

Managing Non-Instructional Services Contracting in 2026

School districts and special education cooperatives should prepare to incorporate procedures to ensure compliance with new requirements in Section 10-22.34c of the *School Code* (105 ILCS 5/10-22.34c) for contracting non-instructional services. New revisions to this section of the *School Code* will impose additional procedural compliance requirements effective July 1, 2026. The law does not change or define the scope of “non-instructional services” that are covered by the requirements. At the time of the last substantive revision to Section 10-22.34c in 2007, ISBE issued a [summary of the law](#) in that referred to general operational services, like custodial services, transportation services, meal-related services, etc. performed by current employees. Pending further guidance, we do not interpret the current revisions to change the scope of contracting requirements beyond these types of general operational services.

For covered “non-instructional services,” new requirements take effect July 1, 2026 when a school district or special education cooperative seeks to contract for such services on an emergency basis. The statutory changes will impose additional notice requirements and coordination with a collective bargaining representative. These requirements extend to contracts to augment the current workforce “for that same group of employees;” the requirements are not implicated for current contracted services *not* performed by current employees. The procedures in 10-22.34c for supplanting current employees performing non-instructional services with contract staff on a permanent basis remain unchanged.

If a school district or special education cooperative requires supplemental contracted staff due to a sudden and unforeseen event or change in circumstances that would result in a near-term interruption of services calling for immediate action to preserve the safety or health of students or staff, starting July 1, 2026, school districts and special education cooperatives are required to:

- Limit the term of the contract to a maximum of 3 months;
- Meet any obligations under the Illinois Educational Labor Relations Act; and
- Post all vacant positions that are being contracted on the school district’s website and on all platforms on which the district advertises vacancies, including online job portals, databases and social media sites and retain these postings for the entirety of an emergency contract, including any renewals, until the emergency contract expires.

Additional requirements attach if the school district or special education cooperative renews the emergency agreement:

- A second renewal will require the mutual agreement of the affected bargaining unit or a public hearing 30-days prior to entering into the renewal contract, with the mutual agreement being memorialized in a memorandum of understanding that includes the development of a recruitment and retention plan;

- A third or more renewal will require the mutual agreement of the affected bargaining unit as set forth above.

Should you have any questions about third party non-instructional contracting, please do not hesitate to contact any of our ECB&S attorneys by phone (630-313-4750) or e-mail if you have questions about this new law.