Planning for Change: Special Education and Studenty Legislative Update

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Planning for Change: Special Education and Student Legislative Update

Presented by: Caroline A. Roselli, Laura M. Sinars, Zaria N. Udeh, and Matthew M. Swift

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New Executive Order and Disaster Proclamation

- On June 25, the Governor issued E.O. 2021-14 and a new disaster proclamation
- New order reissues previous orders requiring schools to follow ISBE/IDPH public health guidance, including for masks
- New proclamation and E.O. last until July 24, 2021
- Districts should expect this to be the last proclamation where the Governor finds that in-person open meeting attendance is unfeasible

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Although the information contained herein is considered accurate, it is not, nor should it be construed to be legal advice. If you have an individual problem or incident that involves a topic covered in this document, please seek a legal opinion that is based upon the facts of your particular case.

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"I'm Just a Bill"

Passed Both Houses	Up to 30 days
Sent to the Governor	Up to 60 days
Signed, Vetoed, or "Pocket Signed"	Becomes Law or Returns to Legislature

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Special Education

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HB 0040: Special Ed Max Age

Effective Date: Immediately upon signing

Bill Status as of 6/27: Sent to the Governor

- "Children with disabilities" means children between the ages of 3 and 21 for whom it is determined that special education services are needed.
- An eligible student who requires continued public school educational experience to facilitate his or her successful transition and integration into adult life is eligible for such services through age 21, inclusive, which, for purposes of this Article, means the day before the student's 22nd birthday, **unless his or her 22nd birthday occurs during the school year, in which case he or she is eligible for such services through the end of the school year.**
- An individualized education program must be written and agreed upon by appropriate school personnel and parents or their representatives for any child receiving special education.

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Considerations in light of HB0040

- What is considered the "end of the school year"?
  - The end of the regular term for the local district determined by the approved school calendar?
  - The end of the regular term for the ISBE private facility determined by the school calendar approved by ISBE?
  - The end of the extended school year term following the school year in which the student turned 22?
- How does this impact ISBE approvals for private facilities currently approved to serve students only through the day before their 22nd birthday?
  - Considerations for both in-state and out of state facilities.
- How does this impact professional teaching licensures which currently allow for instruction to students until the day before their 22nd birthday?
- Adult services impact?

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HB 2748: SPED Max Age Eligibility

Effective Date: Immediately upon Signing

Bill Status as of 6/27: Passed Both Houses

- Adds School Code Section 105 ILCS 5/14-17:

  "If a student with an IEP reaches age 22 during the time the student's in-person instruction, services or activities are suspended for a period of 3 months or more during the school year, as a result of the COVID-19 pandemic, the student is eligible for such services up to the end of the regular 2021-2022 school year."

- Does not apply to any student who is no longer a resident of the district that was responsible for the student's IEP at the time the student reached 22nd birthday.
- IEP goals in effect when student reached 22nd birthday shall be resumed unless the parties reach agreement regarding revisions to meet the student's current transition needs.
- If student was in a private therapeutic day or residential program when the student turned 22, the school district is not required to resume that program for the student if the student has aged out of the program or the funding is no longer available.
- Notice: Within 30 days of the effective date, each district must provide notification, by regular mail, of the availability of services covered under this Section to Student or Parents/Guardians.

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Considerations in light of HB 2748

- How should in-person "suspended" be defined?
- 3 months or more "during the school year", not the entire COVID period.
- Three consecutive full months or cumulative?
- No longer makes all special ed students who turned 22 during COVID period eligible for this extension of services.
- Timing of 22nd birthday is key to eligibility.
- Does resumption of goals mean resumption of the entire IEP?
- Obligations to provide alternative option for students who were in residentials or private day schools?
- Do FAPE obligations and due process rights return during this extended period of time?

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HB 0041: Special Ed Placement

Effective Date: Immediately upon Signing

Bill Status as of 6/27: Passed Both Houses

- For residential placements, districts must first consider placement at an in-state residential facility with comparable services to out-of-state options.
- The district must review the placement on an annual basis.

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HB 3906: Unknown SPED Parent-Guardian Location

Effective Date: Immediately upon Signing

Bill Status as of 6/27: Sent to the Governor

The State Superintendent of Education may determine that the location of the parent or guardian of a student is unknown for special education residency purposes **if** the superintendent for the district that last enrolled the student submits an affidavit documenting four attempts to locate the parent or guardian.

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HB 3950: Dual Credit and CTE Advising for Disabled Students

Effective Date:
Immediately upon Signing

Bill Status as of 6/27:
Sent to the Governor

- As part of its transition planning services, a District shall provide students with information about the school district's career and technical education (CTE) opportunities and postsecondary CTE opportunities.
- A student in high school with an IEP may enroll in the school district's CTE program at any time if participation is consistent with transition goals.
- School districts and community colleges shall work to ensure that individual students with disabilities have access to dual credit courses, including access to the supplementary aids and accommodations included in the student's IEP
- Within one year after the effective date, community colleges, in partnership with the appropriate high schools, shall modify its dual credit plan to ensure access to dual credit courses by students with disabilities
- Each community college is strongly encouraged to have its disability services coordinator participate in meetings held by high schools to provide information to the student's individualized education program team about the community college and the availability of courses and programs at the community college.

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Isolated Time Out, Time Out and Restraint

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HB 0219: Isolated Time Out, Time Out and Restraint

Effective Date: Immediately upon Signing

Bill Status as of 6/27: Sent to the Governor

- 105 ILCS 5/10-20.33 & 5/34-18.20
  - Declaration:
    - Use of these interventions carries risks to the health and safety of students and staff;
    - The goal is to reduce and eventually eliminate the use of those interventions;
    - ISBE must take affirmative action to lead/support schools to reduce and eliminate over time.
  - New Statutory versus current regulatory definitions
    - Isolated Time Out, Time Out, and Restraint definitions remain the same

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HB 0219: Isolated Time Out, Time Out and Restraint

Continued

- Isolated time out or time out
  - Adds prohibition on using a room "in which the door is obstructed, prohibiting it from opening"
- Deprivation of necessities prohibited
  - Includes denial or unreasonable delay of food or liquid at customarily served times, medication, or use of a restroom
- For any isolated time out, time out or physical restraint:
  - Administrator must notify parent/guardian within two school days after incident of option to request meeting. Note, however, the current regulatory timeframes for notice of the incident still exist (attempt same day notice, send form within 1 business day)
  - Specific requirements apply to parent/guardian meetings and documentation
  - Mandatory reporting to ISBE, now including what alternatives were used and why they were ineffective or inappropriate
  - ISBE form to be provided to parent/guardian with copy of restraint/time out standards and information about rights and complaint process

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HB 0219: Isolated Time Out, Time Out and Restraint

Continued

- Mechanical and chemical restraints are still prohibited.
  - Okay to use student's regular medical regimen to manage symptoms.
- Prone (face-down) restraint only allowed if:
  - The student's behavior intervention plan was in place before 2020, approved by the IEP team, and specifically allows prone restraint.
  - Staff using prone restraint have been trained according to ISBE rules.
  - The school can document other de-escalation techniques in BIP were ineffective.
  - It occurs within the 2021-2022 school year.

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HB 0219: Isolated Time Out, Time Out and Restraint

Continued

- 105 ILCS 5/2-3.130 (e)
  - District boards <u>must</u> create an <u>Oversight Team</u> to develop:
    - (i) a plan for reducing and eliminating isolated time out, time out, and physical restraint in accordance with ISBE goals (ISBE has 90 days to establish goals); and
    - (ii) procedures to implement the plan.
  - Specific elements for the oversight team and plans are set by statute.
  - Yearly progress reports to ISBE are required for 3 years after the law becomes effective.
  - Districts can be exempt if they demonstrate (i) no use of these interventions in the past 3 years and (ii) an adopted policy prohibiting them with enforcement.

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Considerations in light of HB 0219

- Expect more ISBE Rules to come
  - Authorized to adopt emergency rules
    - Documentation and reporting for each occurrence of time out, isolated time out, physical restraint
    - Complaint process and "progressive enforcement actions" for violations
    - Required training
- Prepare for establishing an oversight team
- Conduct review of procedures and policies
- Pay careful attention to documentation, notice, and meeting requirements

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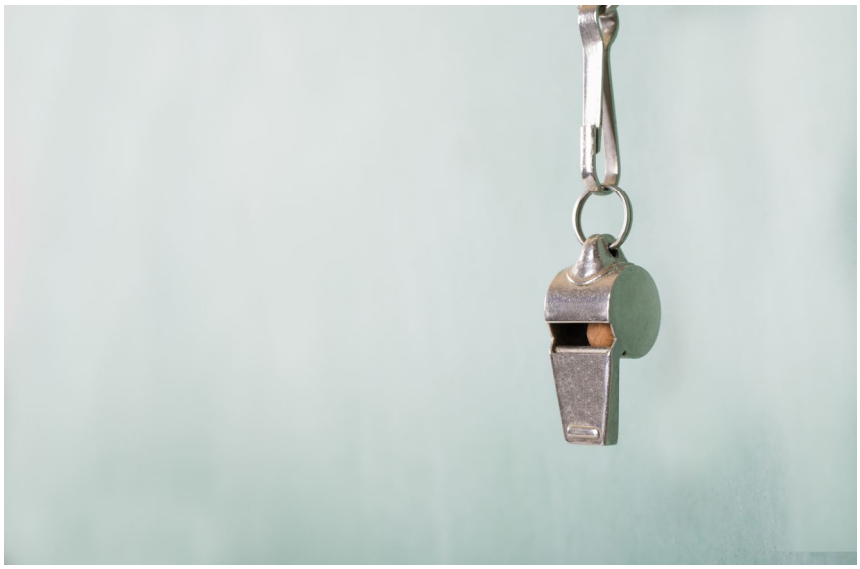
Discipline



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HB 3223: Mitigating Factors for Expulsion/ Suspension

Effective Date: July 1, 2025

Bill Status as of 6/27: Passed Both Houses

- Students **can** disclose "any factor to be considered in mitigation" in a suspension review or expulsion hearing.
  - Status as a parent, expectant parent, or victim of sexual or domestic violence are examples.
- District **must** allow a representative of a parent/guardian's choice to represent a student throughout the proceedings and address the hearing officer or school board.
- District **must** allow a "support person" approved by a parent/guardian to accompany the student to any disciplinary hearing or proceedings.
- Required to allow separate representative and support person

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HB 3223: Mitigating Factors for Expulsion/ Suspension

Continued

- Limits on representatives/support persons:
  - Must comply with process rules
  - Must not harass, abuse, or intimidate anyone in attendance
  - May be prohibited from participation in the hearing or proceeding rules if they fail to comply
- For hearings with allegations of sexual violence, the student and their representative may not directly question/contact the alleged victim.
  - Note: Tension with current Title IX requirements

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HB 3223: Student Parents and Victims

- Biannual review to ensure policies/procedures do not hinder success of student parents or victims, compromise a criminal investigation relating to domestic or sexual violence, or re-victimize students.
- Very detailed requirements for:
  - A policy on reporting incidents of domestic or sexual violence
  - A complaint resolution procedure
  - Confidentiality and disclosure of information about students' parent or victim status and related experiences
  - Training and duties for designated resource personnel
  - Offering and providing support services
  - Seeking verification of a claim of domestic or sexual violence
- More potential tensions or conflicts with current Title IX rules

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SB 0673: Bullying Student Accountability

Effective Date: Immediately upon Signing

Bill Status as of 6/27: Sent to the Governor

- Adds to definition of "restorative measures" that can be used in response to bullying
- These school-based alternatives to exclusionary discipline should "increase student accountability if the incident of bullying is based on" any legally protected category in the Illinois Human Rights Act

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SB 0064: Restorative Justice Practices & Privilege

Effective Date: Immediately upon Signing

Bill Status as of 6/27: Sent to the Governor

- Intended to encourage restorative justice practices, defined as:
  - a gathering, such as a conference or circle,
  - in which parties who have caused harm or who have been harmed and community stakeholders collectively gather
  - to identify and repair harm to the extent possible, address trauma, reduce the likelihood of further harm, and strengthen community ties
  - by focusing on the needs and obligations of all parties involved through a participatory process.
- Only applies to practices convened on or after the effective date.

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SB 0064: Restorative Justice Practices & Privilege

Continued

- "anything said or done during the practice, or in anticipation of or as a follow-up to the practice, is **privileged**"
- May not be used in any future legal action and is not subject to discovery
- Exceptions:
  - Waiver by informed consent of the party or parties. Waiver is limited to the waiving party's participation and communication.
  - Necessary to prevent death, great bodily harm, or commission of a crime
  - Necessary to comply with another law
  - Limited report required by court or administrative body

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SB 2043: Misc. School Code – Expulsions, etc.

Effective Date: Immediately upon Signing

Bill Status as of 6/27: Sent to the Governor

105 ILCS 5/10-22.6

- A school board must invite a representative from a local mental health agency (previously the Department of Human Services) to consult with the board at an expulsion or suspension meeting whenever there is evidence that mental illness may be the cause for expulsion or suspension.

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Policies

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SB 0817: School Hairstyle Discrimination

Effective Date: January 1, 2022

Bill Status as of 6/27: Passed Both Houses

- Amends School Code requirements for school uniform or dress code policies
- Legislative response to incidents affecting students of color
- Provides that a uniform or dress code policy "shall not include or apply to hairstyles, including hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists"

SB 0817: School Hairstyle Discrimination

Continued

Considerations:

- Applicable to hairstyles generally
- Failure to comply with School Code requirements for dress code policies "is subject to the penalty" of revoking a district's certificate of recognition

HB 3461: School Sexual Abuse Policy

Effective Date: Immediately upon signing

Bill Status as of 6/27: Passed Both Houses

- Changes parts of required policy addressing sexual abuse of children ('Erin's Law")
  - Shall (not may) include an age-appropriate and evidence-based curriculum
  - Curriculum must be for students pre-K through 12th grade (rather than pre-K through 5th grade)
  - Policy must be adopted and implemented no later than July 1, 2022
- Also requires annual training for school personnel to occur no later than January 31 of each year
- Policy and training materials should include a definition of "grooming," and identify grooming behaviors and boundary violations, and how to report these behaviors.

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HB 0102: School Anaphylactic Policy

Effective Date: July 1, 2021

Bill Status as of 6/27: Sent to the Governor

- Requires ISBE to work with IDPH to establish an anaphylactic policy for school districts
  - Purpose is set procedures for preventing anaphylaxis and responding to related medical emergencies
  - ISBE will forward policy to District's BOE
  - Districts must implement or update their anaphylactic policies within 6 months of receiving ISBE policy
  - At least once each calendar year , districts must notify parents/guardians about policy and contact information to learn more

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HB 0102: School Anaphylactic Policy

Continued

- Policy requirements include:
  - A procedure and treatment plan for responding to anaphylaxis
  - Requirements for training appropriate school personnel
  - A procedure and appropriate guidelines for the development of an individualized emergency health care plan for children with an allergy that could result in anaphylaxis
  - A communication plan for intake and dissemination of information from state agencies
  - Strategies for reducing the risk of exposure to anaphylactic causative agents
  - A communication plan for discussion with children and parents/guardians regarding foods that are safe and unsafe, and strategies to avoid unsafe food
- ISBE policy to be reviewed at least once every 3 years

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SB 0605: Truancy Policy

Effective Date:
July 1, 2022

Bill Status as of 6/27:
Sent to the Governor

- Requires each school receiving public funds to develop an absenteeism and truancy policy to be communicated to students and parents on an annual basis
  - Minimum policy elements:
    - Definition of a valid cause for absence
    - Procedures used for identifying causes of unexcused absenteeism
    - Identification of supportive services to be made available to truant or chronically truant students
    - Incorporation of provisions relating to chronic absenteeism (Sec. 26-18)
- Policy must be updated every 2 years and filed with ISBE and the regional superintendent of schools

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HB 0120: Modesty Modifications for School Team Uniforms

Effective Date: Immediately upon signing

Bill Status as of 6/27: Sent to the Governor

- Requires boards of school districts and public colleges and universities to allow student-athletes to modify their athletic or team uniforms for the purpose of modesty in clothing or attire
  - Reasons can include the requirements of their religion, cultural values, or modesty preferences
  - Modification may include, but is not limited to, the wearing of a hijab, undershirt, or leggings
  - Student is responsible for all associated costs of modification (but school may provide the modification)
  - Student need not receive prior approval from board

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HB 0120: Modesty Modifications for School Team Uniforms

Continued

- The modification must not interfere with the student's movement or pose a safety hazard
- Headgear modifications are permissible so long as the headgear:
  - Is black, white, the predominate color of the uniform, or the same color as that of the other players on the team
  - Does not cover any part of the face
  - Is not dangerous to the player or other athletes
  - Has no opening or closing elements around the face and neck
  - Has no parts extruding from its surface

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HB 0120: Modesty Modifications for School Team Uniforms

Continued

- Considerations
  - Applicability to P.E. uniforms
  - Additions to dress code policy, athletic code of conduct
    - Should not require prior approval for these modifications
    - Can include notice provisions
  - Ensure relevant staff are aware

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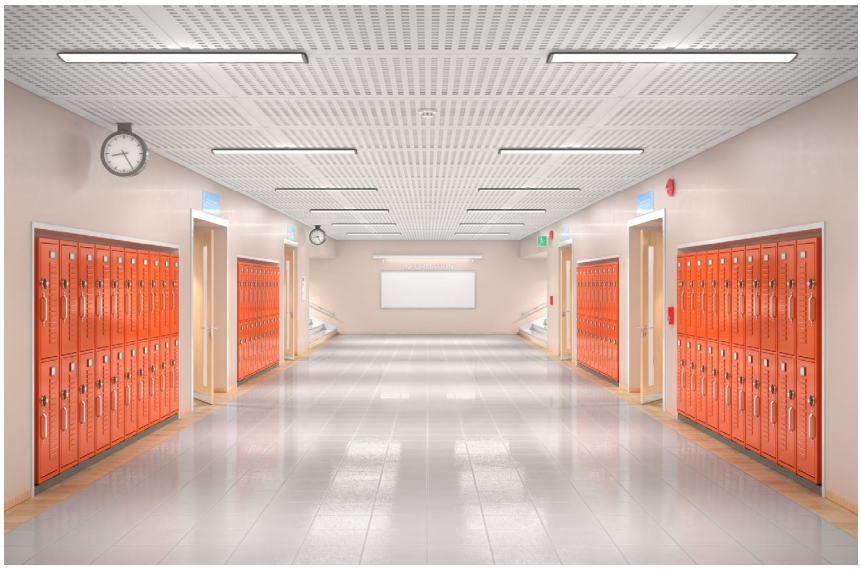
Absences/ Exemptions



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HB 3223: Student Parents and Victims, Home Instruction

Effective Date: July 1, 2022

Bill Status as of 6/27: Passed Both Houses

Amends the *School Code* and *Illinois School Student Records Act*

- Allows students to provide mitigating factors in suspension or expulsion hearings
  - Such factors may include student's status as a parent, expectant parent, or victim of domestic or sexual violence
- Requires home instruction or correspondence courses be made available to students unable to attend school because of pregnancy-related conditions, parenting obligations related to the health of a child, or health and safety concerns arising from domestic or sexual violence
- Makes a valid cause for absence the following:
  - attendance at a medical or therapeutic appointment
  - appointments with a victim services provider

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HB 3272: Student Pregnancy Absence

Effective Date: Immediately upon Signing

Bill Status as of 6/27: Sent to the Governor

Amends the **School Code**

- Requires School Board to adopt written policies related to absences and missed homework or classwork due to (or related to) a student's pregnancy

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HB 0576: Student Mental Health Absence

Effective Date:
July 1, 2022

Bill Status as of 6/27:
Passed Both Houses

Amends the **Compulsory Attendance of Pupils** (School Code)

- Provides that absence for cause by illness shall include the mental or behavioral health of a student.
- After the second mental health day used, student may be referred to the appropriate school support personnel

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SB 1577: Student Mental Health Absence

Effective Date:
July 1, 2022

Bill Status as of 6/27:
Passed Both Houses

Amends the **Compulsory Attendance Article** (School Code)

- Provides that absences for cause by illness shall include mental or behavioral health of a student for up to 5 days for which the child need not provide a medical note
  - After the second mental health day used, child may be referred to appropriate school support personnel
- Child shall be given the opportunity to make up any schoolwork missed during this absence

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SB 1577: Student Mental Health Absence

Continued

Practical Considerations:

- How to flag multiple mental health days
- Adding to handbook definition of "valid cause of absence"
  - PRESS Policy recommendations

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HB 0169: Religious Student Absences

Effective Date: Immediately upon Signing

Bill Status as of 6/27: Sent to the Governor

Amends the **Compulsory Attendance of Pupils** (School Code)

- Provides that a student may be absent from a public school because of religious reasons, including the observance of a religious holiday or participation in religious instruction
- Removes provision requiring school board to prescribe rules relative to absences for religious holidays
- Requires that a district superintendent develop appropriate procedures regarding religious absences, and distribute to schools

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HB 0160: Fasting Excuse from P.E.

Effective Date: Immediately upon Signing

Bill Status as of 6/27: Sent to the Governor

Amends the **School Code**

- Provides that a student shall be excused from engaging in physical activity components of a physical education course during a period of religious fasting
- Student's parent or guardian must notify the school principal in writing

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Curriculum & Instructional Hours

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SB 0654: Student Unstructured Play Time

Effective Date:
July 1, 2021

Bill Status as of 6/27:
Passed Both Houses

- Public schools are required to provide K-5 students with at least 30 minutes of supervised, unstructured, child-directed play daily.
  - For any school day less than 5 hours, the total time allotted for play must be at least one-tenth of a day of attendance. Play time may be divided into play periods of at least 15 consecutive minutes in length.
- Play time must be separate from physical education time.
- For students with disabilities, play time shall comply with a student's applicable IEP or Section 504 plan.
- Play time cannot be withheld as a disciplinary or punitive action, except when a student's participation in play time poses an immediate threat to the safety of the student or others.

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SB 0654: Student Unstructured Play Time

Continued

Play time may include:

- Organized games, but shall not include the use of computers, tablets, phones, or videos;
- Schools are encouraged to provide play time outdoors, but it may be held indoors. If play time is held indoors, schools are encouraged to provide it in a space that promotes physical activity; and
- Time spent dressing or undressing for outdoor play time shall not count towards the daily time for play.

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Sex, Health & Drug Education

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HB 0024: Sexting Education

Effective Date: Immediately upon Signing

Bill Status as of 6/27: Sent to the Governor

Course material and instruction shall include an age-appropriate discussion about sexting. The discussion about sexting must include an exploration of all of the following areas:

- The possible consequences of sharing or forwarding sexually explicit or sexually suggestive photographs or images, videos, or text messages.
- The identification of situations in which bullying, or harassment may result as a consequence of sexting.
- The possible long-term legal, social, academic, and other consequences that may result from possessing sexual content.
- The importance of using the Internet safely and how sexting may pose a risk on the Internet.
- The identification of individuals in school, such as a principal, teacher, school social worker, or counselor, or a trusted community leader who may be contacted for assistance with issues, concerns, or problems.
- The development of strategies for resisting peer pressure and for communicating in a positive manner.

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HB 0024: Sexting Education

Continued

"Sexting" means the act of sending, sharing, receiving, or forwarding a sexually explicit or sexually suggestive image, video, or text message by a digital or electronic device, including, but not limited to, a mobile or cellular telephone or a computer.

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SB 0818: Sex Education

Effective Date: July 1, 2021

Bill Status as of 6/27: Sent to the Governor

- Provides criteria for all classes that teach "comprehensive personal health and safety and comprehensive sexual health education," including:
  - Required and prohibited elements of course material and instruction.
- Requires reporting on whether the district offers such instruction, who provided it, and the numbers of students receiving or excused from it, and the duration.
- Allows age-appropriate consent education in K-12, with specific requirements for K-5 and 6-12.
- Requires training on HIV for personnel who work with students.

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HB 1162: Drug Avoidance Instruction

Effective Date: Immediately upon Signing

Bill Status as of 6/27: Sent to the Governor

- Adds prevention and avoidance of the dangers of opioid abuse to required K-8 instruction on avoidance of drugs.

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HB 3202: Vaping Health Education

Effective Date: Immediately upon Signing

Bill Status as of 6/27: Sent to the Governor

- Adds e-cigarettes, and other vapor devices to the comprehensive health education program.

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Cultural History and Literacy Curriculum

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HB 0376: Asian-American History Instruction

Effective Date: January 1, 2022

Bill Status as of 6/27: Sent to the Governor

- Public elementary and high schools shall include in their curriculum a unit of instruction on Asian American history, including:
  - The history of Asian Americans in Illinois and the Midwest, and the contributions of Asian Americans toward advancing civil rights.
  - The contributions made by individual Asian Americans in government and the arts, humanities, and sciences, economic, cultural, social, and political development of the United States.
- Each school board can determine the minimum amount of instructional time sufficient to cover this curriculum.
- The regional superintendent of schools will monitor a school district's compliance during the annual compliance visit.
- This curriculum may be taught through an online program or course.

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SB 0564: Religious American History Instruction

Effective Date: January 1, 2022

Bill Status as of 6/27: Passed Both Houses

- Requires the teaching of history to include the contributions made to society by Americans of different faith practices, including, but not limited to:
  - Muslim Americans, Jewish Americans, Christian Americans, Hindu Americans, Sikh Americans, Buddhist Americans, and any other collective community of faith that has shaped America.
- Makes Muhammad Ali's birthday, January 17, a commemorative holiday

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HB 3281: Naturalization Curriculum, HS

Effective Date: Immediately upon Signing

Bill Status as of 6/27: Passed Both Houses

- Public high schools may include a unit about the process of naturalization by which a foreign citizen or foreign national becomes a U.S. citizen in its curriculum.
- This instruction shall include content from the components of the naturalization test administered by the U.S. Citizenship and Immigration Services.
- Each school board shall determine the minimum amount of instructional time under this Section.

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SB 1830: Financial Literacy Curriculum, HS

Effective Date; Immediately upon Signing

Bill Status as of 6/27: Sent to the Governor

- Public high schools may offer a financial literacy course, beginning with students entering 9th grade in the 2021-2022 school year.

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HB 0234: Media Literacy Curriculum, HS

Effective Date: Immediately upon Signing

Bill Status as of 6/27: Sent to the Governor

- Beginning with the 2022-2023 school all public high schools should include a unit of curriculum on media literacy including all of the following topics:
  - Accessing information: Evaluating multiple media platforms to better understand the general landscape and economics of the platforms, as well as issues regarding the trustworthiness of the source of information.
  - Analyzing and evaluating media messages: Deconstructing media representations according to the authors, target audience, techniques, agenda setting, stereotypes, and authenticity to distinguish fact from opinion
  - Creating media: Conveying a coherent message using multimodal practices to a specific target audience. This may include, but is not limited to, writing blogs, composing songs, designing video games, producing podcasts, making videos, or coding a mobile or software application.
  - Reflecting on media consumption: Assessing how media affects the consumption of information and how it triggers emotions and behavior.
  - Social responsibility and civics: Suggesting a plan of action in the class, school, or community to engage others in a respectful, thoughtful, and inclusive dialogue over a specific issue using facts and reason.
- "Media literacy" means the ability to access, analyze, evaluate, create, and communicate using a variety of objective forms, including, but not limited to, print, visual, audio, interactive, and digital texts.

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HB 0234: Media Literacy Curriculum, HS

Continued

"Media literacy" means the ability to access, analyze, evaluate, create, and communicate using a variety of objective forms, including, but not limited to, print, visual, audio, interactive, and digital texts.

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High School Diploma Requirements

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SB 2354: Forensic Speech (Speech & Debate) Curriculum, HS

Effective Date: January 1, 2022

Bill Status as of 6/27: Sent to the Governor

- Adds forensic speech and debate as an elective choice to satisfy the one-year requirement.
- The other options still include music, art, foreign language, or vocational education.

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Health and Hygiene

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HB 0597: Student ID Suicide Prevention

Effective Date:
July 1, 2021

Bill Status as of 6/27:
Sent to the Governor

- Each school district that issues student ID cards shall provide contact information for the National Suicide Prevention Lifeline and for the Crisis Text Line on the back of each card.
- If the district does not issue student ID cards to any or all of its students, the district must publish this information on its website.

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HB 1778: Student ID Suicide Prevention

Effective Date:
July 1, 2022

Bill Status as of 6/27:
Sent to the Governor

- Each school district that issues ID cards to students in any grade 6-12 shall provide contact information for the National Suicide Prevention Lifeline (988), the Crisis Text Line, and either the Safe2Help Illinois helpline or a local suicide prevention hotline or both on the ID card.
- The contact information shall identify each helpline that may be contacted through text messaging.
- The contact information shall be included in the school's student handbook and also the student planner, if the district custom prints student planners for distribution to students in any grade 6-12.

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HB 0156: School Menstrual Products

Effective Date: Immediately upon Signing

Bill Status as of 6/27: Passed Both Houses

- Requires schools to provide menstrual hygiene products available, at no cost to students, "in bathrooms of every school building that are open for student use in grades 4 through 12 during the regular school day.

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School Day

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HB 2400: School Law Enforcement Drills

Effective Date: Immediately upon Signing

Bill Status as of 6/27: Sent to the Governor

Amends the **School Safety Drill Act,** effective immediately

- Provides that a drill:
  - (i) must not include simulations that mimic an actual school shooting incident or event,
  - (ii) must be announced in advance to all school personnel and students (prior to commencement)
  - (iii) must include content that is age and developmentally appropriate
  - (iv) must include and involve school personnel, including mental health professionals
  - (v) must include trauma-informed approaches to address concerns and well-being of students/school personnel
- Students must be allowed to ask questions related to the drill while the drill is occurring

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HB 2400: School Law Enforcement Drills

Continued

Amends the **School Safety Drill Act,** effective immediately

- Exemption and Notification Provisions:
  - Grants school administrators and school support personnel the discretion to exempt student(s) from participating in a walk-through lockdown drill
  - Students who do not participate are required to receive alternative safety education and instruction through "less sensorial safety training methods"
  - Requires that schools provide "sufficient information and notification" to parents/guardians in advance of any walk-through lockdown drill
  - Parents must also be given the opportunity to exempt their child from the drill
  - Law enforcement may run an activate shooter on school days when students are not present (no parental notice required)

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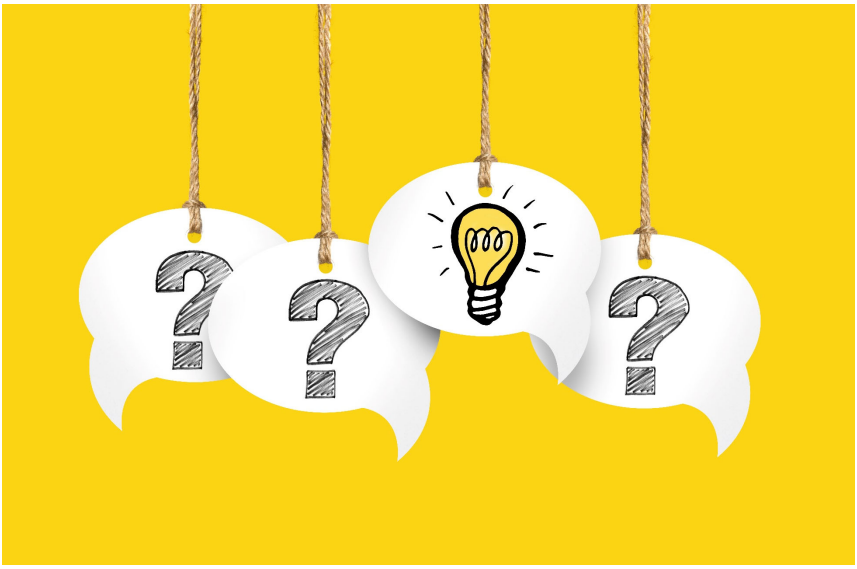
Questions?



Robbins Schwartz

Caroline A. Roselli

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Caroline Roselli practices in the areas of special education law and student rights. She counsels school districts and colleges concerning student discipline, student records, policy development, students' rights and other student-related matters. She assists school districts in responding to complaints from the Illinois State Board of Education and Office of Civil Rights and she regularly represents public school districts at IEP meetings, due process hearings, mediations, student expulsion and suspension hearings and residency hearings. Caroline has successfully defended school district decisions and prevailed at due process hearings on issues regarding eligibility, requests for residential placements and denial of FAPE claims.

Caroline has presented at annual conferences for both the Illinois Association for School Boards and for the Illinois Alliance of Administrators of Special Education. She is a co-author of the "Special Education" chapter of the Illinois Institute of Continuing Legal Education's School Law treatise. Caroline also regularly conducts workshops and in-service programs on a variety of special education related topics, including IEP compliance, response to intervention and child find, evaluation procedures, eligibility determinations, autism litigation and discipline of special education students.

Awards

Illinois Emerging Lawyer, School Law (2017-2018)

Illinois "Rising Star," Super Lawyers Magazine, Schools and Education Law (2012-2017)

Recent Publications

"Students Should Know the Consequences of Sexting," *Chicago Daily Law Bulletin* (2015)

"What Does State Law Say about Measles Prevention and Control in Schools?" *Chicago Daily Law Bulletin* (2015)

Contributing author, "Special Education," *Illinois School Law*, IICLE (2010, 2012 and 2015)

Recent Presentations

Due Process: To Go or Not to Go? Special Education Update, Illinois Council of School Attorneys, 33rd Annual Seminar on School Law (November 2019)

Practice Areas

Education Law
Special Education
Student Discipline

Education

J.D., *cum laude*, Loyola University Chicago School of Law

B.A., University of Notre Dame

Admitted to Practice

Supreme Court of the United States

U.S. District Court for the Northern District of Illinois

Supreme Court of Illinois

Organizations

Chicago Bar Association

Illinois Bar Association

Illinois Council of School Attorneys

National Council of School Attorneys

Seclusion, Restraint, and Time Out 2020, Illinois Alliance of Administrators of Special Education Region 1 Roundtable (November 2019)

Risk Assessment, Threat Assessments and the Impact on Students with Disabilities, Illinois Alliance of Administrators of Special Education Fall Conference (October 2019)

Legal Issues Related to School Safety and Security: Addressing the Complex Challenges Facing Schools, Large Unit District Association, (May 2019)

Responding to Requests for Homebound Instruction, Illinois Alliance of Administrators of Special Education Webinar (April 2019)

Tips for Preparing Legally Defensible Eligibility Determinations for Specific Learning Disability, Illinois Alliance of Administrators of Special Education Roundtable Presentation (March 2019)

Absenteeism, School Refusal, and Truancy in Special Education: Legal Issues when Students Don't or Can't Come to School, Illinois Alliance of Administrators of Special Education Roundtable Presentation (March 2019)

Escalating Student Behavior and Safety Concerns: Legal Options and Considerations, Illinois Alliance of Administrators of Special Education Winter Conference (February 2019)

The Ins & Outs of Residential Placements: Rules, Regulations, & Recommendations, Illinois Alliance of Administrators of Special Education Fall Conference (October 2018)

LAURA M. SINARS

PARTNER, CHICAGO
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Laura Sinars focuses on special education and students' rights law. She counsels and represents public school districts at IEP meetings, due process hearings and mediation. She also represents districts at student expulsion and residency hearings. Laura has defended district decisions regarding evaluations, services and placement of special education students in due process hearings. She has successfully prevailed in hearings to defend against parents' unilateral private placements. In the area of student rights, Laura has assisted clients with routine student issues related to records, discipline, health and 504 questions. She has also assisted clients with building strong residency and discipline cases which proceed to hearing and has successfully defended districts' decisions in state and federal courts. Laura has represented districts before federal and state agencies including the Illinois State Board of Education, the Illinois Guardianship and Advocacy Commission and the Office for Civil Rights.

AWARDS
Illinois Super Lawyers, 2005-2018

RECENT PUBLICATIONS
Contributing author, "Special Education," *Illinois School Law*, IICLE (2005, 2010, 2012 and 2015)

PRACTICE AREAS
Education Law
Special Education
Student Discipline

EDUCATION
J.D., University of Notre Dame Law School

B.A., University of Notre Dame

ADMITTED TO PRACTICE
U.S. Court of Appeals for the Seventh Circuit

U.S. District Court for the Central District of Illinois

U.S. District Court for the Northern District of Illinois

Supreme Court of Illinois

Zaria N. Udeh

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Zaria practices in the area of education law focusing in the areas of special education and students issues. Zaria counsels school districts with respect to IEP meetings, 504 accommodations, OCR, ISBE, and IDHR complaints, due process hearings, residency and homeless dispute hearings, student discipline matters, board policy and student handbook review, FOIA requests, student record compliance and contract review. Zaria also counsels community colleges on student related issues.

Prior to joining Robbins Schwartz, Zaria worked for the Chicago Public School District, where she represented the district as a special education attorney in due process matters and special education disputes.

Recent Publications

"Medical Cannabis at School Wins Legislative OK," Chicago Daily Law Bulletin (2018)

Recent Presentations

Use of Restraint & Seclusion: The Risks & Challenges Districts Face, IAASE (October 2018)

Legal Update in Special Education, Superintendent Leadership Conference (June 2018)

Current Trends Related to Placement and LRE: A Review of Recent Guidance from the Courts, IAASE (February 2018)

"Free Speech" Issues on Public College Campuses, ICCSSO (January 2018)

Practice Areas

Education Law
Special Education
Student Discipline

Education

J.D., DePaul University College of Law

B.A., Yale University

Admitted to Practice

U.S. District Court for the Northern District of Illinois

Supreme Court of Illinois

Supreme Court of the Commonwealth of Massachusetts

Organizations

Chicago Bar Association

MATTHEW M. SWIFT

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Matthew is a member of the labor and employment practice group. He counsels employers in various aspects of labor and employment law, such as employee discipline, labor relations, wage and hour, and employment discrimination matters under both federal and state laws such as the Americans with Disabilities Act, Family and Medical Leave Act, Age Discrimination in Employment Act, Title VII of the Civil Rights Act, and Illinois Human Rights Act. He also represents clients in state and federal courts and advises on Illinois Freedom of Information Act and Open Meetings Act matters.

Before he joined Robbins Schwartz, Matthew served as in-house counsel and FOIA Officer for the Illinois Office of the Governor. In that role, he counseled dozens of agencies on compliance with sensitive FOIA requests, advised on current and potential litigation issues, and served as a legal liaison to the Illinois Department of Human Rights and the Illinois Human Rights Commission.

RECENT PUBLICATIONS

"All Together Now – Employment Law Issues in the New Title IX Rules," *Chicago Daily Law Bulletin* (2020)

"Life After Leave: Bringing Employees Back in a COVID-19 Age" *Best Practices Magazine*, American Association of School Personnel Administrators (2020)

PRACTICE AREAS
Labor & Employment

EDUCATION
J.D., University of Chicago Law School

M.P.P., University of Chicago, Harris School of Public Policy

B.B.A., *summa cum laude*, Baylor University

ADMITTED TO PRACTICE
U.S. District Court for the Northern District of Illinois

Supreme Court of Illinois

ORGANIZATIONS
Chicago Bar Association