



# QUARTERLY E-NEWSLETTER

April — June 2014

## LEGAL UPDATES

### June 2014

- The U.S. Department of Education released its new publication, "Restraint and Seclusion: Resource Document" describing 15 principles to consider when developing or revising policies and procedures on the use of restraint and seclusions in schools.
- A new Illinois Senate Bill, SB 2793, was sent to the Governor for signature which will require the Illinois State Board of Education to prepare a report and analyze disciplinary information from each school district in order to determine whether school districts are using "harsh disciplinary practices," or exhibiting racial inequalities during disciplinary practices.
- A new Illinois Senate Bill, SB 2989, was proposed which would allow psychologists who hold a Nationally Certified School Psychologist certificate to meet the definition of "school psychologist" as defined by the Illinois State Board of Education.

### May 2014

- A newly proposed Illinois House Bill, HB 5397, would require school districts to integrate fitness testing into the curriculum report on the information to the Illinois State Board of Education to "assess student fitness indicators."
- A new Illinois House Resolution, HR 543, has been proposed to urge ISBE to delay the implementation of the new Common Core Standards, in order for the ISBE and General Assembly to create a viable plan for additional funding to school districts which need "improvements and modernization" to comply with the new standards.
- A recent New Mexico decision, Castillo v. Hobbs Mun. School Bd., denied relief to a former assistant principal who brought a suit against his school district employer for infringement of his "good name and reputation," after the school district released a copy of a tape-recorded sexual explicit phone conversation he had with this secretary. The court found that the school district took no unreasonable actions when it elected not to renew the administrator's one-year contract, and instead offered him a position as a 1st grade teacher.

### April 2014

- In a recent 7th Circuit decision, CTL by Trebatoski v. Ashland Sch. Dist. (62 IDELR 252), the appellate court struck down a parents' claim for disability discrimination when a school district provided a full time nurse to assist their child with diabetes, but not two additional trained aides as specified in her Section 504 plan. The court noted the implementation error did not amount to "discrimination" unless the deviation was so significant that it denies the child the benefit of a public

education.

- The Illinois House of Representatives recently passed through a new House Resolution which would require legislative hearings to be held regarding the administration and funding of high school sports and the Illinois High School Association, as well as the safety of high school athletes and viability of the ISBE to take over IHSA duties and functions.
- A new Illinois Appellate Court Decision, Uptown People's Law Center v. Department of Corrections (2014 Ill. App. 1st 130161), changes the definition of "prevailing party," related to matters involving FOIA requests. While the appellate court ultimately upheld the denial of attorneys fees to the law center, the 1st circuit found that a court order is not a prerequisite to a "prevailing party" status under FOIA, but that a party may obtain fees "regardless of the extent that he or she is successful in a court action."

## RECENT PUBLICATIONS

### Medication Administration in Schools

## UPCOMING PRESENTATIONS

<b>Date</b>	<b>Title/Topic</b>	<b>Organization</b>
5/7/14	Succeeding in the Field of Education Law	Chicago Bar Association
5/16/14	Pressing Legal Issues in Special Education	IAPSEC
5/23/14	Mental Health Law Update	Palos Behavioral Health Professionals

This e-newsletter is provided as a courtesy only. For the most up to date and additional information, please visit Whitted Takiff + Hansen's website at [www.wthlawfirm.com](http://www.wthlawfirm.com). Please also note that the information you obtain from this e-newsletter and our website is not, nor is it intended to be, legal advice. You should consult an attorney for advice regarding your individual situation. We invite you to contact us and welcome your calls, letters and electronic mail. Contacting us does not create an attorney-client relationship. Please do not send any confidential information to us until such time as an attorney-client relationship has been established.