students with disabilities who have fulfilled the minimum graduation requirements and have been issued a regular high school diploma. Beginning July 1, 2025, for all high school graduation completion rates required on the report card, the State Superintendent must also report the percentage of students who did not meet the requirements of high school graduation completion for any reason, and of those students, the percentage that are classified as students who have finished 4 years of high school, but whose IEPs prescribe the continuation of special education, transition planning, transition services, or related services beyond the completion of 4 years of high school.

## **SPECIAL EDUCATION**

### **Public Act 103-0197: IEP Emergency Accommodations** (eff. 1/1/2024)

This legislation makes clear that, if a student needs extra accommodations during emergencies, such as natural disasters or active shooter situations, those accommodations should be taken into account, and likely included, in the development of a student's IEP or 504 plan. Additionally, when schools are deciding whether to exempt a student from participation in a walk-through lock down drill, the administration and school support personnel should include a student's IEP team or 504 plan team in the decision to exempt that student.

### **Public Act 103-0181: Transition Planning** (eff. 6/30/2023)

As part of transition planning for a student with an IEP, schools now must provide information about the district's career and technical education opportunities to both the student and their parent or guardian. Additionally, schools must provide a student and their parent or guardian with information about dual credit courses offered by the district, including the criteria for entry into any dual credit course in which the student or the parent or guardian indicates interest. If a student

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is enrolled in a dual credit course for credit, the student's participation in the course must be included as part of the transition IEP activities.

**Public Act 103-0504: PUNS Database** (eff. 1/1/2024)

If a student has an intellectual disability or developmental disability, the student's IEP team must determine a student's PUNS (Prioritization of Urgency of Need for Services) database registration status during a student's annual IEP meeting. If the student is not registered, or it is unclear if they are registered, the parents or guardians must be referred to a designated district employee who has completed required training about the steps required to register students and programs that offer assistance to families in navigating the process. This employee will then provide the name, location, and contact information of the Independent Service Coordination agency to contact for registration. The name of the trained employee in each school must be posted on the school district's public website and included in the student handbook. Additionally, schools are still required to provide a copy of the PUNS guide to parents of each student with an IEP. However, this legislation does not change the registration process, nor does it impose a responsibility on a district to register students for PUNS.

## **PROCUREMENT**

**Public Act 103-0008: Competitive Bidding Threshold Increase** (eff. 1/1/2024)

The legislature tucked a significant revision into the Budget Implementation Act for the state's fiscal year 2024. Before this legislation, school districts generally were required to use a competitive bid process for contracts in excess of \$25,000, with exceptions for some specified types of goods and services. Now, the threshold amount has been increased to \$35,000. Therefore, any purchase of \$35,000 or less does not need to be competitively bid.

**Public Act 103-0491: Design-Build Contracts** (eff. 1/1/2024)

This significant change to procurement law for school districts allows the use of the design-build process, a construction project delivery method where the architect and builder work together under a single contract from the beginning of the project to increase efficiency and effectiveness in delivering public projects. Administrators can register for our upcoming School Administrators' Conference for more details and compliance requirements.

**Public Act 103-0430: Duration of Transportation Contracts** (eff. 1/1/2024)

School boards will be permitted to enter transportation contracts for up to a ten-year duration inclusive of renewals, an increase from the previous three-year limit. However, any contract longer than five years that does not include electric vehicles must have an option to terminate after five years. Additionally, school boards will have the flexibility to have a transportation contract last up to fifteen years if the contract utilizes a significant percentage of electric vehicles and requires capital or infrastructure improvements that justify the longer contract.

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## **CONSTRUCTION AND MAINTENANCE**

### **[Public Act 103-0223](#): Water Bottle Filling Stations (eff. 1/1/2024)**

This legislation provides that the Illinois Department of Public Health will adopt regulations to mandate that each required drinking fountain in new construction projects must be accompanied by a separate or combined bottle filling station. The regulations must go into effect by July 1, 2026.

### **[Public Act 103-0496](#): School Pesticide Applications (eff. 8/4/2023)**

Beginning July 1, 2024, to minimize student exposure to pesticides, schools with students in grades K–8 are prohibited from scheduling pesticide applications on any day when students are at school for instruction, including half days. This prohibition applies to the areas typically used by students, such as playing fields, playgrounds, and paved surfaces, but does not apply to areas not typically used by students, such as flower beds or surrounding lawns.

## **SCHOOL FINANCE AND FUNDING**

### **[Public Act 103-0394](#): Limit on District Cash Reserves (eff. 7/28/2023)**

This legislation will require school districts, starting in the 2024-2025 school year, to calculate the annual average expenditures for the last three fiscal years in their operational funds (education, transportation, and operations and maintenance) using the amounts reported in their most recently audited annual financial reports. If the combined cash reserve balance exceeds 2.5 times the annual average expenditures, the school board must adopt and file with the State Board of Education by December 31 a “written operational funds reserve reduction plan” with ISBE by December 31 to reduce that balance, within three years, to an amount at or below 2.5 times the three-year average annual expenditures.

### **[Public Act 103-0532](#): Healthy School Meals for All Program (eff. 8/11/2023)**

This Act establishes the Healthy School Meals for All Program, which provides financial resources and reimbursement, subject to appropriation, to schools to provide meals free of charge to students enrolled in the National School Breakfast Program and the National School Lunch Program. It requires participating school boards to maximize access and use of federal funds before using state funds. Additionally, the Act gives the legislature flexibility to restructure or end the program if the United States Department of Agriculture creates the option for the State, as a whole, to participate in the federal Community Eligibility Provision program, if the cost savings justify the action while providing no fewer free meals to students.

### **[Public Act 103-0264](#): K-12 Computer Science Equity Grant (eff. 1/1/2024)**

This Act creates competitive grant funding, subject to appropriation, to provide equipment and teacher training to support the development or enhancement of computer science programs in K-12 schools. Priority will be given to proposals that serve a majority of students or teachers with gender or racial/ethnic identities that are underrepresented in the computer science field.



# *IN BRIEF*

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## **Public Act 103-0008: Teacher Vacancy Grant Pilot Program (eff. 6/7/2023)**

Beginning in Fiscal Year 2024, the State Board of Education will administer a 3-year pilot program which will allocate funds among districts experiencing high levels of unfilled teaching positions. Select district may apply for a grant by submitting an application that describes the need for teacher vacancy support, the suspected causes of teacher vacancies, and the district's plan in utilizing grant funds to reduce unfilled teaching positions. Awarded grant funds may be used as financial incentives to support recruitment and hiring of teachers, programs and incentives to strengthen teacher pipelines, or investments to sustain teachers and reduce attrition among teachers. Annual reporting is required.