



LEGAL UPDATES

December 2015

- The Third U.S. Circuit Court of Appeals recently decided in [G.L. by Mr. G.L. and Mrs. E.L. v. Ligonier Valley School District Authority](#), that although the IDEA calls for a two-year statute of limitation period for filing FAPE claims, parents are still allowed to seek relief for violations that predate the two-year time period. In the case, the parents of a disabled child filed for due process in 2012, but were seeking relief from the district for the time periods between 2008 and 2010. The District attempted to dismiss the matter, claiming the relief time period exceeded the two-year statute of limitations. However, the 3rd Circuit refused, indicating that while the complaint filing time frame is solidified in the statute, the IDEA allows for a “broad remedial scheme,” and noted that several federal courts have awarded compensatory education as relief for time periods longer than two years.
- The American Psychological Association (“APA”) has now published [guidelines](#) for psychologists working with transgender patients. The guidelines follow the creation of an APA task force developed in 2009, and are focused on educating psychologists to better understand the lifespan development, stigma, discrimination and barriers to care faced by the transgender population.
- Illinois was recently awarded \$42 million in U.S. Department of Education funds to devote to strengthening the quality and accountability of its charter schools. In addition to the state-level awards, 12 charter management organizations (“CMOs”) also received awards, including Illinois’ Lawndale Educational and Regional Network and the Noble Network of Charter Schools.

November 2015

- In a recent federal court decision, [Oakland Unified School District v. N.S. ex rel. Genning and Samhal](#), a judge chastised a school district for failing to take a student’s mental health needs into account and blaming his behavior solely on drug use. The judge ruled in favor of the parents, allowing them to move forward with their claim for tuition reimbursement for their unilateral placement of their son, and indicated that if the district had evaluated the student’s mental health needs instead of attributing his problem behaviors to his drug use, it might have avoided an IDEA lawsuit.
- In a new Illinois Appellate court decision, [Earl v. Decatur Public Schools Board of Education](#), a judge agreed with the school district that the service learning hours required for high schoolers to graduate in Illinois did not constitute a form of “involuntary servitude.” The court remarked that the six hours required per year (for a total of 24 hours) was not considered “unreasonable, onerous, or unduly burdensome making it akin to involuntary servitude.”
- ISBE has released [new guidance](#) regarding teacher resignation procedures, subsequent to an Illinois Appellate Court decision from [Board of Education of Park Forest Heights School District No. 163 v. the State Teacher Certification Board, et. al.](#) The new guidance upholds Illinois’ statutory requirement that if a teacher (considered “tenured” or otherwise), wants to resign mid-school year to accept another teaching position, the teacher must first petition to the school board at last 30 days prior to leaving, and must obtain full board concurrence prior to resignation.

October 2015

- A new Illinois law, Public Act 98-0846, changes the child custody definition in Illinois to include “fictive kin” as a “relative” of a child, which is defined as, “any individual, whether related or unrelated by birth or marriage, who is shown to have close personal or emotional ties with the child or the child’s family.”
- Illinois was one of nine states awarded \$9.2 million from the U.S. Department of Education earmarked to improve personnel training systems to help children with disabilities. The money, granted to Illinois’ Office of Special Education and Rehabilitative Services, will be utilized to reform and improve statewide systems for personnel preparation and professional development in early intervention, and well as for education and transition services for all special education students.
- A new Illinois law, Public Act 99-0058 (a Vision 20/20 initiative), passed, authorizing ISBE to use specified monies to support the recruitment and retention of educators. It also makes changes concerning specific endorsements for chief school business officials, and other administrator and teaching licenses.

MEMORANDUMS

Illinois Awarded \$42 Million in Federal Grants for the Creation and Expansion of Public Charter Schools

UPCOMING PRESENTATIONS

Date	Title/Topic	Organization
1/29/16	Current Non-Public School Funding Issues	IAPSEC
2/6/16	Latest Legal Issues Impacting Students with Emotional/Behavioral Disorders	Illinois Council for Children with Behavioral Disorders
2/11/16	Special Education and Implications of Senate Bill 100	Illinois State Bar Association
3/1/16	Individual Education Plan – Be an Active and Informed Partner in the IEP Process	Warren Township Youth and Family Services
7/22/16	Constructing Your Child’s IEP	National Organization for Disorders of the Corpus Callosum

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.

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.