

2014 LEGISLATIVE UPDATE: SUMMARY OF CHANGES IN SCHOOL LAW

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Administration

SCHOOL AS POLLING PLACE

[Public Act 98-0773](#)

Effective Date: July 18, 2014

School districts are encouraged to hold a teacher institute day with no students in attendance or close school on Election Day if the school is used as a local polling place. Additionally, any government agency which makes a public building under its control available for use as a polling place must (1) ensure the portion of the building serving as a polling place is accessible to handicapped and elderly voters and (2) allow the election authority to administer the election. This Act applies to the upcoming November 2014 elections.

STUDENT DISCIPLINE STUDY

[Public Act 98-1102](#)

Effective Date: July 1, 2014

ISBE must annually compile a report on student discipline in all school districts, including charter schools, and post the report on its website. ISBE must analyze data regarding out-of-school suspensions, expulsions, and removal to alternative settings in lieu of another disciplinary action. ISBE must then determine the top 20% of school districts based on certain metrics. Beginning in the 2017-2018 school year, each school district identified in this group must prepare and submit a school improvement plan to reduce the use of harsh disciplinary practices, racially imbalanced disciplinary practices, or both. Once a district is outside the top 20% for three consecutive years, it will not have to submit an annual plan.

DESTRUCTION OF PUBLIC RECORDS

[Public Act 98-1063](#)

Effective Date: January 1, 2015

Beginning next year, destruction of any public record, without prior lawful approval, is a criminal offense. Any person who knowingly, without lawful authority and with the intent to defraud any party, public officer or entity, alters, destroys, defaces, removes, or conceals any public record commits a Class 4 Felony.

SALE OF PERSONAL INFORMATION

[Public Act 98-0707](#)

Effective Date: January 1, 2015

The sale or purchase of a child's personal information absent parental consent is no longer prohibited when made under a criminal or civil investigation. In all other contexts, such a sale or purchase continues to be unlawful.

DCFS GUARDIANSHIP

[Public Act 98-0808](#)

Effective Date: January 1, 2015

The state is taking steps through an interagency agreement, which includes ISBE, to prevent children and youth from entering the custody or guardianship of the Department of Children and Family Services (DCFS) solely to receive services. The agreement requires various agencies to establish procedures to review cases of children and youth at risk of relinquishment and to connect them with the needed services.

CHILDREN OF MILITARY PERSONNEL

[Public Act 98-0673](#)

Effective Date: June 30, 2014

Children of active-duty military personnel placed in the custody of a non-custodial parent, attending a non-resident school district because of that placement, may not be charged tuition as a non-resident. Students must be allowed to enroll at the grade level in the receiving state equivalent to their

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grade level in the sending state. Students must also be enrolled based on the unofficial transcripts available, pending validation of the official records as quickly as possible. At the discretion of the superintendent, a student must be granted additional absences to visit with a parent or legal guardian who has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone.

COMMUNITY COLLEGE PARTNERSHIPS

[Public Act 98-1069](#)

Effective Date: August 26, 2014

School districts have increased opportunities to develop a volunteer public-private partnership with community colleges to develop training programs for students in advanced manufacturing technology. Each community college may now partner with school districts, labor unions, manufacturers, and others to provide dual-credit opportunities for high school students to study advanced manufacturing and transition to community college upon graduation to continue the training program.

STATE ASSESSMENTS AND STANDARDIZED TEST

[Public Act 98-0972](#)

Effective Date: August 15, 2014

ISBE must now establish academic standards and procedures for administering upcoming standardized state assessments. The goals and assessment standards apply to all public elementary, secondary, and charter schools. The bill specifically provides a schedule for testing students by grade level and subject matter. Additionally, the assessments must, with certain exceptions, include college and career-ready determinations before a student may graduate secondary school. English language learner (ELL) students must be assessed on English proficiency

annually and be provided certain assessment accommodations.

STANDARDIZED TESTING TASK FORCE

[Public Act 98-1075](#)

Effective Date: August 26, 2014

The State Superintendent of Education will create an advisory task force to evaluate the new standardized assessments that have replaced the Illinois Standardized Achievement Test (ISAT). Implemented as part of the Common Core, the new computer-based assessments will test students in math, English language arts, and reading. The Standardized Assessment Task Force will address the design and content of the assessments; the time and money spent preparing for the assessments; and will hear parent, student, and teacher perceptions of the test.

COOK COUNTY REGIONAL SUPERINTENDENT

[Public Act 98-0647](#)

Effective Date: June 13, 2014

The office of the regional superintendent for any service region with more than two million residents is abolished. Now, the responsibilities, powers, and duties exercised by the regional superintendent will be performed by the Chief Administrative Office of the Educational Service Center for that region.

Board of Education

POSTING SCHOOL BOARD MEMBER E-MAIL ADDRESSES

[Public Act 98-0930](#)

Effective Date: January 1, 2015

Every unit of local government and school district serving a population less than one million that maintains a website other than a social media website (e.g., a Facebook page) must post to its website a mechanism for members of the public to

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communicate with elected officials of the local government or school board. The bill suggests providing a uniform single e-mail address for such communications. A hyperlink to the address or communication mechanism must be easily accessible from the local government or school district's home page.

BULLYING POLICY

[Public Act 98-0669](#)

Effective Date: June 26, 2014

School districts, charter schools, and non-public, non-sectarian schools must now create and implement a robust policy on bullying. The law enumerates a number of detailed provisions that schools must include in their policy on bullying. Policies must include, for example, procedures for reporting bullying, informing parents or guardians of bullying, and investigating bullying; information regarding intervention services to address bullying; and a statement that prohibits retaliation against those who report bullying. The law also establishes the locations where the policy must be posted and the process for reviewing the effectiveness of the policy. Read our [FR Alert](#) on this new legislation for more information

CYBER BULLYING POLICY

[Public Act 98-0801](#)

Effective Date: January 1, 2015

Bullying that occurs through off-campus online activity or online activity conducted on non-school owned devices is now prohibited. The definition of cyber bullying includes any type of activity using electronic technology that causes a substantial disruption to the educational process or orderly operation of the school. This provision only applies when a school receives a report that cyber bullying occurred through online off-campus activity or non-school devices. School districts must also supply a bullying victim with information regarding the availability of school

district or community support services. Read our [FR Alert](#) on this new legislation for more information

Charter Schools

MORATORIUM ON VIRTUAL CHARTER SCHOOLS

[Public Act 98-1059](#)

Effective Date: August 26, 2014

The General Assembly has narrowed what constitutes virtual schooling while also extending the moratorium on establishing charter schools with virtual-school components. Virtual schooling now means a cyber-school where students engage in online curriculum and instruction through electronic communication with their teachers at remote locations and with students participating at various times. Additionally, the moratorium on establishing charter schools with virtual-school components in districts other than the Chicago Public Schools is now in effect through December 31, 2017.

CHARTER SCHOOL CONTRACTS

[Public Act 98-1048](#)

Effective Date: August 25, 2014

The process is now streamlined to revise an existing certified contract between a charter school and a local school board, and the first day of a charter school's fiscal year must now be July 1. Rather than having to obtain the approval from ISBE that the material revision adheres to state law, the material revision may now go into effect upon approval of both the local school board and the charter school's governing body. Either party may, however, request that the revision be approved by ISBE.

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SPECIAL EDUCATION AND ELL COMPLIANCE

[Public Act 98-0639](#)

Effective Date: June 9, 2014

Charter schools unequivocally must comply with both federal and state laws regarding special education and instruction of English language learners (ELL). This bill removes any previously held doubts that charter schools must comply with both state and federal—rather than just federal—laws covering special education and the instruction of ELL students. This bill ensures that charter schools comply with the often stricter requirements of Illinois special education and ELL laws.

PRORATED PAYMENTS

[Public Act 98-0640](#)

Effective Date: June 9, 2014

If a charter school dismisses a student after it receives a quarterly payment, the charter school must return a prorated portion of the received funds for the quarter to the school district. If a student transfers from a school district to a charter school between quarterly payments, then the school district must provide to the charter school a prorated portion of funding for the remainder of that quarter.

ADMISSIONS AND MANAGEMENT

[Public Act 98-0783](#)

Effective Date: January 1, 2015

All charter schools must give each student an equal chance at admissions through its lottery system, subject to priority applicant groups. Beginning in 2015-2016, all charter school lotteries must be administered and videotaped by the charter school. The school's authorizer must be allowed to be present or otherwise be allowed to view the lottery in real time. Charter schools may create additional intake activities, such as essays and open houses, but cannot make them required for admission. Charter schools must be prepared to submit

quarterly financial statements to their authorizer and must submit updated waitlists on a quarterly basis. Any charter school advertisement created with public funds must contain a disclaimer stating that fact. A charter school that closes must return unspent public funds and properly dispose of the school's property and assets. Finally, authorizers must ensure that any charter school established after January 1, 2015 have a governing body separate and distinct from any charter management organization (CMO) or educational management organization (EMO). Charters schools may not employ anyone simultaneously employed by an EMO or CMO.

Curriculum

CPR TRAINING

[Public Act 98-0632](#)

Effective Date: July 1, 2014

All secondary schools in Illinois must now include in their curriculum training on how to properly administer cardiopulmonary resuscitation (CPR) and how to use an automated external defibrillator (AED). If a student's parent or guardian submits a written objection to the CPR or AED training, then the student is not required to take the training and the school cannot use this refusal as a basis for suspension or expulsion.

COMPREHENSIVE PHYSICAL FITNESS ASSESSMENT

[Public Act 98-0859](#)

Effective Date: August 4, 2014

All public schools, starting in the 2016-17 school year, must implement a comprehensive physical fitness assessment to students in grades 3 through 12 and report the results to ISBE. School districts not only have to use an assessment that is scientifically based and health-related, but they must also integrate this fitness testing into its curriculum as an instructional tool. An appointed

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task force will recommend to ISBE the rules and regulations for implementing the curricular and reporting requirements.

MATHEMATICS REQUIREMENTS AND AP COMPUTER SCIENCE

[Public Act 98-0885](#)

Effective Date: August 15, 2014

Students can now satisfy one of the three-year mathematics requirements by taking an Advanced Placement computer science course so long as the student first completes Algebra II or an integrated mathematics course with Algebra II content. This change expands the curricular choices that students have while simultaneously satisfying the state-mandated graduation requirements. Schools that offer an Advanced Placement computer science course must now designate the course as equivalent to a high school mathematics course and denote this equivalence on the student's transcript.

SCIENCE AND MATHEMATICS PARTNERSHIP SCHOOLS

[Public Act 98-0786](#)

Effective Date: July 25, 2014

It is now easier for school districts to jointly operate a science and mathematics partnership school for students in grades kindergarten through eight. This bill reduces the number of school districts required to establish a joint operation from four to two contiguous school districts with all or a portion of their territory within the geographical boundaries of the same municipality. The partnership must still operate through an institution of higher education located within the municipality's boundaries.

TASK FORCE ON CIVIC EDUCATION

[Public Act 98-0790](#)

Effective Date: July 25, 2014

The group tasked with making recommendations to increase civic literacy and the capacity of youth to be civically informed has seven additional months to report its findings and recommendations to the General Assembly. The Task Force on Civic Education now has until December 31, 2014 to submit its evaluation and requests for funding to support its recommendations.

Employment

TEACHER RECALL

[Public Act 98-0648](#)

Effective Date: July 1, 2014

A school board may recall certain tenured teachers, previously part of a reduction in force because they were part of Group 2 based on their performance on the ISBE's 5 Essentials Survey of Learning Conditions. A tenured teacher who received a "Needs Improvement" rating on the most recent Survey is eligible for recall, as long as the teacher's other most recent evaluation used for grouping was "Satisfactory," "Proficient," or "Excellent." A school board may elect to use, on a district-wide basis and at the district's own expense, an alternate survey of learning conditions. The alternate survey must be approved by the State Superintendent. Read our [FR Alert](#) on this new legislation for more information

TUBERCULOSIS TESTING

[Public Act 98-0716](#)

Effective Date: July 16, 2014

New teachers no longer have to provide evidence of "freedom from" tuberculosis, in the form of a tuberculosis test or x-ray. Instead, a new or existing employee may be subject to additional health examinations, including screening for tuberculosis, pursuant to rules adopted by the

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Department of Public Health. “Employee” means any employee of a school district, student teacher, or an employee of a contractor providing services to students or in schools.

ALTERNATIVE ROUTE TO TEACHER CERTIFICATION

[Public Act 98-0688](#)

Effective Date: June 30, 2014

Individuals pursuing an Alternative Route to Teacher Certification program will have more time to enroll in a program and complete their training. The bill extends the previous deadline by one year, allowing enrollment in alternative certification programs through September 1, 2014. Additionally, those enrolled must complete their coursework no later than January 1, 2016 and be entitled to certification on or before September 30, 2016.

PRINCIPAL ENDORSEMENT

[Public Act 98-0917](#)

Effective Date: August 15, 2014

Working in the capacity of school support personnel, including as a counselor, for four years will count towards a principal endorsement on a Professional Educator License. Those seeking a principal endorsement must also have a master’s degree or higher and complete an ISBE-approved principal preparation program. The new qualification provision only lasts through June 30, 2019.

SUPERINTENDENT ENDORSEMENT

[Public Act 98-0872](#)

Effective Date: August 11, 2014

Serving for at least two years in a full-time general administration position will count towards a Superintendent Endorsement on a Professional Educator License. Previously, an individual had to have experience as a principal, director of special

education, or chief school business official to be eligible for the Endorsement.

COUNSELING SERVICES

[Public Act 98-0918](#)

Effective Date: August 15, 2014

Individuals who hold a Professional Educator License with a School Support Personnel Endorsement in school counseling may provide counseling services in schools. The bill expands the pool of individuals who can provide those services. “Counseling services” may include, but is not limited to, developing counseling programs, developing career plans with students, and assisting in developing personal education plans.

SCHOOL PSYCHOLOGISTS

[Public Act 98-0947](#)

Effective Date: August 15, 2014

A psychologist who holds a valid Nationally Certified School Psychologist (NCSP) certificate and has other qualification as required by ISBE can be a school psychologist. Previously, a psychologist must have graduated with a master’s degree or higher. A school psychologist must still hold a Professional Educator License with a school psychologist endorsement.

PHYSICAL EDUCATION TEACHERS

[Public Act 98-0860](#)

Effective Date: August 4, 2014

Physical education teachers or health education teachers in public schools can meet the requirements for highly qualified status that apply to teachers in core academic subjects, pursuant to the No Child Left Behind Act.

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CAREER AND TECHNICAL EDUCATOR ENDORSEMENT

[Public Act 98-0751](#)

Effective Date: January 1, 2015

A career and technical educator endorsement on an Educator License with Stipulations no longer requires an individual to pass a test of basic skills prior to receiving the endorsement. Instead, the holder of that endorsement may renew it by taking the basic skills test every five five years.

Property Taxes

TAX RATE CALCULATION

[Public Act 98-0863](#)

Effective Date: August 8, 2014

In addition to rounding a fraction of a mill to the next higher mill, County Clerks may now calculate tax rates beyond three decimal points to allow the extension to be as close to the levy requested as possible.

PENSION LEVIES

[Public Act 98-1088](#)

Effective Date: August 26, 2014

The Property Tax Extension Limitation Law requires referendum approval for new tax rates. However, a new amendment specifies the levies for Social Security or Medicare purposes shall not be considered new tax rates. The amendment also specifies that referendum approval is still required if the limiting rate or aggregate extension is to be increased.

PROPERTY TAX REFUNDS FOR ERRONEOUS ASSESSMENTS

[Public Act 98-1026](#)

Effective Date: January 1, 2015

The ability of Cook County taxpayers to receive refunds for overpayment of taxes due to a property being twice assessed for the same year or assessed before it became taxable has been greatly

expanded. Such a claim, which can be filed with the Treasurer's Office and then as a lawsuit in circuit court, can now be filed up to 20 years from the date the right to a refund arose. Outside Cook County, the prior time limit of five years still applies. However, the amount of property tax refunds for such claims in Cook County has been capped at \$2.5 million in any given year.

ASSESSMENTS AFTER A TORNADO

[Public Act 98-0702](#)

Effective Date: July 7, 2014

Commercial and industrial properties owned and used by small businesses that are rebuilt within two years of a tornado are now eligible for special assessments for up to 15 tax years. Any such structure not subject to a change in ownership and not more than 110% of the square footage of the original structure is entitled to the lesser of its current assessed value or the assessed value in the tax year prior to the tornado increased by 4% per year.

School Business

MUNICIPAL IMPACT FEES

[Public Act 98-0741](#)

Effective Date: January 1, 2015

Section 11-12-5 of the Illinois Municipal Code authorizes municipalities to impose impact fees or developer donations for "school grounds" necessitated by and specifically and uniquely attributable to a real estate development or subdivision. Beginning next year, municipal impact fees may be used for technological infrastructure in addition to land or site improvements such as school buildings or other infrastructure.

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PERFORMANCE BONDS

[Public Act 98-1018](#)

Effective Date: August 22, 2014

Contracts for public works costing more than \$50,000 must require the contractors to provide bonds to secure the work. Now, the surety on such a bond must be a company that is licensed by the Department of Insurance that has a financial strength rating of at least A- as rated by A.M. Best Company, Inc., Moody's Investors Service, Standard & Poor's Corporation, or a similar rating agency.

FIRE PREVENTION AND SAFETY FUND

[Public Act 98-1066](#)

Effective Date: August 26, 2014

Excess funds in the Fire Prevention and Safety Fund may now be used to pay for required safety inspections in addition to authorized fire prevention, safety, energy conservation, and school security purposes. Excess funds may also be transferred to the Operations and Maintenance Fund for the purpose of abating an equal amount of operations and maintenance purposes taxes.

SPECIAL EDUCATION COOPERATIVE CONSTRUCTION GRANTS

[Public Act 98-0710](#)

Effective Date: July 16, 2014

Special education cooperatives established by school districts are now eligible to receive school maintenance project grants. School maintenance project grants are matching funds provided by ISBE from the School Infrastructure Fund that may not exceed \$50,000 per project. Eligible projects include emergency projects, health/life safety projects and permanent improvements.

SHARED SERVICE CONTRACTS FOR TRANSPORTATION

[Public Act 98-0907](#)

Effective Date: August 15, 2014

ISBE has been directed to study representative samples of existing shared services contracts for student transportation. The study must also look at school districts with shared boundaries and apply examples to determine amounts school districts could save by using shared services contracts for transportation. ISBE's report must be presented to the General Assembly by January 1, 2015.

EARLY CHILDHOOD BLOCK GRANTS

[Public Act 98-0645](#)

Effective Date: July 1, 2014

The amount of the Early Childhood Education Block Grant that must be dedicated to programs for children ages 0 to 3 has been increased from 11% to 14%. The percentage of the Block Grant dedicated to programs for children ages 0 to 3 must also be increased to at least 20% of the total by fiscal year 2016.

School Safety

STORM SHELTERS IN NEW CONSTRUCTION

[Public Act 98-0883](#)

Effective Date: January 1, 2015

Beginning next year, all new school building construction subject to the Health/Life Safety Code for Public Schools must include a storm shelter that meets the minimum requirements of the International Code Council and the National Storm Shelter Association.

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EMERGENCY RESPONSE PLANS

[Public Act 98-0663](#)

Effective Date: June 23, 2014

Annual reviews of school districts' emergency and crisis response plans will now be conducted at no cost to the school districts. Private schools must conduct similar review meetings regarding their own safety and security plans. As with public schools, private schools must invite representatives from all local first responder organizations to participate, advise, and consult in the review process. This review will be at no cost to the private school.

EMERGENCY RESPONSE PLANS ONLINE

[Public Act 98-0661](#)

Effective Date: June 23, 2014

Schools are encouraged to make their emergency and crisis response plans available online to first responders, teachers, and administrators. When updating these plans, schools should consider making the plans available in formats compatible with electronic applications and devices, including smartphones, tablets, and laptop computers.

GRANTS FOR SAFETY AND SECURITY IMPROVEMENTS

[Public Act 98-0664](#)

Effective Date: June 23, 2014

Grants by the Illinois Emergency Management Agency for safety and security improvements can now be made to K – 12 school districts, area vocational centers, inter-district special education cooperatives, regional safe schools, and nonpublic K – 12 schools. Previously, such grants could be made only to higher education institutions.

SCHOOL SECURITY AND STANDARDS TASK FORCE

[Public Act 98-0695](#)

Effective Date: July 3, 2014

The School Security and Standards Task Force has been established to study the security of schools in Illinois. Parents, educators, administrators, legislators, and law enforcement personnel will serve on the Task Force. They will consider the physical structures of schools, security staffing and equipment, and emergency exits and escapes when making their recommendations for minimum standards for providing a more secure learning environment. The Task Force will report its findings, provide a model security plan policy, and suggest funding mechanisms for implementation no later than January 1, 2015.

METHAMPHETAMINE MANUFACTURING

[Public Act 98-0980](#)

Effective Date: January 1, 2015

Manufacturing methamphetamine within 1,000 feet of real property comprising any school now constitutes "aggravated manufacture of methamphetamine." Under the Methamphetamine Control and Community Protection Act, any person convicted of aggravated manufacture faces between 6 to 60 years in prison, and up to a \$400,000 fine, depending on the quantity manufactured.

Special Education

OUT-OF-STATE RESIDENTIAL AUTISM PROGRAM RATES

[Public Act 98-0636](#)

Effective Date: June 6, 2014

The Illinois Purchased Care Review Board determines allowable costs and payments made by local school districts for special education, room and board, and other related services provided by non-public schools or special education facilities.

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The Review Board is now required to approve the usual and customary rate or rates of a special education program that (1) is offered by an out-of-state, non-public provider of integrated autism specific educational and residential services, (2) offers two or more levels of residential care, including at least one locked facility, and (3) serves 12 or fewer Illinois students.

ILLINOIS PURCHASED CARE REVIEW BOARD

[Public Act 98-1008](#)

Effective Date: January 1, 2015

Administrators of private, non-public special education schools will now have a member on the Illinois Purchased Care Review Board. While this new member will not have voting authority, it does provide a voice for private special education schools on the board that establishes the rules and regulations for determining the costs and payments made by local school districts for special education-related services provided by non-public schools or special education facilities.

DEFINITION OF DYSLEXIA

[Public Act 98-0705](#)

Effective Date: July 14, 2014

ISBE must adopt rules that incorporate an international definition of “dyslexia.” Subject to appropriation or private donations, the Board must also establish an advisory group to develop training modules to provide education and professional development to teachers, school administrators, and education professionals regarding multi-sensory, systematic, and sequential instruction in reading. The group must complete its work by July 31, 2015.

Student Health Issues

CONCUSSION TRAINING

[Public Act 98-1011](#)

Effective Date: August 19, 2014

High school sports coaches and teachers must receive online training and education on the risks of concussions to student athletes. IHSA will create the online certification program providing instruction. All high school coaches, including athletic directors and assistant coaches, must review the material and pass a test demonstrating proficiency. New coaches must be certified before assuming their positions, and current coaches must be certified within one year of the bill’s effective date. All coaches must renew their certificates every two years. IHSA will offer the program free of charge to all member schools and for a fee to non-members.

EPINEPHRINE AUTO-INJECTORS

[Public Act 98-0975](#)

Effective Date: August 1, 2014

A school nurse or trained personnel may administer an undesignated epinephrine auto-injector, commonly called an “Epi-Pen,” to any person he or she believes to be having an anaphylactic reaction while in school or during school-related activities. To be considered “trained personnel,” an individual must complete a training curriculum covering certain topics, including ways to recognize an allergic reaction, proper response in an emergency, and use of an auto-injector. The curriculum must include a test to demonstrate competency. The bill requires certain administrative actions be taken when school personnel use an epinephrine auto-injector.

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SELF-ADMINISTRATION OF INSULIN

[Public Act 98-0844](#)

Effective Date: August 1, 2014

Students with diabetes can now self-administer insulin in any public or private location, and school districts cannot take action against the student for self-administering in public view. These students and the parents or guardians of students with diabetes no longer have to leave the public view to administer an insulin injection.

YOUNG ADULTS HEROIN TASK FORCE

[Public Act 98-0861](#)

Effective Date: August 5, 2014

The General Assembly has expanded the scope of the Young Adults Heroin Use Task Force to include middle school. The Task Force had previously focused on heroin use in high schools across the state. Now, the Task Force must conduct a study on heroin use among students in Grades 6 through 12, and suggest programs for schools to use to address the problem.