



QUARTERLY E-NEWSLETTER

October — December 2017

LEGAL UPDATES

December 2017

- A new Public Act, PA 100-0122, allows parents to enact a “stay-put placement” by requesting mediation (in addition to filing a formal due process hearing complaint). If mediation is requested, the 10-day period to request a due process hearing would then begin either: 1) When the district declines to participate in mediation, or 2) When mediation attempts terminate without an agreement.
- A newly proposed Illinois Senate Bill, SB 2236, would prevent the Invest in Kids Act (which allows tax incentives for parents who place their children in private schools) from being awarded during any taxable year for which the minimum statutory funding level was not met for the public schools.
- Illinois police are now required to complete Crisis Intervention Training (“CIT”) as part of their basic training requirements, under new Illinois law PA 100-0247. The CIT would include training on how to handle domestic violence situations, as well as “mental health awareness and response” training.

November 2017

- The Northern District Court of California court ruled in favor of the school district regarding its discipline of students in [Shen et al. v. Albany Unified School District](#). This was a first amendment (freedom of speech) case involving five students who were expelled/suspended for posting and “liking” Instagram comments which were racist in nature toward black students and staff. Though the social media comments were made off school grounds and not during school hours, the federal court found that there was a “nexus” to the school (as most of the Instagram followers were students and the posts involved students and staff), and because it was “reasonably foreseeable” that the posts would reach the school and create a “risk of substantial disruption.”
- A federal appellate court recently ruled in [R.E.B. ex rel. J.B. v. State of Hawaii Department of Education](#) that a public school needs to take into consideration the transition needs of a child with Autism moving from a small, self-contained preschool setting to a larger, unfamiliar mainstream setting. This justices specified, “Where transition services become necessary for [children with disabilities] to ‘be educated and and participate’ in new academic environments, transition services must be included in IEPs in order to satisfy the IDEA’s ‘supplementary aids and services’ requirement.”

- A new Illinois law, PA 100-0196, amends the Mental Health and Developmental Disabilities Code to increase outpatient therapy efforts to children under the age of 12. The law increases the number of sessions that can be held without parental consent from 5 to 8, and increases the length of each session from 45 to 90 minutes. It also allows for the continuation of therapy sessions if the provider makes at least two unsuccessful attempts to obtain consent from the parents/guardians, and if obtaining parental consent would be detrimental to the well-being of the minor.

October 2017

- A new Illinois law, PA 100-0176, allows for the Department of Children and Family Services (DCFS) to recommend the removal of a school employee that is subject of an investigation, pending the outcome of the inquiry.
- A new federal court decision, [A.H. v. Illinois High School Association](#), found that a student with Cerebral Palsy was not discriminated against due to the IHSA's denial of a requested accommodation for a track race. While disabled students are afforded accommodations to allow them an equal opportunity to participate in the event, an accommodation which would "substantially lower the standards necessary to compete and place in the race's finals," was considered unreasonable.
- A new Illinois law, PA 100-0532, shortens the time that school districts have to respond to a parent's request to inspect and copy student records from 15 school days to 10 calendar days.

UPCOMING PRESENTATIONS

Date	Title/Topic	Organization
2/3/18	Latest Legal Developments in Discipline and Bullying	Illinois Council for Children with Behavioral Disorders
3/8/18	IEPs – Be an Active and Informed Partner in the Process	Warren Township Youth and Family Services

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