



### LEGAL UPDATES

#### December 2014

- A new study published by the Centers for Disease Control and Prevention ([Depression in the U.S. Household Population, 2009-2012](#)) finds that nearly 1 in 12 Americans over the age of 12 suffer from Depression.
- A new Illinois House Bill, HB 3796, clarifies the definition of “voluminous request” in regards to the Freedom of Information Act, in an attempt to protect public bodies from citizens abusing the law to repeatedly request large amounts of information.
- A new Illinois Senate Bill, SB 2809, was approved by both the Senate and the House and allows for a civil action to be brought by the Attorney General to stop the payment of pension benefits under any of the State’s pension systems to any employee who is convicted of a felony relating to, arising out of, or connected with that person’s service as an employee.

#### November 2014

- An Arkansas federal court judge recently denied a school district’s motion to dismiss a Section 504 and Title IX claim brought by the parents of a disabled student who committed suicide. Judge James M. Moody, in the [Estate of Barnwell by Barnwell v. Watson](#) (64 IDELR 8), noted that the parents had merit in their civil lawsuit against the school district alleging the district’s culpability in their son’s suicide. Judge Moody found that the student, who was diagnosed with Asperger’s Disorder, had sufficiently provided notice of bullying when he wrote a letter to a school counselor stating that he wanted to leave school because he couldn’t handle “being an outcast.” The judge also noted in the decision that the letter, in addition to the parents’ reports of bullying, should have prompted the District to launch an investigation of suspected disability harassment.
- A proposed Senate Bill, SB 2711, would allow principals to apply recognized out-of-state time to count toward the minimum four years’ experience necessary for a Principal Endorsement.
- The federal Office of Special Education Programs (“OSEP”) recently published guidance in [Letter to Reilly](#) (114 LRP 49672), indicating that, unlike IDEA matters, neither the school district nor the parents have the burden of proof in state board of education complaints. OSEP noted, “Unlike due process hearings, State complaints are investigative in nature, rather than adversarial, and do not include the same procedural rights accorded to parties in an impartial due process hearing. Therefore, the Department believes that it is not consistent with the IDEA regulation for an SEA to treat a State complaint like a due process complaint and assign the burden of proof to either party.”

- A new [blood test](#) has been developed by Northwestern Medicine Scientists which can be used to diagnose Depression in adults. The test, which identifies nine specific RNA blood markers linked to Depression, can also identify which treatment courses will be most likely to succeed in individual patients.
- Illinois will receive nearly \$2 million dollars in federal grants to help schools better prepare for emergencies, as well as to improve methods of discipline and support for struggling students. Through the School Emergency Management Grant Program, ISBE will receive more than \$1 million to help school districts develop and implement high-quality school emergency operations plans. In addition, the School Climate Transformation Grant Program will provide \$800,000 to three school districts – Alton CUSD #11, Zion Elementary School District #6 and Sandoval CUSD #501 – will help reduce school violence by providing mental health services.
- The U.S. Department of Education's Office of Civil Rights published [guidance](#) to school districts and educational personnel to help stop bullying of students with disabilities.

## UPCOMING PRESENTATIONS

Date	Title/Topic	Organization
2/3/15	Special Education Laws Made Simple	National Business Institute
2/7/15	Special Education Updates and Legal Hot Topics	Illinois Council for Children with Behavioral Disorders
2/10/15	ASD and the Criminal Justice System	Illinois Autism Task Force
3/18/15	Creatively Resolving Disputes for Special Education Hearings Under the IDEA	Illinois State Bar Association
4/22 – 4/23/15	The Right to Remaining Silent: Navigating Aspects of the Criminal Justice System	The Arc of Illinois
4/22 – 4/23/15	Individual Education Plans: Be an Active and Informed Partner in the Process	The Arc of Illinois

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