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CLIENT ADVISORY

Schools Adopted Legislation *October 2009*

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Charter Schools Complying With Educational Labor Relations Act

The Illinois School Code is amended to require charter schools to comply with the Illinois Educational Labor Relations Act. This amendment includes in the definition of "Educational Employer" the governing body of a charter school or a contract school or contract turnaround school or a combination of a subcontractor of institutional sources of a school district, combination of school districts, a charter school or contract school or contract turnaround school. Furthermore, an Educational Employer does not include an approved nonpublic special education facility that contracts with a school district or combination of school districts to provide special education services.

Effective January 1, 2010. *See Public Act 96-0104.*

School Restructuring

The Illinois School Code is amended to create an Innovation, Intervention and Restructuring Task Force. This Task Force will develop recommendations for the innovation, intervention and restructuring of schools including those that need comprehensive or focused intervention as set forth in Illinois' proposal for participation in the No Child Left Behind pilot program.

Effective July 30, 2009. *See Public Act 96-0109.*

Twice Exceptional Children

This public act addresses "twice-exceptional children", which is defined as those children who are gifted and talented and have a disability. The State Advisory Council on the Education of Children with Disabilities along with the Advisory Council on the Education of

Gifted and Talented Children will make recommendations to the State Board of Education with respect to providing guidance and technical assistance to school districts to further improve educational outcomes for gifted and twice-exceptional children.

Effective August 13, 2009. *See Public Act 96-0382.*

School Transportation

This public act requires schools transporting students in grades 12 or below for an interscholastic, interscholastic athletic or school-sponsored noncurriculum-related activity that does not require student participation as part of the educational services of the district to transport the students only in a school bus, a vehicle manufactured to transport not more than 10 persons, including the driver, or a multifunction school-activity bus manufactured to transport not more than 15 persons, including the driver.

School districts furnishing transportation must insure against any loss or liability of the district resulting from the maintenance, operation or use of the vehicle.

Effective July 1, 2010. *See Public Act 96-0410.*

Radon Testing

This public act amends the School Code to include recommendations that every occupied school building of a school district be tested every 5 years for radon pursuant to rules established by the Illinois Emergency Management Agency.

This public act also recommends that new schools in a school district be built using radon resistant new construction techniques.

Effective January 1, 2010. *See Public Act 96-0417.*

Transition Services

The Illinois School Code is amended to provide for a definition of “transition services”, which is defined as a coordinated set of activities for a child with a disability that is focused on moving the child from school to post school activities.

In addition, the Code now provides that, upon a student's first individualized education plan (“IEP”) in effect when the student turns age 14 ½, the student’s IEP must include measurable post-secondary goals based upon age-appropriate transition assessments and other available information regarding the student that are related to training, education, employment and if appropriate, independent living skills and the transition services needed to assist the student.

This Code is further amended to require that transition planning be a part of the IEP process. The IEP team will determine if the student requires transition services, as well as the resources needed to provide the transition services, and will monitor the student's progress to determine if the student's IEP transition goals are being met.

Effective August 10, 2009. *See Public Act 96-0187.*

Disability History and Awareness

The Illinois Scholl Code is amended to now require that School Districts provide instruction on disability history, people with disabilities and the disability rights movement in any courses the school district chooses.

The Illinois School Code is also amended to add a new section regarding disability history and awareness. In addition, the State Board of Education shall promote an annual campaign about disability history and awareness in the State.

Effective January 1, 2010. *See Public Act 96-0191.*

Home Or Hospital Instruction

The Illinois School Code is amended to change the definition of qualified professional worker to “qualified worker”, and to include, rather than limit, this definition to certain trained professionals who may deliver services to students with an IEP.

The Code is further amended to set forth the requirements for a child with a medical condition to qualify for home or hospital instruction.

Effective August 11, 2009. *See Public Act 96-0257.*

Digital Technologies Pilot Program

The Illinois School Code is amended to provide for a pilot program to test digital technologies in 3 geographically diverse school districts on or before July 1, 2011. This program will examine the development of alternative textbook formats and possible adaptation of existing standard print textbooks.

Effective August 24, 2009. *See Public Act 96-0647.*

Nondisclosure Of Student Information

The Illinois School Code is amended to state that a school district, the school district’s agents, employees, student or alumni associations, or any affiliates are also prohibited from providing any student information to a business organization or financial institution that issues credit or debit cards.

This amendment also applies to State universities and community colleges.

Effective January 1, 2010. *See Public Act 96-0261.*

School Day Attendance

The Illinois School Code is amended to change the clock hours that may be counted as a day of attendance.

The Illinois School Code is also amended to set forth the procedures a school district must follow to obtain waivers and modifications that will allow a school to hold school classes or schedule teachers’ institutes, parent-teacher conferences, or staff development on legal school holidays.

Effective July 1, 2009. *See Public Act 96-640.*

Evaluation of Child’s Educational Placement

The Illinois School Code is amended to provide that a parent must be able to participate fully and effectively

with school personnel in the development of appropriate educational and related services for his or her child and that the parent, an independent educational evaluator, or a qualified professional retained by or on behalf of a parent or child must be afforded reasonable access to educational facilities, personnel, classrooms, and buildings and to the child.

A “qualified professional” is defined as an individual who holds credentials to evaluate a child in the domain or domains for which an evaluation is sought, or an intern working under the direct supervision of a qualified professional, including a master’s or doctoral degree candidate.

Effective August 25, 2009. *See Public Act 96-0657.*

Educational Program Delivered In The Home

The Illinois School Code is amended to include a definition of “remote educational program”, which is an educational program delivered to students in the home or other locations outside of a school building. This amendment further sets forth the criterion that needs to be met to be considered a remote educational program.

Effective August 25, 2009. *See Public Act 96-0684.*

School District Joint Agreement For Facilities

The Illinois School Code is amended to allow school districts who have entered into joint agreements concerning special educational facilities and employment to approve certain amendments to the agreement if all member districts adopt concurring resolutions to that effect. These amendments include the removal of a school from or the addition of a school district to the joint agreement without a petition as otherwise required. The Code is also amended to change the procedures a regional board of trustees must undertake to consider a petition for withdrawal.

Effective August 28, 2009. *See Public Act 96-0769.*

Confidential Student School Records

The Illinois School Student Records Act is amended to expand communications that are protected by law as privileged or confidential to include information communicated in confidence to a school social worker,

school counselor, school psychologist, school social worker, school counselor, or school psychologist intern who works under the direct supervision of a school social worker, school counselor, or school psychologist

Effective January 1, 2010. *See Public Act 96-0628.*

School Activity Bus

The Illinois Vehicle Code is revised to include a definition of a multifunction school activity bus, which is a school bus manufactured for the purpose of transporting 11-15 people, including the driver, and which does not transport students to and from home or school bus stops.

This Code is further amended to include the definition of “curriculum-related school activity” which is the transportation from home to school or from school to home, shuttle service between school attendance centers, transportation to a vocational or career center or other trade-skill development site or a regional safe school or other school sponsored alternative learning program or a trip that is directly related to the regular curriculum of a student for which credit is earned.

Additionally, this Code is amended to require each school bus and multifunction school-activity bus to have the vehicle weight and maximum passenger capacity, along with a phone number for complaints, painted on the body of the bus.

Effective July 1, 2010. *See Public Act 96-0410.*

Plan Communicated To Government Agencies

The Campus Security Enhancement Act of 2008 is amended to require higher education institutions to include in their interdisciplinary plan communication with government agencies and school districts that are contiguous to the higher education institution’s boundaries.

Effective January 1, 2010. *See Public Act 96-0356.*

Criminal Street Gang Recruitment

The Illinois Criminal Code of 1961 is amended to include the offense of criminal street gang recruitment of a minor, which is defined as the act of threatening

the use of physical force to coerce, solicit, recruit, or induce another person to join or remain a member of a criminal street gang, whether or not such threat is communicated in person, or through the Internet or another telecommunications devices.

This Code is further amended by providing definitions of “minor”, “Internet”, and “telecommunications device.”

Effective January 1, 2010. *See Public Act 96-0199.*

Performance Enhancing Substances

The Illinois Interscholastic Athletic Organization Act is amended to require students to agree not to use any performance-enhancing substances on the most current banned drug classes list and to submit to random testing for the presence of these substances. This amendment also requires the student's parent to sign a statement acknowledging that, among other things, the student may be subject to random performance-enhancing substance testing

This Act is further amended to provide that the results of performance-enhancing substance tests are confidential and, unless required by court order, may be disclosed only to the student and the student's parent and activity directors, as well as the principal and assistant principals of the school attended by the student.

Effective August 7, 2009. *See Public Act 96-0132.*

Credit Card Issuers Reports

The Freedom of Information Act is amended to include in the definition of “public records” reports prepared by institutions of higher education in the State of Illinois documenting their relationship with credit card issuers, as otherwise disclosed to the Illinois Board of Higher Education.

The Act is further amended to exempt from inspection and copying all information about students exempted from disclosure under the School Code as well as information about undergraduate students enrolled at an institution of higher education exempted from disclosure under the Illinois Credit Card Marketing Act of 2009.

Effective January 1, 2010. *See Public Act 96-0261.*

Business Operations Near Schools

The Day and Temporary Labor Services Act is amended to prohibit a day or temporary labor service agency, in a municipality with more than 1,000,000 inhabitants, from operating or transacting business at a location within 1,000 feet of: (i) a school building or a building in which a Boys and Girls Club is located; or (ii) real property comprising a school or a Boys and Girls Club.

Effective January 1, 2010. *See Public Act 096-0451.*