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CHALK TALKS BULLETIN

**AUGUST 26, 2025
CHALK TALKS BULLETIN**



ISBE TO DEVELOP GUIDANCE ON EDUCATIONAL USE OF ARTIFICIAL INTELLIGENCE

Public Act 104-0399, effective January 1, 2026, requires 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. The guidance must include, but is not limited to:

- Explanation of basic AI concepts
- Specific ways to use AI at the district, school, and classroom levels to inform teaching and learning while preserving essential human relationships
- How districts and educators can evaluate and address bias, privacy, transparency, risk assessment and management when using AI
- The impact of AI on student data privacy
- Best practices for developing student literacy in AI and engaging students in age-appropriate discussions about responsible and ethical use of AI
- Best practices for making age and developmentally appropriate AI applications available and accessible to all students
- Best practices and effective strategies for using AI to support English learners and students with disabilities
- Potential impacts of using AI in the educational setting, such as unintentional and disparate bias; and
- Resources and supports available for districts, including ISBE's Learning Technology Center, for implementing AI in educational settings.

**CHALK TALKS FOR THE 2025-2026 SCHOOL YEAR BEGIN
next Tuesday, SEPTEMBER 2**

Chalk Talks Summer Bulletins are found on the HPF website here:

<https://www.edlawyer.com/chalktalks>

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SCHOOL LAW CHALK TALKS



CHALK TALKS BEGIN SEPTEMBER 2, 2025

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: Sep 2, 2025 07:30 AM Central Time (US and Canada)

Every week on Tue, 50 occurrence(s)

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

Weekly: https://us02web.zoom.us/meeting/tZlSd--vqjwjGtbs1_nhdSLsUYi3YRagoSgb/ics?icsToken=DIgf5pv5ASY8aFRllgAALAAAAALaTj7dYONOWjmqzRnJ_v-utqMeSyfShdBXyfnNvI3JTKW5HkfxuwXhpw_A15QyJuFz7K_J8bGsF78p9QTAwMDAwMQ&meetingMasterEventId=gTM6DichSOmY4TB6SETouQ

Join Zoom Meeting

<https://us02web.zoom.us/j/86106747902?pwd=jhPOXCagjW1PwWSybwuSYGSfG16PMb.1>

Meeting ID: 861 0674 7902

Passcode: 093850

One tap mobile

+13092053325,,86106747902#,,,,*093850# US

+13126266799,,86106747902#,,,,*093850# US (Chicago)

Join instructions

<https://us02web.zoom.us/meetings/86106747902/invitations?signature=z5cpyJmkrK0ai5TpvkApKI8Pcav-XTVWEMYNC6irhZQ>



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CHALK TALKS BULLETIN

**AUGUST 19, 2025
CHALK TALKS BULLETIN**



SOPs AND IEEs: NEW LEGISLATION

Public Act 104-0356, signed into law on August 15, 2025, amends the Illinois School Student Records Act to include a student's Summary of Performance (SOP) in the student's permanent record unless certain requirements are met. Districts must complete a SOP for students exiting special education through aging out or graduation that provides information about the student's present levels of performance for postsecondary education or employment purposes.

The new legislation provides that the SOP must be part of a student's permanent record (as opposed to a temporary record like other special education records) unless two requirements are met: (1) the parent is notified that school districts do not keep special education records beyond 5 years after the student leaves the district and that if the SOP is not kept in the student's permanent file, the student may not have documentation needed to qualify for benefits in the future and (2) the parent consents in writing to excluding the SOP from the permanent file. This requirement is separate from the notice that districts must provide to students with disabilities before record destruction that special education records may be of continued assistance to them.

The Governor also signed Public Act 104-0368 on August 15, 2025. This legislation amends the School Code to give school districts 7 school days after a parent requests an Independent Educational Evaluation (IEE) at public expense to either agree to fund the IEE or file due process to establish that the school's evaluation is appropriate. (Prior to this legislation, the time frame was only 5 calendar days). Under this new legislation, the IEE must be completed within 60 school days of the parent's request for the IEE (unless the school district files a due process complaint) unless the parent or district offers reasonable grounds to extend this time period (Prior to this legislation, the time for completing an IEE was a short 30 calendar days).

**CHALK TALKS FOR THE 2025-2026 SCHOOL YEAR BEGIN
SEPTEMBER 2**

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CHALK TALKS BULLETIN

**AUGUST 12, 2025
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NEW REQUIREMENTS FOR NOTICE OF IEP CONFERENCE

Public Act 104-0047, signed into law on August 1, 2025, requires additional information to be included in the Notice of Conference for an IEP meeting.

Effective January 1, 2026, the Notice of Conference must inform parents that they have the right to invite other individuals to the IEP meeting to assist them, including individuals who have knowledge or special expertise regarding the child, or advocates for the parent or child. The Notice of Conference must also include a request that the parent inform the school prior to the meeting if the parent plans to bring other individuals to the IEP meeting so that the school can make arrangements to accommodate the additional participants.

The new legislation requires the Illinois State Board of Education to prepare a page of information about the IEP facilitation process that briefly describes the process and how the parent may request IEP facilitation. The school must distribute this document to parents in the same way it transmits other documents and information related to the IEP meeting to parents.

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CHALK TALKS BULLETIN

**AUGUST 5, 2025
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STUDENT MENTAL HEALTH SCREENINGS TO BE AVAILABLE AT SCHOOLS

Public Act 104-0032, signed into law on July 31, 2025, will provide for student mental health screening beginning in the 2027-2028 school year.

The Act requires the Illinois State Board of Education (ISBE) to post on its website guidance and model procedures by September 1, 2026. The model school district procedures must address an opt-out option, confidentiality and privacy considerations, communication with families and the community about the use of mental health screenings, data sharing, storage of screening results and follow-up and linkage to resources after screenings. ISBE must also provide guidance about available mental health screening tools and training for school personnel.

Mental health screenings for students in grades 3 through 12 must be offered by school districts at least once per year, beginning in the 2027-2028 school year. School districts can apply for an extension to a later school year if the district satisfies criteria to be determined by ISBE. The requirement to offer mental health screenings will apply to school years in which ISBE makes available a screening tool at no cost to districts that includes a self-report option for students.

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CHALK TALKS BULLETIN

JULY 29, 2025
CHALK TALKS BULLETIN



U.S. DEPARTMENT OF EDUCATION ISSUES GUIDANCE ON ARTIFICIAL INTELLIGENCE

On July 22, 2025, the U.S. Department of Education issued a Dear Colleague Letter to provide guidance on how federal grant funds may be used to improve education outcomes using Artificial Intelligence (AI). The Department explains that federal grant funds may be used to develop or procure AI based instructional materials, to support high impact tutoring or to enhance college and career pathway exploration and advising. The Department emphasized that AI education initiatives should be educator-led, ethical, accessible to those needing accommodations, transparent and explainable, and consistent with federal privacy laws. The Dear Colleague Letter is found here: [opepd-ai-dear-colleague-letter-7222025-110427.pdf](https://www.ed.gov/media/ai-dear-colleague-letter-7222025-110427.pdf).

In its July, 2025 newsletter, the Office for Special Education Programs (OSEP) also shared a resource “Framework for Responsible AI Integration in PreK-20 Education,” published by the Center for Innovation, Design and Digital Learning (CIDDL) that highlights transparency, oversight, professional learning, strategic planning and compliance with student privacy laws. The Framework is found here: [CIDDL Framework for Responsible AI Integration in School Districts](#).

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CHALK TALKS BULLETIN

JULY 22, 2025
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STAY PUT SCENARIOS

“Stay put” is the rule under the Individuals with Disabilities Education Act and the Illinois School Code which requires that during the pendency of due process proceedings, the child must remain in the “then current educational placement.” Basically, the school must maintain the “status quo” pending a dispute.

ISBE regulations, effective May 5, 2025 clarify that a parent invokes stay put if:

- Parent files due process within 10 school days of the change proposed by the IEP team;
- Parent requests mediation within 10 school days of the proposed change; or
- Parent requested mediation within 10 school days of the proposed change, mediation was unsuccessful (or the District refused mediation), and parent then requested a due process hearing within 10 calendar days of mediation.

Special rules apply in certain circumstances:

Transition for Early Intervention to IDEA services: When a child turns three, the school district is not required to provide the services a child received during Early Intervention. If there is a dispute over the IEP offered by the district, and the parent consents to the initial provision of special education, the district must provide the special education and related services that are not in dispute as the stay-put.

Matriculation between grade levels: Stay put applies over grade levels and in between buildings. Stay put also applies when a student matriculates from the elementary school district to the high school district and between grade levels in a unit school district.

Graduation disputes: Stay-put applies when a parent disputes the school district’s determination that a student has satisfied graduation requirements and special education services are no longer required. If a parent files a due process hearing request in response to the District’s graduation decision, the student continues to receive special education services during the pendency of the dispute.

Due Process Hearing Decision: If the due process hearing officer agrees with the parent’s proposed placement, that placement is considered to be an agreement between the State and the parent and the stay-put if the case is appealed.

Stay put can be changed by agreement of the school district and the parent. Additionally, a school district that believes that maintaining a student in his or her

current placement is substantially likely to result in injury to the student or others may request an expedited due process hearing and an order that the student be placed in a forty-five school day Interim Alternative Educational Setting. The district may repeat this procedure if, after the forty-five school days, the district believes that returning the student to his or her original placement is substantially likely to result in injury to the student or others.

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CHALK TALKS BULLETIN

**JULY 15, 2025
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TRACKING ACCOMMODATIONS IS AN IMPORTANT PRACTICE

Documentation is critical in various circumstances including, but not limited to showing student progress on goals, determining the effectiveness of a behavior plan, and establishing positive behavioral interventions before suspending a student. It is also important to track implementation of a student's accommodations provided by the student's IEP or 504 plan. Accommodations must be implemented consistently in all relevant school subjects and activities by all appropriate staff.

Tracking accommodations is important to show that the school followed the student's IEP or 504 plan, to determine whether the identified accommodations are effective, and to assist with developing the student's next IEP or 504 Plan. It is important for the team to consider annually whether the student used and needed the accommodation and whether a different accommodation may be more appropriate.

The team should also document if the student refuses accommodations required by his or her IEP or 504 plan. Refusal does not mean the school should stop offering the accommodation. Instead, school professionals should investigate why the student is refusing, whether the accommodation should be modified or whether there is another way to address the student's need.

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CHALK TALKS BULLETIN

JULY 7, 2025
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ILLINOIS STATE BOARD OF EDUCATION PUBLISHES NEW GUIDANCE DOCUMENTS PURSUANT TO PUBLIC ACT 103-0896

Public Act 103-0896 required the Illinois State Board of Education (ISBE) to publish guidance on (1) re-engagement of students returning from suspension, expulsion, or alternative placement; (2) school bus safety procedures; (3) evidence-based intervention procedures; and (4) development of reciprocal reporting systems, on or before July 1, 2025. These four guidance documents are now available on the ISBE website.

The Guidance for Re-Engagement is found here: [Re-Engagement-Guidance-June-2025.pdf](#) ISBE explains that re-engagement after suspension, expulsion or alternative placement is important for students to reconnect with the school community and to ensure the student has necessary supports. A student's re-engagement plan should be developed by a multi-disciplinary team including administration, school professionals who will be working directly with the student, the student, and the student's parents. In developing the plan, the team should consider supports for student safety and behavior, academics, and social and emotional needs.

As safety and behavior support, the team should (a) address any safety concerns that led to the exclusion from school and consider a safety plan to address unsafe behaviors; (b) update the plan if additional unsafe behaviors arise and at regular intervals during the school year, as well as make all school personnel aware of any safety concerns; and (c) consider conducting a functional behavior assessment (FBA) and developing a behavior intervention plan (BIP) for the student.

When reviewing the student's academic needs, the team should (a) determine if the student needs any appropriate and available academic interventions such as tutoring or small group instruction; (b) determine if a high school student needs credit recovery options; (c) consider an Individualized Learning Plan to help the student define college and career goals and select courses to support these goals, or a College and Career Pathway Endorsement.

The team should also consider the social and emotional needs of the returning student such as the need for a restorative conference, individual or group counseling, school social work services or school psychologist services. The team should schedule regular check-ins, monitor and make necessary adjustments to the plan.

The School Bus Safety Guidance is found here: [Bus-Safety-Guidance-June-2025.pdf](#) ISBE recommends that districts develop a comprehensive student management program to ensure that everyone involved in transporting students know their responsibilities. Districts must provide instruction on safe bus riding procedures to all students at least once each school year. ISBE recommends practicing a bus evacuation drill twice a year, in both the fall and spring. The Guidance suggests implementing tiered Positive Behavioral Interventions and Supports (PBIS) and restorative approaches to address inappropriate bus behavior.

Guidance for Evidence-Based Intervention Procedures is here: [Evidence-Based-Intervention-June-2025.pdf](#) This document provides Illinois student discipline statistics and provides a description of, and various resources for evidence-based alternatives to exclusionary discipline, including PBIS, restorative practices, trauma-informed practices, social-emotional learning (SEL), FBAs, BIPs and safety plans, culturally responsive teaching, empathic instruction and early childhood mental health consultation. It describes the components of an FBA and BIP and provides a sample student safety plan.

Finally, the Development of Reciprocal Reporting Systems Guidance is here: [Reciprocal-Reporting-June-2025.pdf](#) This 33 page document includes best practices and provisions for districts to consider when developing reciprocal reporting agreements with law enforcement. The Board of Education, parent-teacher advisory committee and local law enforcement must establish a reciprocal reporting system and review it annually. The Guidance includes a sample reciprocal reporting agreement and details Illinois and federal laws related to school and law enforcement reporting and disclosure of records. ISBE reiterates its position that although certain offenses must be reported to law enforcement, student misconduct that is not criminal or threatening to life, health or safety should not be referred to law enforcement but should be handled by the school pursuant to the district's student code of conduct.

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CHALK TALKS BULLETIN

JUNE 30, 2025
CHALK TALKS BULLETIN



U.S. SUPREME COURT SUPPORTS PARENT RIGHT TO OPT OUT OF LGBTQ INCLUSIVE READING CURRICULUM MATERIALS

On June 27, 2025, the United States Supreme Court decided *Mahmoud v. Taylor*, concluding, in a 6-3 decision, that parents were entitled to a preliminary injunction that requires the school district to notify parents when LGBTQ books will be used in instruction and to allow parents to opt their child out of the instruction.

The Board of Education of Montgomery County, Maryland adopted five LGBTQ+ inclusive storybooks as part of the kindergarten through fifth grade reading curriculum. The books included transgender themes and supported same-sex marriage. When the Board first adopted the curriculum, parents were notified when the books would be read and were allowed to opt out of this instruction. However, the Board subsequently determined that parents would no longer be notified or have the opt out right because the school could not accommodate the growing number of opt out requests without causing significant disruption to classrooms. Over a thousand parents signed a petition for the Board to restore opt out rights and when the Board refused, parents representing the Catholic faith, Muslim faith and Ukrainian Orthodox faith sought a preliminary injunction.

The Supreme Court ruled in favor of the parents, remanded the case to the lower court, and stated that until the case was finally decided, the Board should be ordered to notify parents when these or similar books would be used and allow the parents to excuse their children from this instruction.

According to the Court, whether instruction substantially interferes with a child's religious development must be analyzed based on the age of the child and the context in which instructional materials are presented. In this case, the Court held that parents' religious exercise was burdened by requiring them to submit their children to instruction that posed a "very real threat of undermining the religious beliefs and practices that the parents wished to instill." The Board required teachers to use and discuss the books in instruction. Teachers were encouraged to tell children who questioned the LGBTQ+ affirming book themes that they were being "hurtful." The Court stated that teachers are authority figures to young children. High school students may understand that they are not required to accept the message of books presented by teachers, but young children are unlikely to understand that they can have a different opinion.

The Court rejected the Board's argument that its "no opt out policy" served a compelling interest of maintaining a school environment safe and conducive to learning for all students by explaining that the Board could not rescue one group of students from stigma and isolation by stigmatizing and isolating another group of students and by showing hostility toward the religious beliefs of students and parents.

The Court also dismissed the argument that parents have the option to enroll their child in a private school or homeschool if the parents do not like the curriculum because some parents cannot afford these options. Parents contribute tax money to the schools and are subject to compulsory education laws.

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CHALK TALKS BULLETIN

JUNE 24, 2025
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NEW VERSION OF ISBE PARENT GUIDE AVAILABLE

The Illinois State Board of Education has published a new version of *Educational Rights and Responsibilities: Understanding Special Education in Illinois* “The Parent Guide” (May 2025). The Parent Guide has been updated to meet accessibility standards. It is available on the ISBE website here: [Parent Guide Update - Final-accessible.docx](#)

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CHALK TALKS BULLETIN

JUNE 23, 2025
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7th CIRCUIT PANEL SUGGESTS CHANGING ANALYSIS IN TRANSGENDER RESTROOM USE CASES

On June 12, 2025, a three-judge panel of the Seventh Circuit Court of Appeals (covering Illinois, Indiana, and Wisconsin) upheld a preliminary injunction against a Wisconsin school district that adopted a policy that transgender students must either use the restroom corresponding to the students' biological sex or a gender-neutral alternative restroom. In *D.P. v. Mukwonago Area School District*, 2025 WL 1659279 (7th Cir 2025), the Panel decided in favor of the student on procedural grounds and declined to revisit the Seventh Circuit's *Whitaker v. Kenosha Unified School District No. 1*, 858 F.3d 1034 (7th Cir. 2017) decision in which the Court held that a high school transgender student was likely to succeed on his claim that not allowing him to use the restroom consistent with his gender identity constituted unlawful sex discrimination under Title IX and the Equal Protection Clause.

In *D.P.*, the school district argued that its situation was different from *Whitaker* because D.P. is an elementary school student, has no medical condition requiring frequent restroom use, and because the district's policy permitted case by case exceptions. The 7th Circuit Panel stated that it would not reconsider *Whitaker* until the U.S. Supreme Court addresses the conflicting case law. The Panel did, however, cite an 11th Circuit case, *Adams v. School Board of St. Johns County*, 57 F.4th 791 (11th Cir. 2022) as providing a legal analysis "closer to the mark."

In *Adams*, the school district completed a comprehensive review of LGBTQ issues affecting students and announced Guidelines, including that school personnel would address transgender students consistent with their gender identity and allow students to dress according to their gender identity. The Guidelines provided that transgender students would have access to a gender-neutral restroom and would not be required to use the restroom corresponding to their biological sex. When Adams challenged the Guidelines because he wanted to use the restroom consistent with his gender identity, the 11th Circuit ruled that the district's Guideline did not violate the Equal Protection Clause because it applied to all genders and had a rational basis of protecting student bodily privacy interests. Rather than discriminating against transgender students, the district's Guideline accommodated transgender students by providing an alternative restroom. The Court also held that the district's Guideline did not violate Title IX

because Title IX allows separate toilet, locker room and shower facilities on the basis of sex if the facilities are comparable.

In *D.P.*, the 7th Circuit Panel also noted that the Supreme Court's forthcoming decision in *United States v. Skrametti* may affect the analysis of transgender restroom cases. Six days later, on June 18, 2025, the U.S. Supreme Court decided *Skrametti*, concerning a Tennessee statute that bans gender-transitioning treatments for minors. The Supreme Court held that the statute did not violate the Equal Protection Clause because it did not prohibit conduct for one sex that was allowed for the other sex. The statute applies to minors of any sex. The Court also found that the legislature had a rational basis for banning transgender treatments because it addressed the safety, efficacy, and propriety of evolving medical treatments.

The Court in the *D.P.* case suggests that our Circuit may change its analysis in future transgender restroom litigation.

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CHALK TALKS BULLETIN

JUNE 16, 2025
CHALK TALKS BULLETIN



U.S. SUPREME COURT ISSUES DECISION ON SCHOOL DISTRICT LIABILITY FOR DISABILITY DISCRIMINATION

On June 12, 2025, the United States Supreme Court decided *A.J.T. v. Osseo Area Schools*, 604 U.S. ___ (2025) concerning the standard of proof necessary for students with disabilities to establish disability discrimination by a school district. The Court's Opinion is found here: https://www.supremecourt.gov/opinions/24pdf/24-249_a86c.pdf

In the *Osseo* case, the student had a rare form of Epilepsy and could not attend school before noon due to frequent morning seizures. Her parents requested instruction from noon to at least 6:00 p.m. in the evening due to the student's individual needs. The school district offered three hours of instruction per day and declined to provide services beyond the regular school day. At a due process hearing, the hearing officer found that the school district denied the student a Free Appropriate Public Education and ordered 495 hours of compensatory instruction and at home instruction from 4:30 to 6:30 p.m. daily. When the school district appealed, the district court affirmed the hearing officer's decision and noted that the student's progress was limited. The school district further appealed to the 8th Circuit Court of Appeals, which decided again for the parents, finding that the district's purely administrative decision to not provide evening instruction caused the student to have de minimis progress and regression.

The parents then filed suit against the school district for money damages alleging disability discrimination under Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA). The 8th Circuit denied money damages on the basis that the family had not made a case of "bad faith or gross misjudgment," a standard previously used in that Circuit. The U.S. Supreme Court considered whether this was the correct standard of proof for children with disabilities seeking relief for discrimination related to their education.

The Court held that students with disabilities are not required to use this higher standard of proof of bad faith by the school district and may establish district disability discrimination using the same standards that apply in other disability discrimination cases. The Court based this determination on Section 1415 of the Individuals with Disabilities Education Act (IDEA) which provides that "nothing in the IDEA restricts or limits the rights or remedies that other federal laws, including antidiscrimination statutes, confer on children with disabilities."

The Court did not provide a specific standard for determining what constitutes discrimination under Section 504 and the ADA in the context of a school district developing an Individualized Education Program (IEP) but did note that most courts do not require an intent to discriminate for a plaintiff to receive injunctive relief and require a “deliberate indifference” standard for money damages.

This case will likely bring increased litigation and make it easier for students with disabilities to sue school districts for money damages for alleged disability discrimination under Section 504 and ADA.

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CHALK TALKS BULLETIN

JUNE 10, 2025
CHALK TALKS BULLETIN



CONSIDERATIONS FOR PARAPROFESSIONALS

IEP teams may consider the need for a one-on-one paraprofessional for a student. Teams should determine the student's needs, consider potential drawbacks to an individual aide and be careful to document the role and responsibilities of the paraprofessional. Below are sample considerations for the team:

Is there a safety concern for the student or others?

- Student leaves area without permission
- Student demonstrates self-injurious behavior
- Student exhibits behavior injurious to others

Does the student require assistance with basic functional skills?

- Toiletry
- Mobility
- Feeding
- Dressing
- Following safety rules
- Communication

Is the student medically fragile?

- Requires health related interventions multiple times per day
- Requires direct assistance with most personal care

Does the student have significant academic needs?

- Cannot participate without constant prompting to stay on task, follow directions, attend to instruction?
- Job shadowing or job skill development

Does the student have a behavior intervention plan, sensory diet or other programming that requires frequent, specific intervention and/or data collection?

Does the student need individualized assistance to travel between classes?

Have other interventions or methods to address concerns been implemented first?

- Assistive technology
- Environmental changes (e.g., schedule change, classroom set-up)
- Classroom aide

Are there specific activities or times when paraprofessional support is needed?

POTENTIAL DRAWBACKS OF 1:1 AIDE

- Overreliance on one individual
- May hinder student's self-advocacy
- May hinder peer social interaction
- Distinguishes student from peers
- Restrictive

OTHER CONSIDERATIONS

- Specify minutes in IEP
- Need to monitor and assess continuing need for 1:1
- Plan for reducing support and dependence on 1:1 over time
- Is specific training required for the aide?
- Need for substitute if 1:1 paraprofessional is absent
- Age of student
- Be clear about specific responsibilities of paraprofessional

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CHALK TALKS BULLETIN

JUNE 3, 2025
CHALK TALKS BULLETIN



ISBE ISSUES MEMORANDUM ON STATE APPROVED DIRECTORS OF SPECIAL EDUCATION

Citing the receipt of numerous technical assistance inquiries, ISBE issued a memorandum on May 20, 2025 regarding the “State Approved Director of Special Education” designation. The memorandum is found on the ISBE website here: [ISBE Memo Template Both Offices.docx](#)

Each stand-alone district or special education cooperative must employ a full time director of special education. ISBE notes that the position cannot be shared by individuals and that there is no allowance for a “provisional” director who is not fully qualified. The memorandum sets forth qualification and reporting requirements for the State Approved Director.

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**SCHOOL LAW CHALK TALKS
will resume in September.**

**Chalk Talks Bulletins will be provided throughout the
summer, beginning in June.**

Have a great summer!



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CHALK TALKS BULLETIN

**AUGUST 27, 2024
CHALK TALKS BULLETIN**



CDC ISSUES REPORT ON YOUTH RISK BEHAVIOR

The Centers for Disease Control (CDC) has issued a Youth Risk Behavior Data Summary and Trends Report: 2013-2023 that reports ten-year trends in health behaviors and experiences of high school students in the United States. The CDC reports worsening trends for teens in persistent sadness or hopelessness, suicidal thoughts and behaviors, protective sexual behaviors and experiences of violence. The CDC has developed an Action Guide containing six strategies for schools to improve students' mental health, including increasing students' mental health literacy, promoting social, emotional and behavioral learning, promoting mindfulness, enhancing connectedness, providing psychosocial skills training and cognitive behavioral interventions and supporting staff well-being. The Report is found here: [Youth Risk Behavior Survey Data Summary & Trends Report: 2013-2023 \(cdc.gov\)](https://www.cdc.gov/youthriskbehavior/data-reports/youth-risk-behavior-data-summary-trends-report-2013-2023).

**Courtney's Chalk Talks resume next Tuesday, September 3.
The link and topic for September 3 will be sent this
Thursday, August 29.**

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CHALK TALKS BULLETIN

AUGUST 20, 2024
CHALK TALKS BULLETIN



NEW TRANSITION PLAN REQUIREMENTS

Public Act 103-0853 sets forth additional requirements for transition plans with the goal of preparing students with disabilities for an exceedingly technology driven society and workplace. Effective August 9, 2024, a student's transition plan must include consideration of his or her assistive technology needs, such as the need for assistive technology evaluations, devices and services, related to the student's goals for employment, education or training, and independent living both while participating in transition related activities and in post-school activities. In developing a student's transition plan, the IEP team must also consider the availability and accessibility of appropriate assistive technology devices and services in the post-school environment.

**Courtney's Chalk Talks will resume on September 3 for the
2024-2025 school year.**

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CHALK TALKS BULLETIN

AUGUST 13, 2024
CHALK TALKS BULLETIN



NEW LEGISLATION

Three bills have been signed into law:

Public Act 103-0896, effective August 9, 2024, amends the School Code regarding student discipline. It requires the Illinois State Board of Education (ISBE) to consult with appropriate stakeholders and develop and publish guidance before July 1, 2025, on reciprocal reporting systems, school bus safety procedures, evidence-based interventions and the re-engagement of students who are suspended out of school, expelled, or returning from an alternative school. The Act also deletes the provision that a student who is suspended in excess of 20 school days may be immediately transferred to an alternative program and the prohibition against an alternative school denying a student's enrollment except in cases in which the student is deemed to be a threat to the safety of students or staff in the alternative program.

Public Act 103-0676, effective July 19, 2024, amends the School Code regarding special education residency. Section 5/14-1.11a now provides that if a student aged 18 or older with no legal guardian is placed residentially outside of the school district in which the student's parent resides and the placement is funded by a State agency or private insurance, the resident district for special education purposes is the school district in which the parent resides.

Public Act 103-0764, effective January 1, 2025, allows schools to provide students with at least 20 minutes a week of relaxation activities, in addition to and not in substitution for recess, to enhance student mental and physical health. Relaxation activities may include mindful moments, yoga, stretching, meditation, breathing exercises, guided relaxation techniques, quiet time, walking or other stress-relieving activities. These activities may take place in physical education class, social emotional learning class, an advisory class or other similar class.

Courtney's Chalk Talks will resume in September for the 2024-2025 school year.

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CHALK TALKS BULLETIN

AUGUST 6, 2024
CHALK TALKS BULLETIN



ISBE ISSUES REGISTRATION GUIDANCE

The Illinois State Board of Education (ISBE) has issued updated Non-Regulatory Guidance on Registration: Residency and Enrollment, Immigrant Pupils, Homeless Pupils and School Fees and Waivers, dated July, 2024. The new Guidance is found here: [Report Cover 1.docx \(isbe.net\)](#)

In response to the significant increase in immigrant students and to questions about the maximum age for enrollment of students who qualify for special education, ISBE has also issued a companion Frequently Asked Questions document, located here: [Enrolling-Older-Newcomer-Students-FAQ.pdf \(isbe.net\)](#)

Highlights of the Guidance include:

- A student who qualifies for special education may enroll and receive services up until the day before the student's twenty-second birthday. If the student's twenty-second birthday occurs during the school year, the student is eligible to receive services through the end of the regular school year.
- General education students, including "newcomer" students, may enroll in school until the age of 21.
- A newcomer student may enroll in school up to age 21 even if the student graduated or received a high school diploma in his or her country of origin.
- A school cannot deny a newcomer student enrollment even if the student will not satisfy graduation requirements by age 21.
- A school district has discretion in determining grade placement of students but should consider age-appropriate placement to allow access to grade appropriate curricula and an equal opportunity to graduate.

Courtney's Chalk Talks will resume in September for the 2024-2025 school year.

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CHALK TALKS BULLETIN

JULY 30, 2024
CHALK TALKS BULLETIN



ADDITIONAL REQUIREMENT FOR NOTICE OF IEP CONFERENCE

Public Act 103-0652, signed into law on July 22, 2024, adds a requirement for the Notice of Conference issued to parents at least ten days before an IEP meeting. Effectively immediately, the Notice of Conference must inform parents of the date on which draft materials to be discussed at the meeting will be made available to the parent. The current Illinois State Board of Education form Notice of Conference indicates that these written materials must be provided to the parent at least three school days prior to the scheduled meeting. Public Act 103-0652 requires the specific date be included in the Notice.

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CHALK TALKS BULLETIN

JULY 23, 2024
CHALK TALKS BULLETIN



ISBE ISSUES BULLYING PREVENTION POLICY GUIDANCE

On July 15, 2024, the Illinois State Board of Education (ISBE) issued Bullying Prevention Policy Requirements and Guidance that updates policy mandates in accordance with Public Act 103-0047. The Guidance is found here: [ISBE Letterhead Springfield.docx](#)

The document describes required contents of bullying policies, including the definition of bullying and cyberbullying, procedures for reporting bullying to the school, procedures for the school to report bullying to parents or guardians of all students involved in an alleged bullying incident, and procedures for investigating and addressing bullying.

A district's bullying policy must include input from a range of school stakeholders, including students and parents. The policy must be posted on the district's website, included in the student handbook, posted in the school, and distributed annually to parents, students, and school personnel.

Every two years, the Board of Education must review and evaluate its bullying policy and make any necessary revisions. When evaluating the policy's outcomes and effectiveness, the Board must consider the following factors: (1) frequency of victimization; (2) student, staff, and family observations of school safety; (3) identification of areas of the district's school(s) where bullying occurs; (4) types of bullying that have occurred; and (5) bystander intervention or participation. Information from this policy review must be available on the district's website.

Policies must be filed via the ISBE IWAS system by September 30 of the year in which the policy is adopted or reviewed. The filing must

include not only the updated policy, but also a copy of Board of Education minutes indicating that the policy was reviewed, and any changes made to the policy.

Public Act 103-0047 required that ISBE publish a bullying policy template and that template is found here: [Model Policy for Bullying Prevention \(isbe.net\)](#)

Beginning with the coming 2024-2025 school year, districts must collect, maintain, and submit to ISBE by August 15, data concerning verified allegations of bullying, the personal characteristic, if any that the bullying was based on and the action the school took to address the bullying incident.

Courtney's Chalk Talks will resume in September for the 2024-2025 school year.

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CHALK TALKS BULLETIN

JULY 16, 2024
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TUITION REIMBURSEMENT FOR SPECIAL EDUCATION PUBLIC DAY SCHOOLS NOW AVAILABLE

Public Act 103-0644, effective July 1, 2024, now allows school districts to receive tuition reimbursement from the Illinois State Board of Education (ISBE) for placement of students in special education public day schools, rather than only for placement in nonpublic special education schools and facilities.

The legislation, formerly Senate Bill 3606, provides that a school district that places a student in either a separate public day school or a private special education school or facility, and pays tuition in excess of \$,4,500.00 is eligible for ISBE reimbursement for payments that exceed two times the district's per capita tuition charge for students not receiving special education services. The public day school must be a separate program or facility, established by a public school, regional office of education or special education cooperative, to meet the needs of special education students who cannot be educated in the general education environment and must provide services comparable to a nonpublic special education school.

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CHALK TALKS BULLETIN

JULY 9, 2024
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OCR RELEASES SECTION 504 RESOURCES FOR STUDENTS WITH EPILEPSY, CANCER, AND SICKLE CELL DISEASE

The United States Department of Education Office for Civil Rights (OCR) has released three new resources to assist schools in developing Section 504 Plans.

A student with Epilepsy has a disability under Section 504 of the Rehabilitation Act of 1973 (Section 504) if the condition substantially limits one or more major life activities. OCR explains that epilepsy will almost always substantially limit normal neurological function and may also limit various major life activities. The new resource describes how epilepsy can affect a student's school experience and provides examples of accommodations. The epilepsy resource is found here: [Epilepsy Fact Sheet \(ed.gov\)](#).

According to OCR, cancer substantially limits normal cell growth, a major bodily function, and may also substantially limit major life activities. An impairment that is episodic or in remission is a disability under Section 504 if it would substantially limit a major life activity when active. The new resource describes how cancer may affect a student at school and provides various sample accommodations: [Cancer Fact Sheet \(ed.gov\)](#).

Sickle Cell Disease may substantially limit various major bodily functions and major life activities. The third Fact Sheet addresses potential effects of Sickle Cell Disease at school and sample accommodations: [Sickle Cell Disease Fact Sheet \(ed.gov\)](#).

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CHALK TALKS BULLETIN

JULY 2, 2024
CHALK TALKS BULLETIN



ISBE ISSUES MANDATED SCHOOL TRAINING GUIDANCE

To assist school districts plan staff training, the Illinois State Board of Education (ISBE) has issued draft guidance on Mandated School Trainings for Public Schools, as of June 2024, for the 2024-2025 school year that will be finalized after the Spring 2024 legislative session concludes. The Guidance has been released to outline the new five-year training cycle for most mandated trainings established by Public Act 103-0542. The Guidance is found here: [Standard ISBE PPT Template.pptx](#)

If you would like assistance with training, please contact your HPF attorney.

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CHALK TALKS BULLETIN

JUNE 25, 2024
CHALK TALKS BULLETIN



ISBE ISSUES GUIDANCE ON RESIDENTIAL PLACEMENTS

The Illinois State Board of Education (ISBE) Special Education Department has issued nonregulatory Guidance and Frequently Asked Questions on Residential Placements, dated June 2024. The Guidance is found here: [Guidance on PA 95-0844 and PA 95-0938 \(isbe.net\)](#).

The Guidance updates Guidance Document 09-01, issued in January 2009, and addresses residential placement of general education and special education students by state agencies, courts, school districts and parents. The Guidance describes how a student's residency is determined and delineates the responsibilities of the school district in which the residential facility is located and the student's resident district.

ISBE also answers Frequently Asked Questions specific to emergency placements in nonapproved residential facilities. Highlights include:

- To show good faith efforts to locate an ISBE approved residential placement, a district must complete an Excel spreadsheet indicating the district's contact to every residential facility on the Private Facilities Search list that is relevant to the student's age, gender, and disability, whether a referral packet was sent to the facility and whether the student was accepted at the facility.
- If a parent refuses consent to send a referral packet to an ISBE approved facility, ISBE will determine that the district made good efforts to locate an approved facility but was unable to place the student in the approved facility for which the parent did not provide consent.
- If an ISBE approved facility accepts the student, but the parent refuses to send the student to that facility, the district is unable to satisfy the requirement that despite its good efforts, no approved facility would accept the student, and a nonapproved facility will not be approved by ISBE for

reimbursement. The parent or district may use dispute resolution options to determine the student's placement.

Nonapproved facilities are not subject to Illinois regulations, do not receive a per diem rate set by Illinois, and the ISBE Nonpublic Facility Contract is not applicable. If a district places a student in a nonapproved residential facility, the district assumes liability for any health and safety concerns that arise from the student's placement.

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CHALK TALKS BULLETIN

JUNE 18, 2024
CHALK TALKS BULLETIN



COURT UPHOLDS SCHOOL'S BAN OF "TWO GENDERS" SHIRT

On June 9, 2024, the First Circuit Court of Appeals in *L.M. v. Town of Middleborough, Massachusetts*, 2024 WL 2887665 (1st Cir. 2024), upheld a school district's dress code enforcement to prevent a student from wearing a t-shirt to school that read "There Are Only Two Genders" and also from wearing that same shirt with the words "Only Two" covered by tape on which the word "CENSORED" was written.

Several students identifying as transgender or gender nonconforming attended the middle school and several students, some of whom were LGBTQ+, had expressed suicidal ideation in the past few years. A recent student survey indicated specific concerns about how LGBTQ+ students were treated at school. The district published in its handbook a dress code prohibition against clothing that depicts hate speech or imagery, and against clothing that was unacceptable to community standards.

L.M. wore a shirt to school that read "There Are Only Two Genders." His first period teacher sent him to the principal's office stating her concern that the shirt's message could potentially disrupt classes. The principal told L.M. that he could not return to class unless he removed the shirt. When L.M. refused, the school called his father to pick him up from school. L.M. received local and national media coverage which caused protests off school property both in support of and against the school's actions, and the school received various hateful emails and phone calls related to the controversy.

A month later, L.M. wore the shirt to school again with the words "Only Two" covered by a piece of tape that read CENSORED. The principal again told him to remove the shirt. L.M. did remove the shirt and returned to class. L.M. brought suit and alleged that wearing his shirt was similar to wearing the black armband students silently wore in the landmark *Tinker v. Des Moines* case. L.M. argued that he was expressing his views on a current political

topic, his views were not inherently hateful, and he was not targeting any particular student.

The First Circuit Court of Appeals upheld the school's enforcement of its dress code and held that schools may regulate passive and silently expressed student messages at school that do not target a specific student if the school can show that (1) the expression is reasonably interpreted to demean a characteristic of personal identity such as race, sex, religion or sexual orientation and (2) the demeaning message is reasonably forecasted to poison the educational atmosphere due to its serious negative psychological impact on students with the demeaned characteristic, thereby leading to "symptoms of a sick school," which the Court equated to substantial disruption.

The Court held that the school reasonably understood the shirt slogan to be demeaning of transgender and gender nonconforming students and that due to survey data, the school knew the student body had concerns about the treatment of LGBTQ+ students at the middle school. The school had legitimate reason to be concerned about symptoms of a sick, unsafe or hostile school environment, *i.e.*, a substantial disruption. Due to the media coverage, the school could reasonably conclude that students knew what words were covered by the CENSORED tape. The Court also rejected the student's argument that the dress code language was vague and overbroad.

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CHALK TALKS BULLETIN

JUNE 11, 2024
CHALK TALKS BULLETIN



INCREASING ATTENTION TO ASSISTIVE TECHNOLOGY

Assistive technology has received increased attention this year. In January 2024, the United States Department of Education (U.S. DOE) released a Dear Colleague Letter on Myths and Facts Surrounding Assistive Technology and Devices. See Guidance here: [Myths and Facts Surrounding Assistive Technology Devices and Services \(PDF\)](#) (ed.gov).

House Bill 5276, awaiting the Governor's signature, amends the School Code to require that transition plans of students with disabilities include consideration of assistive technology needs related to the student's transition goals for employment, education or training, and independent living during school and in post-school activities and environments.

Recently the U.S. DOE Office of Special Education Programs (OSEP) released resources for school professionals and families to assist in considering and using assistive technology for mobility, communication, reading, writing, organization, information management, time management and recreation and leisure. Resources include a Procedure Guide for Assessment, an Assistive Technology Decision Making Guide, a Classroom Observation Guide, an Assistive Technology Continuum, tips for considering assistive technology before, during and after an IEP meeting and more. Helpful resources for your team can be found here: [ASSISTIVE TECHNOLOGY AND THE IEP: Resources and Tips for Families, Youth and school Districts Before, During and After the IEP Meeting ALL](#) (parentcenterhub.org).

Courtney's Chalk Talks will resume in September for the 2024-2025 school year.

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CHALK TALKS BULLETIN

JUNE 4, 2024
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ARE PARENTS ENTITLED TO RECORD IEP MEETINGS?

A petition has been filed with the United States Supreme Court to consider whether parents have a First Amendment right to video record their child's IEP meeting.

In *Pitta v. Medeiros*, 90 F.4th 11 (1st. Cir. 2024), the Individualized Education Program (IEP) team met to discuss a student's eligibility and IEP. When the IEP was sent to the parent after the meeting, the parent asserted that the notes included inaccurate statements and omitted important statements made by IEP team members. He requested that the district amend the IEP meeting notes. The district refused. At the next IEP meeting, held though Google Meet, the parent requested to video record the virtual meeting. The district refused to allow the meeting to be recorded, stating that the recording would be invasive and was prohibited by district policy. The parent filed suit claiming that prohibiting video recording violated his First Amendment Rights. Contrasting cases cited by the parent related to citizens video recording police acting in public, the First Circuit held that parents do not have a First Amendment right to video record an IEP meeting because IEP meetings do not occur in public, district IEP team members do not perform their duties in public during the meeting, and information discussed at IEP meetings is not public information. The Court held that the district's policy prohibiting the recording of IEP meetings promoted a substantial government interest of promoting candor and protecting sensitive conversations at IEP meetings.

The Individuals with Disabilities Education Act (IDEA) does not address audio or video recording of IEP meetings, so a school district has the option to prohibit, limit or otherwise regulate the use of recording devices at IEP meetings. Any recording the district makes and maintains is a student record.

Districts should have a policy about recording meetings and apply the policy uniformly. However, if district policy prohibits recording, the district must make an exception for a parent who requires a recording to understand the

IEP or IEP process, for example, if the parent requires an accommodation for his or her disability.

Under the Illinois School Student Records Act, parents are entitled to insert in their child's record a statement of reasonable length setting forth their position on any disputed information in the record. The school must include the statement in any subsequent dissemination of the information in dispute. Therefore, rather than amending or revising IEP meeting notes, the school should attach a parent's statement disagreeing with IEP meeting notes to the student's IEP.

Courtney's Chalk Talks will resume in September for the 2024-2025 school year.

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CHALK TALKS BULLETIN

AUGUST 29, 2023
CHALK TALKS BULLETIN



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.

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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
CHALK TALKS BULLETIN**



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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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.

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

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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.

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CHALK TALKS BULLETIN

JUNE 20, 2023
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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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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
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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.

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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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