



QUARTERLY E-NEWSLETTER

July — September 2019

LEGAL UPDATES

September 2019

- A new Illinois law, PA 101-0564 (effective January 1, 2020), reorganizes the list of mandated reporters for the Abused and Neglected Child Reporting Act (“ANCRA”), as well as requires persons under the Act to complete mandated reporter training within three months of being hired in a capacity as a mandated reporter, and at least every three years after.
- New guidance from the Office of Special Education Programs (“OSEP”), Letter to Zirkel, allows for parents appealing the removal of a student for disciplinary purposes or appealing the District’s decision regarding a Manifestation Determination Review (“MDR”) to utilize their state complaint system, in lieu of an expedited due process hearing.
- Governor Pritzker signed a new law (PA 101-0443) granting Illinois teachers a minimum salary of \$40,000. The state will increase the minimum salaries incrementally over the next four years:
 - Not less than \$32,076 for 2020-2021;
 - Not less than \$34,576 for 2021-2022;
 - Not less than \$37,076 for 2022-2023; and
 - Not less than \$40,000 for 2023-2024.

The minimum salary after 2024 then will be increased per the Consumer Price Index (“CPI”) from the previous school year.

August 2019

- A new Illinois law, PA 101-0515, requires school districts to utilize Response to Intervention (“RtI”) as part of the evaluation procedure to see if a student is eligible for special education services. The law also requires school districts to make parents/guardians a part of the data sharing and decision-making process, and requires the Illinois State Board of Education (“ISBE”) to create guidelines for districts to facilitate parental involvement.
- The Governor signed a new law, PA 101-0238, requiring juvenile court judges to order a mental health evaluation be conducted prior to sentencing a student under the age of 18 for a crime involving a threat against a school building or school personnel.
- A new Illinois law, PA 101-0370, requires public school districts, public schools, charter schools or non-public schools to allow school nurses and/or school administrators to administer a medical cannabis infused product to a student.

July 2019

- A new House Bill, HB 3586, is currently awaiting the Governor's signature, and would include parents in the data sharing and decision-making process regarding Response to Intervention efforts by a school district for students. The bill also requires school districts to utilize RtI information as part of a student's case study evaluation for initial eligibility for special education services, and for ISBE to provide guidance and resources to school districts on facilitating parental involvement.
- A new revision (P.A. 1001-0046) to the Illinois law regarding educational support personnel employees requires that if an employee is fired as a result of a Reduction in Force (RIF), if the employee is rehired by the same school district at some point in the future, the employee maintains the rights accrued during the previous service with the school district.
- A new Illinois Senate Bill, SB 1226, would dismantle Illinois' State Charter School Commission (the commission responsible for appealing charter school denials by local school districts) and would transfer all responsibility (including the monitoring and maintenance of 11 approved charter schools) to the Illinois State Board of Education. The bill has passed both the House and Senate, and is currently awaiting the Governor's signature for adoption.

RECENT FIRM SUCCESSES

- Secured a private therapeutic day school for a complex student diagnosed with Specific Learning Disabilities, Emotional Disabilities and medical issues;
- Successfully mediated a disciplinary matter involving the recommended expulsion of a student diagnosed with ADHD, and achieved placement within a private educational setting in lieu of expulsion;
- Advocated successfully for push in behavioral services and supports from a Board Certified Behavior Analyst ("BCBA") at an elementary school to allow a student with behavioral disabilities to be educated in a mainstream setting;
- Secured a therapeutic residential placement for a child with Reactive Attachment Disorder ("RAD") and Emotional Disabilities who was refusing to attend her public school setting and eloping from both school and home;
- Successfully argued a Statute of Limitation issue with a hearing officer, who ordered that the District's Child Find violation (and remedy to the parent) could surpass the statutorily mandated 2-year limitation in the IDEA.

UPDATED MEMORANDUM

[New Law Expands Protections For Parents At IEP Meetings](#)

[Expansion of Law on Medical Marijuana in Schools](#)

UPCOMING PRESENTATIONS

Date	Title/Topic	Organization
10/23/19	Legal Issues in Dyslexia and Other Disabilities – A Special Education Overview	Everyone Reading Illinois
10/31/19	Updates in Special Education	Illinois Council for Exceptional Children
11/14/19	Restraint and Isolated Time Outs School Utilization, Compliance & Best Practices	Proficio
2/1/19	Restraint and Isolated Time Outs School Utilization, Compliance & Best Practices	Illinois Council for Children with Behavioral Disorders

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