

 **ICSA**
ILLINOIS COUNCIL OF
SCHOOL ATTORNEYS


33rd ANNUAL
Seminar on School Law
A workshop exclusively for school attorneys


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Legislative Update

Presented by:

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**ILLINOIS ASSOCIATION
OF SCHOOL BOARDS**
*Lighting The Way To Excellence
In School Governance*

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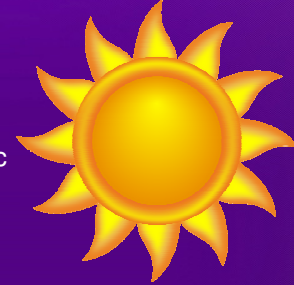
Important new laws affecting board work

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OMA & FOIA Amendments

- P.A. 101-459, eff. 8-26-19
 - OMA closed meeting exception under 5 ILCS 120/2(c)(1) amended to apply to “specific individuals who serve as independent contractors in a park, recreational, or educational setting, or specific volunteers.”
- P.A. 101-434, eff. 1-1-20
 - New FOIA exemption under 5 ILCS 140/7(kk) for “credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords, and similar account information, the disclosure of which could result in identity theft or impression or defrauding of a governmental entity or a person.”



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Threat Assessment

- P.A. 101-455, eff. 8-26-19
 - Threat assessment procedures must be implemented by 12-6-19.
 - Threat assessment teams must be established by 2-19.20.
 - Threat assessment team work is exempt from disclosure under FOIA.
 - School districts may level taxes or issue bonds if the board determines it is necessary for school security purposes and the protection and safety of students and staff.



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Sexual Abuse Allegations & Investigations

- P.A. 101-531, eff. 8-23.19
 - Checks of State Sex Offender Database & Statewide Murderer and Violent Offender Against Youth Database every five years for employees.
 - Required coordination with Children's Advocacy Center for any alleged incident of sexual abuse of a student by school personnel.
 - Addition of *negligent* failure to report an instance of suspected child abuse or neglect.
- P.A. 101-564, eff. 1-1-20
 - Mandated reporters includes a new subset called *education personnel*.
 - Initial training within three months of employment, repeated at least every three years thereafter.
 - Updated requirements re: training format & content, identification of authorized training providers.



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Sexual Harassment Prohibitions

- P.A. 101-221, eff. 1-1-20
 - Workplace Transparency Act
 - Ill. Human Rights Act
 - State Officials and Employees Ethics Act
 - Ill. Government Ethics Act
 - Victims' Economic Security and Safety Act
- P.A. 101-418, eff. 1-1-20
 - Age-appropriate sexual harassment policy required



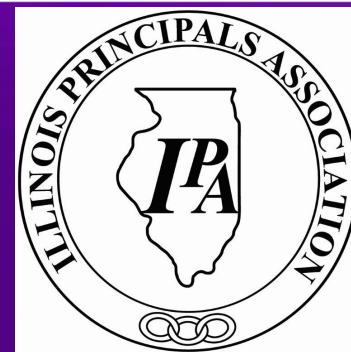
6

Employee Rights

- P.A. 101-177, eff. 9-29-19
 - Salary history screening prohibited
- P.A. 101-443, eff. 6-1-20
 - Minimum teacher salary:
 - 2020-2021 SY: \$32,076
 - 2021-2022 SY: \$34,576
 - 2022-2023 SY: \$37,076
 - 2023-2024 SY: \$40,000
- P.A. 101-46, eff. 7-12-19
 - RIF rights of ESPs



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Important new laws affecting staff and students

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FAFSA Application Required for High School Diploma

- P.A. 101-180, eff. 6-1-20
 - Requires parents/students over 18 to complete a FAFSA application or, if applicable, an application for State financial aid in order to receive a high school diploma.
 - Allows parents/students over 18 to file a waiver
 - Allows the school district to waive this requirement for “extenuating circumstances” if the student has met all other graduation requirements and there has been a “good faith effort” by school district personnel to assist with the application or waiver.



Effective beginning with the 2020-21 school year.

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Questioning of Student by Law Enforcement

- P.A. 101-478, eff. 8-23-19



Before detaining and questioning a minor student on school grounds who is **suspected of committing a criminal act**, a law enforcement officer, school resource officer or other school security personnel must:

- i. Ensure notification or attempted notification of the student's parent or guardian;
- ii. Document the time and manner of the notification or attempted notification;
- iii. Make reasonable efforts to ensure that the student's parent or guardian is present during the questioning or, if the parent or guardian is not present, ensure that school personnel are present; and

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Questioning of Student by Law Enforcement

- P.A. 101-478, eff. 8-23-19



- iv. If practicable, make reasonable efforts to ensure that a law enforcement officer “trained in promoting safe interactions and communications with youth” is present during the questioning.

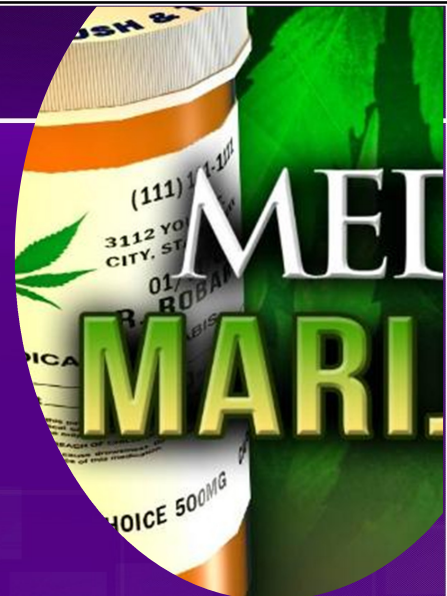
This new requirement does not:

- Limit the authority of a law enforcement officer to make an arrest on school grounds.
- Apply to circumstances that would cause a reasonable person to believe that urgent and immediate action is necessary to prevent bodily harm, apprehend an armed or fleeing suspect, prevent the destruction of evidence or address an emergency or other dangerous situation.

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Medical Cannabis – “Ashley’s Law”

- P.A. 101-370, eff. 1-1-20
 - School districts must permit a parent or guardian of a student who is a “qualified patient” to administer a medical cannabis infused product to the student on school premises or on a school bus.
 - Allows school districts to set parameters on administration in order to avoid a disruption or cause exposure of the product to other students.
 - School personnel are not required to administer.



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Changes Beginning January 1, 2020

- P.A. 101-370: Allows for storage of medical cannabis at school and requires the school nurse or school administrator to administer medical cannabis to a qualifying student or supervise the self-administration by a qualifying student.
- P.A. 101-27: Allows for the use of recreational marijuana by persons 21 and over.



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New Curricular Mandates



P.A. 101-227, eff. 7-1-20: Requires all public schools to include a study on the roles and contributions of lesbian, gay, bisexual, and transgender people in the history of this country and this State.



P.A. 101-254, eff. 7-1-20: Requires every public elementary school to include it its 6th, 7th, or 8th grade curriculum at least one semester of civics education.

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New Curricular Mandates



P.A. 101-347, eff. 1-1-20: Provides that a school district that maintains any of grades 9 through 12 may include in its high school curriculum a unit of instruction on workplace preparation that includes legal protections in the workplace, including protection against sexual harassment and racial or other forms of discrimination and other protections for employees.



P.A. 101-152, eff. 7-26-19: Allows, but does not require, a school district to offer a course on hunting safety as part of the school day or as part of an after-school program.



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Important new laws affecting administrators

Veto Session Update



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Glucagon Administration

- P.A. 101-428, eff. 8-19-19
 - Modifies the Care of Students with Diabetes Act
 - Authorizes schools to maintain a supply of undesignated glucagon
 - Must be administered by school nurse or delegated care aide if prescribed glucagon is not available on-site or has expired
 - Notification required



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Seizure Smart School Act

- P.A. 101-50, eff. 7-1-20
 - Establishes seizure action plans to specify the services needed for students with epilepsy
 - Services provided by delegated care aide
 - Training requirements



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Self-Administration of Medication

- P.A. 101-205, eff. 1-1-20
 - Requires schools to allow students to self-administer medications pursuant to health care plans, subject to certain conditions
 - Schools must adopt emergency action plans for students who self-administer medication
 - Requires parent or guardian signed statement



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Clock Hours Minimum

- P.A. 101-12, eff. 7-1-19
 - Re-introduces requirement that a full school day of attendance contains a minimum of five clock hours of instruction
 - Expands e-learning to all school districts



21

Student Records Destruction

- P.A. 101-161, eff. 1-1-20
 - Amends the Illinois School Student Records Act
 - If the rights and privileges under ISSRA have transferred to the student, the student must be contacted before any school student record is destroyed or information deleted
 - Reasonable prior notice can be provided through handbook and other means



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Charter Schools

- P.A. 101-543, eff. 8-23-19
 - State Charter School Commission is abolished, effective July 1, 2020
 - State Board takes over Commission's responsibilities



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Questions?

