

## **2015 LEGISLATIVE UPDATE: SUMMARY OF CHANGES IN SCHOOL LAW**

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## **ADMINISTRATION**

### **LALI'S LAW (HEROIN CRISIS ACT)**

[Public Act 99-0480](#)

*Effective Date: September 9, 2015*

School districts, public schools, or nonpublic schools may now authorize a school nurse or trained personnel to administer an opioid antagonist to any person that the school nurse or trained personnel in good faith believes is having an opioid overdose. ISBE is also charged with developing a 3-year heroin and opioid drug prevention pilot program by January 1, 2017.

### **DETACHMENT PETITIONS**

[Public Act 99-0475](#)

*Effective Date: January 1, 2016*

Detachment petitions may now be granted only if more stringent. Differences in school report cards can be considered only if there is no more than a 3% difference in the minority, low-income, and English learner student populations of the relevant schools of the districts. The community of interest and whole child factors may be considered only if it is first determined that there would be a significant direct educational benefit to the petitioners' children if the change in boundaries were allowed. The differences in distances from the territory to the schools involved may be considered only if the difference is no less than 10 miles shorter to one school than another. A petition may not be granted if doing so will increase the percentage of minority or low-income students or English learners by more than 3% at the attendance center where students in the detaching territory currently attend. And, whether changing the boundaries will increase petitioners' property values may not be considered.

### **STATE RECORDS ACT**

[Public Act 99-0147](#)

*Effective Date: January 1, 2016*

The State Records Act and its definition of "records" now includes "born-digital electronic material," meaning any records that were created as digital records rather than those converted from print or analog, and "digitized electronic material," meaning all electronic materials that were converted from print or analog. The Local Records Commission will issue regulations regarding the management and preservation of electronic records.

### **FOIA: SEVERANCE AGREEMENTS**

[Public Act 99-0478](#)

*Effective Date: June 1, 2016*

All severance agreements entered into on behalf of a public body are public records subject to inspection and copying by the public through Freedom of Information Act (FOIA) requests. "Severance Agreement" is defined by the Act as a mutual agreement between any public body and its employee for the employee's resignation in exchange for payment.

### **PRIORITY DISTRICTS FOR INTERVENTION**

[Public Act 99-0203](#)

*Effective Date: July 30, 2015*

School districts identified as priority districts for intervention must now notify the exclusive bargaining representative with a 5-day notice that the district has been identified as a priority district.

## **BOARD OF EDUCATION**

### **SUICIDE AWARENESS AND PREVENTION POLICY**

[Public Act 99-0443](#)

*Effective Date: August 21, 2015*

Beginning with the 2015-2016 school year, each school board must adopt a suicide awareness and prevention policy or review and update its current suicide awareness and prevention policy to be consistent with newly required items. The newly required items include a statement on suicide prevention, protocols for educating staff and students, methods of prevention, methods of intervention, methods of responding, reporting procedures, and recommended resources. All school district employees and the parents or guardians of each student enrolled in the district must be informed of the policy, and the policy must be posted on the district's website.

### **BOARD MEMBERS AT LARGE**

[Public Act 99-0091](#)

*Effective Date: January 1, 2016*

Community unit school districts, combined school districts, and community consolidated school districts may elect board members at large, rather than by area of residence, if two-thirds of all voters approve a referendum calling for at large elections. Previously, such a proposition could be approved only by a majority in each congressional township.

### **OMA: SCHOOL BUILDING SAFETY**

[Public Act 99-0235](#)

*Effective Date: January 1, 2016*

School boards and other public bodies may now consider matters of school building safety and security in closed session under the Open Meetings Act.

## **OMA VIOLATIONS**

[Public Act 99-0402](#)

*Effective Date August 19, 2015*

Any person who believes that a public body has violated the Open Meetings Act may now file a request for review with the Public Access Counselor (PAC) up to two years after the alleged violation. This extended timeline applies only if the facts concerning the violation are not discovered by a person exercising reasonable diligence within 60 days of the alleged violation. The Act takes effect immediately and only applies prospectively.

## **CHARTER SCHOOLS**

### **CHARTER SCHOOL PROPOSALS**

[Public Act 99-0334](#)

*Effective Date: August 10, 2015*

Charter school proposals must now include disclosure of any known civil or criminal investigation of the organization or a member of the organization's governing body by a local, state or federal law enforcement agency. A known investigation is defined as a request for an interview by a law enforcement agency, a subpoena, an arrest, or an indictment. The disclosure is required for a period from the initial application submission through 10 business days prior to the authorizer's scheduled decision date.

## **HEALTH AND SAFETY REQUIREMENTS**

[Public Act 99-0325](#)

*Effective Date: August 10, 2015*

Charter schools must now comply with all non-curricular health and safety requirements applicable to public schools. ISBE is charged with promulgating and posting on its website a list of non-curricular health and safety requirements applicable to charter schools. All charter contracts must contain a provision requiring the charter school to follow the list of requirements put forward by ISBE.

## **CURRICULUM**

### **SOCIAL STUDIES REQUIREMENT**

[Public Act 99-0434](#)

*Effective Date: January 1, 2016*

As part of the two years of social studies required to receive a high school diploma, students must also spend at least one semester taking a civics course, focusing on government intuitions, the discussion of current and controversial issues, service learning, and the simulation of the democratic process. School districts are allowed to use private funding in order to offer this course.

### **HIGH SCHOOL LEVEL COURSES FOR SEVENTH AND EIGHTH GRADE STUDENTS**

[Public Act 99-0189](#)

*Effective Date: July 30, 2015*

Students in seventh and eighth grade can now take high school level courses taught by teachers in their own schools, as long as those teachers have educator licenses endorsed for that subject and grade level. Previously, those students would have had to attend high school classes at their local high school.

## **JOINT RECREATIONAL PROGRAMS WITH PARK DISTRICTS**

[Public Act 99-0271](#)

*Effective Date: August 5, 2015*

Park districts may develop, operate, finance, and participate in joint recreational programs with one or more local government entities, including school districts, which need not be contiguous.

## **E-LEARNING DAYS**

[Public Act 99-0194](#)

*Effective Date: July 30, 2015*

School districts selected by ISBE will be permitted to implement “e-learning” days during the 2015-2016, 2016-2017, and 2017-2018 on days of inclement weather. Based on the results of this pilot program, ISBE will consider expanding the program and report its findings to the Governor and General Assembly by June 1, 2019.

## **FINANCIAL LITERACY**

[Public Act 99-0284](#)

*Effective Date: July 1, 2015*

The following subjects will now be included in the list of subjects that are required to be included in the financial literacy component of consumer education: consumer debt, higher education student loans, and identity-theft security.

## **EMPLOYMENT**

### **VACCINES FOR CHILD CARE FACILITY EMPLOYEES**

[Public Act 99-0267](#)

*Effective Date: January 1, 2016*

All employees of a child care facility that cares for children ages 6 and under must now show proof of one dose of the Tdap (tetanus, diphtheria, and pertussis) vaccine and two doses of the measles, mumps, and rubella (MMR) vaccine or shows proof of immunity to MMR.

**REPRESENTATION OF PUBLIC EMPLOYEE CHARGED WITH CRIMINAL ACTIVITY**

[Public Act 99-0461](#)

*Effective Date: January 1, 2017*

The Local Governmental and Governmental Tort Immunity Act has been amended to prohibit a public entity from providing representation for a public employee charged with criminal activity arising out of or incidental to the performance of his or her duties. However, the public entity may reimburse the employee for reasonable defense costs if the charges are dismissed or there is a final disposition in favor of the employee. If there is a current insurance policy or a contract entitling the employee to a defense of the action, these indemnification provisions shall be justifiably refused.

**CAREER AND TECHNICAL EDUCATOR (CTE) ENDORSEMENT**

[Public Act 99-0035](#)

*Effective Date: January 1, 2016*

Individuals that were issued the career and technical educator (CTE) endorsement or the provisional career and technical educator (PCTE) endorsement on an Educator License with Stipulations (ELS) before January 1, 2015, are now exempt from taking a test of basic skills upon renewal.

**EDUCATOR LICENSE WITH STIPULATIONS**

[Public Act 99-0058](#)

*Effective Date: July 1, 2015*

The process by which an Educator License with Stipulations may be issued has been streamlined substantially to increase the pool of qualified and eligible teachers in Illinois. Among other things, the Act amends multiple sections of Article 21B of the School Code to make changes concerning teacher preparation, out-of-state educator and

administrator reciprocity, license fees, and educator misconduct.

**APPROVED PROFESSIONAL DEVELOPMENT PROVIDER: MUSEUMS**

[Public Act 99-0130](#)

*Effective Date: July 24, 2015*

Any Illinois museum which, as of the effective date of the amendment, has provided professional development and is approved by ISBE, will be treated as an approved professional development provider.

**STUDENT TEACHERS**

[Public Act 99-0021](#)

*Effective Date: January 1, 2016*

Prior to commencement of any student teaching experience, non-public schools must now perform a fingerprint-based criminal history records check on student teachers.

**FACILITIES**

**CARBON MONOXIDE ALARMS OR DETECTORS**

[Public Act 99-0470](#)

*Effective Date January 1, 2016*

Every school building must be equipped with carbon monoxide alarms or detectors approved by the State Fire Marshal. School buildings designed prior to the effective date of the Act may use battery powered detectors; for future buildings, detectors must be powered by the building's electrical system. Detectors must be placed within 20 feet of a carbon monoxide emitting device, and must be inspected annually. A school is exempt from the requirements if it does not have or is not close to any sources of carbon monoxide.

## **ISBE**

### **STUDENT PERFORMANCE AND SCHOOL IMPROVEMENT STANDARDS**

[Public Act 99-0084](#)

*Effective Date January 1, 2016*

ISBE is now prohibited from having separate student performance and school improvement standards based on race or ethnicity.

### **VISION 20/20**

[Public Act 99-0193](#)

*Effective Date: July 1, 2015*

Part of the Vision 20/20 initiative, the Act amends multiple articles of the School Code that reference the current state accountability system, including provisions requiring ISBE to place districts on academic status based on Annual Yearly Progress (AYP). Pursuant to the terms of Illinois's waiver from provisions of the No Child Left Behind law, these sections would be replaced with new accountability provisions that will include a calculation of achievement, growth and outcomes, along with a calculation of gaps in achievement, growth and outcomes for our subgroups. The new accountability system will allow ISBE to target assistance to districts depending on achievement, growth, and outcomes.

### **ATTENDANCE COMMISSION**

[Public Act 99-0432](#)

*Effective Date: August 21, 2015*

The Act creates the Attendance Commission within ISBE to study chronic absenteeism and make recommendations for strategies to prevent chronic absenteeism. The Attendance Commission must submit an annual report to the General Assembly and ISBE. The Commission will be abolished in 2020.

### **VIRTUAL EDUCATION AND COURSE CHOICE COMMITTEE**

[Public Act 99-0442](#)

*Effective Date: August 21, 2015*

The State Superintendent of Education must establish a committee to review virtual education and course choice. The committee must report to the General Assembly and the Governor by May 31, 2016, virtual course access programs, best practices for virtual education and course choice, and funding mechanisms and district cost projections to administer course access programs.

### **SCHOOL SECURITY AND STANDARDS TASK FORCE**

[Public Act 99-0065](#)

*Effective Date: July 16, 2015*

This Act extends the deadline for the report from the School Security and Standards Task Force and the ISBE advisory group for developing a training module regarding multi-sensory, systematic, and sequential instruction in reading.

## **PROPERTY TAX**

### **COOK COUNTY HOMESTEAD EXEMPTIONS**

[Public Act 99-0164](#)

*Effective Date: July 28, 2016*

Cook County homestead exemptions will now remain in effect for the remainder of the year after a residential property is sold. Upon receipt of a real estate transfer declaration, the Assessor must now mail homestead exemption application materials to the new owner. Only if the application is not returned or approved will the exemption be cancelled at the end of the year.



**TRUTH IN TAXATION ACT NOTICES**

[Public Act 99-0367](#)

*Effective Date: January 1, 2016*

Taxing districts must now post their Truth in Taxation Act notices on their websites if the website is maintained by its full-time staff. The failure to post on the website does not invalidate the notice or any action taken on the levy.

**REQUEST TO INTERVENE**

[Public Act 99-0098](#)

*Effective Date: January 1, 2016*

Any taxing district, including a school district, must file a request to intervene and its evidence with the board of review at least five days before a scheduled hearing. If the board of review's rules allow for electronic filing, the intervening taxing agency must file its evidence electronically. Additionally, all filings with a board of review will now be considered filed as of the date of mailing or, if filed electronically, on the date received.

**STUDENTS**

**PRIORITIZATION OF URGENCY OF NEED OF SERVICES**

[Public Act 99-0098](#)

*Effective Date: January 1, 2016*

The Department of Human Services maintain a statewide database that records information about individuals with developmental disabilities who are potentially in need of services. Subject to appropriation, ISBE must develop and implement an online, computer-based training program for at least one designated employee in every public school in the State. At least one designated employee in every public school must ensure the opportunity to enroll in the database is discussed during annual IEP meetings for all children and adolescents believed to have a developmental disability.

**STUDENT CONCUSSIONS**

[Public Act 99-245](#)

*Effective Date: August 3, 2015*

New mandates and protocols have been established relating to student concussions in interscholastic athletic activities. The mandates include: (1) parental consent prior to student participation in a sport; (2) circumstances under which a student must be removed from practice or competition; (3) requiring school boards to develop a Concussion Oversight Team that will establish a return-to-play and return-to-learn protocols; (4) requiring school boards to develop an emergency action plan to address serious injuries and acute medical conditions in which the condition of the student may deteriorate rapidly; (5) required training from the IHSA for certain individuals (nurse, physicians, athletic trainers and members or concussion oversight committee) no later than September 1, 2016; (6) requiring the school board to appoint a person, other than a coach of a team, to implement and comply with the return-to-play and return to learn protocols. More information on the new mandates is available [here](#).

**STUDENT DISCIPLINE POLICY AND PROCEDURES**

[Public Act 99-0456](#)

*Effective Date: September 15, 2016*

Elementary, secondary, and charter schools must now adopt a student discipline policy and corresponding procedures designed to limit the number and duration of out of school suspensions and expulsions to the greatest extent practicable, and that such discipline is only used for legitimate education purposes. Schools are now prohibited from instituting zero-tolerance policies that require expulsion or suspension based on certain student behaviors. Multiple standards are set forth for out of school suspensions of three days or less and



those longer than three days. Additionally, specific reasons for expulsion and the specific act resulting in expulsion must be included in a written decision, and the rationale for the length of a suspension must also be included in a written decision. More information is available [here](#).

#### **RIGHT TO PRIVACY**

[Public Act 99-0460](#)

*Effective Date: August 25, 2015*

The Right to Privacy in the School Setting Act has been amended with regard to both elementary and post-secondary schools. Elementary and secondary schools must now provide notification to students and their guardians that the schools may not request or require a student to provide a password or other account information in order to gain access to the student's social media account. Elementary and secondary schools must also notify students and their guardians that the school may conduct an investigation or require a student's cooperation in an investigation where specific information on a student's social media account reveals that the student has violated a school disciplinary rule or policy and may require student to share specific content that is reported in order to make a factual determination.

#### **SCHOOL PRAYER**

[Public Act 99-0410](#)

*Effective Date August 20, 2015*

Students may to engage in prayer and related activities during the school day during "noninstructional" school time, defined as time set aside by a school before or after actual classroom instruction begins. Acceptable activity includes religious-based meetings, prayer groups, BIBLE (Basic Instruction Before Leaving Earth) clubs, or "meet at the flagpole for prayer" days during noninstructional time. These activities may not be

sponsored, promoted, or endorsed by the school or any school employee.

#### **CONVERSION THERAPY**

[Public Act 99-0411](#)

*Effective Date: January 1, 2016*

Mental health professionals, including school psychologists and social workers, are prohibited from engaging in sexual orientation change efforts, also referred to as "conversion therapy," with any person under the age of 18. Conversion therapy includes any practices or treatments that seek to change an individual's sexual orientation, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same sex. The term does **not** include counseling or mental health services that provide acceptance, support, and understanding of a person without seeking to change sexual orientation, including sexual orientation neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change sexual orientation.

#### **MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CONFIDENTIALITY ACT**

[Public Act 99-0028](#)

*Effective Date: January 1, 2016*

The Mental Health and Developmental Disabilities Confidentiality Act has been amended to protect from disclosure all records and communications made or created in the course of providing mental health or developmental disabilities services regardless of whether the records and communications are made or created in the course of a therapeutic relationship. "Therapeutic relationship" is defined to mean the receipt of mental health or developmental disabilities services from a therapist.

**ABUSED AND NEGLECTED CHILD  
REPORTING ACT**

[Public Act 99-0349](#)

*Effective Date: January 1, 2016*

Under the Abused and Neglected Child Reporting Act, prior reports of abuse or neglect classified as unfounded are now allowed in certain proceedings under Article II of the Juvenile Court Act of 1987, if the prior allegations of abuse or neglect relate to the same child, a sibling of the child, or the same perpetrator.

**CERTIFICATE OF RELIGIOUS EXEMPTION  
TO IMMUNIZATION REQUIREMENTS**

[Public Act 99-0249](#)

*Effective Date: August 3, 2015*

Beginning with the 2015-2016 school year, local school authorities must inform parents and legal guardians of the procedures for obtaining a Certificate of Religious Exemption to immunization requirements, health, dental, or eye examinations, or to vision and hearing screening tests. While the Department of Public Health is required to prepare the Certificate, local school authorities are charged with determining whether the content of the Certificate constitutes a valid religious objection to immunizations and health examinations. More information is available [here](#).

**SCHOOL COUNSELORS INVOLVED WITH  
IEPS**

[Public Act 99-0276](#)

*Effective Date: August 8, 2015*

School counselors may now provide support and services to students with disabilities, including the implementation of a student's IEP services, as recommended by the student's IEP team. A counselor may provide academic, personal, social, college, or career services to students with IEPs.

**TRANSPORTATION**

**PRIVATE CARRIER EMPLOYERS OF BUS  
DRIVERS**

[Public Act 99-0148](#)

*Effective Date: January 1, 2016*

A private carrier employer of a school bus driver permit holder, after satisfying applicable employer requirements, will be held to a standard of ordinary care for intentional acts committed in the course of employment by its bus drivers. The employer standard of care does not limit the liability of a private carrier for negligent hiring or retention of a school bus driver permit holder.