



QUARTERLY E-NEWSLETTER

October — December 2018

LEGAL UPDATES

December 2018

- A recent Wisconsin administrative decision, [In re: Student with a Disability](#), determined that school districts must revise a student's IEP and placement when the student requires home-hospital tutoring services. In this matter, a Wisconsin school district which had been providing home-hospital services for a student who underwent surgery, unilaterally determined that services should be discontinued due to the student being cleared by a physician to leave the house. The hearing officer found that this decision to terminate services instituted a change of placement, which is illegal without holding an official IEP meeting and allowing the parents to meaningfully participate in the team's decision.
- A new Illinois Public Access Opinion, PAO 18-015, found that the McLean County Board's Finance Committee violated the Open Meetings Act when discussing salaries of elected officials in a closed-session meeting. While public bodies are allowed to discuss employee information behind closed doors, there is an exception in the law for these same discussions regarding elected officials.
- The University of Illinois at Champaign-Urbana has developed the [IEP Quality Project](#), a grant-based project which provides resources for special education teachers to help create more appropriate IEP goals, services and accommodations for individual students. To register for access, visit the web link.

November 2018

- The Illinois Department of Revenue adopted the Invest in Kids Act (effective October 31, 2018), which grants parents income tax credits for contributions to approved Scholarship Granting Organizations (SGOs) (i.e. 501(c)3 corporations) for scholarships to students attending non-public schools recognized by the State Board of Education. Tax credits of up to 75% of the taxpayer's total qualified SGO contributions can be claimed.
- The 6th Circuit Appellate Court recently ordered, in [H.C. v. Fleming County Kentucky Board of Education](#), that a Kentucky School District did not violate Section 504 when it banned a student's parent from entering school grounds without prior approval. While the mother of the child filed the complaint alleging that the school district was discriminating against her because she was advocating on her son's behalf, the school was able to prove that the mother harassed, intimidated and threatened its employees and ignored a previous letter banning her from entering school property.

- The Illinois State Board of Education (ISBE) approved specific recommendations to expand and diversify the state's highly qualified teacher workforce. Specific legislative changes will: 1) Create three job-embedded routes to licensure for paraprofessionals, substitutes, transitional bilingual educators, and career changers, 2) Remove the requirement of a test of basic skills for individuals already possessing a bachelor's degree (from a regionally accredited institution), and 3) Expand mentoring supports to experienced teachers and professionals.

October 2018

- The Office of Special Education Programs (OSEP) issued new guidance, [Letter to Mason](#), to school districts dissuading them from shortening students' school days due to negative behaviors. OSEP informs districts that these short-term, repeated disciplinary referrals will amount to a "pattern" of removals, triggering the IDEA's disciplinary protections, including the right to a manifestation determination review.
- The Chicago Office of Civil Rights (OCR) has ruled, in [Cedar Falls Community School District](#), that while districts must generally allow students to use a service animal, the institutions are not mandated to provide a handler or care or supervision of the animal.
- A vetoed Illinois House Bill 4743, overridden by the House of Representatives, would disallow employers from discriminating against African American employees, and requires that all employees who engage in the same or substantially similar work, requiring equal skill, effort and responsibility, to be paid equally.