

March 31, 2025

SELECT SCHOOL-RELATED LEGISLATION CURRENTLY PENDING IN ILLINOIS: SPRING 2025 UPDATE

In addition to our collective watch on what is happening in education at the federal level and its potential impact here in Illinois, we have prepared this overview of several pieces of pending Illinois school-related bills to keep you updated on what is happening legislatively at the State level. We will continue to track this legislation and, if it is passed, keep you apprised of how it may affect the remainder of this school year and planning for the 2025-2026 school year for Illinois schools.

1. **HB 0011 - Suspension and Expulsion of Students re: Tobacco Products/Electronic Cigarettes/Alternative Nicotine Products:** This bill would amend the *School Code* to provide that appropriate and available behavioral and disciplinary interventions do not have to be exhausted prior to an out-of-school suspension for more than 3 days, an expulsion, or removal to an alternative school, when a student possesses on school grounds a product prohibited from being sold or distributed to the student under the *Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act*.
2. **HB 1107 - Staff Training for Cultural Competency:** This bill would add a new section to Article 14 of the *School Code* (*i.e.*, the Article addressing requirements with respect to children with disabilities) to require teachers, administrators, and school support personnel to complete training to develop cultural competency, including understanding and reducing unconscious bias and stigmatizing assumptions about people with disabilities. The training will include seven specified topics: recognition of unconscious bias; strategies to promote a “presume competence” mindset that affirms the potential of every student; classroom strategies to reduce unwanted behaviors and reinforce desired behaviors; methods for supporting communication and engagement for students with autism spectrum disorders; education on the rights of children with disabilities under the IDEA, Section 504 and ADA; tools for fostering positive classroom environments; and opportunities to receive input from parents/guardians and others with experience in dealing with these disabilities.
3. **HB 1165 - Student Placement in Non-Approved Education Facilities:** This bill would amend Article 14 of the *School Code* to allow a district to place a student in a nonpublic special education day facility or residential facility (rather than only residential facilities) that provides educational services but is not approved by the ISBE if ISBE provides an emergency and student-specific approval for the residential or day placement. The bill will also make changes to the requirements for ISBE to approve such facilities and affords ISBE’s impartial hearing officers with jurisdiction to resolve disputes involving placements in these non-approved facilities.

4. **HB 2960 - Mental Health Instruction:** This bill would add a new section to the *School Code* providing that a school district that offers one or more courses in health education for middle school or high school students must include instruction on mental health, including certain specified content, in those courses.
5. **HB 2970 - Notice to Remedy:** This bill would amend the *School Code* to allow a teacher to file a grievance under an applicable collective bargaining agreement to determine whether the school district had cause to issue a notice to remedy. It would also require a notice to remedy to "narrowly specify" the nature of the misconduct that needs to be remedied, and that any notice to remedy be removed from a teacher's personnel file/record within three years from the date of occurrence.
6. **HB 3772 - Suspension and Expulsion of Preschool-2nd Grade Students:** This bill would amend the *School Code* to limit suspensions of preschool-aged students by providing that suspensions for 3 or more days may only be made by the superintendent or director of an early childhood program (or equivalent position) and may not be longer than required for the district or EC program to develop and implement a behavior intervention plan or safety plan. Similarly, for students in kindergarten through second grade, suspensions for 3 or more days may only be made by the superintendent and may not be longer than required for the district to develop and implement a BIP or safety plan. Also, expulsion of students in kindergarten through second grade would be prohibited unless required by federal or State law.
7. **HB 3805 - Student Absences:** This bill would amend the *School Code* to provide that a student must be excused for an absence for physical illness for up to five days without providing a medical note.
8. **SB 0028 - Performance Evaluations:** This bill would amend the *School Code* to provide that a school district's evaluation plan for tenured and non-tenured teachers may incorporate the use of data and indicators of student growth as a factor, but is no longer a required "significant" factor, in rating teachers' performance. The evaluation plan may also provide for using data and indicators of student growth as a factor in rating principals' and assistant principals' performance.
9. **SB 0071 - Safety Drills for Hazardous Substances:** This bill would amend the *School Safety Drill Act* to provide that school safety drills must include incidents involving the release or explosion of hazardous substances. It would also require the Illinois Emergency Management Agency and Office of Homeland Security, in consultation with ISBE, to develop guidance related to a release or explosion of a hazardous substance resulting from storage or rail transport, and for school districts to develop procedures based on that guidance.
10. **SB 1519 - Reciprocal Reporting with Law Enforcement and Student Ticketing:** This bill would amend of the *School Code* to provide that the required reciprocal reporting system between the school district and law enforcement agencies that is developed by the school district and parent-teacher advisory committee (in cooperation with the local law enforcement agencies) must address both criminal and civil offenses committed by

students. A “referral to law enforcement” would be defined as an action by which a student is referred to a law enforcement agency or official, including a school police unit, for an incident that occurs on school grounds, during school-related activities or during school transportation. Such referrals would include citations, tickets, court referrals and school-related arrests. School personnel, including but not limited to a school resource officer (“SRO”), would be prohibited from issuing a monetary fine, fee, ticket or citation for a municipal code violation. School personnel would be prohibited from referring a truant student to an SRO or peace officer to issue a fine or fee as punishment for truancy.

11. **SB 1943 – Restraint and Time Out:** This bill proposes several changes to the current requirements for physical restraint, time out and isolated time out under Section 5/10-20.33 of the *School Code*. The bill would revise the definitions of isolated time out (“ITO”), time out (“TO”) and physical restraint (“PR”) to clarify, among other things, so that:
 - a. ITO/TO does not include blocking the egress of a student from a classroom or space within the classroom to prevent the student from eloping.
 - b. TO does not include the detention of a student in a hallway or administrator's office while an administrator is present as a form of de-escalation or while the administrator is investigating an incident involving the student.
 - c. PR does not include:
 - Use of physical touch in a manner recommended by an occupational therapist, physical therapist, school psychologist or social worker to assist a student in the regulation of the student's body (e.g., proprioceptive exercises, joint compression, brief squeezes);
 - Momentary physical touch to a student's extremities to redirect a student's attention (e.g., tap on the shoulder);
 - Momentary physical touch used to comfort a student in distress (e.g., brief hug, pat on the back to comfort a student);
 - Physical restriction intended to prevent a student from eloping, such as blocking a student from exiting a classroom, school building, playground, or any other part of school property, and redirecting a student to engage with the student's class; and
 - Physical restriction needed to prevent or break up a physical fight on school grounds.
12. **SB 2427 – Device Ban:** This bill would add a new section to the *School Code* providing that on or before the 2026-2027 school year, school boards must adopt a policy that: (1) prohibits a student from using a wireless communication device during instructional time, except as otherwise provided; and (2) includes guidance for secure and accessible storage of wireless devices during instructional time. Exceptions include when authorized by a teacher for educational purposes; in an emergency/response to an imminent threat to health/safety; when determined necessary for a student's health or well-being by a licensed physician; as required by an IEP or Section 504 plan; and when necessary for English learner students to access learning materials.

Please contact any ECB&S attorney at 630.313.4750 with any questions you may have regarding this pending Illinois legislation.