

2016 LEGISLATIVE UPDATE: SUMMARY OF CHANGES IN SCHOOL LAW

Editor: Scott R. Metcalf

Contributors: Patrick M. DePoy and Jamel A. R. Greer

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BOARDS OF EDUCATION

ENFORCEMENT OF BINDING PUBLIC ACCESS COUNSELOR OPINIONS

Public Act 99-586

Effective Date: January 1, 2017

Individuals who file lawsuits to enforce binding opinions from the PAC will have a rebuttable presumption in their favor that the public body violated FOIA if the public body does not challenge or comply with the opinion within 35 days. Additionally, if a court determines that a public body willfully and intentionally failed to comply with FOIA, in addition to the current penalty of \$2,500 to \$5,000, the court may impose an additional penalty of \$1,000 for each day the violation continues. If the public body fails to comply with the court's order after 30 days, the order is not appealed or stayed and the court will not grant the public body additional time to comply.

LOCAL GOVERNMENT TRAVEL EXPENSES CONTROL ACT

Public Act 99-604

Effective Date: January 1, 2017

School districts and community college districts will be required to create a policy that regulates travel expenses incurred by public officials, including administrators and board members. Those school districts (and community college districts) that fail to adopt such a policy are prohibited from approving any travel expenses until a policy is adopted.

BOARD MEMBER ACCESS TO CLOSED SESSION RECORDINGS

Public Act 99-515

Effective Date: June 30, 2016

The Open Meetings Act allows board members to access closed session recordings and minutes. Access must be granted to the board members in

the public body's main office or official storage location, and in the presence of a records secretary, an administrative official, or any elected official of the public body. The amendment prohibits board members from recording or removing the recordings or minutes from the public body's main office or official storage location, except by vote of the public body or by court order.

OMA LAWSUITS

Public Act 99-714

Effective Date: August 5, 2016

A civil action based on noncompliance with the Open Meetings Act may now be brought within 60 days of a decision by the Attorney General to resolve a request for review by a means other than the issuance of a binding opinion.

LOCAL GOVERNMENT WAGE INCREASE TRANSPARENCY ACT

Public Act 99-646

Effective Date: July 28, 2016

Certain wage increases for retiring, non-union employees who began participating in IMRF before January 1, 2011, may no longer be discussed by boards of education in closed session. The Act applies to payments that would be made to an employee after that employee expressed an intent to retire or withdraw from service, would increase the employee's reportable monthly earnings by more than 6% compared to the previous month, and would be made between 12 months and 90 days prior to the expected termination of service. At an open meeting, the board must disclose the identity of the employee, the purpose and amount of the increase or payment, the proposed retirement date, the effect of the payment on the employee's expected annuity, and the effect of the payment on the employer's liability to IMRF.

CLOSED SESSION TOPICS

Public Act 99-687

Effective Date: January 1, 2017

This amendment to the Open Meetings Act allows public bodies to hold closed session meetings for the discussion of matters protected under the federal Patient Safety and Quality Improvement Act or HIPAA (including their regulations).

ACCELERATE COLLEGE EDUCATIONAL PARTNERSHIP AGREEMENTS

Public Act 99-611

Effective Date: July 22, 2016

Boards of education may enter into partnership agreements with community college boards of trustees to allow high school students the right to attend community college courses tuition free. The community college credits earned by high school students will be transferrable to all public universities in the State. The school district entering into such an agreement must be located wholly within the boundaries of the community college district. As a pilot program, the law sets limits on the number of students who may participate during the first three years.

CURRICULUM

DRIVERS EDUCATION - TRAFFIC STOPS

Public Act 99-720

Effective Date: January 1, 2017

Driver's education courses for public and non-public schools must include law enforcement procedures for traffic stops, including demonstration of proper actions to be taken during a traffic stop and appropriate interactions with law enforcement officials.

POST-SECONDARY AND WORKFORCE READINESS ACT

Public Act 99-674

Effective Date July 29, 2016

ISBE, ICCB, IBHE and the ISAC must adopt and publicize model postsecondary and career expectations for students grades 8-12 that specifies knowledge that should be attained by the end of each grade level. The model expectations must address: 1) career exploration and development; 2) postsecondary institution exploration, preparation, and selection; and 3) financial aid and financial literacy. These agencies are also charged to create a competency based high school graduation pilot program. The statute outlines several requirements for school districts chosen to participate in the pilot program.

ASSESSMENT REPORTING

Public Act 99-590

Effective Date: July 22, 2016

Beginning with the 2016-2017 school term, school districts are required to fill out a report detailing all reliable assessments the school district administers that are scored by a non-district entity and administered statewide or beyond Illinois, as well as certain information related to the assessments as required by the form created by ISBE.

STATE GLOBAL SCHOLAR CERTIFICATION

Public Act 99-780

Effective Date: August 12, 2016

The State Global Scholar Certification Program is created to recognize public high school graduates who have attained global competence. Participation by school districts is voluntary. However, if a school district wishes to participate, it must maintain appropriate records in order to identify students who have earned the certification and make the appropriate designation on the student's diploma and transcript.

READING ADVISORY GROUP

Public Act 99-603

Effective Date: July 22, 2016

The State Board of Education is required to re-establish an advisory group to develop a training modules to provide education and professional development to teachers, administrators, and other education professionals regarding multi-sensory, systematic, and sequential instruction in reading. The group must complete its work before December 31, 2016.

STUDENT ISSUES

RESIDENCY PROCEDURES

Public Act 99-670

Effective Date: January 1, 2017

When a school district makes the preliminary determination that a student is not a resident of the district, it must provide specific reasons why that decision was made in writing to the person who enrolled the student. The school district and parents must exchange evidence and testimony three days prior to a residence hearing. The provisions also provide that parents/guardians who enroll a student are not obligated to begin paying tuition until a final determination is made that the student is a nonresident.

ASTHMA ACTION PLAN

Public Act 99-843

Effective Date: August 19, 2016

School districts are required to request an asthma action plan from parents/guardians of students with asthma and keep the plan on file. All school districts must distribute the action plan to appropriate school staff who interact with the student. ISBE is also required to develop an

asthma episode emergency response protocol before January 1, 2017, which must be adopted by all school districts, charter schools, and nonpublic schools.

ANNIE LEGERE LAW - EPINEPHRINE AUTO-INJECTORS

Public Act 99-711

Effective Date: January 1, 2017

Illinois law was amended to specifically allow students to self-administer an Epi-Pen while being transported on a school bus. Additionally, a supply of Epi-Pens may be made accessible before, during, and after school. The required training for personnel authorized to administer an Epi-Pen has also been modified to require training regarding anaphylaxis, a review of high-risk areas within a school and related facilities, steps to prevent exposure to allergens, and other criteria.

SPEECH RIGHTS OF STUDENT JOURNALISTS ACT

Public Act 99-678

Effective Date: July 29, 2016

This statute clarifies that student journalists have the right to exercise freedom of speech and press in school-sponsored media. School districts are prohibited from implementing any prior restraint of material prepared for official school publications except prohibitions against libel, slander, obscene material, unwarranted invasion of privacy, violations of state or federal law, or speech that incites students to commit an unlawful act (including violating school policies and substantially disrupting orderly operation of the school). This statute also removes civil and criminal liability from school districts for any expression made or published by students, as

expressions of student journalists will not be deemed an expression of school policy. The Act does not prevent schools from teaching professional standards of English and journalism.

PRIORITIZATION OF NEEDS

Public Act 99-716

Effective Date: January 1, 2017

The Department of Human Services will be required to consider the length of time spent on the ‘Prioritization of Urgency of Need for Services’ waiting list, as well as other factors, when selecting individuals who will receive services. The State Board of Education and the Department of Human Services are required to inform parents/guardians through school districts about information regarding the waiting list.

GIFTED EDUCATION

Public Act 99-706

Effective Date: July 29, 2016

A program for gifted education must include the use of assessment instruments, such as nonverbal ability tests and tests of students’ native languages, as well as a selection process that promotes equity and inclusiveness of underrepresented groups. Additionally, such a program must include the use of multiple valid assessments that measure and illustrate achievement as well as use score ranges on assessments that are appropriate for that particular school district’s population.

DYSLEXIA DEFINITION

Public Act 99-602

Effective Date: July 22, 2016

The Illinois State Board of Education adopted the following definition of dyslexia: “a specific learning disability that is neurobiological in origin. Dyslexia is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These

difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the consequences may include problems in reading comprehension and reduced reading experience that can impede growth. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.” This definition replaces the requirement that the State Board of Education adopt rules that incorporate the international definition of dyslexia.

CONCUSSION REPORTING

Public Act 99-831

Effective Date: August 19, 2016

Beginning in the 2016-2017 school term, all organizations involved in providing interscholastic athletics or competition among high schools are now required to have their certified athletic trainers complete a monthly report detailing students who have sustained a concussion during a school-sponsored event. Additionally, beginning in the 2017-2018 school term, all such organizations are required to create an annual report comprised of data collected during the previous school term related to concussions sustained by students and submit a copy of the report to the General Assembly.

DCFS LIAISON

Public Act 99-781

Effective Date: August 12, 2016

School boards are allowed to appoint at least one employee as a liaison to DCFS to facilitate the transfer of records of students in legal custody of DCFS when students enroll or change schools. The amendment outlines criteria under which certain employees are given priority for the appointment. Liaisons are encouraged to create supports within

their school districts such as streamlining the enrollment process, ensuring such students receive available school nutrition and meal programs, and implementing data tracking and monitoring systems.

BREAKFAST AFTER THE BELL PROGRAM

Public Act 99-850

Effective Date: January 1, 2016

School districts that have at least 70% of students eligible for reduced-price lunches, are classified as low income, or have a district school with 70% students who are eligible for free or reduced-price meals, are required to implement and operate a “breakfast after the bell program” by the first school day of the 2016-2017 school year. School districts have discretion in determining the model by which the program will be implemented. School districts may petition for exemption from the program by showing that the reimbursement would not fully cover the costs of implementing the program. ISBE is required to develop procedures and guidelines for the implementation of the program.

EXCUSED ABSENCE - TAPS

Public Act 99-804

Effective Date: January 1, 2017

Public school students in grades 6 through 12 may be excused from attendance for the purpose of sounding “Taps” at a military honors funeral. Students who are absent for this reason must notify the school district at least two days before the absence and provide the date, time, and location of the military honors funeral, unless the student did not receive two days advance notice of the funeral.

ATTENDANCE COMMISSION

Public Act 99-601

Effective Date: July 22, 2016

The State Attendance Commission must submit its annual report to the General Assembly and the State Board of Education no later than December 15, 2016, and must submit an annual report every December 15 thereafter. The Commission is tasked with identifying strategies, mechanisms, and approaches to help parents, educators, principals, superintendents, and the State Board of Education address and prevent chronic absenteeism and truancy.

POWER OF ATTORNEY

Public Act 99-599

Effective Date: January 1, 2017

Parents and guardians who are members of the Armed Forces of the United States may appoint short-term guardians for their children while they are on active duty. The change also applies to reserve members in the Armed Forces. The document appointing the short-term guardian must include the dates of the active duty service, and the appointment may not exceed the term of active duty plus 30 days.

EMPLOYMENT

TEACHER INSTITUTES - ADA TRAINING

Public Act 99-616

Effective Date: July 22, 2016

Beginning with the 2016-2017 school year, teacher institutes must include, at least once every 2 years, instruction on the federal *Americans with Disabilities Act* in the school environment.

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EDUCATOR QUALIFICATIONS

Public Act 99-667

Effective Date: July 29, 2016

School districts are prohibited from employing individuals who have been convicted of certain non-violent drug offenses until seven years after the sentence has been completed. Previously, the ban on employing individuals with such offenses was permanent.

PRINCIPAL ENDORSEMENT

Public Act 99-623

Effective Date: July 22, 2016

The ability to use four total years of working in the capacity of school support personnel in order to obtain the principal endorsement has been extended until June 30, 2021.

PROFESSIONAL DEVELOPMENT HOURS

Public Act 99-591

Effective Date: January 1, 2017

Professional educator license holders who earn more professional development hours than needed in a particular renewal cycle are permitted to carry over any hours earned from April 1 through June 30 of the last year of the renewal cycle, except for administrator's academy courses or hours earned in those courses.

RIGHT TO PRIVACY IN THE WORKPLACE ACT

Public Act 99-610

Effective Date: January 1, 2017

Beginning next year, it will be unlawful for prospective employers as well as current employers to request, require or coerce any employee or prospective employee to provide a username or password to gain access to a personal online account, to authenticate or access a personal

online account in the presence of the employer, to invite the employer to join any group a group affiliated with any personal online account, to require the employee or applicant to join an online account established by the employer or add the employer to a list of contacts allowed access to a personal online account. It will also be unlawful to fail or refuse to hire an applicant or discharge, discipline, discriminate against, or otherwise penalize an employee for refusal to do these things.

EMPLOYEE SICK LEAVE ACT

Public Act 99-841

Effective Date: January 1, 2017

Beginning next year, a new statute will allow employees to use personal sick leave benefits for absences due to the illness, injury, or medical appointment of the employee's child, spouse, sibling, parent, mother or father in-law, stepparent, grandparent or grandchild. Employers may limit the use of this benefit to an amount not less than the personal sick leave that would be accrued during six months at the employee's then current rate of entitlement.

CHILD BEREAVEMENT LEAVE ACT

Public Act 99-703

Effective Date: July 29, 2016

Under this new statute, all employees are entitled to use a maximum of 10 work days of unpaid bereavement leave to attend the funeral of a child, make arrangements necessitated by the death of child, or grieve the death of a child. Employees must give at least 48 hours advance notice of their intention to take bereavement leave, unless providing such notice is not reasonable and practicable.

BUSINESS & FINANCE

ZONING COMPLIANCE

Public Act 99-0890

Effective Date August 25, 2016

All counties, townships and municipalities must act in a reasonable manner that neither regulates educational activities nor frustrates a school district's statutory duties. In processing zoning applications, reasonable efforts must be made to streamline the zoning application process and minimize administrative burdens, including reducing application fees and other costs, limiting the number of times a plan must be amended, reducing the number of copies of plans that must be submitted, and expediting the review process in order to render a decision within 90 days.

E-MAILING BOARD OF REVIEW NOTICES

Public Act 99-579

Effective Date July 15, 2016

School districts outside of Cook County may receive electronic notice of Board of Review cases in which a change in assessed valuation of \$100,000 or more is sought. The school district must consent to electronic service and provide the Board of Review with a valid e-mail address for the purpose of receiving the notice.

E-MAILING PTAB NOTICES

Public Act 99-626

Effective Date: July 22, 2016

The *Property Tax Code* has been amended to allow PTAB to use e-mail to deliver copies of an appellant's petition to the Board of Review and to deliver its final administrative decision to the parties.

PUBLIC CONSTRUCTION BOND

Public Act 99-673

Effective Date: January 1, 2017

When filing a verified notice of a claim under the *Public Construction Bond Act*, the verified notice will now be deemed filed on the date personal service occurs or the date when the verified notice is mailed in the form and manner provided in the Act.

ENERGY EFFICIENCY GRANTS

Public Act 99-606

Effective Date July 22, 2016

School energy efficiency grants awarded in 2014 can be made available for expenditure by a grantee for a period of four years from the date the funds were distributed by the State. Any funds not spent or legally obligated by the end of the grant agreement must be returned to the grantor agency within 45 days.

INTERFUND TRANSFERS

Public Act 99-713

Effective Date August 5, 2016

The provision of the *School Code* authorizing the following transfers has been extended through June 30, 2019: 1) surplus life safety taxes and interest earnings to the Operation and Maintenance Fund for building repair work, 2) from the Education Fund to the Operation and Maintenance Fund or Transportation Fund, 3) from the Operation and Maintenance Fund to the Educational Fund or Transportation Fund, or 4) from the Transportation Fund to the Operation and Maintenance Fund or Education Fund.

MECHANICS LIEN - TIME PERIODS

Public Act 99-852

Effective Date August 19, 2016

For the period from January 1, 2013 through December 31, 2020, it is not necessary to fix or stipulate in any contract a time for the completion of work or a time for payment in order to obtain a mechanics lien under the Act, provided that the work is done or material furnished within three years from the commencement of the work as to residential property and within five years for any other type of property.

AGRICULTURE EDUCATION TEACHER GRANT PROGRAM

Public Act 99-826

Effective Date: January 1, 2017

Subject to appropriation to ISBE, a program has been created to fund a grant to pay for 50% of the personal service costs of an agricultural education teacher in existing programs and 100% of the personal service costs of an agricultural education teacher for the first two years and 80% in the second two years in a school district that has not had an agricultural education program for at least 10 years.

FOOD CONTRACTS

Public Act 99-552

Effective Date: July 15, 2016

The powers of a board of education have been expanded to specifically include the power to prohibit any contract to purchase food with a vendor whose terms prohibit the school from donating food to food banks, homeless shelters, food pantries or soup kitchens.

TRANSPORTATION

SCHOOL BUS INSURANCE

Public Act 99-595

Effective Date: January 1, 2017

There will be two options to satisfy the \$2,000,000 liability insurance requirement for any vehicle that requires a school bus driver permit: 1) a \$2,000,000 combined single limit primary commercial automobile policy; or 2) a \$1,000,000 primary commercial policy and a minimum \$5,000,000 excess “umbrella” liability policy. Additionally, the umbrella coverage may be met by securing surplus line insurance. However, primary insurance coverage now must be provided by a licensed and admitted insurance carrier, an intergovernmental cooperative, or a certified self-insurer. Further, vehicle owners must complete a form provided by the Secretary of State and submit that form with each registration application attesting that minimum liability insurance requirements have been met.

PUBLIC SCHOOL HIGHWAYS

Public Act 99-740

Effective Date: January 1, 2017

Vehicles are required to stop before meeting or overtaking, from either direction, any school bus stopped for the purpose of receiving or dropping off students on a highway, roadway, private road, parking lot, school property, or at any other location, including, without limitation, a location that is not a highway or roadway.

CHARTER SCHOOLS

TRUANCY

Public Act 99-596

Effective Date: July 22, 2016

Charter Schools are required to comply with all truancy and absenteeism provisions of the *School Code*, including the definitions such as truant, chronic/habitual truant, truant minor, and dropout.

CHARTER SCHOOL - RENEWAL TIMELINE

Public Act 99-840

Effective Date: January 1, 2017

For charters granted on or after January 1, 2017, the charter must be for a period of five years. For charters renewed after January 1, 2017, the charter may be renewed in incremental periods not to exceed ten school years. However, the Charter School Commission may renew a charter only in incremental periods not to exceed five years. Authorizers must ensure that every charter includes standards and goals for academic, organizational, and financial performance, and charter schools are required to meet those standards and goals in order to be renewed for a term in excess of five years but not more than ten years.