

# HB3668



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

**HB3668**

Introduced 2/17/2023, by Rep. Joyce Mason

### SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.71

from Ch. 122, par. 2-3.71

Amends the School Code. Makes a technical change in a Section concerning grants for preschool educational programs.

LRB103 30503 RJT 56936 b

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section  
5 2-3.71 as follows:

6 (105 ILCS 5/2-3.71) (from Ch. 122, par. 2-3.71)  
7 Sec. 2-3.71. Grants for preschool educational programs.

8 (a) Preschool program.

9 (1) The ~~The~~ State Board of Education shall implement  
10 and administer a grant program under the provisions of  
11 this subsection which shall consist of grants to public  
12 school districts and other eligible entities, as defined  
13 by the State Board of Education, to conduct voluntary  
14 preschool educational programs for children ages 3 to 5  
15 which include a parent education component. A public  
16 school district which receives grants under this  
17 subsection may subcontract with other entities that are  
18 eligible to conduct a preschool educational program. These  
19 grants must be used to supplement, not supplant, funds  
20 received from any other source.

21 (2) (Blank).

22 (3) Except as otherwise provided under this subsection  
23 (a), any teacher of preschool children in the program

1 authorized by this subsection shall hold a Professional  
2 Educator License with an early childhood education  
3 endorsement.

4 (3.5) Beginning with the 2018-2019 school year and  
5 until the 2023-2024 school year, an individual may teach  
6 preschool children in an early childhood program under  
7 this Section if he or she holds a Professional Educator  
8 License with an early childhood education endorsement or  
9 with short-term approval for early childhood education or  
10 he or she pursues a Professional Educator License and  
11 holds any of the following:

12 (A) An ECE Credential Level of 5 awarded by the  
13 Department of Human Services under the Gateways to  
14 Opportunity Program developed under Section 10-70 of  
15 the Department of Human Services Act.

16 (B) An Educator License with Stipulations with a  
17 transitional bilingual educator endorsement and he or  
18 she has (i) passed an early childhood education  
19 content test or (ii) completed no less than 9 semester  
20 hours of postsecondary coursework in the area of early  
21 childhood education.

22 (4) (Blank).

23 (4.5) The State Board of Education shall provide the  
24 primary source of funding through appropriations for the  
25 program. Such funds shall be distributed to achieve a goal  
26 of "Preschool for All Children" for the benefit of all

1 children whose families choose to participate in the  
2 program. Based on available appropriations, newly funded  
3 programs shall be selected through a process giving first  
4 priority to qualified programs serving primarily at-risk  
5 children and second priority to qualified programs serving  
6 primarily children with a family income of less than 4  
7 times the poverty guidelines updated periodically in the  
8 Federal Register by the U.S. Department of Health and  
9 Human Services under the authority of 42 U.S.C. 9902(2).  
10 For purposes of this paragraph (4.5), at-risk children are  
11 those who because of their home and community environment  
12 are subject to such language, cultural, economic and like  
13 disadvantages to cause them to have been determined as a  
14 result of screening procedures to be at risk of academic  
15 failure. Such screening procedures shall be based on  
16 criteria established by the State Board of Education.

17 Except as otherwise provided in this paragraph (4.5),  
18 grantees under the program must enter into a memorandum of  
19 understanding with the appropriate local Head Start  
20 agency. This memorandum must be entered into no later than  
21 3 months after the award of a grantee's grant under the  
22 program, except that, in the case of the 2009-2010 program  
23 year, the memorandum must be entered into no later than  
24 the deadline set by the State Board of Education for  
25 applications to participate in the program in fiscal year  
26 2011, and must address collaboration between the grantee's

1 program and the local Head Start agency on certain issues,  
2 which shall include without limitation the following:

3 (A) educational activities, curricular objectives,  
4 and instruction;

5 (B) public information dissemination and access to  
6 programs for families contacting programs;

7 (C) service areas;

8 (D) selection priorities for eligible children to  
9 be served by programs;

10 (E) maximizing the impact of federal and State  
11 funding to benefit young children;

12 (F) staff training, including opportunities for  
13 joint staff training;

14 (G) technical assistance;

15 (H) communication and parent outreach for smooth  
16 transitions to kindergarten;

17 (I) provision and use of facilities,  
18 transportation, and other program elements;

19 (J) facilitating each program's fulfillment of its  
20 statutory and regulatory requirements;

21 (K) improving local planning and collaboration;  
22 and

23 (L) providing comprehensive services for the  
24 neediest Illinois children and families.

25 If the appropriate local Head Start agency is unable or  
26 unwilling to enter into a memorandum of understanding as

1 required under this paragraph (4.5), the memorandum of  
2 understanding requirement shall not apply and the grantee  
3 under the program must notify the State Board of Education  
4 in writing of the Head Start agency's inability or  
5 unwillingness. The State Board of Education shall compile  
6 all such written notices and make them available to the  
7 public.

8 (5) The State Board of Education shall develop and  
9 provide evaluation tools, including tests, that school  
10 districts and other eligible entities may use to evaluate  
11 children for school readiness prior to age 5. The State  
12 Board of Education shall require school districts and  
13 other eligible entities to obtain consent from the parents  
14 or guardians of children before any evaluations are  
15 conducted. The State Board of Education shall encourage  
16 local school districts and other eligible entities to  
17 evaluate the population of preschool children in their  
18 communities and provide preschool programs, pursuant to  
19 this subsection, where appropriate.

20 (6) The State Board of Education shall report to the  
21 General Assembly by November 1, 2018 and every 2 years  
22 thereafter on the results and progress of students who  
23 were enrolled in preschool educational programs, including  
24 an assessment of which programs have been most successful  
25 in promoting academic excellence and alleviating academic  
26 failure. The State Board of Education shall assess the

1 academic progress of all students who have been enrolled  
2 in preschool educational programs.

3 On or before November 1 of each fiscal year in which  
4 the General Assembly provides funding for new programs  
5 under paragraph (4.5) of this Section, the State Board of  
6 Education shall report to the General Assembly on what  
7 percentage of new funding was provided to programs serving  
8 primarily at-risk children, what percentage of new funding  
9 was provided to programs serving primarily children with a  
10 family income of less than 4 times the federal poverty  
11 level, and what percentage of new funding was provided to  
12 other programs.

13 (7) Due to evidence that expulsion practices in the  
14 preschool years are linked to poor child outcomes and are  
15 employed inconsistently across racial and gender groups,  
16 early childhood programs receiving State funds under this  
17 subsection (a) shall prohibit expulsions. Planned  
18 transitions to settings that are able to better meet a  
19 child's needs are not considered expulsion under this  
20 paragraph (7).

21 (A) When persistent and serious challenging  
22 behaviors emerge, the early childhood program shall  
23 document steps taken to ensure that the child can  
24 participate safely in the program; including  
25 observations of initial and ongoing challenging  
26 behaviors, strategies for remediation and intervention

1 plans to address the behaviors, and communication with  
2 the parent or legal guardian, including participation  
3 of the parent or legal guardian in planning and  
4 decision-making.

5 (B) The early childhood program shall, with  
6 parental or legal guardian consent as required,  
7 utilize a range of community resources, if available  
8 and deemed necessary, including, but not limited to,  
9 developmental screenings, referrals to programs and  
10 services administered by a local educational agency or  
11 early intervention agency under Parts B and C of the  
12 federal Individual with Disabilities Education Act,  
13 and consultation with infant and early childhood  
14 mental health consultants and the child's health care  
15 provider. The program shall document attempts to  
16 engage these resources, including parent or legal  
17 guardian participation and consent attempted and  
18 obtained. Communication with the parent or legal  
19 guardian shall take place in a culturally and  
20 linguistically competent manner.

21 (C) If there is documented evidence that all  
22 available interventions and supports recommended by a  
23 qualified professional have been exhausted and the  
24 program determines in its professional judgment that  
25 transitioning a child to another program is necessary  
26 for the well-being of the child or his or her peers and



1 staff, with parent or legal guardian permission, both  
2 the current and pending programs shall create a  
3 transition plan designed to ensure continuity of  
4 services and the comprehensive development of the  
5 child. Communication with families shall occur in a  
6 culturally and linguistically competent manner.

7 (D) Nothing in this paragraph (7) shall preclude a  
8 parent's or legal guardian's right to voluntarily  
9 withdraw his or her child from an early childhood  
10 program. Early childhood programs shall request and  
11 keep on file, when received, a written statement from  
12 the parent or legal guardian stating the reason for  
13 his or her decision to withdraw his or her child.

14 (E) In the case of the determination of a serious  
15 safety threat to a child or others or in the case of  
16 behaviors listed in subsection (d) of Section 10-22.6  
17 of this Code, the temporary removal of a child from  
18 attendance in group settings may be used. Temporary  
19 removal of a child from attendance in a group setting  
20 shall trigger the process detailed in subparagraphs  
21 (A), (B), and (C) of this paragraph (7), with the child  
22 placed back in a group setting as quickly as possible.

23 (F) Early childhood programs may utilize and the  
24 State Board of Education, the Department of Human  
25 Services, and the Department of Children and Family  
26 Services shall recommend training, technical support,

1 and professional development resources to improve the  
2 ability of teachers, administrators, program  
3 directors, and other staff to promote social-emotional  
4 development and behavioral health, to address  
5 challenging behaviors, and to understand trauma and  
6 trauma-informed care, cultural competence, family  
7 engagement with diverse populations, the impact of  
8 implicit bias on adult behavior, and the use of  
9 reflective practice techniques. Support shall include  
10 the availability of resources to contract with infant  
11 and early childhood mental health consultants.

12 (G) Beginning on July 1, 2018, early childhood  
13 programs shall annually report to the State Board of  
14 Education, and, beginning in fiscal year 2020, the  
15 State Board of Education shall make available on a  
16 biennial basis, in an existing report, all of the  
17 following data for children from birth to age 5 who are  
18 served by the program:

19 (i) Total number served over the course of the  
20 program year and the total number of children who  
21 left the program during the program year.

22 (ii) Number of planned transitions to another  
23 program due to children's behavior, by children's  
24 race, gender, disability, language, class/group  
25 size, teacher-child ratio, and length of program  
26 day.

1 (iii) Number of temporary removals of a child  
2 from attendance in group settings due to a serious  
3 safety threat under subparagraph (E) of this  
4 paragraph (7), by children's race, gender,  
5 disability, language, class/group size,  
6 teacher-child ratio, and length of program day.

7 (iv) Hours of infant and early childhood  
8 mental health consultant contact with program  
9 leaders, staff, and families over the program  
10 year.

11 (H) Changes to services for children with an  
12 individualized education program or individual family  
13 service plan shall be construed in a manner consistent  
14 with the federal Individuals with Disabilities  
15 Education Act.

16 The State Board of Education, in consultation with the  
17 Governor's Office of Early Childhood Development and the  
18 Department of Children and Family Services, shall adopt  
19 rules to administer this paragraph (7).

20 (b) (Blank).

21 (c) Notwithstanding any other provisions of this Section,  
22 grantees may serve children ages 0 to 12 of essential workers  
23 if the Governor has declared a disaster due to a public health  
24 emergency pursuant to Section 7 of the Illinois Emergency  
25 Management Agency Act. For the purposes of this subsection,  
26 essential workers include those outlined in Executive Order

1 20-8 and school employees. The State Board of Education shall  
2 adopt rules to administer this subsection.

3 (Source: P.A. 100-105, eff. 1-1-18; 100-645, eff. 7-27-18;  
4 101-643, eff. 6-18-20.)