

THE
Extra Mile
GOING THE EXTRA MILE SO YOU DON'T HAVE TO

Legislature Changes School Requirements Regarding Immunizations and Exemptions--All schools—public, charter, and private—are subject to new immunization and exemption requirements effective for the 2015-2016 school year.

First, under prior legislation, students entering 6th and 12th grades must receive a meningitis vaccine before the first day of school. Parents/guardians must provide districts with proof of immunizations, including the meningitis vaccination requirement, by October 15 (unless an earlier date has been established by

the school district). If not submitted by October 15, a student must be excluded from school until proof of the required immunization is provided.

Second, a recent amendment to the Illinois *School Code* revised the requirements for religious exemptions to immunizations, health examinations, and screening tests.

A parent who wishes to rely on a religious exemption must now submit a *Certificate of Religious Exemption* that is signed by the student's health care provider. Before, a parent needed only to provide a written statement to the school stating the

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Major New Legislation Restricts Schools' Legal Authority to Suspend and Expel Students--On August 24, 2015, Governor Rauner signed [Senate Bill 100](#), requiring all Illinois school districts and charter schools to significantly change the way they suspend and expel students. *Schools must adopt new discipline policies and implement the required changes by September 15, 2016.*

Summary of Requirements Under the Act

1. Schools must adopt student discipline policies consistent with the Act and review them annually.
 2. Schools must limit the number and duration of suspensions to the greatest extent possible.
 3. Zero-tolerance policies are prohibited.
 4. Schools are encouraged to use non-exclusionary discipline measures prior to suspending students; suspensions and expulsions are to be used only for legitimate educational purposes.
 5. Schools must not advise or encourage students to drop out of school due to behavioral or academic challenges.
 6. Schools may not issue monetary fines or fees as a
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Consumer Price Index

Percent change for the month of **July 2015**, for the urban wage earners and clerical indices as reported by the Bureau of Labor Statistics.

	All Urban (CPI-U)	Workers (CPI-W)
Chicago Mthly	-0.1	-0.2
12 Mth	-0.5	-1.0
St. Louis, 1st Half 2015		
6 Mth	-0.7	-0.9
12 Mth	-0.9	-1.2
U.S. Mthly	0.0	0.0
12 Mth	0.2	-0.3

August CPI figures will be released September 20, 2015.

The Extra Mile is intended solely to provide information to the school community. It is neither legal advice nor a substitute for legal counsel. The Extra Mile is intended as advertising but not as a solicitation of an attorney/client relationship.

Reminders & Notes

- **Remember to require student health exams and immunizations by October 15, unless you have set an earlier date (with parent notification) or if the student is an out-of-state transfer student. (See Article above).**
- **Join HLERK as we co-sponsor the reception at IAASE's fall conference on October 1; and join Michelle Todd, Laura Pavlik and Bennett Rodick, as they present at a variety of the conference's sessions.**
- **Start preparing now for implementation of SB 100 (See Article at right).**

Offices
Arlington Hts. 847-670-9000
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Discipline Cont. disciplinary consequence, except that students may be required to pay restitution for lost, stolen, or damaged property.

7. Schools must create a policy for suspended students, including those who have been suspended from the bus and do not have alternate transportation, to make up any missed work for equivalent academic credit.

8. Schools must create a policy to facilitate the re-engagement of students who have been suspended or expelled from school.

9. Schools must provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the consequences of school exclusion, justice system involvement, effective classroom management, culturally responsive discipline, and developmentally appropriate disciplinary methods.

10. Schools are encouraged to create memoranda of understanding with local law enforcement agencies to define the role of law enforcement within the school.

11. Schools may now only suspend or expel students in accordance with the additional procedures and requirements outlined below.

Suspensions of 1-3 Days

- In the written suspension decision, the school must explain (1) the specific act of gross disobedience or misconduct; and (2) the rationale for the specific duration of the suspension.
- Suspensions of three days or less may be used only if the student's presence poses a threat to school safety OR a disruption to other students' learning opportunities.
- Students must be provided an opportunity to make up any missed work for equivalent academic credit.

Suspensions of 4 Days

- In the written suspension decision, the school must (1) explain the specific act of gross disobedience or misconduct; (2) explain the rationale for the specific duration of the suspension; and (3) document whether other behavioral and disciplinary interventions were attempted or whether the school determined that there were no other appropriate and available interventions.
- Schools may use suspensions of four days only if other appropriate and available behavioral and disciplinary interventions have been exhausted AND the student's presence in the school (1) poses a threat to the safety of other students, staff, or the school community, OR (2) substantially disrupts the operation of the school.
- Students must be provided an opportunity to make up any missed work for equivalent academic credit.

Suspensions of 5-10 Days

- In the written suspension decision, the school must (1) explain the specific act of gross disobedience or misconduct; (2) explain the rationale for the specific duration of the suspension; (3) document whether other behavioral and disciplinary interventions were attempted or whether the school determined that there were no other appropriate and available interventions; and (4) document whether appropriate and available support services are to be provided or whether it was determined that there are no appropriate and available services for the student.
- Schools may use suspensions of five-ten days only if other appropriate and available behavioral and disciplinary interventions have been exhausted AND the student's presence in the school (1) poses a threat to the safety of other students, staff, or the school community, OR (2) substantially disrupts the operation of the school.

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Discipline Cont.

- Students who are suspended must be provided with appropriate and available support services during their suspensions.
- Students must be provided an opportunity to make up any missed work for equivalent academic credit.

Expulsions

- In the written expulsion decision, school boards must: (1) detail the specific reasons why removing the student from the school is in the school district's best interest; (2) provide a rationale with respect to the specific duration of time for the expulsion; and (3) document whether other behavioral and disciplinary interventions were attempted or whether the school determined that there were no other appropriate and available interventions.

- Schools may expel a student only if other appropriate and available behavioral and disciplinary interventions have been exhausted AND the student's presence in the school (1) poses a threat to the safety of other students, staff, or the school community; OR (2) substantially disrupts the operation of the school.

- A school may refer expelled students to appropriate and available support services during the time the student is expelled.

Senate Bill 100 will be a primary topic at our fall conferences. You may register for them at www.iasaedu.org. In addition, your school district may consider inservices on the new legal requirements.

For additional information, please contact Lori Martin, Jennifer Deutch, or Michelle Todd.

Immunization Cont. religious grounds for their objection to immunizations, health examinations, and screening tests.

This change is in effect for the 2015-2016 school year. Note that the Illinois State Board of Education has, however, pushed back the implementation date for the now required *Certificate* for parents who already completed their child's immunization and health examination requirements or submitted their statement of objection on religious grounds for the 2015-2016 school year. These parents do not have to return to their child's physician to have the certificate completed.

The *Certificate* from those claiming a religious exemption is, therefore, required starting **October 16, 2015**. For current students who already submitted the required proof of immunization and health examination for the 2015-2016 school year, the *Certificate* is not required until the next time they are required to submit proof of health examination and immunizations. For students who have not provided proof by October 15, 2015, or who enroll after October 15, 2015, the *Certificate* is required. The *Certificate* is

available on ISBE's website www.isbe.net. ISBE's Fall 2015 Immunization Guidance also is available on its website.

The signature by the student's health care provider on the *Certificate* reflects only that information was provided to the parent regarding immunizations. The health care provider does not determine a religious exemption. It is up to the local school authority to determine whether the parent's statement of objection constitutes a valid religious objection. Pursuant to the *School Code*, IDPH regulations, and case law, a general philosophical or moral reluctance to allow an immunization, examination, or test is insufficient. The objection must set forth the specific religious belief that conflicts with the immunization, examination, or test. However, the religious objection may be personal and need not be directed by the tenets of an established religious organization.

As we rapidly approach the October 15 cutoff date, please contact Jennifer Mueller with your immunization and religious exemption from immunization inquiries.

New Marriage Dissolution Act Parenting Plan Modifies Access to School Records--On July 21, 2015, Governor Rauner signed into law an overhaul of the *Illinois Marriage and Dissolution of Marriage Act* and related family law Acts, effective January 1, 2016 ([P.A. 99-0090](#)).

For school districts, the most significant changes are (1) the abolition of the terms “custody” and “visitation” and imposition of the terms “parental responsibility” and “parenting time,” and (2) that parents must file with the court a proposed parenting plan or the court will impose one after an evidentiary hearing.

The parenting plan must allocate significant decision-making responsibilities and each parent’s right to access the child’s school records. The Act provides that access to a child’s records shall not be denied to a parent because the parent has not been allocated parental

responsibility and that a parent not allocated parenting time is not entitled to access the child’s school or health care records unless a court finds that it is in the child’s best interests to provide those records to the parent.

The *Illinois School Student Records Act* (ISSRA) has long guided the process for access to a student’s records by, among other things, his or her custodial and noncustodial parents. P.A. 99-0090 did *not* amend ISSRA, and it is not immediately clear whether the provisions of the new law changes a noncustodial parent’s ability to access a student’s records.

As school districts regularly confront difficult issues regarding divorced or divorcing parents, including records access issues, please contact Laura Pavlik or Heather Brickman with your records access inquiries.

Join Us At the 2015 IASA Law Conferences

The Year in Review: The Highlights and Lowlights of Illinois School Law 2015

October 7 — Doubletree, Collinsville

October 15 — Hamburger University, Hyatt Lodge, Oak Brook

October 28 — Marriott Pere Marquette, Peoria

Visit www.iasaedu.org for information and registration.

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