



## **2017 Springfield Legislative Update: Summary of New Legislation & Pending Bills**

### **STUDENT ISSUES**

School-Police Department Job Training Programs  
Transgender Birth Certificate Changes  
College Entrance Exams During School Hours  
Due Process – Special Education  
Expulsion from Early Childhood  
Anti-Bullying Resources  
Chronic Absenteeism  
Feminine Hygiene Products  
Immigration  
Student Transcripts  
Child Abuse Hotline  
Accelerated Placement Program  
School Records  
Concussions  
Student Data Privacy  
Asthma  
Breastfeeding Accommodations  
Home Schooling

### **EMPLOYMENT**

Career and Technical Educator Endorsement  
Performance Evaluation Advisory Council  
IMRF – Vehicle Allowances  
Principal Endorsement – Sunset Removal  
Educator License Renewal  
IMRF Pension Credit Purchases  
Optional Tier 3 “Hybrid” Retirement Plan  
Social Worker Qualifications & Services

### **BUSINESS & FINANCE**

School District Boundary Changes  
Prevailing Wage Rate Publication  
Property Tax Appeal Board  
Use of School Facilities for Memorial Services  
Homeless Child Assistance  
School Buses  
School Bus Activity

### **ADMINISTRATION**

Changes to State, District, and School Report Cards  
School Report Cards – TRS Contribution  
School Report Cards – Average Daily Attendance  
Average Daily Attendance Reporting  
Withdrawal from Special Education Agreement  
Dual Enrollment for Vocational Academy

## **School-Police Department Job Training Programs**

[Public Act 100-0331](#)

*Effective January 1, 2018*

Any high school in any district within a county with more than 175,000 residents may now establish one or more partnerships with a local police department, county sheriff's office, or police training academy to establish a job training program for high school students. The program must be open to all students, regardless of prior academic history; however, the high school and its law enforcement partner may impose specific program requirements. Students who successfully complete such programs are eligible for college scholarships and a separate scholarship fund is established by the bill.

## **Transgender Birth Certificate Changes**

[Public Act 100-0360](#)

*Effective January 1, 2018*

The Act amends the Vital Records Act and gives transgender and intersex persons the right to obtain a new birth certificate reflecting their gender identity, upon submission of a declaration from a licensed health care professional or licensed mental health professional stating that he or she has an intersex condition or has undergone clinically appropriate treatment for the purpose of gender transition.

## **College Entrance Exams During School Hours**

[Public Act 100-0007](#)

*Effective Immediately*

State-administered college entrance exams, currently the SAT, must now be administered on a school day during regular student attendance hours.

## **Due Process – Special Education**

[Public Act 100-0122](#)

*Effective Immediately*

When mediation is proposed to address a special education dispute but one of the parties does not agree to use mediation, the parents challenging their student's placement will now have 10 days after the refusal to file a request for a due process hearing in order to invoke "stay put," allowing the student to remain in his or her current placement. The State Superintendent is also now required to revise the notice of procedural safeguards every two years to reflect any changes to the law and its corresponding procedures.

## **Expulsion from Early Childhood**

[Public Act 100-0105](#)

*Effective January 1, 2018*

Early childhood education programs receiving State funds must prohibit expulsions. When persistent and serious challenging behaviors emerge, the program must document steps taken to ensure that the child can participate safely in the program, including observations of challenging behaviors, strategies for remediation and intervention plans to address the behaviors, and communication with the parent. The program must document its attempts to engage community resources to address behavior problems, including early intervention agencies, child mental health consultants, and the child's health care provider. After exhausting these interventions, if

the program determines transitioning the student to another program is necessary for the well-being of the student or his or her peers, parent or legal guardian permission, the program and pending program must create a transition plan. Schools may temporarily remove students in the case of a serious safety threat to the child or others. Finally, beginning July 1, 2018, early childhood programs must report data regarding their student populations, including the number of planned transitions to another program and temporary removals for safety reasons.

### **Anti-Bullying Resources**

#### **[Public Act 100-0137](#)**

*Effective Immediately*

In addition to posting the anti-bullying policy on the school district's website and in the student handbook, school districts, charter schools and private schools must provide the policy "periodically throughout the school year" to students and faculty members. The Act does not define "periodically." School personnel must also inform parents, students, and school personnel which staff members are available to help with a bully or to receive a report regarding bullying.

### **Chronic Absenteeism**

#### **[Public Act 100-0156](#)**

*Effective January 1, 2018*

Beginning July 1, 2018, every school district, charter school, alternative school, or any other school receiving public funds must collect and review data regarding "chronic absences" and determine systems of support and resources needed to engage chronically absent students and their families and encourage daily attendance. Chronic absences are defined by the Act as absences that total 10% or more of school days of the most recent academic school year, including absences with and without valid cause and out-of-school suspensions. The review must include an analysis of chronic absence data from each attendance center or campus. Schools are encouraged to provide a system of support to students who are at risk of reaching or exceeding chronic absence levels.

### **Feminine Hygiene Products**

#### **[Public Act 100-0163](#)**

*Effective January 1, 2018*

School districts and charter schools must make feminine hygiene products available in the bathrooms of any school building serving students in grades 6 through 12. "Feminine hygiene products" are defined by the Act as tampons and sanitary napkins for use in connection with menstrual cycles.

### **Immigration**

#### **[Public Act 100-0463](#)**

*Effective Immediately*

Under the Illinois TRUST Act, State and local law enforcement agencies are prohibited from stopping, arresting, detaining, or searching an individual solely on the basis of their immigration status unless the law enforcement agency is presented with a warrant from a federal judge. The purpose of the Act is to explicitly prevent State and local law enforcement agencies from enforcing federal immigration law. Each law enforcement agency will be required to train its officers on compliance with the TRUST Act beginning in January of 2018.

## **Student Transcripts**

[Public Act 100-0222](#)

*Effective Immediately*

School districts are no longer required to list state assessment scores that include college or career readiness scores on student transcripts and permanent records. Previously, assessment scores were included in a student's transcript, but could be removed if the student's parent or legal guardian requested such removal.

## **Child Abuse Hotline**

[Public Act 100-0413](#)

*Effective January 1, 2018*

DCFS is authorized to work with school officials to distribute for display in school buildings appropriate materials regarding the child abuse hotline, including methods of making a report. This amendment also applies to charters schools and the Chicago Public Schools.

## **Accelerated Placement Program**

[Public Act 100-0421](#)

*Effective July 1, 2018*

Creates an accelerated placement program that allows students to be placed in classes that are normally reserved for older students or those in higher grades, including early entrance into kindergarten or first grade. School districts are required to develop a policy for the accelerated placement program that addresses student eligibility and parental participation. The State Board of Education is charged with adopting rules regarding data collection and the method of making the information available to the public.

## **School Records**

[Senate Bill 1483](#)

*Sent to Governor – Awaiting Signature*

School Districts now have 10 business days rather than 15 school days to respond to a request by a parent to inspect or copy their student's school records. School districts may extend the time to respond by 5 business days if certain extenuating factors are present, such as a high volume of records requested or if the records are located at another site. The requestor and the school district may also agree in writing to extend the timeline to make the records available. This bill is currently awaiting the Governor's signature and is not yet law.

## **Concussions**

[Public Act 100-0309](#)

*Effective September 1, 2017*

The provisions of the School Code pertaining to concussions are amended to include physician assistants and advanced practice nurses among individuals who can evaluate students who are believed to have sustained a concussion during interscholastic athletic competitions. Additionally, concussion oversight teams may be composed of only one individual who does not need to be a licensed healthcare professional (but must not be a coach). Further, all individuals serving on the oversight team are required to receive concussion-related training periodically. These provisions function to provide school districts, charter schools, and private schools with more flexibility in administering the required post-concussion protocols for student athletes.

## **Student Data Privacy**

### [Public Act 100-0315](#)

*Effective Immediately*

The Student Online Personal Protection Act prohibits operators of websites and applications used for K-12 educational purposes from using data gathered from users' activity for anything but K-12 educational purposes. Specifically, operators of these websites and applications may not use gathered data for targeted advertising, amassing a profile about a student, selling or renting a student's information, or disclosing certain other information. This bill also requires operators to protect student data through security procedures and by deleting any student data when requested by the school district.

## **Asthma**

### [Public Act 100-0238](#)

*Effective January 1, 2018*

Asthma is now included in the standard school health examination. The Department of Public Health is required to create rules and regulations specifying the examination and procedures for school health exams that include collection of information related to asthma.

## **Breastfeeding Accommodations**

### [Public Act 100-0029](#)

*Effective January 1, 2018*

School districts must now provide any lactating students with reasonable accommodations for breastfeeding or to express breast milk and the opportunity to make up any work missed due to such use. The Act defines reasonable accommodations to include: (1) access to a private and secure room, other than a restroom, (2) permission to bring to school a breast pump and other equipment used to express breast milk, (3) access to a power source for a breast pump and related equipment, and (4) access to a place to store breast milk safely. The school must also provide the pupil with a "reasonable amount of time" to accommodate her needs. Notably, a school district does not need to designate a particular room or create accommodations for lactating students unless and until a student actually needs to breast feed or express breast milk. A school district may use existing facilities to meet the requirements of the Act. A student may file a complaint of noncompliance using the grievance procedure of 23 Ill. Admin. Code 200 (Sex Equity).

## **Home Schooling**

### [Public Act 100-0443](#)

*Effective Immediately*

Physician assistants and advanced practice nurses are now able to certify that a student is medically unable to attend regular classroom instruction and is eligible for home or hospital instruction.

## **EMPLOYMENT**

### **Career and Technical Educator Endorsement**

[Public Act 100-0008](#)

*Effective Immediately*

A career and technical educator (CTE) endorsement on an Educator License with Stipulations may be issued to an applicant who has a minimum of 60 semester hours of coursework from a regionally accredited institution of higher education or an accredited trade and technical institution and has a minimum of 2,000 hours of experience outside of education in each area to be taught. The Act also removes previous restrictions on a provisional CTE endorsement, including the restriction that a provisional endorsement could only be renewed one time.

### **Performance Evaluation Advisory Council**

[Public Act 100-0211](#)

*Effective Immediately*

The State Superintendent will be responsible for convening the Performance Evaluation Advisory Council (PEAC), which is responsible for implementing standards for school districts to measure teachers' and principals' performance. The PEAC will also be required to advise the State Board of Education of ongoing implementation of performance evaluations. PEAC meets quarterly as well as at the request of the Chairperson of PEAC.

### **IMRF - Vehicle Allowances**

[Public Act 100-0411](#)

*Effective Immediately*

Vehicle allowances are removed from the definition of "earnings" under the Pension Code for all employees covered by IMRF. Additionally, any increases in earnings resulting from unused vacation time made in the final three months of the final rate of earnings period are excluded from required payments to the pension fund.

### **Principal Endorsement – Sunset Removal**

[Public Act 100-0267](#)

*Effective Immediately*

The Act removes a sunset provision from the principal endorsement provisions of the School Code. Currently, a principal endorsement can be affixed to an educator license of a person who has, among other qualifications, at least four (4) total years of experience working in the capacity of school support personnel but only until June 30, 2021. The Act strikes that sunset provision.

### **Educator License Renewal**

[Public Act 100-0339](#)

*Effective Immediately*

The State Board of Education will have to e-mail any license holder a notification that his or her license is scheduled to lapse no more than 6 months before the license actually lapses.

## **IMRF Pension Credit Purchases**

[Public Act 100-0148](#)

*Effective Immediately*

The Act amends the provisions of the Pension Code regarding application and payment for IMRF service credits. The Illinois Pension Code allows an employee to apply for and purchase previous service credits to increase his or her pension benefits after retirement. Under the bill, payments made to establish certain service credits must be received by IMRF while the applicant is an active participant in IMRF or a reciprocal retirement system, but an applicant can make one payment after termination of active participation in IMRF or a reciprocal retirement system. Clarification may be necessary from IMRF regarding how it will administer this provision.

## **Optional Tier 3 Hybrid Retirement Plan**

[Public Act 100-0023](#)

*Effective Immediately*

New Tier III and current Tier II members of TRS may opt into a new retirement plan which includes both a 401(k)-style defined contribution plan, and a scaled-back defined benefit pension. The Act provides certain incentives for members to opt into the new plan, including lower employee contributions and higher pensionable salary. The 401(k) portion of the plan will also be portable. The State will contribute 2% of the total payroll of each employee through fiscal year 2021. After fiscal year 2021, school districts will be responsible for the employer contribution.

## **School Social Worker Qualifications & Services**

[Public Act 100-0356](#)

*Effective Immediately*

The Act gives school boards the authority to employ school social workers who: (1) have graduated with a master's degree or higher from an accredited graduate school, (2) hold a Professional Educator License with a support personnel endorsement for social work under Section 21B-25 of the School Code, and (3) have other qualifications as required by ISBE. The Act makes clear that only employees meeting those qualifications may be referred to as "social workers." Social workers can provide individual and group services to students, as well as administrators and teachers, consistent with their qualifications. A school board may employ as many social workers as necessary, and the bill specifically references the national recommended ratio of 250 students per school social worker. However, social workers may not provide such services outside their employment to students in the district.

## **BUSINESS & FINANCE**

### **School District Boundary Changes**

[Public Act 100-0374](#)

*Effective Immediately*

The Act makes a number of changes to Article 7 of the School Code designed to provide greater flexibility and efficiency in the detachment and dissolution of school districts. In Cook County, a local hearing panel will now hear petitions filed on property located in Cook County that is not under the authority of Township School Trustees. The changes also address numerous procedural

issues in the process for detachment, annexation, and dissolution, although evidentiary standards will remain the same.

### **Prevailing Wage Rate Publication**

[Public Act 100-0154](#)

*Effective Immediately*

Public bodies, including school districts, may now post the prevailing rate of wages on their website, rather than publish the prevailing wage in a local newspaper. The Act allows website publication if the Department of Labor ascertains the prevailing rate of wages for the public body, and the public body posts a notice of its prevailing wage determination including a hyperlink to the prevailing wage schedule for that locality on the Department of Labor's website.

### **Property Tax Appeal Board**

[Public Act 100-0216](#)

*Effective Immediately*

Taxpayers can file an appeal directly with the Property Tax Appeal Board (PTAB) if a decision rendering a lower assessment is issued after the deadline for filing appeals has passed. In addition to appeals for the current general assessment period, the Act allows taxpayers to combine multiple-year appeals within the same assessment period. Currently, taxpayers must appeal their assessment separately every year.

### **Use of School Facilities for Memorial Services**

[Public Act 100-0028](#)

*Effective Immediately*

If local or county authorities use school facilities to host memorial services for a community member, the school district may treat the partial day of instruction as a full day of attendance for purposes of General State Aid (GSA) claims (up to 2 days per school year).

### **Homeless Child Assistance**

[Public Act 100-0332](#)

*Effective Immediately*

School districts may use transportation funds to provide financial assistance when a child is homeless or at risk of becoming homeless. In such circumstances, the school district may provide rental and mortgage assistance to allow the parent or guardian to remain in their living situation or obtain a new living situation, or provide financial assistance for unpaid bills, loans, and other debts. School districts must first attempt to provide assistance through a homeless assistance agency operating under the federal McKinney-Vento Homeless Assistance Act. Additionally, prior to providing financial assistance, the school district and the parents or guardian must develop a housing plan in writing.

### **School Buses**

[Public Act 100-0443](#)

*Effective Immediately*

Private schools are exempt from mandatory bus evacuation drills if the private school can assure the State Board of Education that none of the private school's pupils will utilize any bus transportation for that school year.

## **School Bus Activity**

[Public Act 100-0241](#)

*Effective January 1, 2018*

School buses that are operated by public or private schools and are used to transport students for school related extra-curricular activities must comply with the school bus driver permit requirements (e.g. maintain a valid school bus driver permit or be supervised by a person who has held such a permit for at least a year), the minimum liability insurance requirements (e.g. carry a minimum of liability insurance in the amount of \$2,000,000), and all other special requirements pertaining to school buses as specified in the School Code. Meeting these requirements will also allow these school buses to transport non-student passengers for non-school related events.

## **ADMINISTRATION**

### **Changes to State, District and School Report Cards**

[Public Act 100-0364](#)

*Effective January 1, 2018*

The annual State Report Cards for school districts issued by ISBE must now include demographic information concerning gifted education and advanced academic programs. Specifically, ISBE must collect and report the ethnic and racial background of students enrolled in gifted programs, the percentage classified as low income, and the number and percentage of students in gifted programs who receive instruction from a teacher who holds a gifted education endorsement.

### **School Report Cards – TRS Contribution**

[Public Act 100-0227](#)

*Effective Immediately*

School report cards must now include the total and per pupil normal cost amount of State contributions to TRS in the prior fiscal year for that school's employees. TRS is responsible for reporting this information to the State Board of Education (ISBE).

### **School Report Cards – Average Daily Attendance**

[Public Act 100-0448](#)

*Effective July 1, 2019*

The State Board of Education is now required to include on the school district report card the average daily attendance of students subject to compulsory attendance. The school district report card must also include the average daily attendance of students who have individualized education programs and students who have 504 plans that provide special education services.

### **Average Daily Attendance Reporting**

[Public Act 100-0147](#)

*Effective January 1, 2018*

The Act requires school districts to include the average daily attendance figures for each month for each grade level served when submitting attendance figures for General State Aid purposes. Previously, school districts only needed to submit the average daily attendance for each month

without reporting individual grade level figures. The Act's effective date is January 1, 2018. However, clarification may be necessary from ISBE regarding whether the Act applies for the remainder of the 2017-2018 school year, or starting with the 2018-2019 school year.

### **Withdrawal from Special Education Agreement**

[Public Act 100-0066](#)

*Effective Immediately*

In Cook County, the process by which a school district withdraws from a joint special education agreement is amended to include an appeal of disapproval decisions to the trustees of schools of the township that has jurisdiction and authority over the withdrawing district or, if a withdrawing district is not under the jurisdiction and authority of the trustees of schools of a township, to a hearing panel established by the chief administrative officer of the intermediate service center having jurisdiction over the withdrawing district (instead of appealing to the respective intermediate service center).

### **Dual Enrollment for Vocational Academy**

[Public Act 100-0133](#)

*Effective January 1, 2018*

Any school district with a high school must inform all of its 11th and 12th grade students of dual enrollment and dual credit opportunities at public community colleges for qualified students. The Act does not specify how the school board must notify students.