

# *In Brief*

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## **Governor Signs More Labor & Employment Bills Impacting School Districts Into Law**

In a further follow-up to our firm's July 27, 2021, webinar titled "[Wading Through the Waters of the Spring 2021 Legislative Session](#)", we report that the following bills have been signed into law.

### **Public Act 102-552 (SB 2357) – Educator Misconduct and Resignation Mid-Year, eff. 1/1/22**

*Resignation Mid-Year.* No teacher may resign during the school year to accept another teaching assignment without the approval of the Board of Education. If they do, the Board may refer them to the State Superintendent of Education for an informal evidentiary hearing and, if warranted, suspension of their license for one (1) year. Public Act 102-552 provides that the referral must include: a dated copy of the teacher's resignation letter; a copy of the reporting district's current school year calendar; proof of employment for the school year at issue; documentation showing that the Board did not accept the teacher's resignation, and evidence that the teacher left the district in order to accept another teacher assignment.

*Educator Misconduct.* As a reminder, there is a statutory obligation for superintendent to notify the State Superintendent and the applicable regional superintendent of any license holder whom he/she has reasonable cause to believe has committed an intentional act of abuse or neglect of a child and that act resulted in the license holder's dismissal or resignation. The notice must be submitted within 30 days after the dismissal or resignation, with a copy to the license holder, and now must include the IEIN of the license holder and a brief description of the misconduct alleged.

### **Public Act 102-525 (SB 1646) – Summer School Exception to 6% Cap, Etc., eff. 8/20/21**

The Pension Code imposes penalty contributions on employers for annual salary increases exceeding 6% for any year used in the calculation of the "final average salary" that determines pension benefits. Public Act 102-525 excludes salary increases "resulting from teaching summer school on or after May 1, 2021 and before September 15, 2022" from the calculation of any penalty for exceeding the 6% cap.

This law also revives optional credit for up to two years of private school teaching, provided certain conditions are met (previously allowed between August 2009 and July 2012).

### **Public Act 102-1521 (SB 814) – Changes to New Principal and New Teacher Mentoring Program, eff. 8/20/21**

*New Principal Mentoring Program.* Subject to funding, provides for ISBE to establish a competitive grant program to support the Principal Mentoring Program (PMP) and to approve one or more eligible entities to provide services to new principals under the PMP. "Eligible entities" include ROEs, ISCs, Illinois higher education institutions, statewide organizations representing principals and school districts. Eligible entities are responsible for mentor training, pairing mentors and new principals, and all other administrative aspects. For assignment purposes, replaces "geographic

proximity” with “accessibility”. Clarifies that mentors shall not provide input into a principal’s performance evaluation.

If funding is not sufficient to serve all anticipated 1st year principals in any given year, then the PMP shall be voluntary and priority access given those in the highest need schools, as determined by the State Superintendent. The PMP shall only be available to 2nd year principals if there is sufficient funding for all anticipated 1st year principals.

The State Superintendent determines the number of mentoring hours required for 1st year principals, the compensation to be paid to mentors and approved entities. Contract hours for mentoring may be in-person, online or by any other mechanism allowing for synchronous communication between the mentor and principal.

*New Teacher Induction and Mentoring Program.* Provides for ISBE to establish a competitive grant program to support the New Teacher Induction and Mentoring Program (NTIMP). Subject to appropriation, the program shall be available to eligible entities not less than 3 years. Funding shall be prioritized based on the needs of students and school districts as it relates to teacher retention.

NTIMP standards are set by ISBE and ISBE to evaluate programs. “Eligible applicant” or “eligible entity” for purposes of the amended legislation include ROEs, ISCs, an Illinois institution of higher education, a statewide organization representing teachers, a local education agency, or a public or private not-for-profit entity with experience providing professional learning, including mentoring, to early childhood educators.

Subject to funding, each “eligible applicant” shall develop a NTIMP for 1st and 2nd year teachers that meets the requirements of School Code Section 21A-10. A school district that has a NTIMP in place before the effective date of this law may modify the program to meet the requirements of School Code Section 21A-10, and may receive funding for doing so, if available. Each school district in conjunction with its teachers’ union may decide whether to forego modifications to a NTIMP in place before the effective date of this law.

If a school district does not have a NTIMP in place before the effective date of this law or if the district and the teachers’ union agree that an eligible entity would better serve the district’s needs, the district and the teachers’ union shall jointly decide which eligible entity offers the most suitable program.

The timeline to develop a NTIMP is no later than the beginning of the 2022-2023 school year; or no later than the beginning of the 2023-2024 school year for eligible applicants who have been given an extension of time to develop a program. An eligible entity can develop a program on its own or with two or more eligible entities acting jointly.

If appropriation is not included in the state budget, ISBE is not required to implement NTIMP.

Please contact any Robbins Schwartz attorney if you have questions about these new laws.