



QUARTERLY E-NEWSLETTER

January – March 2020

LEGAL UPDATES

March 2020

- The COVID-19 pandemic and subsequent Stay-at-Home-Order issued by Governor Pritzker closed schools statewide in an attempt to curb the spread of the disease. In order to support its clients, Whitted Takiff created a [COVID-19 website page](#) to provide access to the most recent federal and state guidance regarding e-learning and special education services. The web page also provides a link to special education e-learning resources, where parents can access free learning resources related to specific disability areas.
- The National School Boards Association (“NSBA”), in conjunction with the National Association of School Nurses, has issued guidance, “[COVID-19: Preparing for Widespread Illness in Your School Community: A Legal Guide for School Leaders](#),” which includes information to assist school boards in prevention and mitigation, preparedness, response and recovery actions.
- A newly proposed House Bill, HB 4510, would provide that no later than September 1, 2020, Illinois school districts must establish a teacher evaluation plan which ensures that all teachers whose performance is rated as “excellent” or “proficient” is formally evaluated once every three years and informally evaluated once every two years after receiving the rating.

February 2020

- A new Illinois Senate Bill (SB 2281) was introduced, which states that a student whose 22nd birthday occurs during the school year is eligible to continue receiving special education services through the end of the school year. As of April 12, 2020, this bill was referred back to committee for amendment.
- A recent Illinois Office of Civil Rights (“OCR”) investigation, [In re: City of Chicago](#), found in favor of the school district and substantiated the District’s reporting to the Department of Children and Family Services (“DCFS”) of a parent for alleged medical neglect due to the parent’s failure to have her child assessed at a community crisis center. The parent filed an OCR complaint against the school district, claiming their reporting was in retaliation to her previous advocacy for special education services for her child. OCR found that the parent did not meet the criteria for a retaliation claim, as she did not: 1) Prove the district acted adversely against her, or 2) Prove the adverse action had a causal connection to her previous advocacy. Since the student had exhibited “frequent” violent behaviors, caused physical harm to her dedicated aide, and voiced homicidal ideations, OCR found that the District’s referral for a mental health assessment was appropriate, and that the mother’s refusal (on two occasions) to have her child assessed was, in fact, grounds for a referral to DCFS for potential medical neglect.

- A newly proposed Senate Bill (SB 3001) would provide that an applicant who has earned their Master's Degree in social work and holds a valid Social Worker license from the State of Illinois may obtain a social worker endorsement on an Educator License with Stipulations from the Illinois State Board of Education ("ISBE").

January 2020

- A new Illinois law (PA 101-0624, effective June 1, 2020) allows a student entitled to vote in a primary, general or specific election to be absent for two hours during the school day to vote on Election Day. The student's school may specify the hours in which the student may be absent.
- A recent Illinois law, requiring school districts to provide parents of students with disabilities all written Individualized Education Program ("IEP") materials three days prior to the meeting (as well as related service logs), was amended (PA 101-0598) to delay the implementation of these requirements until July 1, 2020.
- A new law, PA 101-0594 (effective immediately), reinstates a competency test for people seeking a paraprofessional educator endorsement to work in Illinois schools.

RECENT FIRM SUCCESSES

- Prevailed in successfully negotiating a therapeutic day school placement for a high school student whose significant emotional disabilities preventing the client from attending the mainstream high school successfully.
- Secured special education eligibility for an elementary school student with Specific Learning Disabilities ("SLDs") who had been denied an Individualized Education Plan ("IEP") and was instead being served unsuccessfully by Response to Intervention ("Rtl") supports for three continuous years.
- Obtained reimbursement of more than \$50,000 in educational services due to a school district's failure to timely identify and service a student with significant SLDs and language deficits.
- Assisted a family in acquiring guardianship and funding for an appropriate residential placement for a client eligible for IEP services under the category of emotional disability.
- Secured full funding from a school district for placement within a residential facility for a client who had exhibited significant school refusal behaviors for the past two years.
- Secured special education eligibility and services for an elementary school student diagnosed with several language and vision deficits, who had previously been denied an IEP.