



2011 Education Legislation Summary - October 3, 2011

The following is a summary of the 2011 legislative changes affecting school districts. Click [here](#) for a pdf of the entire summary or click the links below to review the specific topics. To discuss these changes in more detail, contact any Franczek Radelet education attorney.

Administration

- Assistant Principals
- Academic Watch List
- Shared Services
- Safe School Zones
- Good Samaritan Act
- District Realignment & Consolidation
- Chief School Business Official Endorsement

Board of Education

- FOIA Amendments
- Open Meetings Act Training
- Open Meetings Act Exemption - Auditors
- ISBE Reports at Board Meetings
- Press Box Accessibility

Curriculum

- State Charter School Commission
- Remote Educational Programs
- Transitional Bilingual Education
- Remedial Education
- Science & Math Partnerships
- Promotion of Reading
- Drivers Education Fees

Employment

- Educational Labor Relations Act
- Salary Increases For IMRF Employees
- Sex Offender Registration
- Personal Information Protection
- Pregnancy Discrimination
- Sex Offender Database
- Teachers' Licenses
- Special Education Teacher Certification

Finance

- School Facilities Occupation Tax
- Prevailing Wage Act

Special Education

- Percentage of Classroom IEPs

Student Health Issues

- Care for Students with Diabetes
- Home or Hospital Instruction
- Concussions
- Access to Emergency Epinephrine

Student Issues

- Alternative Learning Opportunities
- Chronic or Habitual Truants
- Students with Military Parents
- Illinois Dream Act
- Off Campus Electronic Speech
- Stalking No Contact Orders
- Violence Prevention

Transportation

- Drug Testing Bus Drivers
- School Bus Driver Permits
- Multi-Function School Buses



Administration

ASSISTANT PRINCIPALS

Public Act 97-0217

Effective Date: July 28, 2011

The sections of the School Code defining principals' duties, contracts, reclassification, and evaluation have been amended to specifically include assistant principals as well. The effect is to clarify that assistant principals are subject to these provisions. The changes in this legislation also include removal of the requirement that principals work in the school district for two years before the reclassification requirements apply.

ACADEMIC WATCH LIST

Public Act 97-0370

Effective Date: August 15, 2011

Sections 2-3.25f and 10-19.1 of the School Code have been amended to provide that the State Board of Education may allow schools or school districts remaining on the academic watch list for more than two years to convert to a pilot full-year school plan, provided that federal appropriation funds are available. The full-year school plan would be effective upon the expiration of the teachers' current collective bargaining agreement. For such school districts, the school board must adopt a term with a minimum of 215 days of actual attendance, including not more than four institute days, during a 12 month period.

SHARED SERVICES

Public Act 97-0357

Effective Date: January 1, 2012

Regional superintendents are now encouraged to offer school districts the opportunity to share in joint educational or operational programs and to urge school districts to participate in such programs when the school district determines that such participation would be fiscally beneficial. At the request of school districts, regional superintendents may present possible services and functions that multiple schools may share or consolidate, such as bidding and purchasing, office functions, grant writing, food services management, or administrative positions. In addition, the amendment requires school districts to annually complete a report that summarizes the school district's attempts to improve fiscal efficiency through shared services or outsourcing in the prior fiscal year.

SAFE SCHOOL ZONES

Public Act 97-0547

Effective Date: January 1, 2012

School boards are now authorized to designate an area within 1,000 feet of a school to be a safe school zone. School principals and the local law enforcement agency may prohibit persons, other than residents residing in the safe school zone, from entering the safe school zone without a legitimate purpose. Violators of the new law are deemed to have committed the offense of criminal trespass to school land, which is a Class A misdemeanor. This prohibition does not apply to conduct protected by the First Amendment.

GOOD SAMARITAN ACT

Public Act 97-0150

Effective Date: July 18, 2011

The Good Samaritan Act shields from liability individuals who perform cardiopulmonary resuscitation (CPR) in good faith. The Act as



amended now provides that any person trained in basic CPR who has successfully completed training in accordance with the standards of the American Red Cross or the American Heart Association and, who in good faith and not for compensation, provides CPR to another person, shall not be liable for civil damages for his or her acts or omissions while providing CPR, unless the acts or omissions constitute willful and wanton misconduct. Prior law only protected from liability those who were legally certified to perform CPR. The goal of the new law is to encourage individuals to perform CPR in emergency situations without the potential fear of facing civil liability.

DISTRICT REALIGNMENT & CONSOLIDATION

Public Act 97-0503

Effective Date: August 23, 2011

The General Assembly established the 17 member School District Realignment and Consolidation Commission to make recommendations to the Governor and General Assembly on the number of school districts in Illinois, the optimal amount of enrollment for a school district, and where consolidation and realignment would be beneficial. The Commission must hold statewide public hearings and draft a report by July 1, 2012. If 11 members of the Commission vote in favor of the report, the General Assembly must then vote on whether to accept the report.

CHIEF SCHOOL BUSINESS OFFICIALS ENDORSEMENT

Public Act 97-0255

Effective Date: August 4, 2011

A Masters Degree in Public Administration from a regionally accredited higher education institution now qualifies an individual for the school business official endorsement to an administrative certificate. This is an additional option for obtaining a chief school business officials endorsement. The other degrees that can qualify an individual for the endorsement are a Masters Degree in Business Administration, Finance, or Accounting.

Board of Education

FOIA AMENDMENTS

Public Act 97-0579

Effective Date: August 28, 2011

Public bodies are now provided 21 days to respond to FOIA requests made by "recurrent requesters," which are defined as requesters who have submitted to the same public body (i) a minimum of 50 requests for records, (ii) a minimum of 15 requests for records within a 30-day period, or (iii) a minimum of 7 requests for records within a 7-day period. Public bodies also no longer must seek pre-authorization from the Public Access Counselor of the Attorney General's office before denying a request based on the exemptions for "personal information" or "predecisional materials." Finally, a public body may now charge up to \$10 each hour for time spent by personnel in searching and retrieving requested records in response to commercial requests, although the first eight hours must be free. View the FR Alert [here](#).

OPEN MEETINGS ACT TRAINING

Public Act 97-0504

Effective Date: January 1, 2012

School board members are now required to complete the Illinois Attorney General Public Access Counselor electronic training curriculum or a similar training by the Illinois Association of School Boards. Board members elected or appointed prior to January 1,



2012 have one year from that date to complete the training, while board members elected or appointed after that date must complete the training within 90 days after taking the oath of office or, if no oath of office is required, of assuming responsibility as a member of the public body. After completing the training, the board member will receive a certificate of completion, which the member must file with the school district.

OPEN MEETINGS ACT EXEMPTION - AUDITORS

Public Act 97-0318

Effective Date: January 1, 2012

The Open Meetings Act now contains a twenty-eighth exception. A school board may go into closed session for meetings between internal or external auditors and an audit committee, finance committee, or their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards.

ISBE REPORTS AT BOARD MEETINGS

Public Act 97-0256

Effective Date: January 1, 2012

School boards are now required to submit to the Illinois State Board of Education (ISBE) a report on the base salary and benefits of the school district's superintendent, administrators, and teachers by October 1 of each year, instead of July 1 as previously required. Prior to submitting the report, the school board must present this information at a regular school board meeting and post the information on the school district's website.

PRESS BOX ACCESSIBILITY

Public Act 97-0355

Effective Date: August 12, 2011

School districts are now exempt from complying with the requirements of the Illinois Accessibility Code related to the accessibility of press boxes on school district property if the press boxes are in bleachers that have points of entry at only one level and the aggregate area of the press box is no more than 500 square feet.

Curriculum

STATE CHARTER SCHOOL COMMISSION

Public Act 97-0152

Effective Date: July 20, 2011

The Charter School Quality Law amends Section 27A of the School Code, and creates the State Charter School Commission (Commission), an independent state agency with statewide chartering jurisdiction and authority. The Commission now serves the main functions that ISBE previously served with relation to charter schools. View the FR Alert [here](#).

REMOTE EDUCATIONAL PROGRAMS

Public Act 97-0339

Effective Date: August 12, 2011

Section 10-29 of the School Code, which authorizes a school board to adopt remote educational programs, has been amended in a number of ways. For example, for every clock hour of instruction in a remote educational program, one-fifth of a day of instruction will



now be counted as schoolwork for general state aid purposes. The maximum number of days a district can claim for a student enrolled in remote learning opportunities cannot exceed the number of school days a school district can claim for students enrolled in a school building.

TRANSITIONAL BILINGUAL EDUCATION

Public Act 97-0305

Effective Date: January 1, 2012

The Advisory Council on Bilingual Education is now required to submit a report to the State Superintendent of Education, the Governor, and the General Assembly by December 1, 2011. The report must address the 20 child per attendance center standard, educator certification requirements, differences between elementary and secondary schools, and alternative bilingual education programs.

REMEDIAL EDUCATION

Public Act 97-0086

Effective Date: January 1, 2012

If a student's performance is determined to be two or more grades below current placement, the student must be provided a remediation program. The remediation program may include, among other things, a remedial summer school program. The law also adds language to the School Code stating that a remedial summer school program must emphasize reading and mathematics.

SCIENCE & MATH PARTNERSHIPS

Public Act 97-0097

Effective Date: January 1, 2012

Four or more contiguous school districts lying at least partly within a single municipality may now jointly operate a science and mathematics partnerships school through an institution of higher education located in the municipality. The school boards of the participating school districts must adopt resolutions and execute agreements with the institution of higher education. Each school district must contribute its per capita share of operating expenses. And, the number of employees selected from each school district to operate the school must be approximately equal in number.

PROMOTION OF READING

Public Act 97-0088

Effective Date: July 8, 2011

School boards are now required to promote 60 minutes of minimum reading opportunities each day for students in kindergarten through third grade whose reading level is one grade level or more below the student's current grade level. View FR Alert [here](#).

DRIVERS EDUCATION FEES

Public Act 97-0145

Effective Date: July 14, 2011

Previously, school districts could charge a reasonable fee for drivers education classes, but the fees could not exceed \$50. Because many school districts could not cover the expense of providing drivers education courses for \$50 per student, many school districts received waivers from ISBE. The statute has now been amended to allow drivers education fees of up to \$250. The fee may be increased only after a public hearing regarding the adoption of the resolution by the school board.



Employment

EDUCATIONAL LABOR RELATIONS ACT

Public Acts 97-0007 and 97-0008

Effective Date: June 13, 2011

Governor Quinn signed into law Senate Bill 7, the sweeping education reform bill that is the product of months of negotiations between a broad group of stakeholders that included representatives from both management and labor. The Governor also signed House Bill 1197, a trailer bill to Senate Bill 7. Effective immediately, the reform legislation significantly amends the Illinois School Code and the Illinois Educational Labor Relations Act (IELRA). It dramatically impacts teacher tenure, layoff and dismissal policies, and how impasses in collective bargaining are resolved. View the FR Alert [here](#).

SALARY INCREASES FOR IMRF EMPLOYEES

Public Act 97-0609

Effective Date: August 26, 2011

The Illinois Municipal Retirement Fund Act (IMRF) now imposes a penalty on employers subject to IMRF for any salary increases provided to IMRF-covered employees in excess of 6% (or 1.5 times CPI, if higher) in any of the four one-year periods used to calculate an employee's final rate of earnings (typically, the employee's final four years of service). The penalty must be paid to the IMRF within three years after the assessment. This legislation also requires employers to post the total compensation package for each IMRF employee earning more than \$75,000 per year on the employer's website within six business days after adopting a budget. View the FR Alert [here](#).

SEX OFFENDER REGISTRATION

Public Act 97-0154

Effective Date: January 1, 2012

Known as "Andrea's Law," this Public Act amends the Sex Offender Registration Act to provide that any first degree murder that is sexually motivated is a sex offense regardless of the age of the victim or the defendant, and provides for lifetime registration of such offenders. The Act also provides for ten year registration of a first degree murderer of an adult (a person 18 years of age or older at the time of the commission of the offense). The Act amends the Child Murderer and Violent Offender Against Youth Registration Act by removing the word "Child" from the title and the short title. This law also makes conforming changes to the Illinois School Code sections regarding pre-employment screenings to indicate the change in the name of the Murder and Violent Offender Against Youth Registration Act.

PERSONAL INFORMATION PROTECTION

Public Act 97-0483

Effective Date: January 1, 2012

The Personal Information Protection Act has been amended to provide notification requirements when there is a breach of security concerning personal information maintained by an entity. The notification must now include toll-free telephone numbers and website addresses for credit reporting agencies and the Federal Trade Commission, but may not include information concerning the number of Illinois residents affected by the breach. The amendment also specifies that an entity disposing of materials containing personal information must do so in a manner that renders the information unreadable, unusable, and undecipherable. Any entity who fails to



dispose of personal information in this manner is subject to a civil penalty of up to \$100 for each individual whose personal information is disposed of improperly, up to a maximum penalty of \$50,000.

PREGNANCY DISCRIMINATION

Public Act 97-0596

Effective Date: August 26, 2011

The Illinois Human Rights Act has been amended to make it a civil rights violation for an employer to refuse to hire or to treat differently individuals on the basis of pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions must be treated the same as all other employees for all employment related purposes, including receipt of benefits under fringe benefit programs.

SEX OFFENDER DATABASE

Public Act 97-0248

Effective Date: January 1, 2012

The Illinois School Code currently provides that a criminal history records check and a check of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database must be conducted on all employees of persons or firms holding contracts with any school district. This Act amends the Illinois School Code to provide that upon request of another school, school district, community college district, or private school, any information obtained by a school district pursuant to the provisions concerning criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database within the last year must be made available to the requesting school, school district, community college district, or private school.

TEACHERS' LICENSES

Public Act 97-0607

Effective Date: July 1, 2011

Article 21 of the School Code has been amended to streamline the process of obtaining the teacher certification and to modify educator preparation requirements. Prior to July 1, 2011, educators could hold multiple certificates. The amendment replaces these multiple certificates at various times over the next two years with three licenses: professional educator license, educator license with stipulations, and substitute teaching license. The fees for applying for certificates and renewals have also increased. For example, beginning on January 1, 2012 applications for endorsement of an existing teaching certificate are increased from \$30 to \$50, and fees for one of the three new licenses will be \$75 until January 1, 2015, when the fee will be increased to \$100.

SPECIAL EDUCATION CERTIFICATION

Public Act 97-0461

Effective Date: August 19, 2011

This Act amends the Illinois School Code to provide that the ISBE and State Teacher Certification Board must certify a special education teacher under one of the following six categories: (1) Learning Behavior Specialist I; (2) Learning Behavior Specialist II; (3) Teacher of Students who are Blind or Visually Impaired; (4) Teacher of Students who are Deaf or Hard of Hearing; (5) Speech-Language Pathologist; or (6) Early Childhood Special Education Teacher. Previously, the State Teacher Certification Board was required to certify a special education teacher in one of seven specialized categories including serious emotional disturbance, learning disabilities, autism, mental retardation, orthopedic (physical) impairment, traumatic brain injury, or other health impaired. The Act



further authorizes ISBE to assign individuals to special education positions by short-term, emergency certification, which cannot be renewed.

Finance

SCHOOL FACILITIES OCCUPATION TAX

Public Act 97-0542

Effective Date: August 23, 2011

Previously, the question of whether to adopt a countywide School Facilities Occupation Tax could be placed on the ballot either by a resolution adopted by the county board or the county board was required to place the question on the ballot when school boards representing at least 51% of the student enrollment within the County adopted resolutions asking the county board to place the question on the ballot. Public Act 97-0542 removes the county board from the process. Now, when the regional superintendent of schools for the County receives resolutions from school boards representing more than 50% of the student enrollment within the County, the regional superintendent must certify the question to the proper election authority. The exception to the back door referendum requirements of the Local Government Debt Reform Act were also removed, and "school facility purposes" was further defined.

PREVAILING WAGE ACT

Public Act 97-0571

Effective Date: January 1, 2012

The Prevailing Wage Act has been amended to strengthen the requirement for maintaining certified payroll records. Contractors must keep certified payroll records for three years from the date of the last payment on either a contract or a subcontract for public works. No later than the tenth day of each calendar month during a project, a contractor must file with the public body a certified payroll for the preceding month that includes a statement that an officer, employee, or agent of the contractor or subcontractor examined the records and that such records are true and accurate. Any contractor willfully failing to comply with this requirement, and any officer of a public body willfully failing to maintain these records, can be found guilty of a Class A misdemeanor. Any contractor or subcontractor found guilty of willfully violating the certified payroll requirements must be automatically and immediately debarred and there after prohibited from participating in any public works project for four years, with no right to a hearing.

Special Education

PERCENTAGE OF CLASSROOM IEPS

Public Act 97-0284

Effective Date: August 9, 2011

School districts may now exclude students that receive only speech services outside the general education classroom from inclusion as students with individualized education programs (IEPs) for the purpose of calculating the composition of general education classrooms when required by Illinois laws or administrative rules. School districts must ensure, however, that the composition of general education classrooms does not interfere with the provision of a free and appropriate education to any student.

Student Health Issues

CARE OF STUDENTS WITH DIABETES

Public Act 97-0559



Effective Date: August 25, 2011

P.A. 97-0559 amends the Care of Students with Diabetes Act, 105 ILCS 145/1 *et seq.*, to clarify the training requirements for school staff. The original Act required that the “initial training” be provided by a licensed health care provider with expertise in diabetes or a certified diabetic educator and individualized by a student’s parent or guardian, but did not specify whether this requirement applied only to the trainings for delegated care aides or to the training for all school staff. The new amendment clarifies that only the initial training for delegated care aides must be conducted by a licensed health care provider with expertise in diabetes or a certified diabetic educator and individualized by a student’s parent or guardian. The training for all school staff does not have to be conducted by individuals with such specialties.

HOME OR HOSPITAL INSTRUCTION

Public Act 97-0123

Effective Date: July 14, 2011

A child qualifies for home or hospital instruction when it is anticipated that the child will miss school due to a medical condition for two or more consecutive weeks or will be absent on an ongoing intermittent basis, meaning absent for at least two days at a time totaling ten absences in a school year. The instruction must start no later than five school days after the school district receives the physician’s statement. View the FR Alert [here](#).

CONCUSSIONS

Public Act 97-0024

Effective Date: July 28, 2011

The School Code now requires school boards to adopt policies regarding student athlete concussions and head injuries that comply with the Illinois High School Association’s (IHSA) protocols, policies, and by-laws. School districts also must provide information concerning concussions and head injuries as a part of any agreement, contract, code, or other written instrument that a student athlete and parent/guardian are required to sign before participating in practice or competition. School districts must use educational materials provided by IHSA to educate coaches, student athletes, and parents/guardians about the nature and risk of concussion and head injuries, including the risks of continuing to play after a concussion or head injury. View the FR Alert [here](#).

ACCESS TO EMERGENCY EPINEPHRINE

Public Act 97-0361

Effective Date: August 15, 2011

School districts may now authorize school nurses to provide an epinephrine auto-injector to students or personnel when a plan and prescription are on file for the recipient. Additionally, school districts may authorize school nurses to administer an epinephrine auto-injector to any student when the school nurse believes the student is having an anaphylactic reaction. School districts may also maintain a supply of epinephrine auto-injectors in the name of the school district for use when necessary.

Student Issues

ALTERNATIVE LEARNING OPPORTUNITIES

Public Act 97-0495

Effective Date: January 1, 2012

The Alternative Learning Opportunities Law has been amended to provide that a student who is expelled for more than 20 school days



must be immediately transferred to an alternative school program or an alternative learning opportunities program under Article 13A or 13B of the Illinois School Code. A student cannot be denied a transfer pursuant to this provision because of the expulsion or suspension unless such transfer would cause a threat to the safety of students or staff in the alternative program. The Act further provides that a school district may adopt a policy providing that if a student is suspended or expelled for any reason, the student must complete the entire term of the suspension or expulsion in either an alternative school program or an alternative learning opportunities program before being admitted back into the school district, unless there is a threat to the safety of students or staff in the alternative program. Finally, the Act has been amended to also provide that students who are suspended for more than 20 days must be allowed to attend a charter alternative learning opportunities program.

CHRONIC OR HABITUAL TRUANTS

Public Act 97-0218

Effective Date: July 28, 2011

The definition of a chronic or habitual truant has been amended to decrease the number of attendance days that a student may be absent without a valid cause before being considered a truant. Previously, the threshold was 10% of the previous 180 regular attendance days. Now, the threshold is 5% (9 days) of the previous 180 regular attendance days.

STUDENTS WITH MILITARY PARENTS

Public Act 97-0505

Effective Date: August 23, 2011

Enrollment forms distributed at the time of the annual enrollment or at any time during the school year must now provide an opportunity for the individual enrolling the student to voluntarily state whether the student has a parent or guardian who is a member of a branch of the armed forces of the United States and who is either deployed to active duty or expects to be deployed to active duty during the school year. The information collected must be reported to ISBE as aggregate data.

ILLINOIS DREAM ACT

Public Act 97-0233

Effective Date: August 1, 2011

This law creates a privately financed fund that will offer college scholarships to undocumented immigrant student who qualify for assistance. View the FR Alert [here](#).

OFF CAMPUS ELECTRONIC SPEECH

Public Act 97-0340

Effective Date: January 1, 2012

The definition of "gross disobedience or misconduct" in the School Code has been revised to include "gross disobedience or misconduct perpetuated by electronic means." This allows for suspension or expulsion of a student based on an explicit threat against a school district employee, a student, or any school-related personnel that reasonably could be interpreted as threatening to the safety and the security of the threatened individual because of his or her duties or employment status or status as a student inside the school. The threat needs to have been made on an Internet website that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made.



STALKING NO CONTACT ORDERS

Public Act 97-0294

Effective Date: January 1, 2012

Changes have been made to the Stalking No Contact Orders Act, Civil No Contact Orders Act, and Order of Protection Act to address situations where no contact orders involve students at the same school. Courts may now order that a student subject to a no contact order not attend the same school as the student being protected, that the student accept a change of placement or program as determined by the school district, or place restrictions on the students movements within the school. In making these determinations, courts are directed to take into consideration the severity of the act, continuing physical danger or emotional distress, the educational rights of the students, the availability of a transfer to another school, availability of changes of placement or program, and the expense or difficulty of a transfer. If the court orders a transfer, the school district is given the sole discretion on where to transfer the student. And, the parent or legal guardian of the student being transferred is responsible for all transportation costs associated with the transfer.

VIOLENCE PREVENTION

Public Act 97-0087

Effective Date: July 8, 2011

Section 27-23.4 of the School Code requires school districts to provide instruction in violence prevention and conflict resolution.

Previously, this instruction had to be provided to students in grades four through twelve. Effective July 8, 2011, this instruction must be provided to students in the kindergarten through twelfth grade. Additionally, the State Mandates Act was amended to provide that no reimbursement from the State of Illinois is required for implementation of this expanded instructional requirement.

Transportation

DRUG TESTING BUS DRIVERS

Public Act 97-0466

Effective Date: January 1, 2012

Public Act 97-0466 requires an applicant for a school bus driver permit to consent to the release of the results of reasonable suspicion drug and alcohol tests. In addition, an employer of such a bus driver must notify the Secretary of State of the result of a test that indicates alcohol or drug use or of the refusal to submit to such a test, within 48 hours after the test or the refusal. It also provides that the Secretary of State shall suspend for a period of three years the school bus driver permit of a driver who either refuses to take such a test or whose test results indicate alcohol or drug use.

SCHOOL BUS DRIVER PERMITS

Public Act 97-0224

Effective Date: July 28, 2011

Public Act 97-0224 makes several important changes affecting how school districts oversee bus drivers. While school districts have been required to maintain copies of school bus driver permits for each driver, this will now include taxi drivers providing transportation to students. The amendment also provides that buses used to transport students must not have been previously in salvage or junk status and that buses must initially pass safety tests prior to registration and pass subsequent tests every six months. School buses must display a Certificate of Safety and a bus which is not in safe mechanical condition may not be operated on the highways until it has been repaired and passes a subsequent inspection. The amendment increases the insurance requirements for school buses, which



now must be insured in the minimum amount of \$1 million for one person in any one accident and \$5 million for two or more persons injured by reason of the operation of the vehicle in any one accident. View the FR Alert [here](#).

MULTI-FUNCTION SCHOOL BUSES

Public Act 97-0378

Effective Date: August 15, 2011

The definition of a multi-function school activity bus (MFSAB) has been modified. Previously, a MFSAB meant a school bus manufactured for the purpose of transporting up to 15 persons, including the driver, whose purposes do not include transporting students to and from home or school bus stops. Now, a MFSAB means such a vehicle manufactured for the purpose of transporting 11 or more persons, including the driver. The amendment provides districts with more options to transport students to and from athletic events and field trips. For example, districts can now to use church buses to transport students to and from athletic events and field trips.

More Information

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Related Practices

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