



QUARTERLY E-NEWSLETTER

October — December 2019

LEGAL UPDATES

December 2019

- A new Illinois law, PA 101-0598, was signed by the Governor which delays the requirement for school districts to provide drafts of a student's IEP and all related documentation (including related service logs) until July 1, 2020. The delay in implementation of the requirement is to allow school districts time to create policies and procedures to insure implementation of the new law.
- The Illinois State Board of Education filed Emergency Amendments to the Emergency Rules on Time Out and Restraints issued in November 2019, providing further clarification for private and public schools. Among the issues clarified in the emergency amendments is that ISBE is once again allowing schools to use prone and supine restraints, if necessary, if specific criteria are met during a behavioral incident. For more detailed information, please see our guidance memos regarding both the Emergency Rules and Emergency Amendments linked above.
- A new Illinois law, PA 101-0594, was signed by the Governor which amends the Educator Licensure Article of the School Code to allow certification of a Paraprofessional on an Educator License to be issued to an application who (among other qualifications) has passed a paraprofessional competency test. The new law will allow paraprofessionals to bypass the requirement for an associate's degree or minimum number of higher education credits if they can pass the competency test, and is hoped to relieve the severe paraprofessional shortage (955 open positions as of the end of October 2019) being experienced by school districts throughout the state of Illinois.

November 2019

- A new administrative decision out of Nevada, Douglas County School District, found that a District violated the IDEA when it failed to conduct a Manifestation Determination Review ("MDR") meeting prior to expelling a 10th grader with Other Health Impairment. The hearing officer in this matter concluded that despite the fact that the student brought a potentially dangerous airsoft pistol to school, it did not excuse the school district's obligation to determine whether the disciplinary offense was related to the student's disability. In addition to ordering the school district to conduct an MDR meeting, the hearing officer awarded compensatory educational services to the student for the time missed between his expulsion and the due process hearing decision.
- A new pending Illinois Senate Bill, SB 1557 (approved by both the House and Senate and awaiting Governor signature) acts as a "trailer bill" to the new recreational cannabis bill, clarifying that smoking cannabis is not allowed in public places (e.g. restaurants and bars) and allowing all employers (including public and private schools and mental health institutions) to declare drug-free work zones to prohibit cannabis use by employees.

- A new Illinois law, PA 101-0620, was signed by the Governor which protects the privacy of public employees, affirms collective bargaining rights, and clarifies due deduction procedures. For a more detailed description of the new provisions of the law, see the Illinois Education Association's coverage of the legislation.

October 2019

- Governor Pritzker signed into law the historic Children and Young Adult Mental Health Crisis Act (PA 101-0461). The Act makes Illinois the first state in the country to require private insurance coverage for multi-disciplinary treatment approaches for serious mental health conditions for children and young adults under the age of 26. It also expands coverage for mental health treatment under Medicaid, as well as under the Family Support Program ("FSP"), a mental health grant system in Illinois which provides free mental health services and residential services for children and young adults suffering from severe mental health issues. The bill is effective beginning January 1, 2020.

RECENT FIRM SUCCESSES

- Secured a therapeutic private residential placement for a student diagnosed with Autism Spectrum Disorder;
- Successfully negotiated a diagnostic therapeutic day school setting for a student who had several diagnoses but who was previously not eligible for special education services due to placement within a private school setting.
- Advocated successfully on behalf of several clients for emergency amendments to Illinois special education rulemaking prohibiting schools from utilizing specific crisis management techniques for students experiencing significant behavioral incidents.
- Successfully secured court-ordered Guardianship (and subsequent residential placement) for a client diagnosed with Reactive Attachment Disorder, ADHD, Specific Learning Disabilities, Anxiety Disorder, Major Depressive Disorder, Obsessive Compulsive Disorder, Bipolar Disorder and Personality Disorder.
- Secured Section 504 Plan services and a case study evaluation for a student with language delays after parents were previously denied any formal educational supports.
- Prevailed in an administrative hearing in which a student's school district was attempting to limit compensatory educational relief to two years for the parent of a learning disabled student. The hearing officer found in favor of the parent in the evidentiary hearing, stating that a District's Child Find violation (and remedy to the parent) could surpass the statutorily mandated 2-year limitation in the IDEA.

UPDATED MEMORANDUM

[November 2019 Memo re: ISBE Emergency Rules on Time Out and Restraint](#)

[December 4, 2019 Memo re: ISBE Emergency Amendments to Emergency Rules on Time Out and Restraint](#)

UPCOMING PRESENTATIONS

Date	Title/Topic	Organization
2/1/20	Restraint and Isolated Time Outs School Utilization, Compliance & Best Practices	Illinois Council for Children with Behavioral Disorders

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