



SCHOOL LAW CHALK TALKS

CHALK TALKS BEGIN SEPTEMBER 8, 2026



Chalk Talks are 15-minute presentations by Zoom every Tuesday morning 7:45-8:00 a.m. on school law topics. Topics are emailed Thursday morning for the following Tuesday. Chalk Talks PowerPoints are emailed to participants after the presentation. There is no fee to join Chalk Talks.

To receive the Chalk Talks topic weekly and to suggest topics for Chalk Talks, please contact Courtney at cstillman@edlawyer.com

Join any or all Tuesday mornings using the following Zoom link:

Courtney Stillman is inviting you to a scheduled Zoom meeting.

Topic: Chalk Talks

Time: 07:30 AM Central Time (US and Canada)

Every week on Tue, 40 occurrence(s)

Please download and import the following iCalendar (.ics) files to your calendar system.

Weekly:

<https://us02web.zoom.us/join/87432067232?pwd=3IbiJSFUsO1wUECeQaaNPkqbTyFwrz.1>
https://us02web.zoom.us/meeting/tZMpdOuoqDwoGdZNli77ESg7zj9FbNXx6mzg/ics?icsToken=DAnAZpDcpSCoHcfN2wAALAAAE62iW3B26jsdu924LQdirZsCF3moW-Uz2qX6kesixox2hVSpfattcDjyVkvSThF0iHfvhCk4rc-T8px1jAwMDAwMg&meetingMasterEventId=brzUZrU-Sea_HvNyPYOuXw

Join Zoom Meeting

<https://us02web.zoom.us/j/87432067232?pwd=3IbiJSFUsO1wUECeQaaNPkqbTyFwrz.1>

Meeting ID: 874 3206 7232

Passcode: 057910

One tap mobile

+16465588656,,87432067232#,,,*057910# US (New York)

+16469313860,,87432067232#,,,*057910# US

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• 87432067232@zoomcrc.com

Join instructions

https://us02web.zoom.us/join/87432067232?signature=_wa3YzNqcG5ItpomTQQazpmTeaRpUmRbatQJNvLpG_g



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CHALK TALKS BULLETIN

**AUGUST 25, 2026
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ILLINOIS STATE BOARD OF EDUCATION ISSUES STUDENT TICKETING NON-REGULATORY GUIDANCE

The Illinois State Board of Education has issued Non-Regulatory Guidance on Public Act 104-0430, which became effective August 20, 2025. The Guidance reminds districts that no school personnel can issue students a fee, fine, ticket or other citation as a school-based disciplinary consequence and that School Resource Officers (SRO) and other law enforcement personnel are prohibited from issuing students fines, fees, tickets or other citations for a municipal code violation when the violation occurs on school property during school hours or while the student is taking school transportation. Instead, educational interventions and restorative practices must be used. The Guidance includes frequently asked questions that illustrate when municipal tickets may be used. Law enforcement may issue tickets for misconduct, such as vaping, that is discovered after school hours or off school property or transportation.

The Guidance also sets forth provisions that must be included in the Memorandum of Understanding (MOU) with a local law enforcement agency that assigns a SRO to a district. In addition to defining the role of the SRO and required training, the MOU must prohibit the SRO from issuing students tickets for incidents occurring on school property during school hours or during school transportation.

Beginning in the 2027-2028 school year, school districts and charter schools will be required to report every referral a school makes to local law enforcement. The Guidance is found here: [Student-Ticketing-Public-Act.pdf](#)

CHALK TALKS for the 2026-2027 school year BEGIN SEPTEMBER 8, 2026

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CHALK TALKS BULLETIN

**AUGUST 18, 2026
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REMINDER TO USE PROCEDURAL SAFEGUARDS REVISED JULY 2026

The Illinois State Board of Education has revised the Notice of Procedural Safeguards for Parents/Guardians of Students with Disabilities. Revisions to the Procedural Safeguards include:

Prior Written Notice: The July 2026 Safeguards clarify that Prior Written Notice (PWN) must be given ten school days (rather than calendar days) before the district proposes or refuses an action related to the student's Free Appropriate Public Education. The Safeguards provide that the Notice of Conference Recommendations and the IEP together satisfy the requirements of PWN as long as all of the requirements of PWN (i.e., a description of the action proposed or refused by the District, an explanation for why the action is proposed or refused, a description of each evaluation procedure, assessment, record or report that form the basis for the proposed or refused action, other relevant facts and a description of other options considered by the IEP team) are included in these documents. The parent must also be provided a copy of the Procedural Safeguards and resources for the parent to understand the Safeguards.

Independent Educational Evaluations: The Procedural Safeguards, consistent with statutory revisions effective January 1, 2026, provide that a district has seven school days to agree to an IEE request or file due process.

Parental Right to Mental Health Records: The revised Procedural Safeguards also include a records provision consistent with a recent amendment to the Mental Health and Developmental Disabilities Confidentiality Act that allows a parent of a student receiving special education services the ability to inspect and copy a record of the specific mental health or developmental services to which the parent consented on the student's behalf, regardless of the student's age or consent to the disclosure. Twice exceptional students are those who have a disability and are also gifted and talented. Some states provide for "gifted IEPs."

CHALK TALKS for the 2026-2027 school year BEGIN SEPTEMBER 8, 2026

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CHALK TALKS BULLETIN

**AUGUST 11, 2026
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BEST PRACTICES FOR TWICE EXCEPTIONAL STUDENTS

Twice exceptional students are those who have a disability and are also gifted and talented. Some states provide for “gifted IEPs.”

Public Act 104-0822, effective immediately, provides suggested best practices for students with disabilities eligible for a Section 504 Plan who are also gifted, talented or accelerated. The Act suggests individualizing services, providing appropriate academic challenge, focusing on student strengths, flexible grouping of students, allowing flexibility to show mastery, grading by learning objectives, using a strength-based approach, oral questions, extended time, formal and informal assessments, and assessment procedures that accommodate language and cultural differences. The Act also encourages using remote educational programs as appropriate.

A Board of Education may adopt a policy allowing development of a written educational plan to address the needs of twice exceptional students through individualized services, goals and objectives.

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CHALK TALKS BULLETIN

**AUGUST 4, 2026
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NEW LAW REVISES PROVISIONS FOR PARENT-TEACHER ADVISORY COMMITTEE ON STUDENT DISCIPLINE POLICIES

Public Act 104-0648, recently signed by the Governor, revises Section 10-20.14 of the School Code which requires Boards of Education to establish and maintain a parent-teacher advisory committee to provide input on district policy regarding student discipline, school searches and bullying. The following revisions are effective January 1, 2027:

- Teachers must be selected for the committee in cooperation with the teachers' union.
- When the parent-teacher advisory committee annually reviews the district's student discipline policies, the committee must also review the impact of student gross disobedience and misconduct on students and school personnel.
- The reciprocal reporting system between the district and local law enforcement must include reporting of not only criminal and civil offenses committed by students, but also attacks on school personnel.

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CHALK TALKS BULLETIN

JULY 28, 2026
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PROHIBITIONS ON ARTIFICIAL INTELLIGENCE USE IN TEACHER EVALUATIONS

Public Act 104-0565, recently signed by the Governor, includes prohibitions on using A.I. in teacher evaluations. Effective January 1, 2027, the following restrictions take effect:

- An evaluator is prohibited from using an A.I. tool to assign a numerical score or qualitative rating for any component of a teacher's evaluation or for any evaluation task that requires professional judgment. An A.I. tool may be used to support an evaluator in administrative tasks. If the evaluator uses an A.I. tool for administrative tasks, the name and specific purpose of the tool must be disclosed to the teacher being evaluated.
- A teacher is prohibited from using an A.I. tool to generate evidence of professional practice that will be used to evaluate the teacher's performance. An A.I. tool may be used to support a teacher in administrative tasks. If a teacher uses an A.I. tool for administrative tasks, the name and specific purpose of the tool must be disclosed to the teacher's evaluator.

The school district's joint committee must determine how A.I. tools may be used in the teacher performance evaluation process.

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CHALK TALKS BULLETIN

JULY 21, 2026
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NEW DISCIPLINE PROVISIONS SIGNED INTO LAW

Public Act 104-0546, signed by the Governor on July 10, 2026, revises student discipline provisions of the School Code and expands eligibility for Alternative Learning Opportunities Programs (ALOP). Some provisions take effect immediately; others are effective July 1, 2027.

Effective immediately:

- **Expansion of ALOP eligibility:** Before P.A. 104-0546, students in grades 4 through 12 at risk of academic failure were eligible to attend an ALOP. Now students kindergarten through twelfth grade are eligible for ALOP services if they risk not meeting Illinois Learning Standards or risk not graduating elementary or high school and need educational support or social services beyond what is provided in the regular school. If a student in kindergarten through grade 2 is placed in an out of district ALOP, the student's placement there is limited to 90 days. A student with a disability may be placed in an ALOP only after a Manifestation Determination Review. Districts are encouraged to provide support services in district.
- **Discipline Reporting to ISBE:** The Act amends the School Code to provide that school districts must report to ISBE every July 31 data from the previous school year on issuance of out of school suspensions, expulsions and removals to alternative settings disaggregated by race, ethnicity, gender, age, grade, ELL status, incident type and discipline duration in a format determined by ISBE.

New expulsion requirements are effective for the 2027-2028 school year:

- A student in kindergarten through grade 2 cannot be expelled from school unless the student commits a weapon violation as described below.
- For purposes of expulsion for bringing to or possessing at school or a school-sponsored activity, a weapon that could cause "bodily harm," bodily harm is defined as an injury that involves a substantial risk of death, protracted and obvious disfigurement or protracted loss or impairment of function of a bodily member or organ.
- A student in kindergarten through second grade may not be expelled for bringing or possessing the weapon unless the student did so with the intent to cause bodily harm.
- No student may be expelled for more than 2 calendar years for bringing or possessing a weapon. A student in kindergarten through grade 12 must be expelled for one year if the weapon violation criteria are met unless the Superintendent or Board of Education modifies this time period in writing.

New suspension requirements are also effective for the 2027-2028 school year:

- A student in kindergarten through second grade may not be suspended for longer than 3 school days without the verbal or written approval of the school district's Superintendent. If superintendent approval for a longer suspension is not received by the third day of the suspension the student must return to school by the fourth day.
- If a student in kindergarten through second grade is suspended for more than 3 days, the suspension shall not be longer than the number of days the school district requires to review, amend, develop or implement a behavior intervention plan or safety plan.

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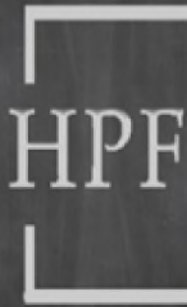
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CHALK TALKS BULLETIN

**JULY 14, 2026
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ILLINOIS STATE BOARD OF EDUCATION ISSUES GUIDANCE ON EDUCATIONAL USE OF ARTIFICIAL INTELLIGENCE

Public Act 104-0399 required the Illinois State Board of Education (ISBE) to develop and publish guidance for school districts and educators on the use of Artificial Intelligence (AI) in elementary and secondary education by July 1, 2026. ISBE issued this guidance to the Governor and General Assembly on June 30, 2026.

The Guidance is located on the ISBE website here:
[https://www.isbe.net/Documents/AIGuidance.pdf#search=ai guidance](https://www.isbe.net/Documents/AIGuidance.pdf#search=ai%20guidance)

The Guidance spans 400 pages and includes numerous topics and resources. The section of the Guidance addressing students with disabilities is included in Equity, Accessibility and Student Groups. ISBE notes that AI enabled tools can benefit students with IEPs and 504 Plans, but cautions that educational technology can also limit or eliminate benefits for certain students. ISBE alerts educators to monitor “bias control,” to protect data privacy and to individualize the use of AI tools. Examples of potential AI accessibility and assistive technology supports described in the Guidance include speech to text, predictive writing, executive functioning supports, visual supports, multilingual scaffolds, communication devices and adaptive reading supports. Approved, Conditional and Unapproved tools and platforms are listed in the Guidance.

HPF will be issuing additional information about the Guidance.

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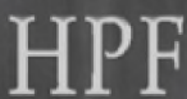
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CHALK TALKS BULLETIN

JULY 7, 2026
CHALK TALKS BULLETIN



U.S. SUPREME COURT: STATES MAY LIMIT GIRLS' SPORTS TEAMS TO BIOLOGICAL FEMALES

On June 30, 2026, the United States Supreme Court decided *West Virginia v. B.P. J. by Jackson* and ruled that the states of West Virginia and Idaho did not violate Title IX by prohibiting biological males who identify as females, from participating on female sports teams. Student B.P.J.'s sex assigned at birth was male, but B.P. J. identified as female from a young age and took hormone blockers to suppress male puberty. B.P.J. began participating in sports in middle school.

B.P.J. argued that hormone therapy suppresses testosterone and mitigates physical advantages inherent to males in sports. However, consistent with the International Olympic Committee's findings, West Virginia argued that athletes retain a male performance advantage over females that is not eliminated by gender affirming hormone treatment. B.P.J. won the West Virginia Class AAA high school state championship in girls' shot put and the high school Regional championship in both shot put and discus.

The Court explained that the historical purpose of Title IX was to expand athletic opportunities for females and that the 1975 regulations required schools to provide "equal athletic opportunity for members of both sexes." Title IX regulations allow separate sports teams due to the inherent physical difference between biological males and females. The Court held that Title IX does not require states to allow biological males to participate in female sports and does not require states to provide an exception for a biological male who can show that the athlete possessed no unfair competitive advantage or safety risk. Likewise, there was no violation of Equal Protection because safety and competitive fairness are important state interests and limiting female sports to biological females is substantially related to these two important interests. The Equal Protection Clause does not require a state to make exceptions for transgender athletes. Although the Court ruled that states may ban transgender athletes from participating on sports teams consistent with the athlete's gender identity, it did not rule that a state *must* prohibit biological males from participating on female sports teams.

The Illinois High School Association's (IHSA) policy requires that a transgender athlete apply to participate in a competition based on the athlete's gender identity. The IHSA requires documentation that the student has historically acted consistent with the athlete's current gender identity to determine whether the gender identity is genuine or asserted for purposes of competitive advantage. The IHSA makes a final ruling on the

athlete's participation after considering competitive fairness and the risk of injury to female athletes. Nonregulatory Guidance of the Illinois State Board of Education and the Illinois Human Rights Commission support students participating in teams consistent with the student's gender identity without consideration of fairness and risk of injury.

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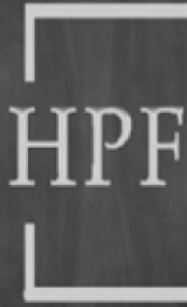
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CHALK TALKS BULLETIN

JUNE 16, 2026
CHALK TALKS BULLETIN



EXCUSING ABSENT IEP TEAM MEMBERS

A recent case highlights the requirement to obtain and document a parent's consent to excuse a required IEP team member. In *Yorktown Community Schools, 126 LRP 5156 (SEA IN 2026)*, the general education teacher was unexpectedly unavailable for a student's IEP meeting and the hearing officer found that the school's failure to document the parent's consent to excuse the teacher violated state and federal law.

A mandatory team member is not required to attend an IEP meeting when the parent and district agree in writing that the member's attendance is not necessary because that member's area of curriculum or related service is not being modified or discussed at the meeting. A team member whose area is being discussed or modified may be excused from attending the meeting if the district and parent consent in writing to the excusal and the team member submits in writing input into the development of the IEP to the parent and team before the meeting. This input could be, for example, providing present levels in a draft document before the meeting. Failure to properly excuse an IEP team member is a procedural violation that may deny FAPE if the parent is unable to meaningfully participate in the meeting due to the team member's absence. If a parent does not want to excuse a team member, the meeting should be rescheduled.

The U.S. Department of Education cautions against routinely excusing IEP team members and notes that the district should notify the parent as soon as possible of a request to excuse a team member. The IDEA does not restrict the number of excusals per meeting or prohibit any certain team members from being excused.

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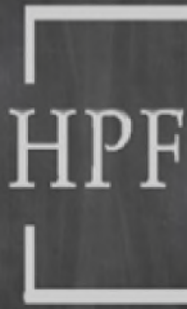
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CHALK TALKS BULLETIN

JUNE 9, 2026
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WHEN IT'S OK TO REPEAT IEP GOALS

In *Endrew F. v. Douglas County Sch. Dist.* RE-1, 60 IDELR 174 (U.S. 2017), the student's parents successfully argued that repeated IEP goals over time showed that the student had not made progress and that he had been denied a Free Appropriate Public Education (FAPE). The U.S. Supreme Court held that a student's IEP must be reasonably calculated to enable the child to make progress and that the student's educational program must be "appropriately ambitious" in light of his or her circumstances. Students with disabilities should have the opportunity to meet challenging objectives.

A recent Court of Appeals case illustrates when it is appropriate to repeat goals. In *Edward M.R. v. District of Columbia*, 125 LRP 4880 (D.C. Cir. 2025), a middle school student with autism and ADHD had difficulty with memory and concentration. When Edward's IEP repeated some goals from the previous year, his parents argued that his IEPs were flawed because the repeated goals showed that he failed to make progress or regressed. However both the district court and the Court of Appeals ruled that the IEPs provided the student FAPE. Repeating goals was reasonable because the student had not achieved them due to his memory issues and individual circumstances. Additionally, the district had included new goals that were appropriately ambitious.

This case demonstrates that if an IEP team needs to repeat goals from one IEP to the next, the team should tie the repetition to the student's needs and also include new goals.

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