



QUARTERLY E-NEWSLETTER

January – March 2019

LEGAL UPDATES

March 2019

- The Illinois House is considering a proposed House Bill, HB 1559, which would require all public high schools, beginning with the 2019-2020 school year, to create curriculum and possibly a unit of instruction on “media literacy.”
- A newly-pending Senate Bill, SB 210, would require the Illinois High School Association to allow students who are eligible for special education services through age 21 to be eligible for interscholastic competition until the day before the student’s 22nd birthday.
- A recent Indiana Department of Education Office of Special Education ruling, Westview School Corporation, allows for substitute teachers, who are supervised by a properly-licensed special education teacher, to provide direct services to special education students without being licensed as a special educator.

February 2019

- The federal court in [Z.J. by L.C-W v. Board of Education of City of Chicago](#), found that a school district should have been prompted to evaluate a student for special education services when the student scores below average on more than one consecutive standardized test. The judge indicated in the decision, “Given the importance that [the district] places on these scores, the court finds it more likely than not that a student who repeatedly scores well below benchmark is displaying clear signs of a potential learning disability.”
- A newly pending House Bill, HB 1561, would require school boards to develop threat assessment protocols and threat assessment teams. In addition, the protocols would be required to be posted on the school board’s website for public access.
- The Illinois House Judiciary-Criminal Committee is considering a proposed House Bill, HB 2235, which would allow school resource officers to carry a firearm.

January 2019

- A new Senate Bill, SB 2527, went into effect January 1, 2019, which would allow for qualified students to enroll in an unlimited amount of dual credit courses (earning an unlimited amount of credits) so long as the course was taught by a qualified Dual Credit instructor.

- Illinois' Senate Education Committee is considering a new Senate Bill, SB 117, which would require schools and school districts to provide notice of the destruction of student records to parents and students prior to destruction.
- A newly proposed Illinois House Bill, HB 4657, would create the Emotional Intelligence Education Task Force to help develop curriculum guidelines and best practices on social-emotional learning (SEL) and emotional intelligence.

RECENT FIRM SUCCESSES

- Prevailed in successfully negotiating the re-initiation of special education services and placement within a therapeutic day school for a student who had previously graduated, but continued to exhibit severe social/emotional deficits.
- Secured a successful outcome in criminal court for a minor with disabilities who was facing juvenile charges in DuPage County.
- Negotiated a settlement in a pending due process hearing which included a monetary reimbursement of more than \$50,000 from a school district's failure to timely evaluate a student prior to a unilateral placement within in a therapeutic residential placement.
- Secured special education eligibility for a student with Learning Disabilities, who had previously been privately placed within a parochial school setting.
- Assisted a family in acquiring guardianship for their disabled adult son, who suffered from Schizoaffective Disorder.
- Prevailed in the defense of a young adult diagnosed with Autism, who had an Order of Protection filed against him.
- Secured full funding from a school district for placement within a residential facility for a client diagnosed with Major Depressive Disorder, Anxiety Disorder, Oppositional Defiant Disorder, ADHD and Disruptive Mood Dysregulation Disorder.
- Obtained special education eligibility for a student diagnosed with ADHD and Major Depressive Disorder, as well as monetary reimbursement from the school district for parents' out-of-pocket expenses for a private evaluation and tutoring services.

This e-newsletter is provided as a courtesy only. For the most up to date and additional information, please visit Whitted Takiff LLC's website at www.whittedtakiff.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.