

January 2026

Dear Readers of the *Extra Mile*:

Amazingly, it is 2026. We wish each of you the happiest of New Years and an educationally successful second semester. We hope your winter break was restful and afforded you time together with family and friends. We at the firm are rested and ready to assist you in meeting the challenges of the new school year.

## HLERK Developments

Our noses aren't always at the legal grindstone. HLERK held its annual holiday party last month. As you can see below, we celebrated another highly successful year with our attorneys and support staff at Perry's Steakhouse.



## Consumer Price Index

The critical December CPI has just been published by the Bureau of Labor Statistics. Annual inflation is at 2.7%, consistent with expectations.

The Illinois Department of Revenue has issued its notice to Illinois school districts of the CPI number relevant to your levies. You can access the publication [HERE](#). You can access the full BLS CPI report [HERE](#).

## In This Issue

This month, we look at a little-noted recent U.S. Supreme Court decision impacting mandatory state vaccination laws. Next, we look at major ongoing litigation regarding the rights of transgender students.

Then, we look at a key court ruling on whether emails constitute student records. We follow that with issues arising from a Cook County software glitch on property tax distributions. Finally, we look at a recent PAC decision regarding a Village's refusal to disclose an employee termination letter to a FOIA requester.

## LEGAL NEWS

### **U.S. Supreme Court Rules on New York State's Elimination of Religious Vaccine Exemptions**

In a little-noted decision, the U.S. Supreme Court remanded a case to an appellate court for it to reconsider its ruling upholding a state's mandatory vaccination laws.

The High Court, over a dissent by its liberal justices, ordered the appellate court to reconsider its prior ruling in light of the Supreme Court's recent ruling in *Mahmoud v. Taylor* (which we discussed in our August issue) requiring a Maryland school district to allow parents to "opt-out" of a controversial LGBTQ+ curriculum.

While neither the Supreme nor appellate court's ruling directly impacts Illinois, the decision does indicate the scope of the *Mahmoud* ruling and its potential impact on multiple aspects of a school district's operations. [Read more...](#)



[Jeff Goelitz](#)

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### **Can a School District Prohibit Its Staff From Disclosing to Parents Information About Their Child's Gender? Federal Appellate and Trial Courts Issue Major Ruling**

A California federal trial court in December struck down California's "parental exclusion policies" as unconstitutional, holding that parents have a fundamental right to receive information about their child's gender identity and that teachers have a First Amendment right to share it voluntarily.



[Michelle Todd](#)

California then appealed and sought emergency relief in the Ninth Circuit Court of Appeals. On January 5th, the Ninth Circuit Court of Appeals unanimously granted a "stay" of the trial court's ruling pending further review.

Plaintiff's attorneys have stated they will, in turn, seek emergency relief from the U.S. Supreme Court to reinstate the trial court's ruling. Stay tuned.

[Read more...](#)



## Are Emails Student Records? It Depends

As school districts confront increasing numbers of requests for vast numbers of student emails, a Nevada Supreme Court ruling directly addresses the basic question: are emails personally identifiable to a student "student records." The court's 4-3 answer may surprise you. [Read more...](#)



[Jessica Nguyen](#)



## Cook County Tax Software Glitch Delays School Property Tax Distributions

Technology upgrade issues have delayed Cook County property tax distributions to schools and other taxing bodies. To weather the delay, school districts may consider exploring their short-term cash-flow options. [Read more...](#)



[Tony Senagore](#)



## Does FOIA Require a School District to Release A Former Employee's Termination Letter?

Your school district's FOIA Officer should be aware of a recent *binding* decision of the PAC determining whether a Village violated FOIA by refusing to release a former employee's letter of termination. [Read more...](#)



[Kerry Pipal](#)

# INSIGHTS FOR SCHOOL LEADERS

[Tony Loizzi](#) and [Barb Erickson](#) will present at the upcoming [IASPA Annual Conference](#) running January 29–30, 2026, covering collective bargaining trends, and proper FMLA practices.

Hodges Loizzi also invites attendees to join us on the afternoon of the 29th for our annual reception as part of the IASPA Annual Conference.



## AASPA

[Barb Erickson](#) will be presenting on the FMLA for the [AASPA Virtual Conference 2.0](#) on February 5, 2026.



## IAASE

IAASE's Winter Conference is set for February 26th in Champaign. You can find information and registration information [HERE](#).

Attendees can look forward to the [Michelle](#)-and-[Jessica](#) show as they discuss the recently issued [ISBE "FAQ"](#) on isolated time out and physical restraint. Meanwhile, [Christine Christensen](#) will address the Conference on *The Category, The Myth, The Legend: Emotional Disability*.

We look forward to seeing your special education administrators in Champaign.

## NOTES AND REMINDERS

- Remember your upcoming deadlines for RIF's and end-of-year dismissals of teachers and educational support employees. Contact [Ellen Rothenberg](#), or [Tina Christofalos](#) with your evaluation, dismissal and RIF inquiries. Review the need for non-renewal of employment contracts or administrative reclassifications to teaching positions for tenured administrators. Note the possible impact of non-renewals or reclassifications on your RIF process.
- Remember to complete Principal and Assistant Principal evaluations by March 1st and give any reclassification notices to them by April 1st.

## CONCLUSION

### Illinois State Redbirds

We were remiss in our December issue in not congratulating Illinois State University on its remarkable come-from-behind playoff 29-28 win over North Dakota State University. The Redbirds ultimately lost in the National

Championship to Montana State due to a missed extra point. (If you didn't see the game, pull up the highlights.)

ISU has always stood for excellence in training our state's future teachers and administrators, and ISU's excellence now extends to its football team.

## Chicago Bears

Some events defy description, so we won't even try to discuss the Bears playoff win over the Packers. Congrats to the Bears and our condolences to our former colleague/Packer fan **Jay Kraning**.

## Our Viewing Recommendations

As always, the list to choose from is huge. We highly recommend *The Diplomat*, which just completed Season 3 on Netflix (season 3 is the best of the three, but all are good). The series stars the inimitable Keri Russell with Rufus Sewell (Sewell is the star of the Prime series *The Man in the High Castle*, which we also highly recommend though it is a disturbing watch).

Regarding books, we recommend a classic: *Columbine*. Published in 2009, it is the definitive account of the 1999 Columbine school shootings. It is necessary reading for any school administrator.

## 2026

We look forward to working with each of you in the new year to meet the challenges of a remarkably complex and rapidly changing legal environment. It seems that every issue a school district faces has the potential to end up being a legal problem. Whatever your issue, we have successfully dealt with it before.

Winter break is now a distant memory. Sadly, January is also the end of the college football season (Nebraska has lost its former five-star quarterback to the transfer portal, lost its bowl game to Utah, and somehow lost a portal quarterback after he committed). We are looking forward to the national championship game.

Thank you for reading the *Extra Mile*, your gateway to the stability, service, and excellence of HLERK. We will write you again in February.

The Attorneys and Support Staff of  
Hodges, Loizzi, Eisenhammer, Rodick & Kohn

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# HODGES LOIZZI

Eisenhammer Rodick & Kohn

**Itasca**  
847-670-9000

**Peoria**  
309-671-9000

**O'Fallon**  
618-622-0999



Hodges, Loizzi, Eisenhammer, Rodick & Kohn LLP | 500 Park Boulevard Suite 1000 | Itasca, IL 60143  
US

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