




Illinois State Board of Education

Dr. Tony Sanders, State Superintendent of Education
Dr. Steven Isoye, Chair of the Board

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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 9, 2023

SUBJECT: FY 2022 Educational Mandates Report

Please find attached the FY 2022 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 additional copies of this report or for more specific information, please contact Jennifer Saba, interim Executive Director of Legislative Affairs, at 217-782-6510 or jsaba@isbe.net.

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



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EDUCATIONAL MANDATES

Annual Report — Fiscal Year 2022

Illinois State Board of Education
Legislative Affairs
April 2023

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 2022 legislative session (2021-22 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:

[2021](#)
[2020](#)
[2019](#)
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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.

2022 Laws

Public Act/Summary

Cost

P.A. 102-0697

Reference: 105 ILCS 5/10-20.56; 5/10-20.83 new; 5/24-6; 5/27A-5; 5/34-18.78 new; 5/34-85e new; 110 ILCS 305-160 new; 305/175 new; 520/135 new; 520/150 new; 660/5-245 new; 660/8-260 new; 665/10-245 new; 665/10-265 new; 670/15-245 new; 670/15-260 new; 675/20-250 new; 675/20-270 new; 680-25-245 new; 680/25-265 new; 685/30-255 new; 685/30-275 new; 690/35-250 new; 690/35-270 new; 805/3-29.20 new; 805/3-29.25 new; effective April 5, 2022.

Amends the School Code. Provides that on e-learning days school districts shall provide a regular rate of pay and benefits for workers, staff, and contractors who provide educational support services to the district who would work, but cannot due to school closures. A school district shall make full payment or reimbursement to an employee or contractor for any school closure or e-learning days in the 2021-22 school year. Creates COVID- 19 paid administrative leave. Provides that during a public health emergency, a state or local entity mandates rules or guidance that restrict an employee from being on school district property for various reasons associated with COVID-19 or, if the employee has a child who cannot attend school due to COVID-19, the employee shall receive as many days of administrative leave (or negotiated paid leave, if longer) as required by the Illinois Department of Public Health. Provides that employees on paid leave must provide all documentation requested by the school board and will receive the regular rate of pay, but the employee may not accrue paid administrative leave. Outlines requirements for an employee to be eligible for paid leave. Makes additional changes.

P.A. 102-0917

Reference: 105 ILCS 5/10-20.83 new; 5/34-18.78 new; 110 ILCS 148/15; effective January 1, 2023.

Amends the School Code. Provides that that by July 1, 2025, a school district that enrolls students in sixth through 12th grades shall adopt and implement career development activities in accordance with a Postsecondary and Career Expectations (PaCE) Framework adopted by the Postsecondary and Workforce Readiness Act. Adds that a school district that enrolls students in ninth through 12 grades shall, independently or in partnership with a career center, award College and Career Pathway endorsements pursuant to an outlined schedule. States that a school board of any school district, by the action of the board, may opt out of implementation of all or any part of this section through the adoption of a set of findings that considers several outlined factors. School districts must report their findings to the Illinois State Board of Education (ISBE). Amends the Postsecondary and Career Expectations section. Adds that by July 1, 2023, ISBE, the Illinois Community College Board, Illinois Board of Higher Education, and Illinois Student Assistance Commission in consultation with appropriate stakeholders shall jointly adopt and publicize an update to the model PaCE Framework, which extends the expectations to Grade 6 and includes such other revisions and updates as the agencies deem appropriate. Amends the Postsecondary and Career Expectations section. Adds that by July 1, 2024, ISBE shall consult with a statewide organization representing businesses and manufacturing. Provides that ISBE shall publish and maintain on its website a current database of employer champions for work-based learning and career readiness systems and programs.

P.A. 102-0761

Reference: 105 ILCS 125/5.5 new; effective August 1, 2023.

Amends the School Breakfast and Lunch Program Act. As a part of the school lunch program, requires a school district to provide a plant-based school lunch option that is in accordance with federal nutritional mandates to students who submit a prior request to the school district requesting a plant-based school lunch option.
Effective August 1, 2023.

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P.A. 102-0727

Reference: 105 ILCS 5/10-20.9a; effective May 6, 2022.

Amends the School Code. Prohibits a high school from withholding “a student’s grades, transcripts, or diploma because of an unpaid balance on the student’s school account.” Provides that at the end of each school year, the school district shall catalogue and report to ISBE the total amount that remains unpaid by students due to the prohibition. Provides that on and after three years from the effective date of the amendatory Act, the prohibition provisions are inoperative.

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P.A. 102-0702

Reference: 105 ILCS 5/10-21.9; 5/21B-75; 5/22-85.10 new; 5/22-94 new; 5/26A-30; 5/27A-5; 5/34-18.5; 820 ILCS 40/8; effective July 1, 2023.

Amends the School Code. Replaces language from P.A. 102-552. Provides that a governing body of each district, nonpublic school, and state-authorized charter school shall notify the parent/guardian if their student under age 18 and an employee/contractor engaged in sexual misconduct. Notice to parent/guardian for a student with a disability must not conflict with the student's Individualized Education Program (IEP). Outlines procedures. Provides that the governing body of each district shall implement a procedure for when notice is provided to parents, guardians, and students that formal action has been taken relating to the employment of the alleged perpetrator following the investigation of sexual misconduct. Adds information and steps that must be included in the procedure. States that the student should always be notified first unless it is deemed necessary to address the parents first due to immediate risk. States that prior to hiring an applicant to work directly with children or students, a school or contractor must ensure that various outlined criteria are met. Specifies what must be provided in a written statement by the applicant. Provides that school district or contractor shall initiate a review of the employment. Outlines procedures. Provides that employee template shall be maintained by the school district for employees. Provides that information under this Section shall not be deemed a public record. Makes other changes.

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P.A. 102-0703

Reference: 105 ILCS 5/14-7.02; effective April 22, 2022.

Amends the School Code. Allows a student's IEP team to determine whether the special education program of a school district is unable to meet the needs of a child with a disability. Adds that resident district financial responsibility and reimbursement applies for both nonpublic special education facilities that are approved by ISBE or other applicable laws and rules and for emergency placements in nonpublic special education facilities that are not approved by ISBE. Provides that payments shall be made by the resident school district to the entity providing educational services no less than once per

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quarter unless otherwise agreed. A school district may place a student in a nonpublic special education facility not approved by ISBE if it provides an emergency and student-specific approval for placement. Outlines items that must be demonstrated for ISBE to consider and approve the placement. Adds that if an impartial due process hearing officer contracted by ISBE approves a facility for placement (even if not approved by ISBE), then the facility is deemed approved and shall receive state reimbursement. Make other changes. Effective immediately.

P.A. 102-0777

Reference: 105 ILCS 5/34-222 new; effective January 1, 2023.

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Amends the Chicago School District Article of the School Code. Requires the Department of School Demographics and Planning, at least once every five years, to evaluate the enrollment at existing schools in the district to determine if there is a need to revise existing boundaries. Specifies factors for to the department consider in its evaluation. Requires the department to submit a written report of its findings, conclusions, and recommendations to the chief executive officer and the Chicago Board of Education. Requires the report to be made public on the district's website within 30 days after its completion. If it is determined that there is a need to revise any existing boundaries or establish attendance boundaries for new schools, requires the Department of School Demographics and Planning to develop and recommend any proposed changes to existing boundaries or proposed boundaries for new schools to the chief executive officer prior to the beginning of the school year in which the changes to existing boundaries or the new boundaries will take effect. Specifies factors to be considered in developing proposed changes to boundaries for existing schools and proposing attendance boundaries for new schools. Requires the department to develop at least two alternatives for each proposed attendance boundary and prepare a report for each alternative with specified factors and considerations. Requires the report to be made public on the district's website within 30 days after its completion. Requires the chief executive officer to review the report and authorizes the chief executive officer to suggest additional alternatives. Requires the chief executive officer to report to the board if he or she recommends any changes to existing boundaries or establishing boundaries for new schools. Requires the chief executive officer, if he or she is recommending any changes to existing boundaries or any boundaries for new schools, to provide the board with the report of the alternatives considered, including data on the specified factors, and requires the chief executive officer to inform the board of the alternative that is being recommended. Requires the chief executive officer's report to be made public on the district's website within 30 days after its completion. Requires the board to conduct public hearings on the proposed establishment of or changes to attendance boundaries and the chief executive officer's recommendation prior to taking action on the establishment or revision of any attendance boundaries. Requires the board to consider the factors of capacity, current and projected racial and ethnic issues, geographic barriers, travel time and distance, and program concerns in making its decision on the establishment or revision of any attendance boundaries.

P.A. 102-0791

Reference: 5 ILCS 140/7; 105 ILCS 128/45 new; effective May 13, 2022.

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Amends the School Safety Drill Act. Adds that prior to the start of each school year, the school board shall file a threat assessment procedure and a list identifying the member of the school district's threat assessment team or regional behavior threat assessment and intervention team with local law enforcement; the Regional Office of Education; or, for Chicago Public Schools, the State Board of Education. Amends the Freedom of Information Act. Adds records concerning the work of the threat assessment team of a

school district, including, but not limited to, any threat assessment procedure under the School Safety Drill Act and any information contained in the procedure to the list of reports that shall be exempt from public request for inspection and copying.

P.A. 102-1072

Reference: 105 ILCS 5/14-6.01; 5/14-8.02; 5/14-8.02a; effective June 10, 2022.

Amends the School Code. In provisions concerning notification of services under Section 504 of the federal Rehabilitation Act of 1973, provides that the notice shall also state that any parent who is deaf or does not typically communicate using spoken English and who participates in a Section 504 meeting with a representative of a Local Education Agency shall be entitled to the services of an interpreter. Removes the amendatory language that provides that those who attend a 504 meeting, a mediation session, or a due process hearing shall be entitled to the services of an interpreter. Provides that at all stages of an impartial due process hearing or mediation, the hearing officer or mediator shall require that interpreters licensed pursuant to the Interpreter for the Deaf Licensure Act of 2007 be made available by the school district for persons who are deaf or qualified interpreters be made available by the school district for persons whose normally spoken language is other than English (rather than providing that at all stages of an impartial due process hearing, the hearing officer shall require that interpreters be made available by the school district for persons who are deaf or for persons whose normally spoken language is other than English). Effective immediately.

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P.A. 102-0805

Reference: 105 ILCS 5/1-3; 5/10-20.13; 5/27A-5; 5/28-19.2; 5/34-21.6; effective January 1, 2023.

Amends the School Code. Adds a definition for "school fees" or "fees." Provides that districts shall purchase a sufficient number of textbooks for homeless children and youth as defined by the federal McKinney-Vento Homeless Assistance Act. Adds that all fees and any fines for the loss of school property assessed by the district for homeless children and youth may be waived. Notice of waiver availability (to waive fees) shall be given to parents to guardians with every bill for fees and fines. States a school board may provide for fee waiver verification no more often than once per academic year (rather than every 60 days). Adds that no discrimination or punishment of any kind, including lowering of grades, exclusion from classes, or withholding of student records, transcripts or diplomas, may be exercised against a student because the student's parents or guardians are unable to purchase required textbooks or instructional materials or to pay required fees.

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P.A. 102-0841

Reference: 105 ILCS 5/14-8.02i new; effective May 13, 2022.

Amends the School Code. Beginning the 2023-24 school year, ISBE will be required to distribute materials to local school districts about the Achieving a Better Life Experience (ABLE) account program, which would then be distributed to families via the IEP process. Provides that the Office of the State Treasurer will be required to provide the informational material to ISBE.

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P.A. 102-0981

Reference: 105 ILCS 5/26-1; 105 ILCS 5/26-2; 105 ILCS 5/26-2a; effective January 1, 2023.

Amends the School Code. Provides that any middle school or high school student from a public school, subject to guidelines established by ISBE, shall be permitted by a school board to have at least one school day-long excused absence per school year to engage in

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a civic event. A school board may require that the student provide advance notice of the intended absence and require that the student provide documentation of participation in a civic event.

P.A. 102-1077

Reference: 110 ILCS 27/16; 27/16.5 new; 27/20; effective January 1, 2023.

Amends the Dual Credit Quality Act. Provides that a partnership agreement entered into between a community college district and a school district shall allow a high school student who does not otherwise meet the community college district's academic eligibility requirements to enroll in a dual credit course, but only for high school credit. Makes changes concerning the professional development plans of instructors and career and technical education instructors and the information the Illinois Community College Board must annually report. This also revised the sunset date in the previous bill language. Adds provisions requiring that school districts and community colleges annually assess disaggregated data pertaining to dual credit course enrollments, completions, and subsequent postsecondary enrollment and performance to the extent feasible. Adds a provision requiring that high schools establish procedures prior to the first day of class to notify all individual high school students enrolled in a mixed enrollment dual credit course that includes students who have and have not met the criteria for dual credit coursework of whether or not they are eligible to earn college credit for the course.

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P.A. 102-1034

Reference: 105 ILCS 110/3; effective January 1, 2023

Amends the Critical Health Problems and Comprehensive Health Education Act. With respect to the Comprehensive Health Education Program, requires that the program include instruction on how and where to find mental health resources and specialized treatment in the state. Amends the Children's Mental Health Act of 2003. Provides that the Children's Mental Health Partnership shall also include an adjunct council. Defines membership and qualifications of the adjunct council. Provides that the adjunct council will make recommendations to the partnership regarding youth mental health, including, but not limited to, identifying barriers to youth feeling supported by and empowered by the system of mental health and treatment providers; barriers perceived by youth in accessing mental health services; gaps in the mental health system; available resources in schools, including youth's perceptions and experiences with outreach personnel, agency websites, and informational materials; methods to destigmatize mental health services; and how to improve state policy concerning student mental health. Provides that the council shall meet at least four times annually. Makes other changes.

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P.A. 102-0894

Reference: 35 ILCS 200/18-50.1; 200/18-241; 40 ILCS 5/17-130; 105 ILCS 5/1A-4; 5/1B-6; 5/1B-7.10; 5/1B-8; 5/1E-35; 5/1E-40; 5/1H-30; 5/2-3.9; 5/2-3.11d; 5/2-3.25i; 5/2-3.103; 5/2-3.146; 5/10-21.7; 5/10-21.9; 5/10-22.18; 5/10-22.23; 5/10-22.23a; 5/10-22.24a; 5/10-22.34; 5/10-22.34a; 5/10-22.34b; 5/10-29; 5/13B-25.20; 5/13B-65; 5/13B-65.5; 5/14-1.09b; 5/14-1.09.01; 5/14-1.09.2; 5/14-6.04; 5/14-7.05; 5/14-8.02d; 5/14-9.01; 5/14-17; 5/18-8.15; 21B-20; 5/22-81; 5/27-23.7; 5/27-23.12; 5/34-1.1; 5/4-2.3; 5/34-2.4a; 5/34-8.1; 5/34-18; 5/34-18.5; 5/34-18.10; 5/34-43.1; 128/5; 128/45; 302/25; 115 ILCS 5/2; effective May 20, 2022.

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Amends Public Act 102-466 to change the effective date of certain provisions. Amends the School Code. Makes changes concerning ISBE reporting, references to the Certification of Teachers Article and certification, reporting attacks on school personnel,

the Annual State Report on Special Education Performance, the High-Cost Special Education Funding Commission, the Evidence-Based Funding formula, a part-time Provisional Career and Technical Educator endorsement or a provisional Career and Technical Educator endorsement on an Educator License with Stipulations, the heroin and opioid drug prevention pilot program, the Emotional Intelligence and Social and Emotional Learning Task Force, and the limitation on noninstructional costs in the Chicago School District. Repeals provisions concerning the Downstate School Finance Authority for Elementary Districts Law, an alternative education program audit adjustment prohibition, high-skilled manufacturing teaching resources, entrepreneurial skills teaching resources, a job training program prohibition, the Giant Steps Autism Center for Excellence pilot program, fast growth grants, and the Alternative Route to Administrative Certification for National Board Certified Teachers. Amends the School Safety Drill Act. Adds a charter school authorized by ISBE and a special education cooperative to the definition of "school" and requires a charter school to have threat assessment procedures. Amends the Property Tax Code, Illinois Pension Code, and Illinois Educational Labor Relations Act to make related changes. Amends the College and Career Success for All Students Act to make a technical change. Provides that the State Board of Education shall review each school district; charter school; or nonpublic, nonsectarian elementary or secondary school's filled policy on bullying by September 30 of the subject year. Provides that if a school fails to file a policy by September 30, then ISBE shall provide a written request for the school to file the policy. Provides that if a school fails to file a policy after receiving a written request, then ISBE shall publish notice of the non-compliance on ISBE's website. Effective immediately.

P.A. 102-0951

Reference: 105 ILCS 5/27-24.9; effective January 1, 2023

Amends the Driver Education Act of the School Code. Requires ISBE, in consultation with the secretary of state; an association representing teachers of driver education; students; education practitioners, including, but not limited to, teachers in colleges of education, administrators, and regional superintendents of schools (rather than in consultation with the secretary of state), to adopt rigorous learning standards for the classroom and laboratory phases of driver education for novice teen drivers under the age of 18, including, but not limited to, the Novice Teen Driver Education and Training Administrative Standards developed and written by the Association of National Stakeholders in Traffic Safety Education in affiliation with the National Highway Transportation Safety Administration. Provides that the national learning standards may be adapted to meet Illinois licensing and educational requirements, including classroom and behind-the-wheel hours, and the cognitive, physiological, and psychological aspects of the safe operation of a motor vehicle and equipment of motor vehicles.

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P.A. 102-0798

Reference: 105 ILCS 5/10-5; 105 ILCS 5/10-16; effective May 13, 2022

Amends the School Boards Article of the School Code. Provides that within 40 days (instead of 28) after the regular election of directors, the directors shall meet and organize by appointing one of their number president and another as clerk. Provides that within 40 days (instead of 28) after the consolidated election, the board shall organize by electing its officers and fixing a time and place for the regular meetings.

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P.A. 102-866

Reference: 105 ILCS 5/24-6; 105 ILCS 5/34-18.78 new; effective May 13, 2022

Amends the School Code. Provides that sick leave shall be interpreted to also include mental or behavioral health complications. Also adds that a school board may require a certificate from a mental health professional licensed in Illinois who is providing ongoing care or treatment to the teacher or employee. Amends the Chicago School District Article of the School Code. Provides that, in addition to any interpretation or definition included in a collective bargaining agreement or board of education or district policy, sick leave or its equivalent to which a teacher or other eligible employee is entitled shall be interpreted to include mental or behavioral health complications. Provides that, unless contrary to a collective bargaining agreement or board of education or district policy, the board may require a certificate from a mental health professional licensed in Illinois who is providing ongoing care or treatment to the teacher or employee as a basis for pay during leave after an absence of three days for mental or behavioral health complications. Effective immediately.

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