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QUARTERLY E-NEWSLETTER

January – March 2016

LEGAL UPDATES

March 2016

- The Illinois Association for School Boards has published a sample [School Resource Officer \(SRO\) Memorandum of Understanding](#) for school districts to utilize as part of their policy reforms pursuant to the Illinois' new discipline law, SB 100.
- The U.S. Department of Education has provided a [Frequently Asked Questions \(FAQs\)](#) page regarding the new Every Student Succeeds Act (ESSA), to support states and local education agencies in understanding expectations during the transition to full implementation of the new Act.
- A U.S. Court of appeals for the 5th Circuit has ruled that obtaining a stay-put order pursuant to the IDEA is not sufficient to make a party a “prevailing party” entitled to attorney’s fees. The three-judge panel in [Tina M. v. St. Tammany Parish Sch. Bd.](#), concluded that a stay-put order is the functional equivalent of a preliminary injunction, and an “automatic procedural safeguard,” which does not materially alter the legal relationship between the parties.

February 2016

- Governor Rauner signed an Executive Order creating the Governor’s Cabinet on Children and Youth (the “Children’s Cabinet”) to “streamline Illinois’ education and youth efforts across the state.” The Cabinet will work with health and human service providers, early childhood programs, elementary schools, high schools and post-secondary institutions to integrate the agencies and their missions, and to “drive the best outcomes for our students in Illinois.” For more information, please see the Governor’s [press release](#) on the Children’s Cabinet.
- The U.S. Court of Appeals for the Seventh Circuit recently found that the Chicago Public Schools did not commit age discrimination against a Principal whose contract it did not renew. In the case, [Bordelon v. Board of Education of the City of Chicago](#), the appellate panel agreed that just because the man’s supervisor had told the Principal “... it was time for [him] to give up,” that statement alone did not amount to enough evidence that it was discriminating against the man’s age.

January 2016

- The Office of Special Ed and Rehabilitative Services has issued a new “Dear Colleague Letter” ([66 IDELR 227](#)), which mandates school districts to draft “grade level” goals for all children with disabilities, regardless of whether the child is independently functioning at grade-level in any particular area. The Letter suggests that appropriate modification of assignments can allow any student access to grade-level materials, despite low math or reading abilities.

- A new [School District Self-Assessment Checklist](#) has been created for districts to use as guidance when updating and revising their discipline policies based on the new PA 99-0456 requirements. The checklist was developed by the Transforming School Discipline Collaborative, “a collaborative of organizations that are working to ensure that Illinois’ schools are safe and supportive for all students.”
- The Ohio Center for Autism and Low Incidence Disabilities has created the first of its kind online training course which provides guidance on the education of children who have been diagnosed with an Autism Spectrum Disorder. The course, [The Many Faces of Autism](#), was developed for “parent, grandparent, neighbor, co-worker, teacher, bus driver, or librarian,” and any other service provider to “introduce you to characteristics of autism spectrum disorder (ASD) and dispel common misconceptions through the experiences and perspectives of individuals on the autism spectrum.” The course also provides continuing education credits for social workers.

MEMORANDA

Health Examinations & Immunizations: Certificate of Religious Exemption

UPCOMING PRESENTATIONS

Date	Title/Topic	Organization
4/8/16	Have You Heard This One? A Parent, A Therapist and a Lawyer Walk Into an IEP...”	Parenting in Space
4/20/16	The Right to Remain Silent: Navigating Aspects of the Criminal Justice System	The Arc of Illinois
5/12/16	Due Process Procedures	National Business Institute
6/13/16	Education Law Issues in Illinois	National Business Institute
7/22/16	Constructing Your Child’s IEP	National Organization for Disorders of the Corpus Collosum
9/24/16	How to Obtain Services from Schools and Prepare for IEP Meetings	ATTACH
9/27/16	Criminal Law Issues with DD/MI Clients	IICLE
9/27/16	Overview of Special Education Laws	IICLE
10/22/16	Legal Issues in Dyslexia and other Learning Disabilities	Learning Disabilities Association of Illinois
11/3/16	Hot Topics in Special Education Law and Discipline	ICEC

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