


MEMORANDUM

TO: The Honorable JB Pritzker, Governor
The Honorable Tony McCombie, House Minority Leader
The Honorable Don Harmon, Senate President
The Honorable John Curran, Senate Minority Leader
The Honorable Emanuel “Chris” Welch, Speaker of the House

FROM: Dr. Tony Sanders 
State Superintendent of Education

DATE: May 14, 2024

SUBJECT: FY 2023 Educational Mandates Report

Please find attached the FY 2023 Educational Mandates Report submitted in compliance with the Illinois School Code {105 ILCS 5/2-3.104}. This report lists all mandates enacted in the 2021-22 legislative session, along with a description of each and a cost estimate.

This report is transmitted on behalf of the state superintendent of education. For more information, please contact Dana Stoerger, Executive Director of Legislative Affairs, at 217-782-4338 or dstoerge@isbe.net.

cc: Secretary of the Senate
Clerk of the House
Legislative Research Unit
State Government Report Center

EDUCATIONAL MANDATES

Annual Report — Fiscal Year 2023

Illinois State Board of Education
Legislative Affairs
April 2024

Dr. Steve Isoye, Chair of the Board
State Board of Education

Dr. Tony Sanders
State Superintendent of Education

Foreword

The Illinois State Board of Education, pursuant to 105 ILCS 5/2-3.104, must submit to the Illinois General Assembly by March 1 of each year a report listing "all *new* State mandates applicable to the common schools during the school year covered by the report, excluding only those mandates that relate to school elections." The report must include a description of the mandate (with statutory citation), the date the mandate became effective, cost of implementing the mandate, and whether the mandate exists because of a federal law or regulation.

Public Act 102-0539, which became effective August 20, 2021, removed the requirement to highlight each mandate on each report that first became effective and applicable to the common schools during the school year covered by the current annual report. The report now shall cover *only* the school year ending during the calendar year immediately preceding the calendar year in which the annual report is required to be filed.

For the purposes of this report and in an effort to have a common definition for the term "mandate," the definition in the State Mandates Act (30 ILCS 805/3(b)) was used; that is, a mandate would be any action at the state level that would require a Local Education Agency to incur additional costs payable from local revenue in carrying out that action. Cost determinations for these mandates were made based upon available data.

This annual report covers all education-related mandates enacted in the 2023 legislative session (2022-23 school year).

Dr. Tony Sanders
State Superintendent of Education

Introduction

Educational Mandates lists all state mandates applicable to the common schools except those that relate to school elections. The report includes a summary of the mandate (with statutory citation); the date the mandate became effective; cost of implementing the mandate; and, if applicable, whether the mandate exists because of a federal law or regulation. Reports for the school years 1993-94 and thereafter will be issued in the form of a supplement to each report so as to highlight newly created mandates and to reduce redundancy. All educational mandates enacted from 1992-2021 can be found here:

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Identification of Mandates

For the purposes of identifying state mandates pertaining to education, the definition contained in the State Mandates Act (30 ILCS 805/3(b)) was used:

... any State-initiated statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues, excluding any order issued by a court other than any order enforcing such statutory or executive action.

This report covers all education-related mandates enacted in the 2022 legislative session and effective for the 2021-22 school year. In compiling the report, State Board staff examined all amendments to existing statutes and all new statutes from the 2022 legislative session to determine whether the public acts contained a mandate on school districts.

Determination of Cost

It is often difficult to determine the exact cost of a mandate on a Local Education Agency (LEA), so cost estimates in the report are based on available data. Three general categories are used for cost estimates:

A. The mandate does impose an additional cost, which is _____.

This category will include those mandates for which there has been an appropriation. It cannot be determined, however, whether the appropriation fully covers the cost of the mandate on the LEA nor the amount of local resources used to make up a shortfall.

B. The mandate does not impose an additional cost.

These categories will include those mandates that:

1. Impose additional duties of a nature that can be carried out by existing staff and procedures at no appreciable net cost increase;
2. Create additional costs but also provide offsetting savings resulting in no aggregate increase in net costs; or
3. Create an additional cost that is wholly or largely recovered from federal, state, or other external financial aid.

C. The mandate imposes an additional cost, but that amount is indeterminate.

A letter corresponding to the above categories is used under the "Cost" column of the report to specify potential financial impact.

2023 Laws

Public Act/Summary

Cost

P.A. 103-0515

Reference: 40 ILCS 5/16-158; 105 ILCS 5/24-8; effective August 11, 2023.

Amends the Downstate Teachers Article of the Illinois Pension Code. Specifies that the provision that requires an employer to make an additional contribution to the system for certain salary increases greater than 6% excludes salary increases necessary to bring a school board in compliance with the changes to the minimum salary provisions of the School Code under Public Act 101-443 or the amendatory Act. Amends the Employment of Teachers Article of the School Code. In the provisions concerning minimum salary, removes a provision subjecting the increase in the minimum salary rate to review by the General Assembly. Provides that the minimum salary rate for a school year shall be increased by a percentage equal to the annualized percentage increase (instead of the percentage increase), if any, in the Consumer Price Index for All Urban Consumers for all items published by the U.S. Department of Labor 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). Provides that the Commission on Government Forecasting and Accountability shall certify and publish the minimum salary rate to be used. Removes a provision regarding the Professional Review Panel submitting a report to the General Assembly on how state funds and funds distributed under the Evidence-Based Funding formula may aid the financial effects of certain changes. Effective immediately.

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P.A. 103-0413

Reference: 105 ILCS 5/2-3.196 new; 105 ILCS 5/3-11; 105 ILCS 5/10-16a; 105 ILCS 5/10-17a; 105 ILCS 5/10-22.39; 105 ILCS 5/21B-12 new; 105 ILCS 5/22-95 new; effective January 1, 2024.

Amends the School Code. Requires the State Board of Education to develop a school district-level Children's Adversity Index to measure community childhood trauma exposure for children by May 31, 2025. Requires teachers institutes to provide instruction on trauma-informed practices. Adds information that must be included in the Illinois Report Card by 2024. Requires the state superintendent to establish a committee of no more than 21 members to make recommendations to the State Board of Education to change the Professional Educator License (PEL) requirements and PEL renewal requirements for teachers to include certain specifications. Reestablishes the Whole Child Task Force in 2027 to review progress on the March 2022 report's recommendations and requires the task force to submit a new report on its assessment of the state's progress and any additional recommendations to the General Assembly, the Illinois Legislative Black Caucus, ISBE, and the governor on or before Dec. 31, 2027. Provides that the Whole Child Task Force provisions are repealed on Feb. 1, 2029. Makes other changes.

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P.A. 103-0116

Reference: 105 ILCS 5/10-17a; effective June 30, 2023.

Amends the School Code. Provides that for any school report card prepared after July 1, 2025, for all high school graduation completion rates that are reported on the school report card, the state superintendent of education shall 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 who are classified as students with

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disabilities who fulfill the requirements for participation in a graduation ceremony as set forth in Section 14-16 of the School Code (Brittany's Law). Requires the state superintendent to ensure that for the 2023-24 school year there is a specific code for districts to report students who fulfill the requirements of those provisions. Provides that these reporting requirements shall be included on the school report card where high school graduation completion rates are reported, along with a brief explanation.

P.A. 103-0128

Reference: 105 ILCS 5/10-20.85 new; 105 ILCS 5/10-22.39; 105 ILCS 5/34-18.82 new; effective June 30, 2023.

Amends the School Code. Allows school districts to maintain an onsite trauma kit at each school of the district for bleeding emergencies. Defines trauma kit. Whenever possible, the products purchased for the onsite trauma kit shall be products that are manufactured in the United States. Requires school districts to conduct in-service training for all school district employees on the methods to respond to trauma at least once every two years. A school board may satisfy the trauma response training requirements by using the training, including online training, available from the American College of Surgeons or any other similar organization. Provides that school district employees who are trained to respond to trauma pursuant to the specified in-service training shall be immune from civil liability in the use of a trauma kit unless the action constitutes willful or wanton misconduct. Effective June 30, 2023.

P.A. 103-0422

Reference: 105 ILCS 5/2-3.191; 105 ILCS 5/27-20.05 new; 105 ILCS 5/27-20.3; 105 ILCS 5/27-21; effective August 4, 2023.

Amends the School Code. In the provisions concerning instruction on Native American history, requires the instruction to be included in every social studies course pertaining to American history or government. Provides that the study of the genocide of and discrimination against Native Americans, as well as tribal sovereignty, treaties made between tribal nations and the United States, and the circumstances pertaining to forced Native American relocation shall be taught in Grades 6 through 12. Provides that the instruction may be integrated as part of other required units of instruction. In the provisions concerning the unit of instruction on the Holocaust and genocides and the teaching of the history of the United States, provides that instructional materials that include the addition of content related to Native Americans shall be prepared and made available to all school boards on the State Board of Education's website no later than January 1, 2025. Specifies who shall help develop the instructional materials. In the provisions concerning the State Education Equity Committee, provides that as part of its report, by no later than December 15, 2024, the committee shall provide recommendations that may assist the State Board of Education in identifying diverse subject matter experts to help inform policy through task forces, committees, and commissions that the State Board oversees. Adds a member representing or advocating on behalf of individuals with disabilities to the State Education Equity Committee. Makes other changes. Effective immediately.

P.A. 103-0143

Reference: 105 ILCS 5/10-20.81; 105 ILCS 5/34-18.75; 105 ILCS 5/10-20.76 rep.; 105 ILCS 5/34-18.67 rep.; effective July 1, 2023.

Amends the School Code. Provides that student ID cards also shall provide contact

information for the Safe2Help Illinois Helpline. If the school district does not provide student ID cards to students or to all of its students, this information must be published on the school website. Makes other accompanying changes. Effective July 1, 2023.

P.A. 103-0410

Reference: 105 ILCS 5/10-20.19a; 105 ILCS 5/10-22.18; 105 ILCS 5/10-22.18e new; effective August 2, 2023.

Amends the School Code. Beginning with the 2027-28 school year, requires each school board to establish full-day kindergarten. Provides that school districts that currently do not have full-day kindergarten may, by action of the State Board, apply for a two-year extension if one of the specified criteria is met. Makes other changes. Creates the Full-Day Kindergarten Task Force. Provides that the task force shall conduct a statewide audit to inform the planning and implementation of full-day kindergarten in the state and shall, at a minimum, collect, analyze, and report specified criteria. Provides that the task force may recommend for an additional criterion that the State Board of Education may consider in granting a waiver to establish a full-day kindergarten program. Sets forth the members of the task force and requirements to be a member. Provides that the task force shall meet at the call of the state superintendent of education or their designee, who shall serve as the chairperson. Provides that the task force shall issue an interim report by November 15, 2024, and a final report to the General Assembly and Governor's Office no later than January 31, 2025.

P.A. 103-0041

Reference: 105 ILCS 5/10-22.39; effective August 20, 2024.

Amends the School Code. Requires that at least once every two years, a school board must conduct in-service training on homelessness for all school personnel. The bill further defines the general content of the training and states that a school board may work with a community-based organization that specializes in working with homeless children and youth to develop and provide the training. Effective August 20, 2024.

P.A. 103-0181

Reference: 105 ILCS 5/14-8.03; effective June 30, 2023.

Amends the School Code. Provides that, as part of transition planning, a school district shall provide a student and the parent or guardian of the student (instead of just the student) with information about the district's career and technical education opportunities. Provides that a student and the parent or guardian of the student shall be provided with information about dual credit courses offered by the school district. Provides that if the student is enrolled in a dual credit course for dual credit or for high school credit only, the student's participation in the course shall be included as part of the student's transition to Individualized Education Program activities.

P.A. 103-0047

Reference: 30 ILCS 105/5.990 new; 105 ILCS 5/27-23.7; effective June 9, 2023.

Amends the School Code. Makes changes concerning the definition of "policy on bullying." Requires a policy to be based on the State Board of Education's template for a model bullying preventing policy, which includes the criteria set forth in the definition of "policy on bullying." Provides that a bullying prevention policy must include procedures for informing parents or guardians of all students involved in the alleged

incident of bullying within 24 hours after the school's administration is made aware of the incident. Provides that school districts; charter schools; and nonpublic, nonsectarian elementary and secondary schools must submit data in an annual report due to the State Board of Education no later than August 15 of each year starting with the 2024-25 school year through the 2030-31 school year. Provides that the State Board of Education shall adopt rules regarding the submission of data that includes, but is not limited to, (i) a record of each verified allegation of bullying and action taken; and (ii) whether the instance of bullying was based on certain actual or perceived characteristics and, if so, lists the relevant characteristics. Provides that the State Board of Education's rules for the submission of data shall be consistent with federal and state laws and rules governing student privacy rights, including, but not limited to, the federal Family Educational Rights and Privacy Act of 1974 and the Illinois School Student Records Act. Provides that the State Board of Education shall post on its Internet website a template for a model bullying prevention policy. Requires the posting of a template for a model bullying prevention policy by January 1, 2024. Makes other changes. Effective immediately.

P.A. 103-0348

Reference: 105 ILCS 5/22-30; effective January 1, 2024.

Amends the School Code. Provides that a school district, public school, charter school, or nonpublic school shall maintain a supply of an opioid antagonist in any secure location where an individual may have an opioid overdose. Provides that if there is a shortage of opioid antagonists, a school district, public school, charter school, or nonpublic school shall make a reasonable effort to maintain a supply of an opioid antagonist. Provides that the requirement that a health care professional prescribe opioid antagonists applies only if the school district or school is not able to obtain opioid antagonists without a prescription.

P.A. 103-0194

Reference: 105 ILCS 128/50 new; effective January 1, 2024.

Amends the School Safety Drill Act. Requires that a school building's emergency and crisis response plan, protocol, and procedures include a plan for local law enforcement to rapidly enter the school building in the event of an emergency. Effective January 1, 2024.

P.A. 103-0197

Reference: 105 ILCS 5/14-8.02; 105 ILCS 128/20; effective January 1, 2024

Amends the School Code. Provides that, in the development of the individualized education program or federal Section 504 plan for a student, if the student needs extra accommodation during emergencies, including natural disasters or an active shooter situation, then that accommodation shall be taken into account when developing the student's individualized education program or federal Section 504 plan. Amends the School Safety Drill Act. Provides that, when deciding whether to exempt a student from participating in a walk-through lockdown drill, the administrator and school support personnel shall include the student's individualized education program team or federal Section 504 plan team in the decision to exempt the student from participating. Effective January 1, 2024.

P.A. 103-0414

Reference: 20 ILCS 50/5; 20 ILCS 65/20-15; effective January 1, 2024.

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Amends the Uniform Racial Classification Act and the Data Governance and Organization to Support Equity and Racial Justice Act. Adds "Middle Eastern or Northern African" as a racial classification for purposes of the Acts. Provides that a state agency is not required to use the Middle Eastern or North African classification for reporting workforce or hiring data until after July 1, 2025.

P.A. 103-0365

Reference: 105 ILCS 5/27-13.2; 105 ILCS 110/3; effective January 1, 2024.

Amends the School Code and the Critical Health Problems and Comprehensive Health Education Act. Beginning with the 2024-2025 school year, provides that in every State-required health course for grades 9 through 12, a school district shall provide instruction, study, and discussion on the dangers of fentanyl. Sets forth requirements for the instruction, study, and discussion, and requires students to be assessed on the instruction.

P.A. 103-0212

Reference: 105 ILCS 110/3; effective January 1, 2024.

Amends the Critical Health Problems and Comprehensive Health Education Act. Provides that beginning with the 2024-25 school year, the Comprehensive Health Education Program shall include instruction, study, and discussion in grades 9 through 12 on the dangers of allergies. Provides that information for the instruction, study, and discussion shall come from information provided by the Illinois Department of Public Health and the federal Centers for Disease Control and Prevention. Sets forth what topics this instruction, study, and discussion shall include. Effective January 1, 2024.

P.A. 103-0472

Reference: 5 ILCS 140/7.5; 105 ILCS 5/2-3.196 new; 105 ILCS 5/22-95 new; 105 ILCS 5/27A-5; 105 ILCS 5/34-18.62; 775 ILCS 5/1-102; 775 ILCS 5/5-102.2; 775 ILCS 5/5A-101; 775 ILCS 5/5A-102; 775 ILCS 5/5A-103 new; 775 ILCS 5/6-101; effective August 1, 2024.

Amends the School Code. Provides that each school district; charter school; or nonpublic, nonsectarian elementary or secondary school must create, implement, and maintain a policy on discrimination and harassment based on race, color, and national origin, and prohibits retaliation. Sets forth requirements for the policy. Provides that each school district; charter school; or nonpublic, nonsectarian elementary or secondary school must establish procedures for responding to complaints of discrimination and harassment based on race, color, and national origin, and retaliation. Requires the State Board of Education to collect certain data on the total number of reported allegations of discrimination, harassment, or retaliation against students received by each school district; charter school; or nonpublic, nonsectarian elementary or secondary school, and to compile that information into a report that is published annually. In provisions amending the Illinois Human Rights Act, makes conforming changes defining discrimination, harassment, and retaliation in elementary, secondary, and higher education institutions. Makes changes concerning a failure to report harassment. Requires the Illinois Department of Human Rights to produce a model training program aimed at the prevention of discrimination and harassment based on race, color, and

national origin in institutions of elementary and secondary education. Requires all those institutions to use the model training program, or establish their own or use an existing training program that equals or exceeds the standards outlined for the model training program. Effective August 1, 2024.

P.A. 103-0473

Reference: 105 ILCS 5/13A-4; effective January 1, 2024.

Amends the School Code. Requires parents or guardians to receive information relating to the curriculum, services, and policies of an alternative school program before the transfer goes into effect. Requires that appropriate personnel of the sending school district and the alternative school program meet to develop an alternative education plan for the student and that the student and the student's parents or guardians be invited to the meeting. Provides that, if the student or the student's parents or guardians are unable to attend the meeting, the appropriate personnel from the alternative school program shall offer a meeting within 30 days after the effective date of the transfer to the student and the student's parents or guardians to discuss and provide input on the student's alternative educational plan and provide a copy of the alternative educational plan to the student and the student's parents or guardians prior to the meeting. Requires the plan to include, among other things, the duration of the plan, including the date after which the student will be returned to the regular educational program in the public schools of the transferring district. Provides that such date shall not be extended over the objection of the parent or guardian. Provides that if a student has an Individualized Education Program, the plan shall continue to apply following the transfer unless modified in accordance with law.

P.A. 103-0393

Reference: 105 ILCS 5/10-20.85 new; 105 ILCS 5/34-18.82 new; effective July 1, 2024.

Amends the School Code. Provides that prior to approving a new contract for any district-administered assessment, the school board must hold a public vote at a regular meeting of the school board, at which the terms of the proposal must be substantially presented and an opportunity for allowing public comments must be provided, subject to applicable notice requirements. Provides that if the assessment being made available for review is subject to copyright, trademark, or other intellectual property protection, the review process shall include technical and procedural safeguards to ensure that the materials are not able to be widely disseminated to the general public in violation of the intellectual property rights of the publisher and to ensure content validity is not undermined. Effective July 1, 2024.

P.A. 103-0394

Reference: 105 ILCS 5/17-1.10 new; effective July 28, 2023.

Amends the School Code. Provides that, in the 2024-2025 school year and in each subsequent school year, each school board of a school district that does not receive federal impact aid funding shall calculate the combined, annual average expenditures of its operational funds for the previous 3 fiscal years, as reported in the school district's most recently audited annual financial reports. Provides that the school board shall

annually present a written report covering the annual average expenditures of its operational funds for the previous 3 fiscal years at a board meeting. Provides that if a school district's combined cash reserve balance of its operational funds, as most recently reported by the district, exceeds 2.5 times the annual average expenditures of its operational funds for the previous 3 fiscal years, the school board shall adopt and file with the State Board of Education a written operational funds reserve reduction plan to reduce, within 3 years, the district's combined cash reserve balance of its operational funds to an amount at or below 2.5 times the annual average expenditures of its operational funds for the previous 3 fiscal years.

P.A. 103-0504

Reference: 105 ILCS 5/2-3.163; effective January 1, 2024.

Amends the School Code. In provisions concerning the Prioritization of Urgency of Need for Services database, makes changes to the findings, and changes references from "Prioritization of Urgency of Need for Services" to "PUNS." Provides that the State Board of Education may work in consultation with the Illinois Department of Human Services and with school districts to ensure that all students with intellectual disabilities or developmental disabilities and their parents or guardians are informed about the PUNS database. Makes changes regarding the computer-based training program. Provides that during the student's annual Individualized Education Program (IEP) review meeting, if the student has an intellectual disability or a developmental disability, the student's IEP team shall determine the student's PUNS database registration status based upon information provided by the student's parents or guardian or by the student. Sets forth related requirements. Makes other changes.

P.A. 103-0398

Reference: 105 ILCS 5/24-12; effective January 1, 2024.

Amends the School Code. Provides that a school board's honorable dismissal list shall include the race or ethnicity of a teacher if the teacher provides this information.

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