A Review of Important New Laws Impacting Illinois School Districts

Illinois Association of School Boards
January 29, 2022

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Presented by: Frank B. Garrett III
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New Employment Laws
Tenured Teacher Evaluation

Effective Date: January 1, 2022

- House Bill 18 amends the Illinois School Code requiring that no later than September 1, 2022, each school district’s evaluation plan for tenured teachers who were rated as “excellent” or “proficient” be revised as follows:
  - Tenured teacher will be evaluated at least once every 3 school years after receipt of the rating instead of at least once in the course of two school years;
  - Implement an informal teacher observation plan that ensures these teachers are informally observed at least once every 2 school years after receipt of the rating.
- Example:
  - 2022-2023 = Excellent
  - 2023-2024 = Off cycle
  - 2024-2025 = Informal observation
  - 2025-2026 = Evaluation year

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P.A. 102-0552 Mid-Year Teacher Resignation

Effective Date: January 1, 2022

- Amends the Illinois School Code regarding resignation of tenured teachers mid school year. No teacher may resign during the school year to accept another teaching assignment without the approval of the Board of Education.
- If a teacher resigns mid-year to accept another teaching assignment, without Board approval, the teacher may be referred to the State Superintendent of Education for an informal evidentiary hearing and, if warranted, suspension of their license for one (1) year.
- The referral to the State Superintendent must include:
  a. A copy of the teacher’s resignation letter,
  b. A copy of the school district’s current school calendar,
  c. Proof of employment for the school year at issue,
  d. Documentation showing that the Board did not accept the teacher’s resignation, and
  e. Evidence that the teacher left for another teaching assignment.

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P.A. 102-0335
Family Medical Leave Act Expansion

Effective Date: January 1, 2022

- Public Act 102-0335 amends various public acts relating to public education by expanding access to medical and family leave for employees of school districts, community colleges and public universities in Illinois
- The Act reduces the minimum number of hours worked to be eligible for FMLA leave
- This amendment is applicable to Illinois school districts, community colleges and public universities no matter how many employees

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P.A. 102-0562: Personnel Record Review Act Violations

Effective Date: January 1, 2022

- P.A. 102-0562 amends Section 7 of the Illinois Personnel Record Review Act. This Act provides, in part, that an employer or former employer may not divulge an employee’s disciplinary report or action to a third party without written notice to the employee mailed on or before the day the information is divulged.
- The amendment gives an individual aggrieved by a disclosure of a disciplinary report in violation of the Act the right to file a complaint or commence a civil action in court within 3 years of the violation.

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The School Guidance Counselor Gift Ban Act provides that a school guidance counselor working in a high school and offering students advice and assistance in making career or college plans may not intentionally solicit or accept any gift from a “prohibited source” as defined in the law or accept a gift that would be in violation of any federal or state statute or rule.

The Act includes exceptions and options to remedy a violation which mirror the Gift Ban provisions of the State Officials and Employees Ethics Act.
• The Governmental Ethics Act ("Act") requires each school board member, candidate for school board and certain employees to annually file a verified Statement of Economic Interests.

• The Act is amended, in part, by revising the questions asked on the Statement of Economic Interests, as follows:
  • List any single asset worth more than $10,000 as of the end of the preceding calendar year.
  • List the source of any income in excess of $7,500 required to be reported during the preceding calendar year, including but not limited to the sale of an asset that produced more than $7,500 in capital gains in the preceding calendar year, but excluding current position which requires that the form be completed.
  • List creditor for any single debt in the preceding calendar year in excess of $10,000 (excluding mortgages, student loans, and credit card debts.
  • List the name of each unit of government of which you or your spouse were an employee, contractor, or office holder during the preceding calendar year, include title and nature of services (exclude current position which requires that the form be completed).

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• Cont’d.
  • List the name of the lobbyist and nature of the relationship if you maintain an economic relationship with a lobbyist or if a member of your family is known to you to be a lobbyist registered with any unit of government in Illinois.
  • List the name of each person, organization, or entity that was the source of a gift or gifts, or honoraria, valued singly or in the aggregate in excess of $500 received during the preceding calendar year and the type of such gift, etc. (exclude gifts from family members not know to be a lobbyist registered with any unit of government in Illinois.)

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Students, Curriculum and School Holidays

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P.A. 102-0014: Juneteenth National Freedom Day
Effective Date: Immediately

- Amends the State Commemorative Dates Act by adding the 19th day of June as a state holiday (amends School Code) beginning June 2022.
- June 19th shall be referred to as “Juneteenth National Freedom Day”.
- When June 19th falls on a Saturday or Sunday, neither the preceding Friday nor the following Monday shall be held or considered as a paid holiday.
  - For 2022, June 19 falls on a Sunday.

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The TEAAH Act amends the Illinois School Code requiring all public elementary and high schools to include in its curriculum, instruction on Asian-American history.

- The instruction shall include lessons on Asian Americans in Illinois and the Midwest and their advancement from the 19th century to the present.

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Amends the Illinois School Code by requiring schools to allow students ages 7-17 up to five (5) mental health or behavioral health days without requiring a doctor’s note.

- Students absent due to mental or behavioral health must be given the opportunity to make up schoolwork.
- After a student uses his/her second mental health day, they may be referred to the appropriate school support personnel.

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P.A. 102-0411
Teaching of Faith Communities Contributions
Effective Date: January 1, 2022

- Amends the Illinois School Code by requiring history courses to include the study of the contributions made by Americans of different faiths including, but not limited to, Muslims, Tewich, Christian, Hindu, Sikh, Buddhist.
- Also, amends the School Code by adding January 17, the birthday of Muhammed Ali, as a commemorative school holiday.

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P.A. 102-0360
Jett Hawkins Law: Ethnic Hairstyles
Effective Date: January 1, 2022

- Discriminating against hairstyle historically associated with race, ethnicity or hair texture is prohibited by this new law. For example, braids, twists and locks.
- Prohibits school districts from creating hairstyle-based dress code requirements.
- This new law also applies to private and charter schools.

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P.A. 102-0157
Absenteeism and Truancy Policy

Effective Date: July 1, 2022

- Amends the School Code by requiring every school receiving public funds to develop an absenteeism and truancy policy and communicate the policy to its students and their parents on an annual basis.

- This policy must be updated every two (2) years and filed with the State Board of Education and Regional Superintendent of Schools.

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Beginning with the 2023-2024 school year, the required school board member leadership training must include the topic of trauma-informed practices for students and staff.

The training may include, but is not limited to:

- The recognition of and care for trauma in students and staff;
- The relationship between staff wellness and student learning;
- The effect of trauma on student behavior;
- The prevalence of trauma among student populations at higher risk for experiencing trauma;
- The effects of implicit or explicit bias on recognizing trauma among various student groups in connection with race, ethnicity, gender identity, sexual orientation, socioeconomic status, and other relevant factors; and
- Effective district and school practices that are shown to prevent and mitigate the negative effect of trauma on student behavior and learning and support the emotional wellness of staff.

Amends the School Code by requiring Boards of Education to appoint at least one District employee to act as a liaison for district students in the custody of DCFS.

The primary purpose of the liaison is to facilitate communications between DCFS and appropriate education agencies on the enrollment and transfer of student records of students in custody of DCFS.
• The Open Meetings Act ("OMA") was amended requiring public bodies to hold meetings to review closed session minutes every six months, or as soon as practicable thereafter. Previously the OMA required a meeting to review minutes of closed meetings on a semi-annual basis.

• *Ad hoc* committees must review closed session minutes either (1) six months after the last review or (2) at the next scheduled committee meeting, which ever comes later.

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Frank B. Garrett III represents school districts, community colleges, local governmental bodies and public and private companies in all aspects of employment law, including complaints and charges of unlawful discrimination, wrongful termination, sexual harassment, civil rights violations, employee discipline and termination. Frank also counsels and provides training to employers in the following areas: ADA and FMLA compliance, avoiding claims of unlawful discrimination and harassment in the workplace: evaluation and discipline of employees, and diversity in the workplace.

Frank represents and defends clients in both state and federal courts, at the trial and appellate levels. He also practices before various administrative agencies such as the Illinois Educational Labor Relations Board, the Illinois Human Rights Commission and the Equal Employment Opportunity Commission. Frank is a regular speaker on employment law topics at both the state and national level.

Frank is approved by the Illinois State Board of Education to provide school board member training. He is an active member of the American Bar Association and Illinois Council of School Attorneys.

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*Chicago Daily Law Bulletin* (2016)

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Employers Must Rethink Employee 'Look' Policies After High Court Decision,"  

PRACTICE AREAS
Education Law  
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EDUCATION
J.D., DePaul University College of Law
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Supreme Court of the United States
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Trial Bar of the U.S. District Court for the Northern District of Illinois
U.S. District Court for the Northern District of Illinois
U.S. District Court for the Central District of Illinois
U.S. District Court for the Southern District of Illinois
Supreme Court of Illinois


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