

August 24, 2026

**SUMMER 2026 LEGISLATIVE UPDATES:  
KEY TAKE-AWAYS AND TIMELINES**

With the 2026-2027 school year upon us, this ECB&S legal update is designed to provide you with a summary of school-related legislation that has been passed this summer and related implementation considerations. For ease of navigation, please click on the following links to connect to action items by time frame:

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**LEGISLATION/ACTIONS FOR THE 2026-27 SCHOOL YEAR:**

***Student and Special Education-Related***

- **Separate Public Day Schools Must Meet Certain Requirements for Placement of Youth-in-Care.** (Public Act 104-0524)

*Effective June 26, 2026*, §14-7.03 of the *School Code* was amended to provide that, if a child from an orphanage, foster family home, children's home, or State residential unit is placed in a separate public day school, that school must meet the definition of "special educational facilities and services" of §14-1.08a of the *School Code* and the programmatic requirements and rules for separate public day schools, and the educational services will be funded only in accordance with §14-7.03 of the *School Code*.

- **Placement of Students in Grades K-2 in an Out-of-District Alternative Learning Opportunities Program Limited to 90 Days.** (Public Act 104-0546)

*Effective July 1, 2026*, §13B-20.25 of the *School Code* was amended to require that the placement of any student in grades K-2 in an out-of-district alternative learning opportunities program ("ALOP") must be limited to 90 days, and that such removal of students with disabilities must be consistent with the *IDEA* regulation at 34 C.F.R. § 300.530, including conducting a manifestation determination review.

- **Provide Eligible Students with Voter Registration Opportunities.** (Public Act 104-0549)

*Effective July 10, 2026*, Public Act 104-0549 added a new section to the *School Code* (§10-20.88), requiring school districts maintaining any of grades 9-12 to provide all eligible students graduating from high school with the opportunity to register to vote.

- **Adhere to New Parent Notification Requirement Before Administrative Withdrawal of Truant Students.** (Public Act 104-0743)

*Effective July 31, 2026*, §26-12 of the *School Code* was amended to prohibit school districts from administratively withdrawing truant minors for nonattendance unless the student has accrued 15 consecutive days of absences without valid cause and the school district cannot locate the student or the district has located the student but cannot, after exhausting all available supportive services, compel the student to return to school. Additionally, the school district must make at least three documented attempts to notify the parent/guardian of its intent to administratively withdraw a student, prior to doing so.

- **Familiarize Yourself with Suggested Best Practices for Addressing the Needs of Twice-Exceptional Students.** (Public Act 104-0822)

*Effective August 7, 2026*, §22-50 of the *School Code* was amended to include suggested best practices for addressing educational and related needs of students who are gifted and talented and have a disability (“twice-exceptional”). These suggestions include: (1) individualizing services; (2) providing appropriate challenges for the student; (3) focusing on the strengths of the student first; (4) encouraging classroom flexible grouping of students; (5) allowing flexibility to show mastery; (6) grading by learning objective rather than by execution of directions; (7) using a strength-based approach; (8) using oral questions; (9) extending the time for demonstrating knowledge; (10) using remote educational programs if appropriate to meet the academic needs of the student; (11) offering assessment procedures that accommodate language and cultural differences; and (12) using both formal and informal assessments. School boards may (but are not required to) adopt policies to allow for the development of a written education plan to address the advanced abilities or achievement levels of twice-exceptional students through individualized services, goals, accommodations, and objectives for a student, while continuing to provide services and support for the student’s disabilities in all educational settings.

- **For Transition-Aged Students with IEPs, Be Ready to Provide Information about the federal Work Incentives Planning and Assistance Program at Initial Transition Meetings and During a Student’s Final Year of High School.** (Public Act 104-0615)

Effective July 24, 2026, the section of the *School Code* (§14-8.03) on transition services for students with disabilities was amended to require, *by January 1, 2027*, that school districts provide informational materials on the federal Work Incentives Planning and Assistance Program to a student and the student's parent/guardian at the student's initial transition meeting and during the student's final year in high school. The process of obtaining and disseminating the informational materials shall be determined by school districts in collaboration with the Work Incentives Planning and Assistance Program serving the area.

### ***Student Discipline and Safety-Related Actions***

- **Consider the Option of Providing an Extended Motel Stay for Homeless Children/Children At Risk of Becoming Homeless.** (Public Act 104-0595)

*Effective July 24, 2026*, §1-17 of the *Education for Homeless Children Act* was amended to allow school districts to provide an extended motel stay (in addition to rental or mortgage assistance) for children who are homeless or at risk of becoming homeless, in such amount that will allow the child, his or her parent or guardian, or the person who enrolled the child to remain permanently in their current living situation or obtain a new living situation.

- **Review Teachers Representative(s) on Parent-Teacher Advisory Committee, Consider Impact of Student Behavior on Students and School Personnel in Annual Review of Discipline Policies, and Develop Guidelines for Reciprocal Reporting Involving Student Attacks on School Personnel.** (Public Act 104-0648)

*Effective January 1, 2027*, §10-20.14 of the *School Code* is amended to require that teachers be selected for the parent-teacher advisory committee ("PTAC") on student discipline in cooperation with the school district's teachers or, if applicable, the exclusive bargaining representative of the district's teachers. The school board and PTAC's annual review of student discipline policies must include the impact of student behavior, specifically behavior considered gross disobedience or misconduct, on school personnel. The Act further requires the PTAC, in cooperation with local law enforcement agencies, to develop policy guideline procedures to establish and maintain a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal and civil offenses by students, including attacks on school personnel.

### ***Other Health and Safety-Related Actions***

- **Determine Whether to Include Railroad Safety Messaging in Your Student Handbook.** (Public Act 104-0590)

*Effective July 1, 2026*, the *School Code* (5/22-101) was amended to state that school districts must include in their student handbooks for grades K-12 messaging regarding railroad safety. However, a school district may opt out of this requirement if its board determines that inclusion of such messaging is unnecessary based on local context or the messaging's alignment with the curriculum. If the school district includes railroad safety messaging in its student handbook, the messaging must include the following:

- a) Cross tracks only at designated pedestrian or roadway crossings and obey all warning signs and signals.
  - b) Never walk down a train track; it is illegal and dangerous. By the time a locomotive engineer sees a trespasser or vehicle on the tracks, it is too late to stop even when the emergency breaks are activated.
  - c) The only safe place to cross is at a designated public crossing, equipped with crossbucks, flashing red lights, or gates. Crossing anywhere else is trespassing, which can result in a ticket and a fine.
  - d) Do not cross tracks immediately after a train passes. Additional trains may be approaching when blocked by the first. Trains can travel at any time and in either direction. Wait until both directions can be clearly observed.
  - e) Flashing red lights signal that a train or rail equipment is approaching from either direction, and a fine can be charged for ignoring such signals. Never walk around or stop between lowered gates at a crossing. Do not cross the tracks until the red lights stop flashing and it is safe to do so.
  - f) Rails and recreation do not mix.
- **Consider the Option of Including Athletic Trainers and Coaches Among the Trained Personnel Permitted to Administer Undesignated Epinephrine Injectors, Opioid Antagonists, and Undesignated Asthma Medication.** (Public Act 104-0484)

*Effective January 1, 2027*, §22-30 of the *School Code* is amended to include athletic trainers and coaches who, having undergone annual training on recognizing/responding to anaphylaxis, opioid overdoses, and respiratory distress, may be designated to administer undesignated epinephrine injectors, opioid antagonists, and undesignated asthma medication. The Act also expands the lists of places in which a school may maintain a supply of asthma medication in a secure location to include a practice field or gym.

- **Consider the Option of Preparing School Nurses and Trained Personnel to Administer Undesignated Glucagon.** (Public Act 104-0655)

*Effective January 1, 2027*, §22-30 of the *School Code* is amended to permit school nurses or trained personnel authorized under a student's Individual Health Care Action Plan, in accordance with the student's prescriber's order or Section 504 Plan, IEP, or other written accommodations plan, to administer glucagon to the student. The Act also permits school nurses and trained personnel to administer undesignated glucagon to a student in

accordance with the student's prescriber's order, Individual Health Care Action Plan, or Section 504 Plan, IEP, or other written accommodations plan that authorizes the use of glucagon. Before administering undesignated glucagon, trained personnel must submit to the school's administration proof of completion of a training curriculum to recognize and respond to severe hypoglycemia emergencies. The training must be completed annually and meet several specific requirements. In addition, the Act permits school nurses and trained personnel to carry undesignated glucagon on their person while in school or at a school-sponsored activity.

Within 3 days of the administration of undesignated glucagon, the school must report to ISBE (on an ISBE form for this purpose) the following information: age of the student; any previously known diagnosis of severe hypoglycemia; the trigger that precipitated the severe hypoglycemia emergency, if identifiable; location of where symptoms developed; number of doses administered; who administered (school nurse or trained personnel); outcome of the administration; and any other information required by ISBE.

Schools must inform parents/guardians in writing that the school and its employees and agents will incur no liability or professional discipline as a result of any injury arising from the administration of glucagon, except for willful and wanton conduct.

### *Curriculum and Related Actions*

- **Prepare to Implement Age-Appropriate, Suicide Prevention Curricula for Grades 6-12.** (Public Act 104-0808)

*Effective January 1, 2027*, §27-215 of the *School Code* is amended to require school boards for public schools serving students in any of grades 6-12 to implement age-appropriate, evidence-based suicide prevention curricula if opportunities for integration exist. The ISBE may make resources materials available to support school districts and educators with evidence-based, developmentally appropriate resources regarding student instruction in the topics of mental health and illness.

- **Be Aware of Expanded High School Course Credit Opportunities for 7<sup>th</sup> and 8<sup>th</sup> Graders.** (Public Act 104-0596)

*Effective January 1, 2027*, §27-615 of the *School Code* is amended to clarify the circumstances in which school districts may allow a 7<sup>th</sup> or 8<sup>th</sup> grade student to enroll in a required high school course. The high school course must be offered by the high school the student would attend and (i) the student must participate in the course at the high school (without preventing a high school student from being able to enroll), or (ii) the student must participate in the course where the student attends school as long as the student passes the course and the end-of-course examination given at the high school granting the credit for the same course, demonstrating proficiency at the high school

level, or (iii) the student must participate in the course where the student attends school, as long as the course is taught by a teacher who holds a professional educator license endorsed for the grade level and content area of the course.

- **Allow Opt-Outs for Instruction on Recognizing and Avoiding Sexual Abuse.** (Public Act 104-0831)

*Effective January 1, 2027*, §27-215 of the *School Code* is amended to state that no student in pre-K through 8<sup>th</sup> grade may be required to take or participate in any class or course providing instruction in recognizing and avoiding sexual abuse if the parent/guardian submits a written objection. Schools must give at least 5 days' written notice to parents/guardians before commencing the class or course. Refusal to participate shall not negatively impact a student's academic standing. (Note that a similar requirement previously was included in School Code Section 27-13.2 but was repealed in error. The requirement now has been restored in Section 27-215, and expanded to include pre-K in addition to grades K-8.)

- **Consider the New Definition of "Play-Based Learning" for Kindergarten Programs.** (Public Act 104-0555)

*Effective January 1, 2027*, §10-22.18 of the *School Code* is amended to define "play-based learning," with respect to the requirement that full-day and half-day kindergarten should provide opportunities for "play-based learning," as either teacher-initiated play (*i.e.*, "intentional teacher-directed play with activities set up and led by a teacher that are aligned to learning goals or standards") or student-initiated play (*i.e.*, "child-selected opportunities to build, pretend, create, move, or explore in an environment intentionally curated by a teacher to align with learning goals or standards").

### ***Personnel/Employment-Related Actions***

- **Be Aware of the Extended Post-Retirement Work Limitations for TRS Annuitants.** (Public Act 104-0532)

*Effective June 26, 2026*, §16-118 of the *Illinois Pension Code*, was amended to extend the 120 day/600 hour post-retirement work limitation for TRS annuitants. Through June 30, 2029, TRS annuitants may be employed for up to 120 paid days or 600 paid hours in each school year, but not more than 100 paid days in the same classroom. Beginning July 1, 2029, the limits revert to 100 paid days or 500 paid hours in each school year.

- **Be Aware of the New School Bus Driver Permit Classification.** (Public Act 104-0256)

*Effective July 1, 2026*, §6-106.1 of the *Illinois Vehicle Code* was amended to require the Secretary of State to issue school bus driver permits specific to first division vehicles (*e.g.*,

cars and minivans) and multifunction school activity buses designed to carry up to 15 passengers, when being used for curriculum-related activities.

- **Incorporate the Expanded Definitions of “Trauma” and “Trauma-Informed Practices” in In-Service Trainings.** (Public Act 104-0612)

*Effective July 24, 2026*, §3-11 of the *School Code* was amended to clarify the definition of “trauma” and “trauma-informed practices” for the purposes of required in-service training on trauma-informed practices. The Act revises the definition of “trauma” as individual trauma resulting from an event, series of events, or set of circumstances, *including early relational trauma, caregiver separation, disrupted attachment, or prolonged instability during early development*, that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual’s functioning and mental, physical, social, or emotional well-being. The Act also notes that symptoms of trauma “may vary at different developmental stages across different cultural groups and may emerge or intensify during adolescence as identity development, autonomy, and neurological changes intersect with earlier trauma.”

Additionally, the Act defines “trauma-informed practices” as including “awareness of populations for whom trauma may be ongoing, relational, and developmentally expressed over time, including, but not limited to, students in adoptive, foster, kinship, or guardianship families.” The Act expands that a school or district is “trauma responsive” when it progresses from awareness to action in the areas of policy, practice, and structural changes within a multi-tiered system of support to promote safety, positive relationships, and self-regulation, *including practices that promote an effective partnership with caregivers and family systems supporting students impacted by trauma*, while underscoring the importance of personal well-being and cultural responsiveness.

- **Determine if a Student Growth Component Should be Removed from Teacher Evaluation Plans.** (Public Act 104-0646)

*Effective July 24, 2026*, §24A-4 of the *School Code* was amended to provide that if a collective bargaining agreement does not include or incorporate by reference the use of a student growth component in a teacher evaluation plan, and the parties cannot reach agreement over whether to incorporate a student growth component, then the component must be removed from the teacher evaluation plan.

- **Be Aware of Changes to Requirements for a Notice to Remedy.** (Public Act 104-0647)

*Effective July 24, 2026*, §24-12 of the *School Code* was amended to provide that a board of education’s notice to remedy must specify the nature of the alleged conduct that needs to be remedied. The Act provides that a board is not precluded from asserting that the specific conduct alleged in the original warning is part of an alleged pattern of behavior,

but any subsequent action must be reasonably related to the specific conduct alleged in the original warning. The teacher may request and shall be granted an opportunity to respond to the findings in the written warning, either in person or in writing before the board, before the board's formal vote to approve the warning. If the teacher disagrees with the board's final action, the teacher may take the written warning to binding arbitration within 10 days of receiving the board's decision. To do so, the exclusive bargaining representative (or teacher if no representative exists) must file for arbitration following the procedures in the collective bargaining agreement or, if no procedures exist, the parties must file for arbitration with the Federal Mediation and Conciliation Service or the American Arbitration Association. The Act further provides that the arbitrator's decision shall be final and binding on both parties, each party shall pay one-half the cost of the arbitration proceedings, and each party is entitled to representation at all stages of the process.

- **Review the Continuing Education Coursework that May be Used for Teacher Salary Increases.** (Public Act 104-0795)

*Effective August 7, 2026*, a new provision, §24-8.2, was added to the *School Code* to address what coursework may be used for salary advancement by licensed classroom teachers (defined as PEL-licensed educators who are within a collective bargaining unit). *Beginning with continuing education coursework completed on or after July 1, 2026*, school districts, special education cooperatives, and other public educational employers may recognize continuing education coursework for purposes of salary advancement only if the coursework: (i) is graduate-level, degree-eligible credit offered through a regionally accredited institution of higher education and documented on an official academic transcript; and (ii) includes an "instructor of record" as defined in §24-8.2. The new provision applies only to teachers who have the ability, under the terms of a collective bargaining agreement, employment contract, school board policy, or salary schedule, to achieve salary advancement through continuing education coursework.

Implementation of §24-8.2, including standards for documentation, transcript verification, institutional accreditation, salary advancement, and compliance monitoring, shall be determined by each school district, special education cooperative, or other public educational employer.

- **Incorporate Training on Service Animals in In-Service Trainings.** (Public Act 104-0628)

*Effective January 1, 2027*, §10-22.39 of the *School Code* is amended to provide that required in-service training on accommodations for students must include, in addition to instruction on homelessness, instruction on the *Americans with Disabilities Act* as it pertains to the school environment, *including but not limited to service animals*.

- **Beware of Non-Permissible Uses of AI for Teacher Evaluations.** (Public Act 104-0565)

*Effective January 1, 2027*, §24A-5 of the *School Code* is amended to prohibit evaluators from using an AI tool to assign a numerical score or qualitative rating, such as “excellent,” “proficient,” “needs improvement,” or “unsatisfactory,” for any component of a teacher’s evaluation or any evaluation task that requires professional judgment. However, an evaluator may use AI to support the evaluator in administrative tasks. Additionally, teachers are prohibited from using an AI tool to generate evidence of professional practice that will be used by an evaluator to evaluate the teacher’s performance. A teacher is permitted, however, to use an AI tool to support the teacher in administrative tasks.

The Act further states that the PERA joint committee shall determine how AI tools may be used in accordance with the required teacher evaluation plan components. If an evaluator uses an AI tool, the name and specific purpose of the AI tool must be disclosed to the teacher being evaluated. If a teacher uses an AI tool, the name and specific purpose of the AI tool must be disclosed to the evaluator evaluating the teacher.

- **Be Aware of Revised Criteria for Paraprofessional Endorsements.** (Public Act 104-0631)

*Effective January 1, 2027*, §21B-20 of the *School Code* is amended to provide that a paraprofessional educator endorsement on an Educator License with Stipulations may be issued to an applicant who: (1) is at least age 18 and will be using the Educator License with Stipulations exclusively for grades pre-K through 8 until the individual reaches age 19; or (2) is age 19 or older and otherwise meets the criteria for a paraprofessional educator endorsement. An applicant for a paraprofessional educator endorsement must also meet at least one of the following requirements: (i) hold a high school diploma or its equivalent and pass a paraprofessional competency test under the *School Code*; (ii) hold an associate’s degree or a minimum of 60 semester hours of credit from a regionally accredited institution of higher learning; (iii) if applicable, have been issued a short-term approval for paraprofessionals, as established by ISBE rules, and have been employed as a paraprofessional for each year the short-term approval is valid, have paid the required license renewal fee, and have been determined to have met competencies specified in §21B-20.

- **Be Aware of Clarification Regarding What Services School Psychologists May Provide.** (Public Act 104-0605).

*Effective January 1, 2027*, §14-1.09 of the *School Code* is amended to provide that, in public schools, psychological services provided by qualified specialists who hold a PEL endorsed for school psychology may include, but are not limited to: (1) providing assessments (including administering and interpreting psychological, educational, psychoeducational, cognitive, emotional, and behavioral evaluations; administering universal screenings; and using various other data-collection methods to identify and

address student academic, social, emotional, developmental, mental, and behavioral health needs, provide information about a student's eligibility for special educational services, assess the risk of harm to an individual or to others, and evaluate the effectiveness of educational services and practices); (2) creating and implementing prevention and intervention services that support student learning, promote safe learning environments, and address other barriers to learning (including developing school-based prevention programs; and facilitating delivery of curricula, instructional strategies, and interventions that support student achievement, wellness, mental and behavioral health); (3) providing mental health and behavioral health services (including individual and group counseling with students, parents, and teachers; developing and implementing school-wide, group, and individual services that promote social-emotional, mental, and behavioral health, and pro-social and positive behaviors; and conducting behavioral assessments and interventions); (4) acting as liaisons between public schools and community agencies; (5) evaluating program effectiveness; (6) providing crisis prevention, response and intervention in the school setting; (7) providing consultation and collaboration (including helping teachers, parents, and others involved in the educational process to provide optimum teaching and learning conditions for all students; and engaging in collaborative problem-solving on an individual or systematic level in order to plan, implement, and evaluate academic, mental health, and behavioral health services, which may include psychoeducation for students, families, school personnel, and other relevant parties); (8) supervising school psychologist interns; (9) screening school enrollment to identify children who should be referred for individual study; (10) developing any other necessary programs and services (including designing, implementing, and evaluating safe and supportive learning environments that are educationally and psychologically sound; acting as a catalyst for educator and family engagement in adaptations and innovations; and facilitating the psychoeducational development of individual families and groups).

The Act further clarifies that school psychological services may include the promotion of students' strengths, as well as the identification and treatment of mental health disorders and disabilities, but may not include the prescription, administration, or monitoring of pharmacological interventions. Also, a school psychologist may not provide school psychological services outside of his/her employment to any student in any school district that employs the school psychologist.

- **Revise Employee Code of Professional Conduct Policies, Post All Available Methods for Reporting Staff-Student Boundary Violations Within a School and to External Agencies on the District's Website and Handbooks, and Ensure That Staff Are Aware of Revised Definition of Child Abuse for Mandated Reporting Purposes.** (Public Act 104-0831)

*Effective January 1, 2027*, §22-85.5 of the *School Code* is amended to require employee codes of professional conduct policies and guidelines, and all available methods for

reporting staff-student boundary violations within a school and to external agencies, to be posted on school websites and in staff, student, and parent handbooks.

The Act also amends the employment history review provisions of the *School Code* (§22-94), to state that applicants must include their current employer information if the applicant has direct contact with children or students at the applicant's current employer. Additionally, the amendments clarify the role of regional offices of education and intermediate service centers in participating in employment history reviews for substitute teachers.

The Act also amends §3 of the *Abused and Neglected Child Reporting Act* to expand the definition of an "abused child" to include a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent engages in a pattern of conduct or communications directed towards the child, meaning two or more instances of conduct or communication, that a reasonable person would understand as intended to groom, seduce, solicit, lure, or entice the child for the purpose of committing any sex offense or engaging in any sexual misconduct against the child. The Act defines "sexual misconduct" as including, but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity by a person responsible for the child's welfare to establish a romantic or sexual relationship with the child (e.g., a sexual or romantic invitation; dating or soliciting a date; engaging in sexualized or romantic dialog; making sexually suggestive comments directed towards or with the child).

- **Be Aware of Changes to Illinois Teaching Excellence Program and Retention Bonuses for Hard-to-Staff Schools.** (Public Act 104-0524)

*Effective June 26, 2026*, the Act amended Section 21B-70 of the *School Code* regarding the Illinois Teaching Excellence Program, to define "cohort" as "a group of candidates for National Board certification who are organized for the purpose of participating in a structured support program, including facilitated professional development, mentoring, and collaborative learning." Regional offices of education or intermediate service centers may establish one cohort per county, except that an additional cohort may be established if the number of candidates exceeds 20 participants in a single cohort. A single cohort may include no more than 20 candidates. A school district or individual school may establish a cohort if at least 3 candidates are enrolled. ISBE or its designee may provide or approve a cohort facilitator for a cohort. If a cohort facilitator is not available locally, ISBE or its designee may (i) provide a facilitator through a virtual format or (ii) assign candidates to an existing cohort operated by a regional office of education, an intermediate service center, or another approved provider (including a virtual cohort).

The Act further permits an annual retention bonus of \$4,000 awarded for five consecutive years to a National Board-certified teacher employed in a hard-to-staff school. The

retention bonuses are to be distributed by ISBE on a first-come, first-served basis. In any fiscal year in which there are insufficient funds to award retention bonuses to all eligible teachers, eligible applicants who did not receive a bonus shall be given prior consideration for the subsequent fiscal year.

Finally, a school district may award lane placement credit on the salary schedule to teacher who is a National Board-certified teacher, or a candidate for certification, for participation in professional development associated with a National Board support program. The credit may be applied toward advancement on the school district's salary schedule in accordance with the terms of an applicable collective bargaining agreement or district policy.

- **Note Changes Made by the Menopause Equity and Care Act.** (Public Act 104-0793)

*Effective July 1, 2027*, the legislation amends the Illinois Human Rights Act (IHRA) by defining "pregnancy" to include "menopause-related conditions" (in addition to pregnancy, childbirth, and medical or common conditions related to pregnancy or childbirth). The Act also adds a provision defining "menopause-related condition" as "perimenopause, menopause, and associated medical or symptomatic conditions that include, but are not limited to, vasomotor symptoms, sleep disruption, cognitive or mood changes, and osteoporosis-related changes." These changes have the effect of prohibiting discrimination based on menopause-related conditions, and requiring employers to make accommodations for menopause-related conditions. In the list of possible accommodations already included in the IHRA, the legislation adds "flexible scheduling or modified work hours" and "temperature or climate-adjusted workspace."

### *Governance-Related Actions*

- **Ensure That Uniform or Dress-Code Policies Do Not Prohibit Hairstyles Associated With Student Religious Beliefs.** (Public Act 104-0723)

*Effective July 31, 2026*, the Act amends §10-22.25b of the *School Code*, which states that school board uniform and dress code policies may not apply to hairstyles traditionally associated with race or ethnicity. Pursuant to the Act, policies also may not apply to religious hairstyles, hair-related religious practices, or facial hair worn in accordance with a student's sincerely held religious beliefs, observance, or practice, including but not limited to uncut hair, sidelocks (e.g., payot or peyos), beards, mustaches, or other facial hair. School boards are permitted, however, to require that hair or facial hair be secured, covered, or otherwise controlled during a specific activity if necessary to prevent endangerment of student health or safety, as long as the requirement is applied in the least restrictive manner practicable and does not require cutting, shaving, or permanent alteration.

The Act further requires ISBE to make resource materials, developed in consultation with stakeholders, available to schools regarding hairstyles associated with race or ethnicity and religious hairstyles.

- **Do Not Count E-Learning Days Due to a School Serving as a Polling Place Towards the Minimum Number of Emergency Days.** (Public Act 104-0552)

*Effective January 1, 2027*, §10-20.56 of the *School Code* is amended to prohibit school districts from counting e-learning days used due to a school being selected as a polling place from counting towards the school district's minimum number of emergency days.

- **Be Aware of the Extended Timeframe for Certain Interfund Transfers.** (Public Act 104-0602)

*Effective July 24, 2026*, the *School Code* provision on interfund transfers (§17-2A) was amended to extend the timeframe *to June 30, 2029* for making certain transfers without the need to show that the transfer is made solely for the purpose of meeting one-time, non-recurring expenses. This is applicable to fund transfers among the Educational Fund, Operations and Maintenance Fund, and Transportation Fund, and transfers from the Tort Immunity Fund to the Operations and Maintenance Fund).

- **Be Aware That the Length of a Contract for Deactivating School Districts Has Been Extended to Four Years and May Be Renewed for a Mutually Agreed Period.** (Public Act 104-0592)

*Effective January 1, 2027*, §10-22.22b of the *School Code* is amended to require that the length of a contract between a deactivating school district seeking to send its students to more than one district and the receiving district must be for 4 (rather than 2) years, but districts may renew the contract for a mutually agreed length of time (rather than additional 1- or 2-year periods).

#### **ACTIONS BEYOND THE 2026-2027 SCHOOL YEAR THAT MAY STILL REQUIRE IMMEDIATE ATTENTION:**

- **If the District Did Not Already Have a Policy That Limits Wireless Communication Devices for Most or All of a School Day Before July 28, 2026, Adopt and Implement a Wireless Communication Device Policy.** (Public Act 104-0657)

This Act adds new §§10-20.88 and 27A-5.3 to the *School Code* and amends §10-22.6.

*On or before the beginning of the 2027-2028 school year*, each school board must adopt and implement a wireless communication device policy that: (1) at a minimum, prohibits a student from using a wireless communication device during school time, except in

certain circumstances; (2) incorporates guidance for wireless communication device storage within a school building during school time; (3) states the importance of uniform enforcement of the policy in each school and the handling of implementation in a trauma-informed, developmentally appropriate manner; (4) if a school, as an administrative response for violation of the policy by a student, requires the parent to retrieve the wireless communication device, provides an alternative if the parent is unable to retrieve it in person. The adopted policy must be published in the student handbook.

The Act defines “wireless communication device” as any portable wireless device that has the capability to provide voice, messaging, or other data communication between 2 or more parties, including but not limited to: (1) cell phones; (2) tablet computers; (3) laptop computers; (4) gaming devices; and (5) wearable devices, including smart watches or smart glasses, except if those devices have disabled the capability to provide messaging or transmit other data communications. However, it does not include any device that a school district or teacher has directly issued to, provided for, or required a student to possess and use for educational purposes.

The Act defines “school time” as the time students spend on campus during the day, beginning with the designated arrival time through designated dismissal time, including instructional time, recess, lunch, and passing periods. School time does not include before school, after school, or a student’s presence at an off-campus learning opportunity. The adopted policy must not prohibit a student from using a wireless communication device during school time in the following circumstances: (1) if a licensed medical provider determines that the possession or use of a wireless communication device is necessary for the management of the student’s health care and the student uses the wireless communication device only as prescribed; (2) to fulfill an IEP, Section 504 plan, the student’s health care provider’s medical orders, or other written accommodation plan; (3) if school personnel have determined the wireless communication device is necessary for students who are English learners to access learning materials; (4) if school personnel have determined, on a case-by-case basis, the wireless communication device is necessary for a student caregiver who is routinely responsible for the care and well-being of a family member; or (5) as required by any other State or federal law.

The adopted policy may allow for the following exceptions: (1) at the discretion of the school district, the school district may allow the definition of school time to exclude a high school student’s lunch and passing periods; (2) if school personnel have authorized the student to use a wireless communication device for educational purposes; and (3) in the event of emergency as detailed in at least one of the school district’s emergency and crisis response plans, protocols, or procedures. Additionally, schools may not enforce the policy through fees, fines, suspensions, expulsions, or the deployment of an SRO or law enforcement, unless the wireless communication device is used to engage in other gross disobedience or misconduct.

Note that the Act requires that by September 1, 2026, the ISBE must post a model policy on its website. Additionally, for districts that had a policy in place before the effective date of the Act (July 28, 2026) limiting wireless communication devices during a majority or the entirety of the school day, the district may keep that policy in place *through the 2030-31 school year*.

- **Be Ready to Implement Revised Discipline Policies for Grades K-2, effective July 1, 2027.** (Public Act 104-0546)

*Effective July 1, 2027*, §10-22.6 of the *School Code* is amended to restrict out-of-school suspensions and expulsions of students in grades K-2. Except in rare circumstances described in §10-26(d) involving possession of firearms or other specified weapons, school districts are prohibited from expelling students in grades K-2. For out-of-school suspensions, superintendents must provide verbal or written approval to suspend a K-2 student for longer than 3 school days. If the superintendent's approval is not received by the third day, the student shall return to school by the fourth day. For out-of-school suspensions of longer than 3 days, the length of the suspension may not be longer than the number of days required to review, amend, develop, or implement a BIP or safety plan.

- **Draft a Procedure Regarding Employee Mental Health for the 2027-2028 School Year.** (Public Act 104-0685)

*Effective January 1, 2027*, this Act amends §10-20.88 of the *School Code* to require that by *January 1, 2028*, all school boards must develop a procedure that, at a minimum, incorporates all of the following elements: (1) a commitment to support employee mental health in the workplace; (2) opportunities for staff to provide feedback, including anonymous feedback, on employee mental health (this may include existing feedback opportunities); (3) an annual communication to district personnel in the employee handbook that provides information on mental health resources and support available to staff; and (4) opportunities for the school board to receive information regarding employee mental health initiatives and programs.

- **Paid School Head Coaches Must be Trained in CPR and AED Use; Update Cardiac Emergency Response Plans.** (Public Act 104-0759)

*Effective July 1, 2027*, §1.12 of the *Interscholastic Athletic Association Act* is amended to require athletic associations to require all paid school head coaches to obtain training in CPR, first aid, and the use of automated external defibrillators (AED). The training shall be consistent with national, evidence-based emergency cardiovascular care guidelines and must be completed every 2 years.

*Effective July 1, 2027*, the Act also amends §60 of the *School Safety Drill Act* to provide that a school district must develop a cardiac emergency response plan in accordance with guidelines by the American Heart Association or *Project ADAM*, or other nationally recognized, evidence-based standards. The Act adds that cardiac emergency response plans must include clearly marked AEDs and maintaining AEDs as recommended by the AED manufacturer. Additionally, it adds that cardiac emergency response plans must include education on the symptoms and warning signs of sudden cardiac arrest and the use of AEDs (as well as hands-only CPR). The Act further adds that school districts must conduct an annual cardiac drill to practice the steps established in their emergency cardiac response plan, which may be done in partnership with local emergency medical services and may be done without student participation. School districts, their employees, and members of their safety or crisis response teams are immune from liability caused by an act or omission while carrying out any elements of a cardiac emergency response plan, unless the act or omission was willful or wanton.

- **Consider Implementing a Mobile Panic Alert System (“Alyssa’s Alert”).** (Public Act 104-0789)

*Effective January 1 2027*, this Act adds a §42 of the *School Safety Drill Act* to require that ***by no later than the beginning of the 2028-2029 school year***, school districts must consider the use of a mobile panic alert system in the development of their school emergency and crisis response plans. If used, the mobile panic alert system that meets the specifications in §42 must be known as “Alyssa’s Alert” and must be capable of connecting to diverse emergency service technologies to ensure real-time coordination between multiple first responder agencies. It must also be capable of integrating with local, Public Safety Answering Point (PSAP) infrastructure for transmission of 911 calls and mobile activations. Such PSAP infrastructure must also be capable of receiving mobile panic alert notifications from a range of technologies. A mobile panic alert system deployed pursuant to Alyssa’s Law must be integrated with the PSAP serving the applicable facility’s jurisdiction and must, upon activation, transmit an alert that is delivered to the PSAP’s existing infrastructure. The mobile panic alert system must undergo at least annual testing in coordination with the PSAP and first responder agencies.

The Act further requires that ***by March 1, 2027***, that the Illinois State Police is to develop rules for a mobile panic alert system to qualify as an Alyssa’s Alert. Anything posted by the Illinois State Police shall also be posted on the ISBE’s website, and each school district must coordinate with its local 911 authority for integration requirements prior to purchase and implementation of an Alyssa’s Alert.

- **Consider Implementing a Share Table to Comply with the Unused Food Sharing Plan.** (Public Act 104-0684)

*Effective August 1, 2027*, §2-3.189 of the *School Code* is amended to provide that schools may comply with the unused food sharing plan described in §2-3.189 by implementing a “share table,” which is defined as a designated table, cart, bin, or similar area within a school district’s food service area where a student may place whole, unopened food or beverage items the student chooses not to consume, for another student to take at no cost. The Act also states that the school district may develop and follow a policy on standard operating procedures for share tables, and that the policy may reference ISBE’s *School Nutrition Programs Administrative Handbook* or the USDA’s *Guidance on the Food Donation Program in Child Nutrition Programs* for share table operations.

## OTHER CHANGES TO KNOW:

- **Upcoming Changes to Qualifications for School Psychologists and the Services They Can Provide.** (Public Act 104-0605)

Effective January 1, 2027, this Act amends §§14-1.09 and 14-1.09.1 of the *School Code* to provide that **by July 1, 2027**, school psychologists must meet the following qualifications: (1) have graduated from an institution of higher learning that maintains equipment, courses of study, and standards of scholarship approved by ISBE with (a) a qualifying master’s degree, as determined by ISBE, with the completion of a minimum of 60 graduate semester hours; (b) a qualifying specialist degree, as determined by ISBE; (c) an equivalent degree, as determined by ISBE, with the completion of a minimum of 60 graduate semester hours; or (d) a higher qualifying degree, as determined by ISBE; (2) has had supervised internship experience in the delivery of school psychological services of a character approved by ISBE on a full-time basis for at least 1 school year or, if applicable, on at least a half-time basis over 2 consecutive school years; and (3) has additional qualifications as required by ISBE. Alternatively, school psychologists may hold a valid Nationally Certified School Psychologist credential.

- **Effective January 1, 2028, Speech-Language Pathologists May Diagnose Autism Spectrum Disorders in Children Under 3 as Part of the EI Program.** (Public Act 104-0561)

*Effective January 1, 2028*, §8.4 of the *Illinois Speech-Language and Audiology Practice Act* is amended to allow speech-language pathologists (“SLPs”) to diagnose autism spectrum disorders in children under three. All of the following criteria must be met: (1) the child is under 3 and has no known co-occurring medical conditions, such as seizures, gastrointestinal problems, or sleep disorders; (2) the SLP has completed training in age-appropriate autism diagnostic evaluation methods provided by an approved continuing education sponsor; (3) the SLP has, upon renewal of their license, certified to the Department of Financial and Professional Regulation that at least 5 years of the SLP’s required continuing education hours were in age-appropriate autism diagnostic evaluation methods provided by an approved continuing education sponsor; and (4) the

diagnosis occurs as part of the Illinois Early Intervention Program. The SLP must refer the child to appropriate medical personnel for further evaluation or management for services outside the scope of practice of a SLP.

- **Updated High School Graduation Requirements for the 2028-2029 School Year.** (Public Act 104-0814)

*Effective August 7, 2026, beginning with the 2028-2029 school year, §27-605 of the School Code is amended to provide that for students entering 9<sup>th</sup> grade, prerequisites for earning a high school diploma include successfully completing either: (i) two years of foreign language courses, which may include ASL; or (ii) at least two years of coursework authorized by ISBE as meeting the requirements for an approved career and technical education course. A student who satisfies either requirement is deemed to have satisfied the requirement of one year chosen from music, art, foreign language (including ASL), career and technical education, or forensic speech (i.e., speech and debate).*

- **Await ISBE Resources and IDPH Regulations on Implementing Color Discrimination Tests, Then Prepare for Use of Color Discrimination Tests as Part of Required Vision Screenings.** (Public Act 104-0761)

*Effective January 1, 2027, this Act adds a new §2-3.124 to the School Code on color-vision-deficient literacy and a new §4.5 to the Child Vision and Hearing Test Act (410 ILCS 205/4.5) on color discrimination tests.*

The Act directs the ISBE, in consultation with the Department of Public Health as necessary, to publish on its website resources to support school districts and teachers in teaching literacy to color-vision-deficient learners.

*Beginning with the 2027-2028 school year, color discrimination tests must be performed as part of the vision screening services provided under the Child Vision and Hearing Test Act for children in kindergarten, second grade, and eighth grade. The Department of Public Health is required to adopt rules to implement these screening requirements.*

- **Be on the Lookout for Guidance on Implementation of the Language Equality and Acquisition for Deaf, Hard of Hearing, or DeafBlind Children Act.** (Public Act 104-0658)

*Effective July 30 2026, this Act creates the Language Equality Acquisition for Deaf, Hard of Hearing, or DeafBlind Children Act, the purpose of which is to develop a State-recognized language needs and monitoring program for deaf, hard of hearing, or DeafBlind children with language and communication developmental milestones (from birth to age 5 ), to assist parents, guardians, and educators in determining the language and communication needs and goals of such children.*

*Beginning July 1, 2028*, an annual language assessment must be offered to the parents/guardians of children who are deaf, hard of hearing, or DeafBlind, in accordance with the *IDEA* and *Department of Early Childhood Act*. The Act provides that the Department of Human Services, in consultation with the Illinois School for the Deaf, the Deaf and Hard of Hearing Commission, the Department of Early Childhood, the Department of Public Health, and ISBE, may adopt rules to implement this new law.

- **Think Ahead to the 2029-2030 School Year When Updated High School CPR Training Requirements Will Take Effect.** (Public Act 104-0678)

*Effective January 1, 2027*, this Act amends §27-250 of the *School Code* to require that *beginning with the 2029-2030 school year*, high school students' CPR training must include the use of both breasted and non-breasted manikins, which may be provided through the use of chest covers on existing manikins. Schools must provide reasonable opportunities for students to practice on both breasted and non-breasted manikins.

We know that this is a lot of information to digest and address. If you have any questions about this legislative update or other legal issues, please contact any of our attorneys at 630.313.4750.