



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1401

Introduced 2/6/2023, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-17a	from Ch. 122, par. 10-17a
105 ILCS 5/10-20.65	
105 ILCS 5/10-22.23	from Ch. 122, par. 10-22.23
105 ILCS 5/10-22.24a	from Ch. 122, par. 10-22.24a
105 ILCS 5/14-1.09	from Ch. 122, par. 14-1.09
105 ILCS 5/14-6.03	

Amends the School Code. Adds certain data that must be included in school report cards prepared by the State Superintendent of Education. In provisions concerning school social workers, school nurses, school counselors, school psychologists, and speech-language pathologists, sets limits on caseloads. Makes related changes. Effective immediately.

LRB103 25978 RJT 52332 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Sections
5 10-17a, 10-20.65, 10-22.23, 10-22.24a, 14-1.09, and 14-6.03 as
6 follows:

7 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

8 Sec. 10-17a. State, school district, and school report
9 cards.

10 (1) By October 31, 2013 and October 31 of each subsequent
11 school year, the State Board of Education, through the State
12 Superintendent of Education, shall prepare a State report
13 card, school district report cards, and school report cards,
14 and shall by the most economical means provide to each school
15 district in this State, including special charter districts
16 and districts subject to the provisions of Article 34, the
17 report cards for the school district and each of its schools.
18 Because of the impacts of the COVID-19 public health emergency
19 during school year 2020-2021, the State Board of Education
20 shall have until December 31, 2021 to prepare and provide the
21 report cards that would otherwise be due by October 31, 2021.
22 During a school year in which the Governor has declared a
23 disaster due to a public health emergency pursuant to Section

1 7 of the Illinois Emergency Management Agency Act, the report
2 cards for the school districts and each of its schools shall be
3 prepared by December 31.

4 (2) In addition to any information required by federal
5 law, the State Superintendent shall determine the indicators
6 and presentation of the school report card, which must
7 include, at a minimum, the most current data collected and
8 maintained by the State Board of Education related to the
9 following:

10 (A) school characteristics and student demographics,
11 including average class size, average teaching experience,
12 student racial/ethnic breakdown, and the percentage of
13 students classified as low-income; the percentage of
14 students classified as English learners, the number of
15 students who graduate from a bilingual or English learner
16 program, and the number of students who graduate from,
17 transfer from, or otherwise leave bilingual programs; the
18 percentage of students who have individualized education
19 plans or 504 plans that provide for special education
20 services; the average number of students who have
21 individualized education plans or 504 plans that provide
22 for special education services per licensed special
23 educator; the number and percentage of all students who
24 have been assessed for placement in a gifted education or
25 advanced academic program and, of those students: (i) the
26 racial and ethnic breakdown, (ii) the percentage who are

1 classified as low-income, and (iii) the number and
2 percentage of students who received direct instruction
3 from a teacher who holds a gifted education endorsement
4 and, of those students, the percentage who are classified
5 as low-income; the percentage of students scoring at the
6 "exceeds expectations" level on the assessments required
7 under Section 2-3.64a-5 of this Code; the percentage of
8 students who annually transferred in or out of the school
9 district; average daily attendance; the per-pupil
10 operating expenditure of the school district; and the
11 per-pupil State average operating expenditure for the
12 district type (elementary, high school, or unit);

13 (B) curriculum information, including, where
14 applicable, Advanced Placement, International
15 Baccalaureate or equivalent courses, dual enrollment
16 courses, foreign language classes, computer science
17 courses, school personnel resources (including Career
18 Technical Education teachers), before and after school
19 programs, extracurricular activities, subjects in which
20 elective classes are offered, health and wellness
21 initiatives (including the average number of days of
22 Physical Education per week per student), approved
23 programs of study, awards received, community
24 partnerships, and special programs such as programming for
25 the gifted and talented, students with disabilities, and
26 work-study students;

1 (C) student outcomes, including, where applicable, the
2 percentage of students deemed proficient on assessments of
3 State standards, the percentage of students in the eighth
4 grade who pass Algebra, the percentage of students who
5 participated in workplace learning experiences, the
6 percentage of students enrolled in post-secondary
7 institutions (including colleges, universities, community
8 colleges, trade/vocational schools, and training programs
9 leading to career certification within 2 semesters of high
10 school graduation), the percentage of students graduating
11 from high school who are college and career ready, and the
12 percentage of graduates enrolled in community colleges,
13 colleges, and universities who are in one or more courses
14 that the community college, college, or university
15 identifies as a developmental course;

16 (D) student progress, including, where applicable, the
17 percentage of students in the ninth grade who have earned
18 5 credits or more without failing more than one core
19 class, a measure of students entering kindergarten ready
20 to learn, a measure of growth, and the percentage of
21 students who enter high school on track for college and
22 career readiness;

23 (E) the school environment, including, where
24 applicable, high school dropout rate by grade level, the
25 percentage of students with less than 10 absences in a
26 school year, the percentage of teachers with less than 10

1 absences in a school year for reasons other than
2 professional development, leaves taken pursuant to the
3 federal Family Medical Leave Act of 1993, long-term
4 disability, or parental leaves, the 3-year average of the
5 percentage of teachers returning to the school from the
6 previous year, the number of different principals at the
7 school in the last 6 years, the number of teachers who hold
8 a gifted education endorsement, the process and criteria
9 used by the district to determine whether a student is
10 eligible for participation in a gifted education program
11 or advanced academic program and the manner in which
12 parents and guardians are made aware of the process and
13 criteria, the number of teachers who are National Board
14 Certified Teachers, disaggregated by race and ethnicity,
15 the average number of students per licensed school social
16 worker, school nurse, school counselor, and school
17 psychologist, 2 or more indicators from any school climate
18 survey selected or approved by the State and administered
19 pursuant to Section 2-3.153 of this Code, with the same or
20 similar indicators included on school report cards for all
21 surveys selected or approved by the State pursuant to
22 Section 2-3.153 of this Code, the combined percentage of
23 teachers rated as proficient or excellent in their most
24 recent evaluation, and, beginning with the 2022-2023
25 school year, data on the number of incidents of violence
26 that occurred on school grounds or during school-related

1 activities and that resulted in an out-of-school
2 suspension, expulsion, or removal to an alternative
3 setting, as reported pursuant to Section 2-3.162;

4 (F) a school district's and its individual schools'
5 balanced accountability measure, in accordance with
6 Section 2-3.25a of this Code;

7 (G) the total and per pupil normal cost amount the
8 State contributed to the Teachers' Retirement System of
9 the State of Illinois in the prior fiscal year for the
10 school's employees, which shall be reported to the State
11 Board of Education by the Teachers' Retirement System of
12 the State of Illinois;

13 (H) for a school district organized under Article 34
14 of this Code only, State contributions to the Public
15 School Teachers' Pension and Retirement Fund of Chicago
16 and State contributions for health care for employees of
17 that school district;

18 (I) a school district's Final Percent of Adequacy, as
19 defined in paragraph (4) of subsection (f) of Section
20 18-8.15 of this Code;

21 (J) a school district's Local Capacity Target, as
22 defined in paragraph (2) of subsection (c) of Section
23 18-8.15 of this Code, displayed as a percentage amount;

24 (K) a school district's Real Receipts, as defined in
25 paragraph (1) of subsection (d) of Section 18-8.15 of this
26 Code, divided by a school district's Adequacy Target, as

1 defined in paragraph (1) of subsection (b) of Section
2 18-8.15 of this Code, displayed as a percentage amount;

3 (L) a school district's administrative costs;

4 (M) whether or not the school has participated in the
5 Illinois Youth Survey. In this paragraph (M), "Illinois
6 Youth Survey" means a self-report survey, administered in
7 school settings every 2 years, designed to gather
8 information about health and social indicators, including
9 substance abuse patterns and the attitudes of students in
10 grades 8, 10, and 12; and

11 (N) whether the school offered its students career and
12 technical education opportunities.

13 The school report card shall also provide information that
14 allows for comparing the current outcome, progress, and
15 environment data to the State average, to the school data from
16 the past 5 years, and to the outcomes, progress, and
17 environment of similar schools based on the type of school and
18 enrollment of low-income students, special education students,
19 and English learners.

20 As used in this subsection (2):

21 "Administrative costs" means costs associated with
22 executive, administrative, or managerial functions within the
23 school district that involve planning, organizing, managing,
24 or directing the school district.

25 "Advanced academic program" means a course of study to
26 which students are assigned based on advanced cognitive

1 ability or advanced academic achievement compared to local age
2 peers and in which the curriculum is substantially
3 differentiated from the general curriculum to provide
4 appropriate challenge and pace.

5 "Computer science" means the study of computers and
6 algorithms, including their principles, their hardware and
7 software designs, their implementation, and their impact on
8 society. "Computer science" does not include the study of
9 everyday uses of computers and computer applications, such as
10 keyboarding or accessing the Internet.

11 "Gifted education" means educational services, including
12 differentiated curricula and instructional methods, designed
13 to meet the needs of gifted children as defined in Article 14A
14 of this Code.

15 For the purposes of paragraph (A) of this subsection (2),
16 "average daily attendance" means the average of the actual
17 number of attendance days during the previous school year for
18 any enrolled student who is subject to compulsory attendance
19 by Section 26-1 of this Code at each school and charter school.

20 (3) At the discretion of the State Superintendent, the
21 school district report card shall include a subset of the
22 information identified in paragraphs (A) through (E) of
23 subsection (2) of this Section, as well as information
24 relating to the operating expense per pupil and other finances
25 of the school district, and the State report card shall
26 include a subset of the information identified in paragraphs

1 (A) through (E) and paragraph (N) of subsection (2) of this
2 Section. The school district report card shall include the
3 average daily attendance, as that term is defined in
4 subsection (2) of this Section, of students who have
5 individualized education programs and students who have 504
6 plans that provide for special education services within the
7 school district.

8 (4) Notwithstanding anything to the contrary in this
9 Section, in consultation with key education stakeholders, the
10 State Superintendent shall at any time have the discretion to
11 amend or update any and all metrics on the school, district, or
12 State report card.

13 (5) Annually, no more than 30 calendar days after receipt
14 of the school district and school report cards from the State
15 Superintendent of Education, each school district, including
16 special charter districts and districts subject to the
17 provisions of Article 34, shall present such report cards at a
18 regular school board meeting subject to applicable notice
19 requirements, post the report cards on the school district's
20 Internet web site, if the district maintains an Internet web
21 site, make the report cards available to a newspaper of
22 general circulation serving the district, and, upon request,
23 send the report cards home to a parent (unless the district
24 does not maintain an Internet web site, in which case the
25 report card shall be sent home to parents without request). If
26 the district posts the report card on its Internet web site,

1 the district shall send a written notice home to parents
2 stating (i) that the report card is available on the web site,
3 (ii) the address of the web site, (iii) that a printed copy of
4 the report card will be sent to parents upon request, and (iv)
5 the telephone number that parents may call to request a
6 printed copy of the report card.

7 (6) Nothing contained in Public Act 98-648 repeals,
8 supersedes, invalidates, or nullifies final decisions in
9 lawsuits pending on July 1, 2014 (the effective date of Public
10 Act 98-648) in Illinois courts involving the interpretation of
11 Public Act 97-8.

12 (Source: P.A. 101-68, eff. 1-1-20; 101-81, eff. 7-12-19;
13 101-654, eff. 3-8-21; 102-16, eff. 6-17-21; 102-294, eff.
14 1-1-22; 102-539, eff. 8-20-21; 102-558, eff. 8-20-21; 102-594,
15 eff. 7-1-22; 102-813, eff. 5-13-22.)

16 (105 ILCS 5/10-20.65)

17 Sec. 10-20.65. School social worker. As used in this
18 Section, "caseload" means the number of students assigned to
19 an individual school social worker.

20 A school board may employ school social workers who have
21 graduated with a master's or higher degree in social work from
22 an accredited graduate school of social work and have such
23 additional qualifications as may be required by the State
24 Board of Education and who hold a Professional Educator
25 License with a school support personnel endorsement for school

1 social work pursuant to Section 21B-25 of this Code. Only
2 persons so licensed and endorsed may use the title "school
3 social worker". A school social worker may provide individual
4 and group services to the general student population and to
5 students with disabilities pursuant to Article 14 of this Code
6 and rules set forth in 23 Ill. Adm. Code 226, Special
7 Education, adopted by the State Board of Education and may
8 provide support and consultation to administrators, teachers,
9 and other school personnel consistent with their professional
10 qualifications and the provisions of this Code and other
11 applicable laws. Individual caseloads of school social workers
12 may not exceed 250 students. Nothing in this Section prohibits
13 an employer and an exclusive bargaining representative from
14 negotiating a lower caseload or a process for lowering the
15 caseload for school social workers. ~~School districts may~~
16 ~~employ a sufficient number of school social workers to address~~
17 ~~the needs of their students and schools and may maintain the~~
18 ~~nationally recommended student to school social worker ratio~~
19 ~~of 250 to 1.~~ A school social worker may not provide such
20 services outside of the school social worker's ~~his or her~~
21 employment to any student in the district or districts that
22 employ the school social worker.

23 (Source: P.A. 100-356, eff. 8-25-17; 100-863, eff. 8-14-18.)

24 (105 ILCS 5/10-22.23) (from Ch. 122, par. 10-22.23)

25 Sec. 10-22.23. School Nurse. As used in this Section,

1 "caseload" means the number of students assigned to an
2 individual school nurse.

3 To employ a registered professional nurse and define the
4 duties of the school nurse within the guidelines of rules and
5 regulations promulgated by the State Board of Education. Any
6 school nurse first employed on or after July 1, 1976, whose
7 duties require teaching or the exercise of instructional
8 judgment or educational evaluation of pupils, must be licensed
9 under Section 21B-25 of this Code. School districts may employ
10 nonlicensed registered professional nurses to perform
11 professional nursing services. Individual caseloads of school
12 nurses may not exceed 750 students. Nothing in this Section
13 prohibits an employer and an exclusive bargaining
14 representative from negotiating a lower caseload or a process
15 for lowering the caseload for school nurses.

16 (Source: P.A. 102-894, eff. 5-20-22.)

17 (105 ILCS 5/10-22.24a) (from Ch. 122, par. 10-22.24a)

18 Sec. 10-22.24a. School counselor. As used in this Section,
19 "caseload" means the number of students assigned to an
20 individual school counselor.

21 To employ school counselors. A school counselor is a
22 qualified specialist who holds a Professional Educator License
23 with a school support personnel endorsement in the area of
24 school counseling issued pursuant to Section 21B-25 of this
25 Code and who either (i) holds or is qualified for an

1 elementary, secondary, special K-12, or special preschool-age
2 22 endorsement on a Professional Educator License issued
3 pursuant to Section 21B-20 or 21B-25 of this Code or (ii) in
4 lieu of holding or qualifying for a teaching endorsement on a
5 Professional Educator License, has fulfilled such other
6 requirements as the State Board of Education may by rule
7 establish. An individual who has completed an approved program
8 in another state may apply for a Professional Educator License
9 endorsed in school counseling and shall receive such a license
10 if a review of the individual's ~~his or her~~ credentials
11 indicates that the individual ~~he or she~~ meets the additional
12 requirements of this Section. Only persons so licensed and
13 endorsed may use the title "school counselor". Individual
14 caseloads of school counselors may not exceed 250 students.
15 Nothing in this Section prohibits an employer and an exclusive
16 bargaining representative from negotiating a lower caseload or
17 a process for lowering the caseload for school counselors.

18 (Source: P.A. 102-894, eff. 5-20-22.)

19 (105 ILCS 5/14-1.09) (from Ch. 122, par. 14-1.09)

20 Sec. 14-1.09. School psychologist. In this Section:

21 "Caseload" means the number of students assigned to an
22 individual school psychologist.

23 "School psychologist" means a psychologist who meets the
24 following qualifications:

25 (1) The psychologist:

1 (A) has graduated with a master's or higher degree
2 in psychology or educational psychology from an
3 institution of higher learning that maintains
4 equipment, courses of study, and standards of
5 scholarship approved by the State Board of Education,
6 has had at least one school year of full-time
7 supervised experience in the delivery of school
8 psychological services of a character approved by the
9 State Superintendent of Education, and has such
10 additional qualifications as may be required by the
11 State Board of Education; or

12 (B) holds a valid Nationally Certified School
13 Psychologist (NCSP) credential.

14 (2) The psychologist holds a Professional Educator
15 License with a school psychologist endorsement issued
16 pursuant to Section 21B-25 of this Code. Persons so
17 licensed may use the title "school psychologist" and may
18 offer school psychological services which are limited to
19 those services set forth in 23 Ill. Adm. Code 226, Special
20 Education, pertaining to children between the ages of 3 to
21 21, promulgated by the State Board of Education.

22 School psychologists may make evaluations, recommendations
23 or interventions regarding the placement of children in
24 educational programs or special education classes. Individual
25 caseloads of school psychologists may not exceed 500 students.
26 Nothing in this Section prohibits an employer and an exclusive

1 bargaining representative from negotiating a lower caseload or
2 a process for lowering the caseload for school psychologists.

3 A ~~However,~~ a school psychologist shall not provide such
4 services outside of the school psychologist's ~~his or her~~
5 employment to any student in the district or districts which
6 employ such school psychologist.

7 (Source: P.A. 100-750, eff. 8-10-18.)

8 (105 ILCS 5/14-6.03)

9 Sec. 14-6.03. Speech-language pathology assistants.

10 (a) Except as otherwise provided in this subsection, on or
11 after January 1, 2002, no person shall perform the duties of a
12 speech-language pathology assistant without first applying for
13 and receiving a license for that purpose from the Department
14 of Professional Regulation. A person employed as a
15 speech-language pathology assistant in any class, service, or
16 program authorized by this Article may perform only those
17 duties authorized by this Section under the supervision of a
18 speech-language pathologist as provided in this Section. This
19 Section does not apply to speech-language pathology
20 paraprofessionals approved by the State Board of Education.

21 (b) As used in this subsection (b), "caseload" means the
22 number of students assigned to an individual.

23 A speech-language pathology assistant may not be assigned
24 his or her own student caseload. The student caseload limit of
25 a speech-language pathologist who supervises any

1 speech-language pathology assistants shall be determined by
2 the severity of the needs of the students served by the
3 speech-language pathologist. Individual caseloads of
4 speech-language pathologists may not exceed 60 students.
5 Nothing in this Section prohibits an employer and an exclusive
6 bargaining representative from negotiating a lower caseload or
7 a process for lowering the caseload for speech-language
8 pathologists. ~~A full time speech language pathologist's~~
9 ~~caseload limit may not exceed 80 students (60 students on or~~
10 ~~after September 1, 2003) at any time.~~ The caseload limit of a
11 part-time speech-language pathologist shall be determined by
12 multiplying the caseload limit of a full-time speech-language
13 pathologist by a percentage that equals the number of hours
14 worked by the part-time speech-language pathologist divided by
15 the number of hours worked by a full-time speech-language
16 pathologist in that school district. Employment of a
17 speech-language pathology assistant may not increase or
18 decrease the caseload of the supervising speech-language
19 pathologist.

20 (c) A school district that intends to utilize the services
21 of a speech-language pathology assistant must provide written
22 notification to the parent or guardian of each student who
23 will be served by a speech-language pathology assistant.

24 (d) The scope of responsibility of a speech-language
25 pathology assistant shall be limited to supplementing the role
26 of the speech-language pathologist in implementing the

1 treatment program established by a speech-language
2 pathologist. The functions and duties of a speech-language
3 pathology assistant shall be limited to the following:

4 (1) Conducting speech-language screening, without
5 interpretation, and using screening protocols selected by
6 the supervising speech-language pathologist.

7 (2) Providing direct treatment assistance to students
8 under the supervision of a speech-language pathologist.

9 (3) Following and implementing documented treatment
10 plans or protocols developed by a supervising
11 speech-language pathologist.

12 (4) Documenting student progress toward meeting
13 established objectives, and reporting the information to a
14 supervising speech-language pathologist.

15 (5) Assisting a speech-language pathologist during
16 assessments, including, but not limited to, assisting with
17 formal documentation, preparing materials, and performing
18 clerical duties for a supervising speech-language
19 pathologist.

20 (6) Acting as an interpreter for non-English speaking
21 students and their family members when competent to do so.

22 (7) Scheduling activities and preparing charts,
23 records, graphs, and data.

24 (8) Performing checks and maintenance of equipment,
25 including, but not limited to, augmentative communication
26 devices.

1 (9) Assisting with speech-language pathology research
2 projects, in-service training, and family or community
3 education.

4 (e) A speech-language pathology assistant may not:

5 (1) perform standardized or nonstandardized diagnostic
6 tests or formal or informal evaluations or interpret test
7 results;

8 (2) screen or diagnose students for feeding or
9 swallowing disorders;

10 (3) participate in parent conferences, case
11 conferences, or any interdisciplinary team without the
12 presence of the supervising speech-language pathologist;

13 (4) provide student or family counseling;

14 (5) write, develop, or modify a student's
15 individualized treatment plan;

16 (6) assist with students without following the
17 individualized treatment plan prepared by the supervising
18 speech-language pathologist;

19 (7) sign any formal documents, such as treatment
20 plans, reimbursement forms, or reports;

21 (8) select students for services;

22 (9) discharge a student from services;

23 (10) disclose clinical or confidential information,
24 either orally or in writing, to anyone other than the
25 supervising speech-language pathologist;

26 (11) make referrals for additional services;

1 (12) counsel or consult with the student, family, or
2 others regarding the student's status or service;

3 (13) represent himself or herself to be a
4 speech-language pathologist or a speech therapist;

5 (14) use a checklist or tabulate results of feeding or
6 swallowing evaluations; or

7 (15) demonstrate swallowing strategies or precautions
8 to students, family, or staff.

9 (f) A speech-language pathology assistant shall practice
10 only under the supervision of a speech-language pathologist
11 who has at least 2 years experience in addition to the
12 supervised professional experience required under subsection
13 (f) of Section 8 of the Illinois Speech-Language Pathology and
14 Audiology Practice Act. A speech-language pathologist who
15 supervises a speech-language pathology assistant must have
16 completed at least 10 clock hours of training in the
17 supervision of speech-language pathology assistants. The State
18 Board of Education shall promulgate rules describing the
19 supervision training requirements. The rules may allow a
20 speech-language pathologist to apply to the State Board of
21 Education for an exemption from this training requirement
22 based upon prior supervisory experience.

23 (g) A speech-language pathology assistant must be under
24 the direct supervision of a speech-language pathologist at
25 least 30% of the speech-language pathology assistant's actual
26 student contact time per student for the first 90 days of

1 initial employment as a speech-language pathology assistant.
2 Thereafter, the speech-language pathology assistant must be
3 under the direct supervision of a speech-language pathologist
4 at least 20% of the speech-language pathology assistant's
5 actual student contact time per student. Supervision of a
6 speech-language pathology assistant beyond the minimum
7 requirements of this subsection may be imposed at the
8 discretion of the supervising speech-language pathologist. A
9 supervising speech-language pathologist must be available to
10 communicate with a speech-language pathology assistant
11 whenever the assistant is in contact with a student.

12 (h) A speech-language pathologist that supervises a
13 speech-language pathology assistant must document direct
14 supervision activities. At a minimum, supervision
15 documentation must provide (i) information regarding the
16 quality of the speech-language pathology assistant's
17 performance of assigned duties and (ii) verification that
18 clinical activity is limited to duties specified in this
19 Section.

20 (i) A full-time speech-language pathologist may supervise
21 no more than 2 speech-language pathology assistants. A
22 speech-language pathologist that does not work full-time may
23 supervise no more than one speech-language pathology
24 assistant.

25 (Source: P.A. 92-510, eff. 6-1-02.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.