



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4140

by Rep. Michael T. Marron

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.71

from Ch. 122, par. 2-3.71

Amends the State Board of Education Article of the School Code. In provisions concerning grants for preschool educational programs, provides that school districts and other eligible entities shall (instead of may) use the State Board of Education's evaluation tools for school readiness for children prior to age 5. Provides that following an evaluation, if a school district or other eligible entity determines that a child does not meet school readiness requirements but is 5 or will turn 5 on or before September 1 of a school year and would otherwise be eligible to attend kindergarten, the child may continue to attend a preschool educational program for no more than one additional school year following the child meeting the kindergarten age requirement. Provides that upon completion of that school year, the child is no longer eligible to attend a preschool educational program. Requires the State Board of Education to establish guidelines and procedures for determining whether or not a child meets school readiness requirements. Effective July 1, 2024.

LRB103 33393 RJT 63205 b

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 State Board of Education shall implement and  
10 administer a grant program under the provisions of this  
11 subsection which shall consist of grants to public school  
12 districts and other eligible entities, as defined by the  
13 State Board of Education, to conduct voluntary preschool  
14 educational programs for children ages 3 to 5 which  
15 include a parent education component. A public school  
16 district which receives grants under this subsection may  
17 subcontract with other entities that are eligible to  
18 conduct a preschool educational program. These grants must  
19 be used to supplement, not supplant, funds received from  
20 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 2028-2029 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 shall ~~may~~ use to  
11 evaluate children for school readiness prior to age 5. The  
12 State Board of Education shall require school districts  
13 and other eligible entities to obtain consent from the  
14 parents or guardians of children before any evaluations  
15 are conducted. Following an evaluation completed under  
16 this paragraph (5), if a school district or other eligible  
17 entity determines that a child does not meet school  
18 readiness requirements but is 5 or will turn 5 on or before  
19 September 1 of a school year and would otherwise be  
20 eligible to attend kindergarten, the child may continue to  
21 attend a preschool educational program for no more than  
22 one additional school year following the child meeting the  
23 kindergarten age requirement. Upon completion of that  
24 school year, the child is no longer eligible to attend a  
25 preschool educational program. The State Board of  
26 Education shall encourage local school districts and other

1 eligible entities to evaluate the population of preschool  
2 children in their communities and provide preschool  
3 programs, pursuant to this subsection, where appropriate.  
4 The State Board of Education shall establish guidelines  
5 and procedures for determining whether or not a child  
6 meets school readiness requirements under this paragraph  
7 (5).

8 (6) The State Board of Education shall report to the  
9 General Assembly by November 1, 2018 and every 2 years  
10 thereafter on the results and progress of students who  
11 were enrolled in preschool educational programs, including  
12 an assessment of which programs have been most successful  
13 in promoting academic excellence and alleviating academic  
14 failure. The State Board of Education shall assess the  
15 academic progress of all students who have been enrolled  
16 in preschool educational programs.

17 On or before November 1 of each fiscal year in which  
18 the General Assembly provides funding for new programs  
19 under paragraph (4.5) of this Section, the State Board of  
20 Education shall report to the General Assembly on what  
21 percentage of new funding was provided to programs serving  
22 primarily at-risk children, what percentage of new funding  
23 was provided to programs serving primarily children with a  
24 family income of less than 4 times the federal poverty  
25 level, and what percentage of new funding was provided to  
26 other programs.

1           (7) Due to evidence that expulsion practices in the  
2 preschool years are linked to poor child outcomes and are  
3 employed inconsistently across racial and gender groups,  
4 early childhood programs receiving State funds under this  
5 subsection (a) shall prohibit expulsions. Planned  
6 transitions to settings that are able to better meet a  
7 child's needs are not considered expulsion under this  
8 paragraph (7).

9           (A) When persistent and serious challenging  
10 behaviors emerge, the early childhood program shall  
11 document steps taken to ensure that the child can  
12 participate safely in the program; including  
13 observations of initial and ongoing challenging  
14 behaviors, strategies for remediation and intervention  
15 plans to address the behaviors, and communication with  
16 the parent or legal guardian, including participation  
17 of the parent or legal guardian in planning and  
18 decision-making.

19           (B) The early childhood program shall, with  
20 parental or legal guardian consent as required,  
21 utilize a range of community resources, if available  
22 and deemed necessary, including, but not limited to,  
23 developmental screenings, referrals to programs and  
24 services administered by a local educational agency or  
25 early intervention agency under Parts B and C of the  
26 federal Individual with Disabilities Education Act,



1 and consultation with infant and early childhood  
2 mental health consultants and the child's health care  
3 provider. The program shall document attempts to  
4 engage these resources, including parent or legal  
5 guardian participation and consent attempted and  
6 obtained. Communication with the parent or legal  
7 guardian shall take place in a culturally and  
8 linguistically competent manner.

9 (C) If there is documented evidence that all  
10 available interventions and supports recommended by a  
11 qualified professional have been exhausted and the  
12 program determines in its professional judgment that  
13 transitioning a child to another program is necessary  
14 for the well-being of the child or his or her peers and  
15 staff, with parent or legal guardian permission, both  
16 the current and pending programs shall create a  
17 transition plan designed to ensure continuity of  
18 services and the comprehensive development of the  
19 child. Communication with families shall occur in a  
20 culturally and linguistically competent manner.

21 (D) Nothing in this paragraph (7) shall preclude a  
22 parent's or legal guardian's right to voluntarily  
23 withdraw his or her child from an early childhood  
24 program. Early childhood programs shall request and  
25 keep on file, when received, a written statement from  
26 the parent or legal guardian stating the reason for

1 his or her decision to withdraw his or her child.

2 (E) In the case of the determination of a serious  
3 safety threat to a child or others or in the case of  
4 behaviors listed in subsection (d) of Section 10-22.6  
5 of this Code, the temporary removal of a child from  
6 attendance in group settings may be used. Temporary  
7 removal of a child from attendance in a group setting  
8 shall trigger the process detailed in subparagraphs  
9 (A), (B), and (C) of this paragraph (7), with the child  
10 placed back in a group setting as quickly as possible.

11 (F) Early childhood programs may utilize and the  
12 State Board of Education, the Department of Human  
13 Services, and the Department of Children and Family  
14 Services shall recommend training, technical support,  
15 and professional development resources to improve the  
16 ability of teachers, administrators, program  
17 directors, and other staff to promote social-emotional  
18 development and behavioral health, to address  
19 challenging behaviors, and to understand trauma and  
20 trauma-informed care, cultural competence, family  
21 engagement with diverse populations, the impact of  
22 implicit bias on adult behavior, and the use of  
23 reflective practice techniques. Support shall include  
24 the availability of resources to contract with infant  
25 and early childhood mental health consultants.

26 (G) Beginning on July 1, 2018, early childhood

1 programs shall annually report to the State Board of  
2 Education, and, beginning in fiscal year 2020, the  
3 State Board of Education shall make available on a  
4 biennial basis, in an existing report, all of the  
5 following data for children from birth to age 5 who are  
6 served by the program:

7 (i) Total number served over the course of the  
8 program year and the total number of children who  
9 left the program during the program year.

10 (ii) Number of planned transitions to another  
11 program due to children's behavior, by children's  
12 race, gender, disability, language, class/group  
13 size, teacher-child ratio, and length of program  
14 day.

15 (iii) Number of temporary removals of a child  
16 from attendance in group settings due to a serious  
17 safety threat under subparagraph (E) of this  
18 paragraph (7), by children's race, gender,  
19 disability, language, class/group size,  
20 teacher-child ratio, and length of program day.

21 (iv) Hours of infant and early childhood  
22 mental health consultant contact with program  
23 leaders, staff, and families over the program  
24 year.

25 (H) Changes to services for children with an  
26 individualized education program or individual family

1 service plan shall be construed in a manner consistent  
2 with the federal Individuals with Disabilities  
3 Education Act.

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

8 (b) (Blank).

9 (c) Notwithstanding any other provisions of this Section,  
10 grantees may serve children ages 0 to 12 of essential workers  
11 if the Governor has declared a disaster due to a public health  
12 emergency pursuant to Section 7 of the Illinois Emergency  
13 Management Agency Act. For the purposes of this subsection,  
14 essential workers include those outlined in Executive Order  
15 20-8 and school employees. The State Board of Education shall  
16 adopt rules to administer this subsection.

17 (Source: P.A. 103-111, eff. 6-29-23.)

18 Section 99. Effective date. This Act takes effect July 1,  
19 2024.