



FRANCZEK

## School Law Legislative Update: New Laws in Effect in 2023

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**Table of Contents**

Curriculum.....3  
Labor & Employment.....4  
ISBE.....7  
Student Health & Safety.....7  
Student Issues.....9  
Administrative.....11

## **CURRICULUM**

### **[P.A. 102-0917](#)**

#### **College and Career Readiness**

Effective: 1/1/2023

This public act creates sections 10-20.83 and 34-18.78 of the School Code to address college and career readiness systems and makes related amendments to the Postsecondary and Workforce Readiness Act of 2016. Under the Act, school districts enrolling students in any of grades 6 through 12 are required to adopt and implement career exploration and career development activities for such grades by July 1, 2025. Such activities must be provided in accordance with a postsecondary and career expectations framework for each grade that substantially aligns to the model framework set forth in the Postsecondary and Workforce Readiness Act. The local framework must be available on a prominent location on the district’s website. The activities offered must prepare students “to make informed plans and decisions about their future education and career goals, including possible participation in a career and technical pathway, by providing students with opportunities to explore a wide variety of high-skill, high-wage, and in-demand career fields.”

Additionally, the Act requires, by July 1, 2025, that school districts that enroll students in grades 9 through 12 either (1) choose to implement a new “College and Career Pathway Endorsements” program and become an eligible school district to award College and Career Pathway Endorsements pursuant to the Postsecondary and Workforce Readiness Act on a particular schedule required by the Act; or (2) opt out of implementation of such a program. The Act specifies the process for electing to implement the endorsement program and the process for opting out of implementation, which requires adoption by the school board of a set of findings that considers certain factors related to career and college readiness and reporting such findings to ISBE. The Act also requires ISBE to publish and maintain resources on its website aimed at supporting school districts in implementing College and Career Pathway Endorsements and the additional requirements under the Act and allows ISBE to adopt administrative rules to implement the requirements.

### **[P.A. 102-0951](#)**

#### **Driver Education Standards**

Effective: 1/1/2023

This public act amends Section 27-24.9 of the School Code to require incorporation of the national learning standards into the current requirements for ISBE’s adoption of driver education standards. The Act requires that driver education learning standards be rigorous, address both the classroom and laboratory phases of driver education, be adopted in consultation with an association representing teachers of driver education, students, and certain education practitioners, and include the “Novice Teen Driver Education and Training Administrative Standards developed by the Association of National Stakeholders in Traffic Safety Education, affiliated with the National Highway Transportation Safety Administration. The Act permits the adaptation of the national

standards to align with Illinois licensing and educational requirements. The Act further requires that ISBE update the State’s learning standards as national standards are updated.

[P.A. 102-1034](#)

**Critical Health Problems and Comprehensive Health Education Act Amendment**

Effective: 1/1/2023

This public act amends Section 3 of the Critical Health Problems and Comprehensive Health Education Act and Section 5 of the Children’s Mental Health Act of 2003. It requires that mental health instruction in elementary and secondary schools include how and where to find mental health treatment and resources within the state of Illinois. The Act further requires that the Children's Mental Health Partnership, created to develop and monitor the State’s implementation of the Children’s Mental Health Plan (containing recommendations to provide comprehensive, coordinated mental health prevention, early intervention, and treatment services for children), include an adjunct council of no more than six youth between the ages of 14 and 25 and four representatives of four different community-based organizations focused on youth mental health, including at least one organization led by an LGBTQ-identifying person, one led by a person of color, and one led by a woman. Finally, at least one representative appointed to the council from the community-based organizations must identify as LGBTQ, one representative must be a person of color, and at least one representative must be a woman. The council, appointed by the Chair of the Partnership, must meet at least four times a year and make certain recommendations to the Partnership regarding youth mental health.

**LABOR & EMPLOYMENT**

[P.A. 102-0702](#)

**Employment History Review and Parental Notification of Sexual Misconduct**

Effective: 7/1/2023

This public act is a trailer bill to Faith’s Law, amending various sections of the School Code, and adding two new sections that require public and nonpublic schools to conduct a new employment history review process and procedures for notifying parents regarding sexual misconduct between an educator and the parent’s child. The Act creates Section 22-94 of the School Code that lays out detailed requirements for public schools, nonpublic schools, and independent contractors to conduct an employment history review prior to hiring an applicant to work in a position involving direct contact with children or students. It also creates Section 22-85.10 of the School Code, which requires the governing body of each school district, charter school, or nonpublic school to implement a procedure to provide notice of an alleged act of sexual misconduct between an educator and student to the parent or guardian of the student and notice of when any formal action is taken relating to the employment of the alleged perpetrator following an investigation of sexual misconduct. It also amends the Personnel Record Review Act to state that the requirement that employers review and delete records related to disciplinary actions more than four years old prior to releasing information to a third party does not apply to school districts sharing information related to an incident of sexual misconduct. The Act also requires that the superintendent of an

employing school board inform the State Superintendent of Education, as well as the applicable regional superintendent of schools, if they have reasonable cause to believe that a licensed employee committed an act of sexual misconduct directed toward or with a student resulting in the employee's dismissal or resignation from the school district. It also permits the State Superintendent of Education to initiate licensure suspension or revocation for an employee's act of sexual misconduct with a student. For more information on Faith's Law, or the related Erin's Law training requirement needed to be completed by January 31 of each year, please see our [previous alert](#), and past and upcoming [webinars](#) discussing these topics.

#### [P.A. 102-1050](#)

#### **Family Bereavement Leave**

Effective: 1/1/2023

This public act amends the Child Bereavement Leave Act, now called the Family Bereavement Leave Act, to extend unpaid bereavement leave to employees experiencing pregnancy loss, ineffective fertility treatment, a diagnosis negatively affecting pregnancy or fertility, as well as unsuccessful adoption or surrogacy plans. Specifically, employers must now provide unpaid leave for several circumstances surrounding loss of a child including a miscarriage, an unsuccessful reproductive assistance procedure, a failed adoption match or contested adoption, a failed surrogacy arrangement, diagnoses negatively impacting pregnancy or fertility, and a stillbirth. The amendment also expands bereavement leave coverage under the Act to now include bereavement of "covered family members," including an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.

[P.A. 102-0866](#), which was effective on May 13, 2022, also included amendments to the School Code's leave provisions regarding school district employees, specifically incorporating mental or behavioral health complications into the definition of sick leave. In addition, it allows a school board to require that an employee provide a certificate from a mental health professional licensed in Illinois as a basis for sick leave involving an absence of three days, unless this is contrary to a collective bargaining agreement or district policy.

#### [Illinois Amendment 1](#)

#### **Workers' Rights Amendment**

Effective: 11/8/2022

In the most recent election, Illinois voters approved Illinois Constitution Amendment 1, which amends the Illinois Constitution to protect collective bargaining rights. A more comprehensive analysis of how this Constitutional Amendment may impact Illinois public and private sector employers will be available [here](#).

[P.A. 102-1102](#)

**CROWN Act**

Effective: 1/1/2023

This public act created the Create a Respectful and Open Workplace for Natural Hair Act (“CROWN Act”), which extends the prohibition on hairstyle discrimination to covered situations under the Illinois Human Rights Act, including employment. Specifically, the CROWN Act expands and clarifies the definition of “race” to include traits associated with race, including but not limited to, hair texture and protective hairstyles.

The Act also amends the circumstances in which the Department may have jurisdiction over places of public accommodation that are a “non-sectarian nursery, day care center, elementary, secondary, undergraduate or postgraduate school, or other place of education.” Previously, Section 5-102.2 limited such jurisdiction, in part, to “the denial of access to facilities, goods or services.” The Act amends this provision to now limit such jurisdiction, in part, to “the denial or refusal of full and equal enjoyment of facilities, goods, or services.”

[P.A. 101-0001](#)

**Minimum Wage Increase**

Effective: 1/1/2023

As described in a previous [alert](#), Governor Pritzker signed Senate Bill 1 into law on February 19, 2019, which increases the minimum wage in Illinois to \$15 per hour by 2025. Under the law, minimum wage increases occur incrementally until 2025. One of the wage increases went into effect on January 1, 2023, raising the minimum wage from \$12 an hour to \$13 an hour.

[P.A. 102-0729](#)

**Teacher Evaluations for SY 2022-2023**

Effective: 5/6/2022

As a reminder, this amendment to the School Code pertains to the 2022-2023 school year only and allows school districts to waive the evaluation requirement of any teacher whose performance was rated as either “excellent” or “proficient” during the last school year in which the teacher was evaluated. This provision only applies if the Governor has declared a disaster due to a public health emergency. This amendment also permits school districts to waive the evaluation requirement of all principals or assistant principals whose performance was rated as either “excellent” or “proficient” during the last school year in which the principals or assistant principals were evaluated, so long as the Governor has declared a disaster due to a public health emergency.

## **ISBE**

### **[P.A. 102-0711](#)**

#### **Substitute Teaching License Requirements**

Effective: 1/1/2023

This public act amends Section 21B-20 of the School Code regarding requirements for a Substitute Teaching License. Previously, only applicants that held a bachelor's degree or higher were issued a Substitute Teaching License. Public Act 102-0711 now allows applicants without a bachelor's degree or higher to obtain a Substitute Teaching License if they are enrolled in an approved educator preparation program in the state of Illinois and have earned at least 90 credit hours. This change in eligibility is specific to Substitute Teaching Licenses and does not extend to Short Term Substitute Teaching Licenses.

Relatedly, [P.A. 102-0712](#), which became effective April 27, 2022, changes the number of consecutive days an individual holding a Short-Term Substitute Teaching License may teach from 5 to 15. Specifically, an individual holding this license may now teach up to 15 consecutive days per licensed teacher. Additionally, P.A. 102-712 allows school districts to hire an individual holding a Short-Term Substitute Teaching License for teacher absences that last 6 or more days per licensed teacher if the Governor has declared a disaster due to a public health emergency.

### **[P.A. 102-0713](#)**

#### **Paraprofessional Educator Endorsement**

Effective: 1/1/2023

This public act amends Sections 21B-15 and 21B-20 of the School Code to permit applicants who are at least 18 years old to be issued a paraprofessional educator endorsement on an Educator License with Stipulations only until the individual turns 19 years old and so long as the applicant otherwise meets the criteria for a paraprofessional educator endorsement and uses the Educator License with Stipulations exclusively for grades prekindergarten through grade 8.

## **STUDENT HEALTH & SAFETY**

### **[P.A. 102-0752](#)**

#### **Student Confidential Reporting Act**

Effective: 1/1/2023

This public act creates the Student Confidential Reporting Act, which establishes a school safety tip line in Illinois called Safe2HelpIL for the purpose of receiving reports from the public regarding potential self-harm or potential harm or criminal acts directed at students, school employees, or schools in Illinois. Subject to funds being appropriated for the program, the Act requires the Illinois State Police, in consultation with the Illinois Emergency Management Agency, ISBE, Department of Human Services, and Department of Children and Family Services, to establish the reporting program. Among other stipulations, the Act requires, once Safe2Help Illinois is operational, that

any State or locally operated school violence help line already established work with Safe2Help Illinois as needed.

Additionally, the Act requires that Illinois State Police oversee the program and provides that reports and information, including any analysis of the potential threat as determined appropriate by the Illinois State Police, be directed to local law enforcement officials and school officials. It further requires that the Illinois State Police ensure that call center staff as well as program employees be trained in the areas of crisis management, available resources for providing mental health services, matters relevant to the program's operation, and handling criminal intelligence information such as storing and sharing data. The Act includes requirements for maintaining the confidentiality of any reports or information submitted to the program and the circumstances under which such reports or information may be shared, including any reports or information forwarded to a law enforcement official or school official. Additionally, the program manager for Safe2Help Illinois, in collaboration with the Illinois State Police and ISBE, must prepare an annual report. Finally, the Act amends the Juvenile Court Act to allow disclosure of juvenile law enforcement records to a school official if the agency or officer believes that there is "an imminent threat of physical harm to students, school personnel, or others," no longer limiting such disclosure to when others are present in the school or on school grounds.

[P.A. 102-0761](#)

**School Breakfast and Lunch Program Act Amendment**

Effective: Effective: 8/1/2023

This amendment to the School Breakfast and Lunch Program Act requires that school districts provide a plant-based school lunch option that aligns with federal nutritional mandates to students who submit a prior request for such an option.

[P.A. 102-0861](#)

**Definition of Mandated Reporter Under Abused and Neglected Child Reporting Act**

Effective: 1/1/2023

This public act amends the Abused and Neglected Child Reporting Act to extend the list of mandated reporters to include physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, and athletic trainers.

[P.A. 102-0971](#)

**Safe Gun Storage Education**

Effective: 1/1/2023

This public act amends Section 27-17 of the School Code regarding the safety education that schools boards may provide to include instruction on safe gun storage when providing instruction on safety in the home.



[P.A. 102-1095](#)

**Latex Glove Ban Act**

Effective: 1/1/2023

This public act creates the Latex Glove Ban Act, which requires that food service establishments, including schools, prohibit employees from using latex gloves when preparing or handling food. This ban goes into effect on January 1, 2023. Should latex gloves be used due to the food service establishment's inability to provide nonlatex gloves, a sign must be clearly placed where food is ordered or purchased notifying the public of the temporary change. Under the Act, the Department of Public Health must send a warning notice to food service establishments who are not in compliance with the Act. Additionally, EMS personnel are not permitted to use latex gloves on or after January 1, 2023, and health care facility personnel are not permitted to use latex gloves beginning on January 1, 2024 if the patient upon whom the gloves are to be used is unconscious or unable to communicate and whose medical history lacks sufficient information to indicate whether the patient has a latex allergy. However, should a crisis occur limiting the ability to source nonlatex gloves, these personnel are permitted to use latex gloves if necessary but must prioritize use of nonlatex gloves for treating specific patients.

[P.A. 102-0638](#)

**School Board Member and Teacher Training on Trauma-Informed Practices**

Effective 1/1/2023

Beginning with the 2023-2024 school year, this public act provides that school board members' professional development leadership training must include trauma-informed practices for students and staff. The Act establishes the required components for such trauma-informed practices training and gives ISBE the power to adopt rules to implement the requirements for school board member training. The Act also requires that licensed school personnel and administrators who work with students be trained to identify the warning signs of trauma, and that training regarding the implementation of trauma-informed practices satisfies such requirements.

**STUDENT ISSUES**

[P.A. 102-0805](#)

**School Fees**

Effective: 1/1/2023

This public act amends various sections of the School Code related to school fees. The amendment first amends the Definitions section of the School Code to define school fees as "any monetary charge collected by a public-school, public-school district, or charter school from a student or the parents or guardian of a student as a prerequisite for the student's participation in any curricular or extracurricular program of the school or school district as defined under [23 Ill. Admin. Code § 1.245(a)(1), (2)]." Related to school fees and fines, the amendment further specifies that children and youth classified as homeless under the McKinney-Vento Homeless Assistance Act qualify for

waiver of fees and fines and requires for such students, and any other students whose parents are unable to afford them, the waiver of any fines for the loss of school property. Additionally, the Act requires notice of waiver availability be given to parents or guardians with every bill for fees or fines. It also permits school boards that establish a waiver eligibility process independent from a student's application for the federal school-based nutrition program to initiate a fee waiver verification process no more than once every academic year, as opposed to the previously permitted once every 60 days.

Additionally, the Act amends the School Code provision prohibiting any discrimination or punishment of a student as a result of the student's parents or guardians being unable to purchase required textbooks or instructional materials or to pay required fees, and now expressly prohibits "the withholding of student records, transcripts, or diplomas" as a result of a student's parent's inability to pay such fees. Prior to this amendment, only the lowering of grades and exclusion from class were expressly listed as impermissible. Finally, the Act amends Section 27A of the School Code to specify that charter schools are not exempt from the above-referenced provisions related to school fees and fines.

Relatedly, [P.A. 102-0727](#) which became effective May 6, 2022, states that no public high school of a school district is permitted to withhold a student's grades, transcripts, or diploma due to an unpaid balance on the student's school account, and requires districts to report to ISBE at the end of each school year the total amount that remains unpaid by students as related to this section of the amendment. The new requirements of P.A.102-0727 become inoperative after three years. Additionally, [P.A. 102-1032](#), effective May 27, 2022, now requires that school boards waive fees assessed by the district for students with a parent who is either a veteran or an active-duty military personnel with an income at or below 200% of the federal poverty level.

#### [P.A. 102-0981](#)

##### **Absence Due to Attendance at Civic Event**

Effective: 1/1/2023

This public act amends the compulsory education and truancy Sections of the School Code to require school boards to allow students from a public middle school or high school one school-day long excused absence per school year for participation in a civic event. The school board is allowed to require that the student provide advance notice of this planned absence and may also require documentation of participation in a civic event. The amendment defines civic event as "an event sponsored by a non-profit organization or governmental entity that is open to the public." Civic events can include artistic or cultural performances or another type of educational event that supports the mission of the sponsoring non-profit organization.

## **ADMINISTRATIVE**

### [P.A. 102-0943](#)

#### **Illinois Pension Code Amendment**

Effective: 1/1/2023

This public act amends the Municipal Retirement Fund (IMRF) Article of the Illinois Pension Code. Under this amendment, each participating municipality or instrumentality that employs an elected trustee must make available to the elected trustee at least 20 days of paid leave of absence per year for the purpose of attending Board of Trustees meetings and committee meetings, and seminars related to Board of Trustees responsibilities. Relatedly, these municipalities and instrumentalities may be reimbursed by the Fund for the actual cost of hiring a substitute employee during these leaves of absences.

### [P.A. 102-0798](#)

#### **Board Organizational Meeting**

Effective: 5/13/2022

Relevant for any upcoming board elections in 2023, this Amendment to the School Code changes the number of days involving board organization deadlines. The Act provides that a board's organizational meeting must occur within 40 days of the applicable election, instead of the previously required 28 days, at which time officers must be elected and a time and place for the regular meetings must be determined.

### [P.A. 102-1088](#)

#### **Decennial Committees on Local Government Efficiency Act**

Effective: 6/10/2022

As a reminder, this Act provides in part that a school board's annual report on fiscal efficiency improvement through shared services or outsourcing must be approved by the school board at an open meeting that allows for public comment. The report must also be published on the District's website.

## **ADDITIONAL LAWS APPLICABLE FOR THE 2022-2023 SCHOOL YEAR**

For a refresher on some of the other new laws that went into effect for the 2022-2023 school year, please see our past alerts and webinars on various school law updates, including:

- [Special Education Placement and Interpretation Services](#)
- [Faith's Law and Erin's Law](#)
- [Q and A on School Threat Assessment Procedures](#)
- [Bidding Requirements for Food Service Agreements](#)
- [School Finance](#)
- [COVID-19 Paid Leave Law: FAQ](#)
- [2021 Legislative Update Summary \(including other laws in effect for SY 2022-2023\)](#)
- [Fall 2022 School Law Updates Webinar](#)