



WHITTED + TAKIFF + HANSEN^{LLC}

QUARTERLY E-NEWSLETTER

July – September 2016

LEGAL UPDATES

July 2015

- A new Illinois bill, HB 5902, sent to the Governor for signature, grants student journalists first amendment rights to exercise freedom of speech and press rights within school-sponsored media, regardless of whether the media is supported financially by the school district or created as part of a school class.
- The Illinois State Board of Education just published an updated version of its Appropriate Standard Practices for Illinois Special Education Due Process Proceedings, providing guidance to Illinois due process hearing officers (as well as school districts and parents) with respect to the handling of IDEA cases.
- The 7th Circuit Appellate panel recently found in Brown v. Chicago Board of Education that the school district had a right to fire a high school social studies teacher after he used a racial epithet in class as part of a classroom discussion. Because he was acting as a school district employee, and not as a “citizen,” at the time of the occurrence, First Amendment rights were not afforded to him.

August 2015

- The Illinois State Board of Education released its first draft of the state’s plan to regulate the federal Every Student Succeeds Act (“ESSA”). Comments from the public and organizations regarding the draft plan are being solicited, and are due by October 9, 2016.
- A new Illinois public law, the Employee Sick Leave (PA 99-0743), allows employees to take off personal sick days for illnesses, injuries or medical appointments for not only themselves, but for immediate family members as well, including children, spouses, parents, in-laws, grandparents or stepparents.

September 2015

- The U.S. Supreme Court has been asked to make a final determination as to the definition of “meaningful educational benefit,” in special education cases through a new lawsuit, Endrew F. v. Douglas County School District RE-1. The U.S. Solicitor’s Office (on behalf of the US Department of Education) recently filed its Amicus Curiae brief, asking for the Court’s clarification as to whether “educational benefit” was “merely... more than de minimus,” or whether a more robust standard was required, a debate which has many of the federal courts across the country split.

- An Illinois Federal District Court found in Martin ex rel. Estate of C.D.C. v. East St. Louis School District #189, that a school district was not guilty of a Section 1983 claim after it failed to prevent the rape of a female intellectually disabled student within the school. The judge pointed out that failing to lock the special education wing of the school did not lead to amount to the creation of a “dangerous situation,” and the fact that the girl was not being supervised 1:1 by a teacher did not amount to neglect, as “the district had no reason to believe [the boy] would push her into a janitor’s closet with her attacker.”
- A Tennessee teacher was recently disciplined for keeping a Learning Disabled student in from recess to complete missing assignments. After the teacher “raised her voice to the student,” and prevented the child from attending at least 10 recesses due to unfinished work, the boy’s parents sued the school district for harassment, based on the boy’s disability. The Office of Civil Rights investigated the incident, and found the teacher at fault, and the district guilty of failing to identify a “hostile environment” for the child.

UPCOMING PRESENTATIONS

Date	Title/Topic	Organization
9/24/16	How to Obtain Services from Schools and Prepare for IEP Meetings	Association for Training on Trauma and Attachment in Children
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	Illinois Council for Exceptional Children
11/9/16	Taking Back Control of Your School: How to Set Boundaries with School Districts, Parents and Employees	Proficio Consulting Group, Inc.
12/6/16	Constructing Your Child’s IEP: Understanding Your Rights and How to Obtain Services	ATTACH
2/4/17	The Latest Legal Developments in Discipline and Bullying	Illinois Council for Children with Behavioral Disorders

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.