

# FRANCZEK

## 2021 Legislative Update Summary of Changes in School Law

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## GENERAL

### [Public Act 101-0654](#)

#### **Education Omnibus Bill**

Effective: March 8, 2021

Enacts multiple changes in Illinois public schools, workforce, and higher education. Among these changes include the following: Starting in 2021-2022, ISBE will annually assess all public school students entering kindergarten using a common assessment tool assessing literacy, language, math, and social and emotional development. Beginning July 1, 2022, children receiving early intervention services whose 3rd birthday falls between May 1 and August 31 and are found eligible for an IEP may continue to receive early intervention services until the beginning of the school year following their 3rd birthday. The Whole Child Task Force will be created to establish guidelines, training, and resources for schools to implement restorative justice, trauma-responsive, anti-racist, and culturally relevant practices and interventions. Beginning 2022-2023, high schools must provide access to preparatory coursework for public universities. In 2022-2023, students entering 9th grade must complete one year of a course that includes intensive instruction in computer literacy. In 2024-2025, students entering 9th grade must complete two years of laboratory science. In 2028-2029, students entering 9th grade must complete two years of a foreign language. Adds requirement for school districts to provide opportunities for students to gain computer literacy skills beginning in elementary school and to take at least one computer science course in grades 9-12 starting in 2023-2024. By 2023-2024, schools must allow automatic enrollment in the next most rigorous level of advanced/AP/IB coursework in English, math, or science if a student meets or exceeds standards on state assessments. Requires every K-12 school to include a unit of Black history, including the study of pre-enslavement history and American civil rights.

### [Public Act 102-0539](#)

#### **School Code Amendments**

Effective: August 20, 2021

Amends the School Code to make changes in provisions concerning the State Board's strategic plan, a State mandate report, the School Technology Program, a reading advisory group, school district and school report cards, the suspension or expulsion of pupils, licensure requirements for educators trained in other states or countries, chronic absenteeism in preschool children, physical fitness assessments, State reimbursement for transportation, and the Chicago Educational Facilities Task Force.

### [Public Act 102-0458](#)

#### **State Education Equity Committee**

Effective: August 20, 2021

Creates the State Education Equity Committee to ensure equity in education for all children from birth through grade 12. Establishes requirements for Committee members, meetings, and purpose.

## ADMINISTRATIVE

### [Public Act 102-0157](#)

#### **Absenteeism and Truancy Policy**

Effective: July 1, 2022

Requires each school district, charter school, or alternative school, or any school receiving public funds, to develop an absenteeism and truancy policy and communicate the policy on an annual basis to students and parents/guardians. The policy must be updated every two years and filed with ISBE and the regional superintendent of schools.

### [Public Act 102-0395](#)

#### **Law Enforcement Lockdown Drills**

Effective: August 16, 2021

Prohibits law enforcement lockdown drills from including simulations that mimic an actual school shooting or active shooter event. Requires that drills are announced in advance to all school personnel and students, are age and developmentally appropriate, trauma-informed, and involve school personnel, including school-based mental health professionals. Schools must provide parents/guardians the option to exempt their student from participation in a lockdown drill and must provide alternative safety education to students who do not participate. Allows law enforcement to conduct active shooter drills on school days when students are not present.

### [Public Act 102-0635](#)

#### **Whole Child Task Force and Kindergarten Assessment Committee**

Effective: January 1, 2022

Includes state policy advocates, early childhood administrators, and other stakeholders as required members of the kindergarten assessment committee appointed by the State Superintendent. Amends the goals of the Whole Child Task Force to include the recommendation of legislation, policies, and practices to prevent student learning loss during periods of suspension and expulsion, including remote instruction. Requires that the Whole Child Task Force includes a member who represents an organization representing regional offices of education.

### [Public Act 102-0610](#)

#### **Child Sexual Abuse Policy**

Effective: August 27, 2021

Requires school districts to adopt and implement a policy addressing sexual abuse of children by July 1, 2022. The policy must include evidence-informed curriculum, training, and educational information, as well as materials and instruction on prohibited grooming behaviors and boundary violations for school personnel and how to report such behaviors. Establishes requirements for child sexual abuse policies. Requires school districts to provide training for school personnel on child sexual abuse as required under the new law by no later than January 31 of each year.

### [Public Act 102-0359](#)

#### **Unused Food Program**

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Effective: August 13, 2021

Requires school districts to establish a food sharing plan for unused food, focusing on “needy students.” Each school district must incorporate the plan into its local wellness policy. The plan must be developed and supported jointly by the district’s local health department. Participants in child nutrition programs, the National School Lunch and Breakfast Programs, the Child and Adult Care Food Program, and the Summer Food Service Program must adhere to the National School Lunch Act and U.S.D.A. guidance from the U.S. Department of Agriculture on the Food Donation Program to ensure that any leftover food items are properly donated to combat food insecurity in their communities.

#### [Public Act 102-0557](#)

##### **Student Records**

Effective: August 20, 2021

Amends the Illinois School Student Records Act to allow sharing of student records if an elementary school district and high school district have overlapping boundaries and are parties to an agreement that allows the sharing of student records and information between the districts. Sharing of student information under an intergovernmental agreement must meet certain requirements, including that it be voluntary, and the student’s parent or guardian must also express in writing that the student intends to enroll or has enrolled in the high school district.

## BUSINESS AND FINANCE

#### [Public Act 102-0025](#)

##### **Financial Audit Cash Basis**

Effective June 25, 2021

Provides additional flexibility to a Regional Office of Education or educational service center by allowing them to utilize a cash basis, modified cash basis or Generally Accepted Accounting Principles (GAAP) basis of accounting to prepare the required financial statements for annual audits by the Illinois Auditor General.

#### [Public Act 102-0204](#)

##### **School Building Closure**

Effective: July 30, 2021

Requires a school board to hold at least three public hearings prior to closing a school building unless the building has been deemed unsafe, unsanitary or unfit for occupancy by a licensed entity.

## CURRICULUM

#### [Public Act 102-0044](#)

##### **TEAACH Act: Asian American History**

Effective January 1, 2022

Requires every public elementary school and high school to include in its curriculum a unit of instruction studying the events of Asian American history.

### [Public Act 102-0055](#)

#### **Media Literacy**

Effective July 9, 2021

Beginning in 2022-2023, every public high school must include a unit of instruction on media literacy in its curriculum. Media literacy means the ability to access, analyze, evaluate, create, and communicate using a variety of objective forms, including print, visual, audio, interactive, and digital texts.

### [Public Act 102-0366](#)

#### **Financial Literacy**

Effective: August 13, 2021

Beginning in 2021-2022, students entering 9th grade are permitted to take one semester or part of one semester of a financial literacy course in partial fulfillment of the 2-year social studies requirement.

### [Public Act 102-0412](#)

#### **Sex Education: Sexting**

Effective: August 20, 2021

Requires that sex education course material and instruction for grades 6-12 include an age-appropriate discussion about sexting. Establishes the requirements for discussions about sexting.

### [Public Act 102-0357](#)

#### **Student Playtime**

Effective: August 13, 2021

Requires all public schools to provide 30 minutes daily for supervised, unstructured, child-directed play for all students in kindergarten through 5th grade. Such playtime cannot count as a course of physical education. Playtime will count toward the five-clock hour requirement and must comply with a student's applicable IEP or federal Section 504 plan. Prohibits public schools from withholding playtime as a disciplinary or punitive action, absent an immediate threat to the safety of the student or others.

### [Public Act 102-0522](#)

#### **Comprehensive Personal Health and Safety Education**

Effective: August 20, 2021

Establishes criteria for classes that teach comprehensive personal health and safety and comprehensive sexual health education. Students cannot be required to participate in courses in comprehensive personal health and safety and comprehensive sexual health education; a student's parent/guardian may opt the student out via a written request. Parents/guardians must also have an opportunity to review instructional materials for sexual health education courses. School districts are required to post the curriculum used to provide comprehensive personal health and safety and comprehensive sexual health education and the name and contact information (including the e-mail address) of school personnel who can respond to inquiries regarding instruction and materials, on its website. Requires ISBE to adopt comprehensive personal health and safety education learning standards for K-5 students and comprehensive sexual health education learning standards

for students in grades 6-12 by August 1, 2022. Repeals existing provisions regarding requirements for sex education and family life classes.

[Public Act 102-0472](#)

**Naturalization Curriculum**

Effective: August 20, 2021

Allows high schools to include in the curriculum a unit of instruction about the process of naturalization by which a foreign citizen or foreign national becomes a U.S. citizen.

[Public Act 102-0551](#)

**Forensic Speech**

Effective: January 1, 2022

Allows a forensic speech course to be used to satisfy the one-year elective course requirement needed to receive a high school diploma.

DCFS

[Public Act 102-0070](#)

**DCFS Youth in Care: FAFSA**

Effective January 1, 2022

Requires DCFS to ensure that all youth in care entering their final year of high school have completed a FAFSA form or an application for state financial aid between October 1 and November 1 of the youth's final year of high school.

[Public Act 102-0199](#)

**DCFS Liaison**

Effective: July 1, 2022

Requires school boards to appoint at least one employee to act as a liaison for students in the legal custody of Department of Children and Family Services and to ensure proper communications are made to the Department's Office of Education and Transition Services. Establishes requirements regarding the liaison's duties for supporting students in the legal custody of DCFS.

EMPLOYMENT

[Public Act 102-0026](#)

**Benefits for Noninstructional Academic Personnel**

Effective June 25, 2021

Expands eligibility for unemployment insurance for noninstructional academic personnel through September 4, 2021 and grants waivers of recovery of overpayment at no fault of the claimant.

[Public Act 102-0335](#)

**Family Medical Leave Eligibility**

Effective: January 1, 2022

Requires school districts, community colleges, and public universities to grant family and medical leave to employees who have been employed for at least 12 months and have worked at least 1,000 hours in the previous 12 months under the same terms and conditions as leave provided to eligible employees under the federal Family and Medical Leave Act.

#### [Public Act 102-0252](#)

##### **Teacher Evaluation**

Effective: January 1, 2022

No later than September 1, 2022, each school district must establish a tenure teacher evaluation plan that ensures tenured teachers with excellent or proficient ratings are evaluated at least once every three years. Each school district must also implement an informal observation plan that is established by agency rule and by agreement of the PERA Joint Committee, in which tenured teachers are be informally observed at least once every two years after receiving excellent or proficient ratings.

#### [Public Act 102-0521](#)

##### **Principal Mentoring Program**

Effective: August 20, 2021

Requires ISBE to establish a competitive grant program to support the new principal mentoring program and approve eligible entities to provide services under the program. Establishes requirements for developing new teacher induction and mentoring programs for new teachers. Requires that ISBE develops a Teacher Induction and Mentoring Advisory Group.

#### [Public Act 102-0327](#)

##### **School Counselor Gift Ban**

Effective: January 1, 2022

Prohibits guidance counselors from intentionally soliciting or accepting gifts from a prohibited source or any gift that violates federal or state law, with exceptions. Provides that guidance counselors are not in violation of the prohibition if they promptly take action to return the gift or donates the gift or an amount equal in value to an appropriate charity.

#### [Public Act 102-0552](#)

##### **Educator Misconduct: Child Abuse/Neglect and Criminal Convictions**

Effective: January 1, 2022

Any notification to the State Superintendent of Education regarding the dismissal or resignation of a teacher who the district superintendent has reasonable cause to believe has abused or neglected a child must include the Illinois Educator Identification Number and a brief description of the misconduct. A homicide conviction is grounds for disqualification for educator licensure or suspension or revocation of a license.

#### [Public Act 102-0275](#)

##### **Sick Leave for Adoption, Birth, or Foster Care**

Effective: August 6, 2021

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Requires sick leave to include birth, adoption, placement for adoption, and acceptance of a child in need of foster care. Allows teachers and certain employees to use up to 30 days of paid sick leave because of the birth of a child that is not dependent on the need to recover from childbirth. Paid sick leave for the birth of a child may be used without medical certification for up to 30 working school days at any time within 12 months following the birth. The use of 30 working days of paid sick leave cannot be diminished due to intervening periods of nonworking days, such as summer or winter breaks. For paid sick leave for adoption, placement for adoption, or acceptance of a child in need of foster care, a school board may require that the teacher or employee provide evidence that the adoption or foster care process is underway, and such sick leave is limited to 30 days unless a longer leave has been negotiated.

## ISBE

### [Public Act 102-0294](#)

#### **Violent Incident Reporting**

Effective: January 1, 2022

Starting with the 2022-2023 school year, ISBE school report card must include data on the number of incidents of violence that occurred on school grounds or during school-related activities and that resulted in an out-of-school suspension, expulsion, or removal to an alternative setting.

## OMA

### [Public Act 102-0653](#)

#### **Review of Closed Meeting Minutes**

Effective: January 1, 2022

Each public body must meet periodically to review minutes of all closed meetings. Meetings to review minutes must occur every six months, or as soon as practicable thereafter. Ad hoc committees must review closed session minutes either six months after the last review or at the next scheduled committee meeting, whichever comes later. When a public body is dissolved, disbanded, eliminated, or consolidated by executive action, legislative action, or referendum, and its functions and responsibilities are assumed by a local government unit, this unit will review the closed session minutes of that public body.

## PROPERTY TAX

### [Public Act 102-0519](#)

#### **Property Taxes**

Effective: August 20, 2021

Creates an automatic increase in a taxing district's extension to recapture property tax collections lost to refunds from certificates of error, PTAB appeals and assessment valuation complaints filed in circuit court. Each year by November 15, the County Treasurer must certify to taxing districts the amount of property taxes from these three sources for the prior 12-month period.



## SPECIAL EDUCATION

### [Public Act 102-0057](#)

#### **PUNS**

Effective July 9, 2021

Requires ISBE, through school districts, to provide parents and guardians of students with IEPs a copy of the Department of Human Service's guide "Understanding PUNS: A Guide to Prioritization for Urgency of Need for Services" at the student's annual IEP review meeting.

### [Public Act 102-0172](#)

#### **Special Education: Maximum Age**

Effective: July 28, 2021

Allows special education students to continue attending school and receiving special education services through the end of the school year in which they turn 22, rather until the day before their 22nd birthday.

### [Public Act 102-0173](#)

#### **COVID-19 Recovery Post-Secondary Transition Services**

Effective: July 28, 2021

Allows special education students to remain eligible for services up to the end of the regular 2021-2022 school year if a student reached the age of 22 during the time in which the student's in-person instruction, services, or activities were suspended for a period of three months or more during the school year as a result of the COVID-19 pandemic, as long as the student is still a resident of the school district. Continued placement in private therapeutic day programs or residential programs is not required if the student aged out of the program or the funding is no longer available.

### [Public Act 102-0238](#)

#### **Online Accessibility for Students with Disabilities**

Effective: August 1, 2022

Requires that school districts ensure any third-party online curriculum is readily accessible to students with disabilities and complies with Level AA of the World Wide Web Consortium's Web Content Accessibility Guidelines.

### [Public Act 102-0254](#)

#### **Special Education Residential Placement**

Effective: August 6, 2021

Before placing a child in an out-of-state special education residential facility, school districts must refer the child or the child's parent/guardian the option to place the child in a comparable in-state facility, if any. School districts must annually review placement of children in out-of-state special education residential facilities, including referral to a comparable in-state facility, if any.

### [Public Act 102-0516](#)

#### **CTE and Dual Credit Opportunities**

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Effective: August 20, 2021

School districts must provide students with information about the district's and postsecondary career and technical education (CTE) opportunities. A high school student with an IEP may enroll in the school district's CTE program at any time if appropriate. High school and community college partnership agreements must include the process and criteria by which the school district and college district will ensure that students with disabilities have access to dual credit courses. Community college districts must provide access to students with disabilities. Community colleges are strongly encouraged to have their disability services coordinator or representative participate in meetings held by high schools within the college's district to provide information to the student's IEP team about college coursework and programs.

#### [Public Act 102-0150](#)

##### **High-Cost Special Education Funding Commission**

Effective: July 23, 2021

Establishes the High-Cost Special Education Funding Commission to make recommendations to the Governor and General Assembly for an alternative funding structure for high-cost special education students. Establishes requirements for Commission members and priorities.

STUDENT HEALTH

#### [Public Act 102-0085](#)

##### **School District Opioid Lawsuits**

Effective July 9, 2021

Limits the ability of a unit of local government or school district to file or become a party to opioid litigation against an opioid defendant that is subject to a national multistate opioid settlement unless authorized by the Attorney General under certain circumstances.

#### [Public Act 102-0134](#)

##### **Suicide Prevention Information**

Effective: July 23, 2021

Requires each school district to provide contact information for the National Suicide Prevention Lifeline and for the Crisis Text Line on the back of each student identification card issued by the school district. If ID cards are not issued, the school district must publish this information on its website.

#### [Public Act 102-0416](#)

##### **Suicide Awareness and Prevention: Student Identification Cards**

Effective: July 1, 2022

Requires school districts serving students in grades 6-12 that issue student ID cards to provide the contact information for the National Suicide Prevention Lifeline, the Crisis Text Line, and either the Safe2Help Illinois helpline or a local suicide prevention hotline or both on the back of each student ID. The contact information must also be included in the student handbook and planner if custom printed by the school.

#### [Public Act 102-0267](#)

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## **Suicide Awareness and Prevention Policy**

Effective: July 1, 2022

Requires the model policy developed by ISBE and any policy adopted by a school board regarding suicide awareness and prevention to include risk factors for those students at an increased risk of suicide.

## [Public Act 102-0413](#)

### **Childhood Anaphylactic Policy**

Effective: August 20, 2021

Requires the Illinois State Board of Education (ISBE), in consultation with the Illinois Department of Public Health (IDPH), to establish a Childhood Anaphylactic Policy for school districts and establishes requirements for the policy. School districts are required to notify parents and guardians of the policy on an annual basis.

## [Public Act 102-0321](#) and [Public Act 102-0266](#)

### **Absence Due to Mental or Behavioral Health**

Effective: January 1, 2022

Requires student absences for cause by illness to include the student's mental or behavioral health for up to five days without a medical note. Students absent due to mental or behavioral health must be given the opportunity to make up school work missed during the absence. After the second mental health day used, the student may be referred to the appropriate school support personnel.

## STUDENT ISSUES

## [Public Act 102-0051](#)

### **Modest Sport Uniform**

Effective July 9, 2021

Student athletes at K-12 schools, recognized non-public schools, charter schools, public universities, and community colleges must be allowed to modify their athletic or team uniform for the purpose of modesty that accords with the requirements of their religion, cultural values, or modesty preferences, including but not limited to, wearing a hijab, an undershirt, or leggings, without prior approval from the school board. The student is responsible for all costs associated with modifying their uniform, and modifications must not pose a safety hazard to the student or to other athletes or players.

## [Public Act 102-0405](#)

### **Physical Education: Religious Fasting**

Effective: August 19, 2021

Requires schools to excuse students from engaging in any physical activity components of a physical education course during a period of religious fasting upon notice from a student's parent/guardian.

## [Public Act 102-0406](#)

### **Excused Absences for Religious Reasons**

Effective: August 19, 2021

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Requires schools to excuse students for religious reasons, including the observance of a religious holiday or participation in religious instruction. Requires superintendents to develop and distribute information about absence procedures for religious purposes, how the school should be notified by parents, and the process for making up schoolwork missed.

#### [Public Act 102-0339](#)

##### **Time Out and Physical Restraint**

Effective: August 13, 2021

Requires ISBE to adopt rules governing the use of isolated time, time out, and physical restraint in public schools and special education nonpublic facilities. Requires that ISBE include procedures by which individuals may file a complaint for violations of the rules and procedures for progressive enforcement actions for compliance with documentation and reporting requirements. Requires ISBE to create a grant program for school districts, certain special education nonpublic facilities, and special education cooperatives to implement culturally sensitive and trauma-informed practices, positive behavioral interventions and supports, and restorative practices. ISBE must also establish goals for schools to accomplish systemic reduction of isolated time out, time out, and physical restraint within three years.

School boards are required to develop a time out and physical restraint oversight team including but not limited to, teachers, paraprofessionals, school service personnel and administrators. The team is responsible for creating a plan to reduce and eliminate the use of isolated time out, time out, and physical restraint. School districts are required to submit the plan to ISBE and reports once each year for three years for evaluation by ISBE on the district's progress toward achieving its goals. School districts are required to notify parents/guardians that such reports are available for review.

Amends provisions regarding time out, isolated time out, and restraint. Requires schools to offer parents/guardians a post-incident meeting with appropriate personnel to discuss the incident. Allows prone restraint during the 2021-2022 school year only if certain conditions are satisfied.

#### [Public Act 102-0360](#)

##### **Jett Hawkins Law: Student Hairstyles**

Effective: January 1, 2022

A non-public school that registers with ISBE must provide assurances that the school will not prohibit hairstyles historically associated with a particular race, ethnicity, or hair texture. A non-public school that has obtained or seeks to obtain recognition status from ISBE may not prohibit hairstyles historically associated with race, ethnicity, or hair texture.

A school uniform or dress code policy adopted by a school board or local school council must not include or apply to hairstyles, including hairstyles historically associated with race, ethnicity, or hair texture. This provision also applies to charter schools.

#### [Public Act 10-0251](#)

##### **Student Discipline**

Effective: August 6, 2021

Requires Chicago Public Schools to provide written notification to a student's parent/guardian of misconduct involving offensive touching, a physical altercation, or the use of violence.

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Additionally, parents/guardians must be notified of a student’s written statement(s) regarding such misconduct and/or a synopsis of any statement made by their child upon request and in accordance with federal and State law. Requires Chicago Public Schools to make reasonable attempts to provide a copy of any disciplinary report resulting from an investigation into a student’s act of misconduct to the parent/ guardian within two school days after the completion of the report. Establishes requirements for the disciplinary report.

#### [Public Act 102-0241](#)

##### **Bullying Prevention**

Effective: August 3, 2021

In School Code provisions concerning bullying prevention, the term “restorative measures” includes alternatives to exclusionary discipline that increase student accountability if the incident of bullying is based on religion, race, ethnicity, or any other protected category in the Illinois Human Rights Act.

#### [Public Act 102-0471](#)

##### **Absence and Missed Homework Policy**

Effective: August 20, 2021

Requires school districts to adopt written policies related to absences and missed homework or classwork assignments as a result of or related to a student's pregnancy.

## TEACHER PENSION/RETIREMENT

#### [Public Act 102-0525](#)

##### **Summer School Pay**

Effective: August 20, 2021

Exempts salary increases from summer school earnings for the summers of 2021 and 2022 from the 6% excess salary penalty.

## TRAINING

#### [Public Act 102-0638](#)

##### **Trauma-Informed Leadership Training**

Effective: January 1, 2023

Starting in 2023-2024, school board members’ professional development leadership training must include trauma-informed practices for students and staff. Establishes the requirements for trauma-informed practices training components. Gives ISBE the power to adopt rules to implement the requirements for school board member training.

#### [Public Act 102-0610](#)

##### **Child Sexual Abuse Policy**

Effective: August 27, 2021

Requires school districts to adopt and implement a policy addressing sexual abuse of children by July 1, 2022. The policy must include evidence-informed curriculum, training, and educational

information, as well as materials and instruction on prohibited grooming behaviors and boundary violations for school personnel and how to report such behaviors. Establishes requirements for child sexual abuse policies. Requires school districts to provide training for school personnel on child sexual abuse no later than January 31 of each year.

## TRANSPORTATION

[Public Act 102-0058](#)

### **School Zone Start Time**

Effective: July 9, 2021

For special speed limits while passing schools, the bill changes the definition of when a school day begins to 6:30 a.m. instead of 7 a.m.