

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 ageappropriate 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

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material. © 2025 Himes, Petrarca & Fester, Chtd.

-



Check Our Upcoming Events

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.



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/tZIsd--vqjwjGtbs1 nhdSLsUYi3YRAgoSgb/ics?

icsToken=DIgf5pv5ASY8aFRIIgAALAAAALaTj7dYONOWjmqzRnJ_v-

utqMeSyfShdBXyfnNvI3JTKW5Hkfxuwxhpw_A15QyJuFz7K_J8bGsF78p9QTAwMDAwMQ&meeti

ngMasterEventId=gTM6DichSOmY4TB6SETouQ

Join Zoom Meeting

https://us02web.zoom.us/j/86106747902?pwd=jhPOXCagjW1PwWSybwuSYGSfGl6PMb.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

Chalk Talks with Courtney Stillman

Check Our Upcoming Events

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.



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

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

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material. © 2025 Himes, Petrarca & Fester, Chtd.

_



Check Our Upcoming Events

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.



AUGUST 12, 2025 CHALK TALKS BULLETIN



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.

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

https://www.edlawyer.com/chalktalks

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material. © 2025 Himes, Petrarca & Fester, Chtd.



Check Our Upcoming Events

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.



AUGUST 5, 2025 CHALK TALKS BULLETIN



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.

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

https://www.edlawyer.com/chalktalks

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com



Check Our Upcoming Events

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.



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: opepdai-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.

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

https://www.edlawyer.com/chalktalks

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material. © 2025 Himes, Petrarca & Fester, Chtd.



Check Our Upcoming Events

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.



JULY 22, 2025 CHALK TALKS BULLETIN



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.

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

https://www.edlawyer.com/chalktalks

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material. © 2025 Himes, Petrarca & Fester, Chtd.

-



Check Our Upcoming Events

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.



JULY 15, 2025 CHALK TALKS BULLETIN



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.

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

https://www.edlawyer.com/chalktalks

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com



Check Our Upcoming Events

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.



JULY 7, 2025 CHALK TALKS BULLETIN



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: <u>Bus-Safety-Guidance-June-2025.pdf</u> 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.

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

https://www.edlawyer.com/chalktalks

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.

© 2025 Himes, Petrarca & Fester, Chtd.

Chalk Talks with Courtney Stillman

Check Our Upcoming Events

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.



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.

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

https://www.edlawyer.com/chalktalks

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material. © 2025 Himes, Petrarca & Fester, Chtd.

-



Check Our Upcoming Events

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.



JUNE 24, 2025 CHALK TALKS BULLETIN



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

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

https://www.edlawyer.com/chalktalks

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.

© 2025 Himes, Petrarca & Fester, Chtd.

Chalk Talks with Courtney Stillman

Check Our Upcoming Events

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.



JUNE 23, 2025 CHALK TALKS BULLETIN



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. Skrmetti* may affect the analysis of transgender restroom cases. Six days later, on June 18, 2025, the U.S. Supreme Court decided *Skrmetti*, 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.

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

https://www.edlawyer.com/chalktalks

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material. © 2025 Himes, Petrarca & Fester, Chtd.

_



Check Our Upcoming Events

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.



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.

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

https://www.edlawyer.com/chalktalks

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material. © 2025 Himes, Petrarca & Fester, Chtd.

_



Check Our Upcoming Events

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.



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

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

https://www.edlawyer.com/chalktalks

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material. © 2025 Himes, Petrarca & Fester, Chtd.

Chalk Talks with Courtney Stillman

Check Our Upcoming Events

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.



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.

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.

© 2025 Himes, Petrarca & Fester, Chtd.

Chalk Talks with Courtney Stillman

Check Our Upcoming Events

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.



SCHOOL LAW CHALK TALKS will resume in September.

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







Check Our Upcoming Events

The information herein was prepared by Himes, Petrarca & Fester, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Himes, Petrarca & Fester, Chtd.

Himes, Petrarca & Fester, Chtd. represents school districts, special education cooperatives, vocational education cooperatives and community colleges. Our attorneys have experience in all areas of education law and practice throughout Illinois and the Midwest with our principal office located at Two Prudential Plaza, 180 N. Stetson, Suite 3100, Chicago, Illinois 60601-6702.

www.edlawyer.com

State and federal law require that this document be designated as advertising material.