



# QUARTERLY E-NEWSLETTER

## October — December 2020

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### LEGAL UPDATES

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#### December 2020

- A newly introduced Illinois House Bill, HB 576, would allow excused absences for students for mental/behavioral health needs.
- A pending Illinois House Bill, HB 12, would require school districts and other educational institutions to grant Family Medical Leave to employees who have been employed for one year (12 months) and worked at least 1,000 hours within that timeframe.

#### November 2020

- Many school districts in the state of Illinois entered into an “adaptive pause” for in-person school instruction, due to the state entering into emergency Tier 3 mitigation efforts in response to a significantly increasing number of COVID infections. Remote learning formats were reinitiated, requiring students to stay home until infection rates lowered.

#### October 2020

- The 9th Circuit Court of appeals has ruled in Bellflower Unified School District v. Lua ex rel. K.L., that school districts are not allowed to deny services to students who are not officially enrolled in their school district. In this matter, a California school district refused to hold a student’s annual review IEP meeting unless the parents removed her from her private parochial school setting and re-enrolled her into the public school district. The appellate panel found that the district’s refusal to offer a FAPE to the student warranted reimbursement to the parents for the student’s parochial school placement.
- The Rehabilitation Services Administration, a division of OSERS, has provided guidance for providing job experience opportunities to students with disabilities during the COVID-19 pandemic. The RSA notes that agencies are not allowed to shift their current funding for in-person work experiences to other activities – they must provide virtual work experiences in order to comply with Federal requirements.
- The Office of Special Education Programs published guidance for Early Intervention service providers for providing services during the COVID-19 pandemic. OSEP has stated that if health-related restrictions prohibit service providers from performing in-person services, then the child’s IFSP team must reconvene to consider alternatives to meet the child’s needs.