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CHALK TALKS BULLETIN

AUGUST 29, 2023
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OFFICE FOR CIVIL RIGHTS ISSUES **GUIDANCE ON RACE AND SCHOOL PROGRAMMING**

On August 24, 2023, the U.S. Department of Education Office for Civil Rights (OCR) issued a Dear Colleague Letter to clarify the circumstances when a school can develop curricula or engage in activities to promote racially inclusive schools. The Letter provides examples of school instruction and activities that OCR will investigate, if a complaint is filed, and examples that OCR does not consider a violation of Title VI of the Civil Rights Act. The Dear Colleague Letter is found here: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20230824.pdf> A summary of conclusions follows:

Academic Course Materials About Race

OCR explains that it typically does not become involved in complaints about a school's academic course materials unless the materials are alleged to be discriminatory. A school may require that students read a book about race discrimination and racial justice as long as all students are required to read the book, regardless of the student's race. No students may be excluded from participation or treated differently based on race. Similarly, the school may divide students into smaller groups for discussions that focus on race as long as the school does not require or deny participation in these groups based on race and does not assign students to groups based on race.

Race Based Hostile Environment

Race based curriculum creates a hostile environment if, based on the totality of the circumstances, the content is subjectively and objectively offensive and so severe and pervasive that it limits or denies a person's ability to participate in or benefit from the educational program. Content that promotes hateful or demeaning stereotypes or violence creates a hostile environment. OCR provides an example of a complaint that a student of Jewish ancestry began skipping class during instruction that the Holocaust did not happen in World War II.

Extracurricular Activities with Race Based Themes

A school may offer or recognize programs focused on the experience of particular racial groups, mentorship programs, leadership trainings and other opportunities unless the activity or opportunity limits participation based on race or creates a hostile environment. For example, the school can recognize the African American Students Association that hosts speakers and discusses topics of particular interest to African

American students as long as all students are welcome to attend and participate, regardless of race.

Assemblies That Focus on Race

OCR explains that assemblies, focus groups and meetings for the purpose of creating a racially inclusive school community do not violate Title VI if all students, regardless of race, receive the opportunity to participate.

Courtney's Chalk Talks START NEXT WEEK on September 5, 2023 from 7:45 a.m. to 8:00 a.m. A new Zoom link will be sent this Thursday.

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CHALK TALKS BULLETIN

AUGUST 22, 2023
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EXPANDED REQUIREMENTS FOR TRANSFERRING STUDENTS TO ALTERNATIVE SCHOOLS EFFECTIVE IN JANUARY

Effective January 1, 2024, Public Act 103-0473 expands requirements for transferring disruptive students, who are subject to suspension or expulsion, to Alternative Schools under Section 13A of the School Code.

Information to be Provided to Parent/Guardian

The Act requires that before the student is transferred to the alternative school, the student's parents or guardians must receive information about the alternative school's curriculum, the number of students in the program, the program's disciplinary policies, a typical daily schedule, available services, and any extracurricular activities offered at the alternative school.

Development of Alternative Educational Plan

Requirements for the student's Alternative Educational Plan at the alternative school are expanded to require a method and time frame for returning the student to public school and to provide additional opportunity for parent input.

At the earliest date after the student's transfer, the sending school district and the alternative school must meet to develop the student's plan and must invite the parent to attend. The plan must include:

- The duration of the plan, including the date the student will return to the transferring public school district
- Specific academic and behavioral components
- A method and time frame for reviewing the student's progress
- A method and time frame for transitioning the student back to the public school, which must include a transition meeting among the sending district, the alternative school, and the parent at least 30 days prior to the student's return date to the public school district.

If the student's parent is unable to attend the meeting to develop the student's plan, the alternative school must provide the parent the plan and offer the parent a meeting within 30 days of the student's transfer to discuss the plan and allow for parent input.

Return to the Public School

Beginning in January, the date for the student's return to the transferring public school district cannot be extended if the parent/guardian objects. However, the student's time in the alternative program may be continued past the scheduled return date if the transferring school district, alternative school, and the student's parent/guardian enter a written agreement to extend the timeline.

Courtney's Chalk Talks will resume in September for the 2023-2024 school year.

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CHALK TALKS BULLETIN

AUGUST 15, 2023
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TRAINING AND IEP TEAM REQUIREMENTS REGARDING PUNS LIST EFFECTIVE IN JANUARY

Public Act 103-0504, effective January 1, 2024, requires IEP teams to determine if a student has registered for the PUNS list and requires schools to provide various information to the family if the student is not registered. The purpose of the legislation is to ensure that parents or guardians of each student with an intellectual or developmental disability, who has an IEP, is aware of the Prioritization of Urgency of Need for Services (PUNS) database and the process for registering in the database. Through the PUNS database, a student may become eligible for various services funded by the State of Illinois.

Designated School Employee to Receive Training About PUNS

The legislation requires the Illinois Department of Human Services and Illinois State Board of Education to develop an online training program that includes information about the PUNS database, how to register for the database, and about organizations that offer assistance to families in understanding PUNS and the registration process. Every school district must designate at least one employee in each school in the district to receive this training and must post on its website and include in its student handbook the name of the designated employee or employees in each school who has completed this training.

The IEP Team Must Determine if the Student is Registered in the PUNS Database

As of January 1, 2024, at annual review meetings, the IEP team of a student with an intellectual or developmental disability must determine the student's PUNS registration status based upon information provided by the parent, guardian, or student. If the team determines that the student is not registered for the PUNS database, the team must refer the family to the designated employee of the school who has completed the PUNS training described above.

The designated employee must provide the family with the name, location, and contact information of the appropriate Independent Service Coordination Agency (ISC) with which to register for the database. The designated employee must also identify for the family the documentation necessary to complete the registration process and organizations that provide information about PUNS and that assist with PUNS registration.

Courtney's Chalk Talks will resume in September for the 2023-2024 school year.

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CHALK TALKS BULLETIN

AUGUST 8, 2023
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SCHOOLS ADDRESS DRUGS IN THREE NEW LAWS

The Governor recently signed into law three new measures to address drugs through schools.

Mandatory supply of opioid antagonists

Effective January 1, 2024, Public Act 103-0348 requires that all schools maintain a supply of opioid antagonists in any secure location where an individual may have an opioid overdose. If there is a shortage of opioid antagonists, schools must make a reasonable effort to maintain this supply. Previously, maintenance of opioid antagonists was discretionary.

When an opioid antagonist is administered, the school must activate the EMS system, notify the student's parent, guardian or emergency contact and notify the health care professional who provided the prescription for the antagonist to the school.

Instruction on Dangers of Fentanyl

Beginning with the 2024-2025 school year, Public Act 103-0365 requires that high school health courses include instruction and assessment on the dangers of fentanyl based on information provided by the National Institutes of Health. Instruction must include information about fentanyl, its side effects and risks, lacing fentanyl in other drugs, how to detect it and how to save someone from an overdose.

Substance Abuse Prevention and Recovery Instruction Resource Guide

Public Act 103-0399 requires the Illinois State Board of Education and the Department of Human Services to develop a resource guide for schools, post the guide on the ISBE website and send it to all regional offices of education and schools by July 1, 2024. The purpose of the resource guide is to assist schools in instructing students about substance use prevention and recovery at a developmentally appropriate level.

Courtney's Chalk Talks will resume in September for the 2023-2024 school year.

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CHALK TALKS BULLETIN

AUGUST 1, 2023
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REMINDER: DISTRIBUTE ABLE ACCOUNT INFORMATION AT ANNUAL IEP MEETING

Beginning with the 2023-2024 school year, Public Act 102-841 requires schools to provide informational material about the Achieving A Better Life Experience (ABLE) account program to the parent or guardian at a student's annual IEP meeting. ABLE Account information for parents is available on the Illinois State Board of Education website at: <https://www.isbe.net/Documents/IL-ABLE-Brochure.pdf>

Teams must also continue to provide the Understanding PUNS Guide to parents.

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CHALK TALKS BULLETIN

JULY 25, 2023
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REMINDER: TRAUMA INFORMED PRACTICES TRAINING REQUIREMENT BEGINS IN 2023-2024 SCHOOL YEAR

Public Act 102-0638 sets forth requirements for both school professionals and Board of Education members to receive training on trauma informed practices beginning with the 2023-2024 school year.

Licensed personnel and administrators who work with students in K-12 must receive in-service training on implementation of trauma-informed practices, relevant to and within the scope of their duties, at least once every 2 years. The in-service may include, but is not limited to:

- The recognition of and care for trauma in students and staff
- The relationship between educator wellness and student learning
- Effects of trauma on student behavior and learning
- Prevalence of trauma among students and the student populations at higher risk of experiencing trauma
- Effects of implicit or explicit bias on recognizing trauma
- Effective district practices to prevent and mitigate the negative effect of trauma on student behavior and learning; and
- Effective district practices to support the emotional wellness of staff

Additionally, Board of Education members must receive training relevant to and within the scope and duties of a school board member. Information may include, but is not limited to the topics listed above. The District must maintain on its website the names of all school board members who have completed the trauma informed practices training.

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CHALK TALKS BULLETIN

JULY 18, 2023
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OCR ISSUES FACTS SHEETS TO PROMOTE ACCESS AND PARTICIPATION FOR ENGLISH LEARNERS

The U.S. Department of Education Office for Civil Rights (OCR) recently issued three facts sheets, including *Protecting Access to Education for Migratory Children*, *Protecting Access to Education for Unaccompanied Children*, and *Ensuring Meaningful Participation in Advanced Coursework and Specialized Programs for Students who are English Learners*.

Highlights of these resources include:

- Schools must be open to all migratory or unaccompanied children regardless of their immigration status
- Language assistance services must be provided to K-12 students who have Limited English Proficiency to enable them to meaningfully participate in the school's educational programs.
- Information about enrollment, programs and activities must be accessible to Limited English Proficient parents and guardians through written translation or oral interpretation.
- Schools must ensure that eligibility procedures for advanced and specialized programs do not discriminate against Limited English Proficient students. Some examples of practices that could screen out English Learners include categorically excluding English Learners, scheduling specialized programs at the same time as EL instruction, using selection criteria not directly related to the specialized program, counseling English Learners against taking specialized courses, or failing to provide information about advanced or specialized programs to English Learners.

- English Learners are entitled to receive language assistance services while participating in advanced or special programs.

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CHALK TALKS BULLETIN

JULY 11, 2023
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SCHOOL CODE AND SCHOOL SAFETY ACT AMENDED TO ACCOMMODATE STUDENTS WITH DISABILITIES

Effective January 1, 2024, Public Act 103-0197, amends the School Code and the School Safety Act to accommodate students with disabilities in emergency situations. The Act requires the following:

- If a student needs extra accommodations during emergencies, including natural disasters or an active shooter situation, this accommodation must be considered when developing the student's IEP or 504 Plan.
- Administration and school support personnel must include a student's IEP or 504 team in the decision whether to exempt a student from participating in a walk-through lock down drill under the School Safety Act.

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CHALK TALKS BULLETIN

JUNE 27, 2023
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UNITED STATES DEPT. OF EDUCATION MAKES RECOMMENDATIONS FOR TEACHING AND LEARNING WITH ARTIFICIAL INTELLIGENCE

The U.S. Department of Education has issued a report that includes insights and recommendations for using AI for educational purposes. The report can be found here: <https://www2.ed.gov/documents/ai-report/ai-report.pdf>

The Department makes the following recommendations:

Recommendation 1: Emphasize Humans. Teachers need to educate students about safe AI use and monitor student use. Teachers must know how to analyze AI generated lessons for flaws and must apply their own judgment. Teachers should be involved in the design and evaluation of AI systems before they are used in classrooms.

Recommendation 2: Align AI Models to a Shared Vision for Education. AI educational systems must align to evidence-based best practices in education. Ensuring data privacy is essential. Developers and implementers of AI in education must minimize bias and promote fairness. Policies are needed to support transparency, accountability, and responsible use of AI.

Recommendation 3: Design AI using modern learning principles. AI capabilities must include not only cognition, but also collaborative and social learning. AI enabled learning resources must contain supports for students with disabilities and English learners. Human interpretation of data is required.

Recommendation 4: Prioritize Strengthening Trust. AI must support teachers and not replace them. AI researchers and developers must build trust with teachers, students, and families in emerging technology.

Recommendation 5: Inform and Involve Educators. To increase interest in and respect for the teaching profession, educators should be informed and involved in each step of designing, developing, testing, improving, adopting, and managing AI enabled educational technology. Teacher preparation programs must equip teachers to integrate technology into teaching and learning.

Recommendation 6: Focus Research and Development on Context, Trust, and Safety. AI models must be context sensitive, effective, safe, and trustworthy for use with varied learners in diverse settings.

Recommendation 7: Develop Education-Specific Guidelines. Regulations concerning student records, online data privacy, and the internet must be reviewed due to new and emerging technologies in schools. Policymakers must address data privacy, bias, transparency, and accountability.

Courtney's Chalk Talks will resume in September for the 2023-2024 school year.

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CHALK TALKS BULLETIN

JUNE 20, 2023
CHALK TALKS BULLETIN



ADDITIONAL BULLYING PREVENTION REQUIREMENTS EFFECTIVE IMMEDIATELY

Public Act 103-0047, now effective, amends the School Code to include additional bullying prevention provisions that apply to all school districts, charter schools and nonpublic, non-sectarian schools.

Schools are now required to make diligent efforts to inform the parents or guardians of all students involved in an alleged bullying incident within 24 hours after Administration becomes aware of the student's involvement. This notice requirement includes all instances of bullying and all threats, suggestions, or instances of self-harm determined to be the result of bullying. The school must discuss, as appropriate, the availability of social work or counseling services, other interventions, and restorative measures. The school must use all contact information it has available, or that can reasonably be obtained, to notify the parents or guardians within the 24 hour period.

The legislation adds physical appearance, socioeconomic status, academic status, pregnancy or parenting status, and homelessness as additional characteristics for which bullying is prohibited.

These new provisions must be added to the school's bullying prevention policy utilizing a template that the Illinois State Board of Education (ISBE) must post on its website by January 1, 2024.

All districts must collect, maintain, and submit to ISBE the following information no later than August 15 of each year, *beginning with the 2024-2025 school year* through the 2030-2031 school year, based on reporting procedures to be adopted by ISBE:

- Verified allegations of bullying

- Whether the bullying was based on any characteristics set forth in the School Code, and if so which characteristic(s)
- Action the school took in response to the bullying

Schools may provide evidence based professional development and youth programming on bullying prevention. Subject to appropriation, ISBE may provide grants from the Illinois Bullying and Cyberbullying Prevention Fund to assist a school with its anti-bullying programming.

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CHALK TALKS BULLETIN

JUNE 13, 2023
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ILLINOIS STATE BOARD OF EDUCATION ISSUES UPDATED GUIDANCE ON PROPORTIONATE SHARE

The Illinois State Board of Education (ISBE) has issued updated guidance on Nonpublic Proportionate Share Services which can be found here: <https://www.isbe.net/Documents/ISBE-Nonpublic-Proportionate-Share-Services-Guidance.pdf>

Proportionate Share requirements apply to students with disabilities ages 3-21 who are parentally placed in a nonprofit private or parochial school, including home schools. A private school must have a kindergarten program to qualify for proportionate share as an elementary school.

ISBE reviews child find requirements and evaluation timelines. Students are evaluated by the district in which the private school is located, unless the parent requests an evaluation from the resident district. Initial evaluations and reevaluations must be conducted within the sixty school day timeline applicable to students with disabilities enrolled in public schools. The cost of child find activities and evaluations are not included as proportionate share expenses.

The Guidance describes a school district's responsibility to conduct Timely and Meaningful Consultation (TMC), including who must be invited to the TMC meeting, when invitations should be sent, topics to be discussed and documentation the district must maintain.

Requirements for developing and annually reviewing Individualized Services Plans are described and the Guidance provides a comparison of these plans to an IEP.

Finally, ISBE provides examples of calculating Proportionate Share and entering I-Star data, as well as sample notice and invitations for the TMC meeting.

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CHALK TALKS BULLETIN



JUNE 6, 2023 **CHALK TALKS BULLETIN**

UPDATED PHYSICAL RESTRAINT TIME OUT REDUCTION PLAN AND PROGRESS REPORT DUE JULY 1

By Courtney N. Stillman

Unless a school district qualifies for exemption from developing a Physical Restraint and Time Out Reduction Plan, annual progress reports and updated plans are due to the Illinois State Board of Education (ISBE) by July 1, 2023. ISBE has provided a Progress Report and RTO Plan template on its website here: <https://www.isbe.net/Documents/RTO-Reduction-Template.pdf>

School districts must report whether their RTO reduction plan submitted in 2022 decreased the number of physical restraint, time out and isolated time-out incidents during the 2022-2023 school year. Districts designate RTO Plan components that were not successful and factors contributing to less improvement than projected. An updated plan, including any modifications necessary to achieve further reduction of restrictive interventions, is also included in the template.

Courtney's Chalk Talks will resume in September for the 2023-2024 school year.

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CHALK TALKS BULLETIN

MAY 30, 2023
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OFFICE FOR CIVIL RIGHTS AND DEPARTMENT OF JUSTICE ISSUE JOINT RESOURCE ON CONFRONTING RACIAL DISCRIMINATION IN STUDENT DISCIPLINE

On May 26, 2023, the Office for Civil Rights (OCR) and the Department of Justice (DOJ) issued Joint Guidance summarizing investigations into racially discriminatory school discipline practices, remedies imposed by OCR or DOJ and suggestions for school districts to proactively improve discipline administration. The Guidance is found here: [Resource on Confronting Racial Discrimination in Student Discipline \(ed.gov\)](#).

Suggestions in the Guidance related to policy and procedure include:

- Ensure that student discipline policies avoid subjective and vague discipline categories and end informal removals
- Provide staff members clear procedures for making discipline referrals and eliminate vague offense categories that require a high degree of subjectivity and individual discretion
- Determine criteria and protocol for assignment of students to alternative placements and criteria to return to their home school
- Revise policies, procedures, and agreements with local law enforcement to ensure that law enforcement is not involved in routine student discipline and that School Resource Officers comply with nondiscrimination requirements
- Regularly analyze school and district discipline data to identify and address potential discrimination
- Treat as exclusionary discipline any case in which a student is sent home before the close of the school day due to misbehavior
- Allow students to make up work missed due to tardiness, truancy, or discipline removals

- Provide written translation and oral interpretation of discipline policies and actions for parents with limited English proficiency

- Conduct climate surveys to assess perceptions of fairness and safety in the district

Other suggestions in the Guidance address staff training:

- Identify schools and particular staff members who discipline students of color more harshly than similarly situated white peers and provide those schools and staff members training on nondiscriminatory student discipline, implicit bias, and non-exclusionary discipline interventions

- Create a professional development plan to train staff on strategies for classroom management and student discipline that include de-escalation, conflict resolution and positive behavioral strategies.

- Provide staff training to utilize early interventions for students exhibiting behavior difficulties due to trauma

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