



Erin’s Law Mandates Sexual Abuse Curriculum in Schools--

Erin’s Law was originally passed in 2011 and allowed school boards to implement a policy addressing sexual abuse of children. Now Governor Quinn has signed into law a new requirement to teach sexual abuse prevention to pre-kindergarten through twelfth grade students.

On January 24, 2013, Governor Quinn signed an amended “Erin’s Law” into effect immediately (P.A. 97-1147). Erin’s Law makes two changes in current law to promote sexual abuse prevention education. First, the *Comprehensive Health Ed-*

ucation Act was amended to require schools to provide age-appropriate sexual abuse and assault awareness and prevention education in grades pre-kindergarten through twelve. Previously, the law only required sexual assault awareness education in secondary schools.

In addition, Erin’s Law amended the Illinois *School Code* to provide that in-service training programs on sexual abuse awareness and prevention may now count as continuing professional development activity to renew a teaching certificate.

Continued on Page 2

School Access to Medicaid Funding Expanded by DOE Regulation--

The U.S. Department of Education has issued an amended regulation regarding the requirement that school districts seeking reimbursement from public benefits or insurance for special education services obtain parental consent.

The new regulation, effective March 18, 2013, makes it easier for districts to obtain reimbursement while increasing parental notice requirements. Under the previous regulation, districts were required to get parental consent each time they sought to access a child’s or parent’s public benefits or insurance to pay for services in a child’s IEP.

Under the new regulation, districts must obtain written consent from parents prior to accessing the benefits and provide parents written notice prior to accessing the benefits and annually thereafter.

The consent must specify: 1) that personally identifiable information may be disclosed; 2) the purpose of the disclosure (e.g., billing for services); and 3) the agency to which disclosure will be made (e.g., Medicaid).

In addition, the initial notice and subsequent annual notices must contain the following: 1) a statement of the parental consent

Continued on Page 2

Consumer Price Index

Percent change for the month of **February 2013**, for the urban wage earners & clerical indices as reported by the Bureau of Labor Statistics.

	All Urban (CPI-U)	Workers (CPI-W)
Chicago Mthly	1.1	1.3
12 Mth	2.3	2.3
St. Louis, 2nd Half		
6 Mth	0.8	0.6
12 Mth	2.2	2.1
U.S. Mthly		
12 Mth	2.0	1.9

March CPI figures will be released April 14, 2013. For the most recent CPI, visit our website at: www.hlerk.com.

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 have your board of education adopt a resolution by June 30 to avoid having interest monies earned on district funds being turned into principal pursuant to ISBE Regulation. Contact **Heather Brickman** with questions.
- As we noted in last month’s issue, it is time to update your student handbooks. Unfortunately, we neglected to send the Order Form with March’s print edition. Please purchase your newly updated and revised student handbook checklist by sending in the attached Order Form. Contact **Lori Martin** with your student handbook inquiries.

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Erin's Law Cont. Erin's Law grew out of a report from the Task Force on the Prevention of Sexual Abuse of Children or the "Erin's Law Task Force" issued in May 2012. Both the task force and the law

are named after Erin Merryn, a child sexual abuse victim and activist.

Please contact Pam Swanson with questions concerning Erin's Law.

ISBE Changes Timing Requirements for "Timely and Meaningful Consultation" Meetings with Private Schools--The Illinois State Board of Education ("ISBE") has announced a change to the timing of IDEA proportionate share timely and meaningful consultation ("TMC") meetings. Each year, school districts are required to hold TMC meetings with representatives of nonpublic schools, including home-schools, regarding the use of a "proportionate share" of their IDEA funds for services to eligible students with disabilities who attend nonpublic schools.

In the past, school districts have held TMC meetings in the fall, in accordance with ISBE timelines. In order to prevent a delay in the provision of services to eligible students and to ensure that the proportionate share expenses are properly budgeted, ISBE has revised the timelines.

Under the new timelines, TMC meetings must be held in the spring of 2013, effective for the 2013-2014

school year. In April 2013, ISBE will release an estimated nonpublic proportionate share calculation for each district.

School districts must hold their TMC meetings by May 31, 2013, and submit their TMC documentation to the Special Education Services Division of ISBE by June 15, 2013. July 1, 2013, is the earliest start date for fiscal year 2014 IDEA grants. Districts with nonpublic proportionate share calculations must include those expenses for approval of grants. Final nonpublic proportionate share calculations will be released by ISBE in August 2013. A guidance document describing the procedures and new timeline is expected to be released by ISBE soon. In the meantime, districts should adhere to the new timelines ISBE announced and districts should be sure to hold their TMC meeting before May 31, 2013.

Contact Bennett Rodick or Pam Swanson with your proportionate share inquiries.

IDEA Regulation Cont. provisions listed above; 2) the no-cost statements in 34 C.F.R. § 300.154(d)(2)(i)-(iii), stating that i) parents may not be required to enroll in public benefits in order for their child to receive FAPE; ii) parents may not be required to incur out-of-pocket expenses such as a deductible or co-pay; and iii) a district may not use a child's benefits if that use would decrease lifetime coverage, increase premiums, result in the family paying for services that would otherwise be covered, or risk loss of eligibility for certain waivers; 3) the parents have the right to withdraw their consent at any time; and 4) the withdrawal of consent or a refusal to consent does not relieve the district of its obligation to provide all re-

quired services at no cost to the parents.

The regulation was amended in response to comments from local education agencies that the consent requirements were overly burdensome and resulted in a large loss of reimbursable funds. The Department of Education also released a guidance document on the amended regulation, available at: <http://www2.ed.gov/policy/speced/reg/idea/part-b/part-b-parental-consent.html>.

For more information about compliance with the amended regulation, please contact Bennett Rodick or Pam Swanson.