

SB1389



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1389

Introduced 2/6/2023, by Sen. Cristina H. Pacione-Zayas

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 29992 RJT 56412 b

A BILL FOR

1 AN ACT concerning early childhood 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.)