



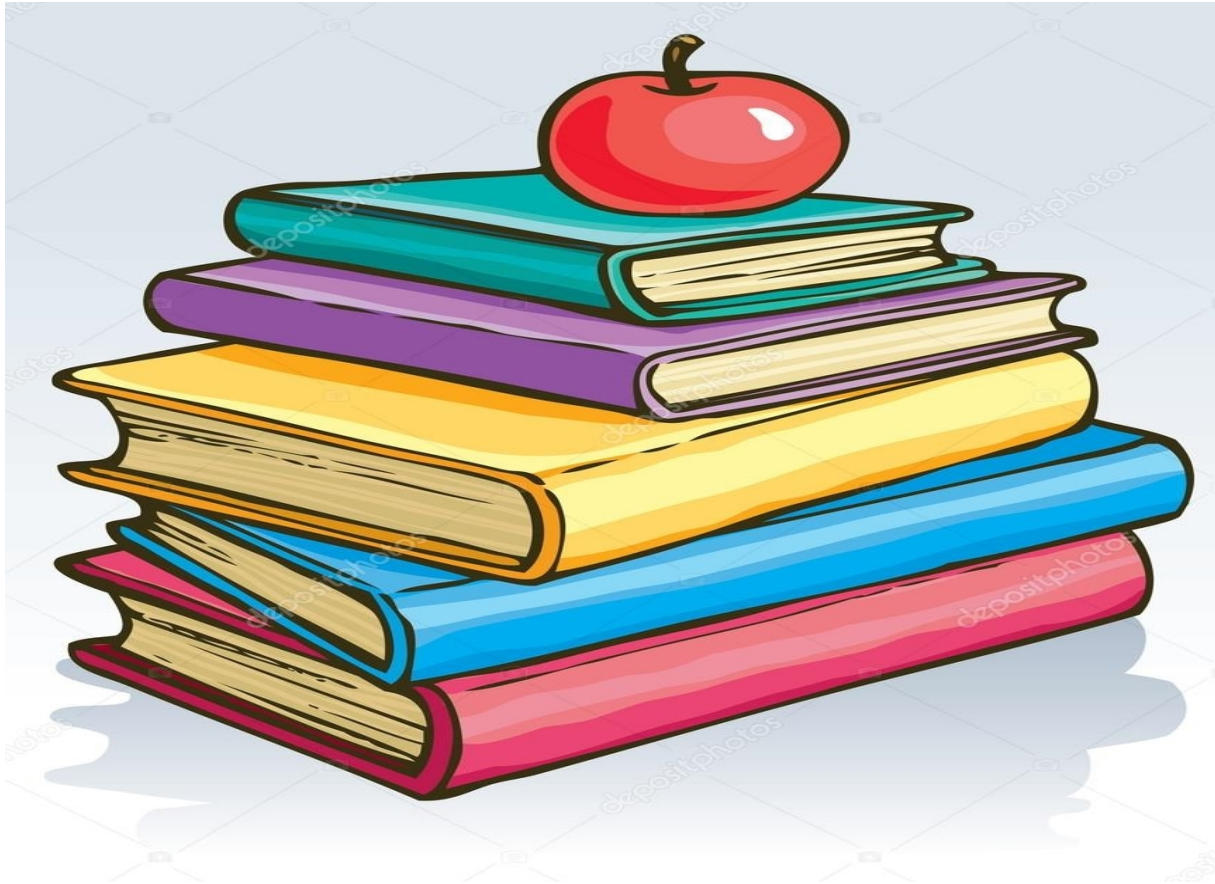
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ANNUAL SEMINAR

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TEACHER, LABOR AND OTHER TOPICS

P.A. 104-0393
THIRD PARTY CONTRACTS PUBLICLY POSTED FOR
BARGAINING UNIT ACCESS
(EFF. 7/1/2026)



Additional Required Provisions:

- “Emergency situation” is defined as a sudden and unforeseen event or change in circumstances that would result in a near-term interruption of non-instructional services that calls for immediate action.
- If Collective Bargaining Agreements require third party contracts for work, it must include language showing how the Board of Education met all IELRA obligations.
- The Agreement must be posted on the district’s website of all vacant positions that could be taken by third parties for ease of accessibility for bargaining units affected by such postings.

Procedural Guidance for 3rd Party Agreements Used to Augment Workforce:

- When drafting a new or renewal agreements for same non-instructional services must either:
 - follow a public hearing regarding the agreement, or
 - obtain mutual agreement with the affected bargaining unit.

MUTUAL AGREEMENT REQUIREMENTS UNDER P.A. 104-0393



**Mutual Agreements
cannot be a method
to compel the
reopening of
bargaining
agreements.**

- Districts must demonstrate mutual assent through “Memorandum of Understanding” (MoU) between District and Bargaining Unit.

**Mutual
Agreements
MoU’s must
include:**

P.A. 104-0020

BARGAINING AGREEMENTS WITH PERA (EFF. IMMEDIATELY).

- Reducing emphasis of **student growth** as a significant factor in PERA Evaluations in the Optional Alternative Evaluation Dismissal Process.
 - Student growth remains an optional factor, if data is available but no longer a mandatory consideration.
 - Any model evaluations plans with the student growth factor as 50% of the performance ratings has been eliminated.
- Eliminating the following provisions:
 - **Emergency Health Disaster Relief Evaluations** that strongly emphasized student growth as factor for evaluating teachers, principals and assistant principals, and
 - Use of student growth as a significant factor in **alternative procedures** in evaluations.



P.A. 104-0020 FOR EVALUATIONS FOR ADMINISTRATORS

Replacement of Administrative Certificates and Licensures:

- Act eliminates Type 75 State Administrative Certificate,
- Institutes the Professional Educator License with Principal Endorsement, which allows for a general administrative endorsement as well; and
- Includes the new standards of the Illinois Professional Standards for School Leaders.

New Evaluation Requirements:

- ISBE must annually report all teacher evaluation data.
- Districts must only provide the use of data and/or indicators of student growth as “factor” not “significant.”



P.A. 104-0399 ISBE TO ISSUE GUIDANCE ON A.I. (EFF. 1/1/2026)



Artificial Intelligence Guidance must be published by July 1, 2026, with following topics:

Basic A.I. Concepts & Explanations Including:

Machine Learning

Natural Language Processing

Computer Vision

Implementation Including:

Methods of use at District, School and Classroom levels with applications available

Resources for informing teaching, learning practices for all staff

Guidance on preserving human relationships in classrooms

Resources for supporting special populations

Evaluation Including:

Bias

Student, Staff and Community data privacy

Transparency

Risk Assessment and Management

Usage of specific applications and technologies

Impacts and Practices:

With examples of how to:

Develop student literacy in A.I.

Engage students in age-appropriate discussions on responsible and ethical use

Establish an internet safety curriculum with a discussion of:

Impacts by A.I. in educational and societal settings

Creation and distribution of false representations

ADDITIONAL ISBE REQUIREMENTS UNDER P.A. 104-0399

State Superintendent may create a council focused on A.I.

- **Members:** experts in the field of AI, no fewer than 2 currently practicing classroom teachers, representing ethnic, racial and geographic diversity of the state across early childhood elementary, middle and high school setting.

ISBE must collect, distribute and post the following supplemental information:

- **American Sign Language resources** addressing importance and benefits of ASL, and on implementation process for kindergarten through grade 8,
- **Process used when creating the guidance** focused on the membership selection, agenda setting, process used by external entities that evaluate content, bias, and target or required test completion scores.



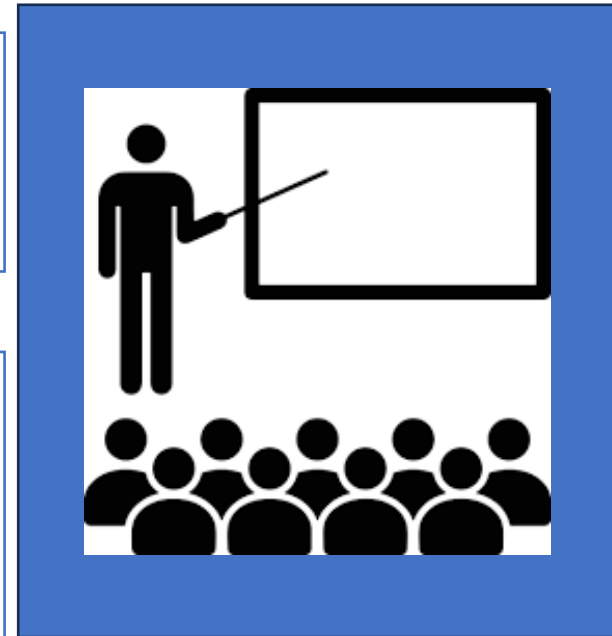
P.A. 104-0198 SUBSTITUTE TEACHERS MUST BE TRAINED ON LOCKDOWN AND EVACUATION DRILLS (EFF. 1/1/2026)

Districts Actions Required:

- Training substitute teachers in all emergency safety procedures employed by the District.

Substitute Teachers Require Access:

- Various safety resources such as:
 - Maps of all school exits, and
 - Information packet provide to full-time employees with District procedures for situations such as evacuations and lockdowns.



P.A. 104-0407 ISBE REQUIRED GUIDANCE ON EMERGENCY RESPONSE AND THREAT ASSESSMENT (EFF. IMMEDIATELY)

Delegation Provision:

- Act authorizes ISBE to have emergency rulemaking power for a **one year** beginning August 15, 2025.
- Limited to rules relating to emergency scenarios

Limitations on ISBE:

- Act requires the creation and public posting on ISBE website, guidance on safety threat assessments for all Districts. Guidance should include:
 - Notification, communication methods and evacuation or lockdown procedures

District Action Required:

- Act clarifies that all school districts must include any district or building specific threat assessment or other safety information on their own website or included in their distributed safety materials.



P.A. 104 – 0174

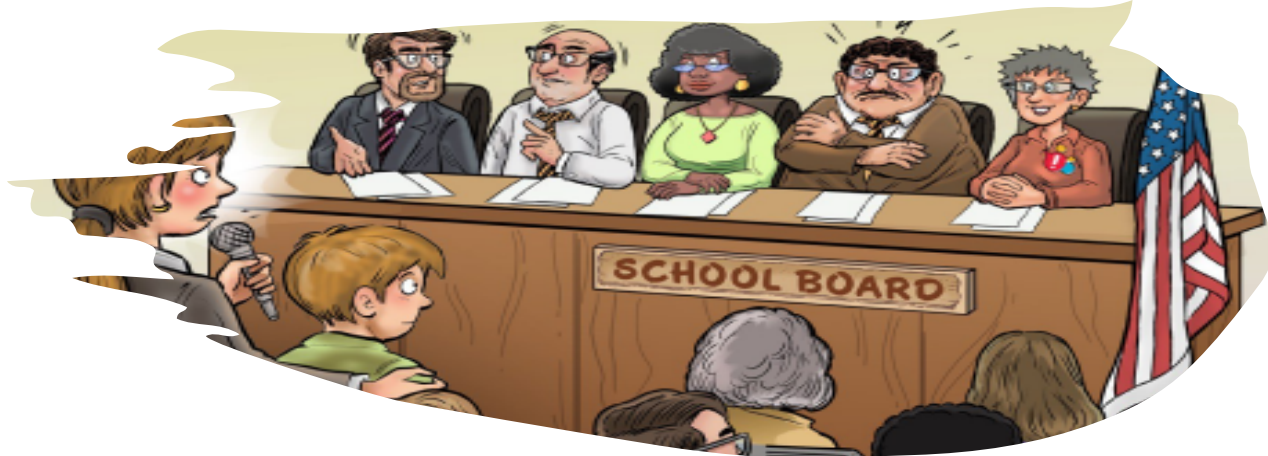
REPORTING OF GUN ON SCHOOL PROPERTY (EFF. IMMEDIATELY)

Reporting Requirements:

- Act establishes additional required reporting scenarios:
 - if an individual observes any person in possession of a firearm on school grounds,
 - if an individual becomes aware of any person in possession of a firearm on school grounds; or
 - if an individual become aware of any threat of gun violence on school grounds.

Principal Notification:


- Act now requires a Principal to notify a student's parents or guardians in cases of threats of gun violence made by a student.
 - As soon as possible, the Principal shall attempt to notify the student at issue's parents and attempt to contact parents or guardians so they may ensure student does not have access to a firearm.



PARENT OPT OUT BASED ON RELIGIOUS BELIEFS

***Mahmoud v. Taylor* (Supreme Court June 27, 2025)**

- The BOE adopted 5 LGBTQ+ inclusive storybooks as part of the K-5 reading curriculum. When the BOE first adopted the curriculum, parents were notified when the books would be read and were allowed to opt out. However, the BOE 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.
- 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. The BOE 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."



We will not be silent

PARENT OPT OUT BASED ON RELIGIOUS BELIEFS

Mahmoud v. Taylor Cont.

- In a 6-3 decision, 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 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.

PARENT OPT OUT BASED ON RELIGIOUS BELIEFS

Mahmoud v. Taylor Cont.



- Board Policy 6:260:
Curriculum Objection Form
 - Establish criteria for review of objection
 - Curricular material must burden religious exercise

KLUGE v. BROWNSBURG (7TH CIR., AUG. 5, 2025).

- Brownsburg Com. Sch. Corp. (District) terminated Kluge (Teacher) for his refusal to follow the District name policy on use of transgender students' preferred pronouns.
 - **District Policy** was for all teachers to call students by their first name as listed on school's database.
 - Teacher objected on religious grounds and requested religious accommodation of calling students by their last names.
 - District granted accommodation but rescinded approval after a year.
- District informed Teacher to either comply with name policy or face termination.
 - Teacher attempted negotiation but Board of Education ultimately accepted his resignation.
- Teacher sued District under Title VII for:
 - Failure to accommodate religious objection, and
 - Retaliation due to requested accommodation.

SEVENTH CIRCUIT ANALYSIS

- **Legal Standard:** An employer is required to accommodate an employee's religious practices unless doing so would impose an "undue hardship" on its business.
 - **Question at Issue:** Whether the impacts caused by District's accommodation of Teacher rose to the level of undue hardship for the school considering *Groff v. DeJoy* holding?
- **Takeaways:** School districts must provide proof of their mission and how the accommodation would be an undue hardship.
 - Here, the court examined whether the District produced undisputed facts demonstrating an "excessive" or "unjustifiable" hardship on the District's mission of "fostering a safe, inclusive learning environment for all".
- Court found conflicting evidence between asserted religious beliefs and the accommodations which followed.
 - By the teacher adhering to the last-name-only practice, he was not treating transgender students worse than their peers nor subjecting them to "increased stigmatization."
 - There was not enough evidence to show the accommodation placed the school on the "razor's edge of legal liability" under Title IX.
- Seventh Circuit reversed the grant of summary judgment to the District as to the undue hardship caused by the accommodation and affirmed the denial of summary judgment to Teacher based on sincerity of religious beliefs and remanded the case.



STUDENT LEGAL UPDATE

P.A. 104 – 0250 ADDITIONAL APPROVED ACTIVITIES FOR SCHOOL DAY (EFF. 1/1/2026)

Adds to the list of activities that count towards the calculation of clock hours of schoolwork per day for participation in supervised career development experiences and work-based learning experiences the following:

1. Participation at scheduled events of a Local, State and National Youth Organization
2. Participation at scheduled events of Career and Technical Education Organizations
3. Participation at scheduled events of Future Farmers of America Associations and
4. Participation in any work-based learning experience, including supervised agricultural experiences in which student participation and learning outcomes are approved by an educator who holds an Educator License with Stipulations with a career and technical educator endorsement and a work-based learning designation.

**P.A. 104 - 0250
CONTINUED
ADDITIONAL
APPROVED
ACTIVITIES FOR
SCHOOL DAY
(EFF. 1/1/2026)**

Requires attendance policies and handbooks to be updated and posted to:

1. Reflect the activities allowed to be counted toward the calculation of clock hours by the start of the 2026/2027 school year; and
2. An approval process for students to attend allowable activities; and
3. Provisions for making up missed coursework.

P.A. 104-0367 ACTIVITY BUS/VEHICLE CAN TRANSPORT TO CAREER RELATED ACTIVITIES (EFF. 1/1/2026)

School Code Amendments:

- Multifunction school activity busses may be permitted to transport students grades ninth through twelfth for any curriculum-related or career-related (new) activities
- Except for regular bus routes between home and school

Vehicle Code Amendments:

- Amends School Transportation of Students provisions in Vehicle Code to require transportation for curriculum related or **career related activities** including to:
 - colleges, universities or student job sites development through a partnership with a school
 - any experiences that the school determines to contribute to the college or career readiness of the student



P.A. 104-0267 7TH AND 8TH GRADERS TAKING HIGH SCHOOL COURSES (EFF. 1/1/2026)

- Adds to the options for students in 7th and 8th grade to receive course credit toward a high school diploma, the option for the student to participate in a high school course where the student attends school as long as the student passes the course and the end-of-course examination given at the high school granting the credit for the same course, demonstrating proficiency at the high school level.
- Previously credit was only granted when the: (1) student participates in the course at the location of the high school; or (2) course is taught by a teacher who holds a professional license issued under Article 21B of the School Code and endorsed for the grade level and content area of the course.



P.A. 104-0012 DUAL CREDIT OPPORTUNITIES (EFF. IMMEDIATELY)

When a community college district makes a written request to a school district in its jurisdiction to enter into a partnership agreement to offer dual credit coursework, a liaison must be designated to oversee development, amendment and oversight of partnership agreement negotiations

- Must commence and begin negotiations to reach a partnership agreement no later than 60 calendar days after initial written request for negotiations
- All post-secondary institutions must file an electronic copy of their agreement within 30 days of execution and will be published on Illinois Community College Board (ICCB) website

Implements additional steps a school district must take before contracting with an out-of-state postsecondary institution

- School district must demonstrate it has taken appropriate steps to consider in state postsecondary institutions and provide a rationale as to why the course can be provided only by an out-of-state institution

P.A. 104-0012 DUAL CREDIT OPPORTUNITIES (EFF. IMMEDIATELY)

- **Additional Amendments:**

- Allows for the use of a hybrid or virtual platform for dual credit courses
- Requires evaluation of course content, delivery and rigor to be evaluated including the ability of the instructor to deliver quality, rigorous college credit coursework. This evaluation must be completed the same school year that the course is taught
- Establishes Standards for the Dual Credit Teaching Endorsement, must have either:
 - Master's degree in the discipline to be taught or
 - Master's degree in another discipline with 18 hours in the discipline

P.A. 104-0012

DUAL CREDIT OPPORTUNITIES (EFF. IMMEDIATELY)

Establishes additional standards that all postsecondary institutions offering dual credit courses must meet relating to course instructors

Establishes a process for notification of course disapproval and withdrawal and challenge procedures

Establishes a Dual Credit Committee consisting of various stakeholders

Requires ICCB to complete a multi-year study to include:

- An evaluation on the student impact for postsecondary enrollment, persistence, completion, quality and access to dual credit courses in Illinois

Data on student demographics

P.A. 104-0430

LAW ENFORCEMENT REFERRALS

Law Enforcement Referral Report:

- Defines “referral to law enforcement” as “an action by which student is reported to a law enforcement agency or official, including a school police unit, for an incident that occurred on school grounds, during school-related events or activities (whether in person or virtual), or while taking school transportation regardless of whether official action is taken”
- “Referral to law enforcement” includes citations, tickets, court referrals, school-related arrests

District Annual Report:

- ISBE will establish criteria districts must report annually beginning with the 2027/2028 school year regarding referrals of students to law enforcement agencies including the number of referrals
- ISBE shall prepare a report and disaggregate the data by:
 - Race and ethnicity, sex, grade level, whether student is an English learner, disability status
 - # of students (K-12) referred to law enforcement
 - # of instances of referrals to law enforcement from grades K-12



P.A. 104-0430 REFERRALS TO POLICE & THE TICKETING OF STUDENTS (EFF. IMMEDIATELY)

Reciprocal Reporting (105 ILCS 5/10-20.14)

- Adds that civil offenses must also be addressed in reciprocal reporting systems between school districts and local law enforcement

Discipline of Students (105 ILCS 5/10-22.6)

- Prohibits issuing monetary fines, fees, tickets or citations as a school disciplinary method or for a municipal code violation on school grounds, during school hours, or on school transportation
 - Except for requiring restitution for lost, stolen or damaged property
 - Does not modify any school disciplinary responses to delinquent or criminal conduct
 - Does not apply to traffic, boating, or fish and game laws



Truancy (105 ILCS 5/26-12)

- Prohibits school personnel from referring any truancy matter to a school resource officer

P.A. 104-0430 CONTINUED

SCHOOL RESOURCE OFFICERS (105 ILCS 5/10-20.68)

- Beginning July 1, 2026, an MOU between the district and local law enforcement is required for the hiring of SRO
- The MOU must:
 - Define the SRO's role, duties and responsibilities
 - Specify procedures to ensure the SRO received the training for SROs required by the Illinois Police Training Act, including training on interactions with students with disabilities
 - Specify that an SRO is prohibited from issuing tickets or citations on school property
 - Outline a process for data collection for the annual report due to ISBE on law enforcement referrals; and
 - Provide for regular review and evaluation of the SRO program, including community and stakeholder input



ISBE GUIDANCE ON DEVELOPMENT OF RECIPROCAL REPORTING SYSTEMS



- ISBE issued guidance in July
- [ISBE.net/Documents/Reciprocal-Reporting-June-2025.pdf](https://www.isbe.net/Documents/Reciprocal-Reporting-June-2025.pdf)
- Guidance includes:
 - Best Practices to Consider Incorporating in Agreement
 - Sample Reciprocal Reporting Agreement
- ISBE takes the position that student misconduct that is neither criminal in nature; nor threatening to life, health, or safety; nor required to be reported by state or federal law should not be referred to law enforcement and instead should be handled directly by the school in accordance with the student code of conduct or related internal code.

ISBE RECIPROCAL REPORTING GUIDANCE CONTINUED:

General Reporting Provisions:

- Principal and Assistant Principal Duty to Utilize Law Enforcement
- School Officials Requesting Law Enforcement Help for Drug Searches
- District Threat Assessment Procedure
- Parental Notification of Law Enforcement Detainment/Questioning on School Grounds

School District Reporting Instances to Law Enforcement:

- Firearms
- Attacks on School Personnel
- Drugs
- Hazing
- Intimidation
- Clear & Present Danger
- Missing Children/Enrollment Records

Law Enforcement Reporting Instances to School District:

- Student Detainment
- Sexual Abuse at Schools

School District to Law Enforcement:

- Court Order
- Specifically Required by State or Federal Law
- Juvenile Authorities prior to adjudication
- Emergency Release
- To Government Agency for School Attendance Purposes
- Truancy

Law Enforcement to School District:

- Imminent Threat of Physical Harm
- Adjudication of Delinquency in Particular Circumstances
- Minor's Identity if a Victim of Certain Crimes

ISBE RECIPROCAL REPORTING GUIDANCE CONTINUED ON DISCLOSURE OF RECORDS:

DISCLOSURE

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ISBE GUIDANCE ON RE-ENGAGEMENT

- ISBE issued guidance in July 2025
[ISBE.net/Documents/Re-engagement-Guidance-June-2025.pdf](https://www.isbe.net/Documents/Re-engagement-Guidance-June-2025.pdf)
- A school district must create a policy to facilitate the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting
- Re-engagement plan should be developed by multi-disciplinary team including:
 - administration,
 - appropriate related service providers,
 - teachers,
 - paraprofessionals who will be working directly with the returning student,
 - school administrators,
 - student, and
 - student's parents



ISBE GUIDANCE ON RE-ENGAGEMENT CONTINUED

The multidisciplinary team should consider what assessments might be necessary to determine a student's needs and use any relevant data (e.g., academic performance, attendance records, discipline history) to determine what interventions and supports might be necessary



Consider Student Safety and Behavior Support

Address any safety concerns that led to the suspension, expulsion or alternative placement and consider an individual student safety plan to address these unsafe behaviors

Update if additional unsafe behaviors arise and at regular intervals during school year

All school personnel should be made aware of any safety concerns



Consider conducting a Functional Behavior Assessment and developing a Behavior Plan for the student



ISBE GUIDANCE ON RE-ENGAGEMENT CONTINUED

- Review Student's Academic Needs
 - Determine if student needs any appropriate and available academic interventions such as tutoring or small group instruction
 - Determine if student needs credit recovery options
 - Consider an Individualized Learning Plan to help student define college and career goals and select courses to support these goals

ISBE GUIDANCE ON RE-ENGAGEMENT CONTINUED



Consider Social and Emotional Needs of Student, such as:

Need for restorative conference

Appropriate and available interventions such as individual or group counseling, school social work services or school psychologist services



Schedule regular check-ins, monitor and make necessary adjustments



ISBE SCHOOL BUS SAFETY GUIDANCE

ISBE issued guidance on School Bus Safety in July

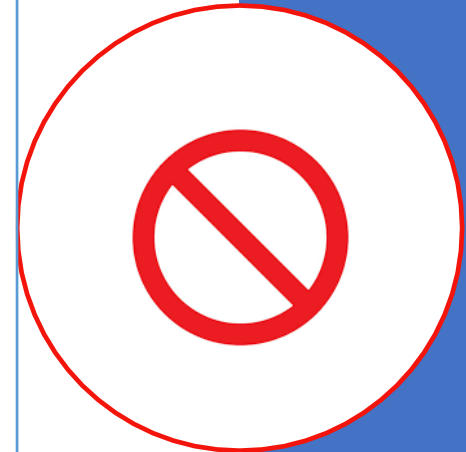
isbe.net/Documents/Bus-Safety-Guidance-June-2025.pdf

- Districts must adopt and communicate a clear and supportive policy which identifies responsibilities of teachers, coaches, chaperones who are riding on bus
- Establish a system where bus drivers immediately report any action that impairs their ability to safely operate the bus
- Gain parental and guardian support for procedures designed to assure safety
- A school district must provide instruction to all students in safe bus riding practices at least once a year, including a bus evacuation drill

P.A. 104-0288 SCHOOL CANNOT BE DENIED TO IMMIGRANTS OR CHILDREN OF IMMIGRANTS (EFF. 1/1/2026)

Prohibits:

- Using intimidation or fear to deny children free public education due to immigration status or perceived status
- Exclusion from participation
- Denial of benefits
- Using district policies or procedures to implicitly deny education
- Creating new policies or procedures that request or collect information or documentation about citizenship or immigration status
- Designating citizenship, place of birth, nationality or national origin as directory information



DISTRICT PROHIBITIONS PURSUANT TO STUDENT RECORDS UNDER P.A. 104- 0288

- Prohibition against disclosing or threatening to disclose any student record related to immigration to any other person or entity
- Nothing prohibits disclosing information in compliance with state or federal law



DISTRICT SPECIFIC PROHIBITIONS AND REQUIREMENTS UNDER P.A. 104-0288

- A school shall adopt a policy for complying with prohibitions by July 1, 2026.
- A school must develop procedures for reviewing and authorizing requests from law enforcement agents attempting to enter a school or school facility by July 1, 2026.
- Procedures must address, among other things:
 - Contacting designated authorized person at school or facility and subsequent procedures for requests to enter
 - Monitoring or accompanying law enforcement agents on school property
 - Documenting all interactions with law enforcement agents while on school property
 - Notifying and seeking consent from parents or guardians if law enforcement requests access to student for immigration purposes
 - Exception: compliance with warrant/subpoena that restricts disclosure



PENALTY FOR VIOLATIONS OF P.A. 104-0288 (EFF. JULY 1, 2026)

- This Act creates an avenue for a party to bring a civil suit against a district if the party was aggrieved by conduct that violates the new protections of the rights of students to a public education regardless of citizenship
- If Court finds a **WILLFUL** violation occurs, penalties may include:
 - Actual damages
 - Permanent or Preliminary Injunction
 - Mandatory Injunctions
 - Temporary Restraining Order
 - Payment of Attorney Fees
- Additionally, there is no requirement for a party to exhaust administrative remedies prior to filing the civil suit



P.A. 104-0353 ALL STUDENTS GET COUNSELING REGARDLESS OF CITIZENSHIP STATUS (EFF. IMMEDIATELY)



Amending the *School Counseling Services* provision in School Code by imposing the duty that all school counseling services shall address needs of all students regardless of citizenship status

P.A. 104-0032 MENTAL HEALTH SCREENINGS (MHS) (EFF. 1/1/2026)

School Code Amended:

- ISBE will publish a report with model procedures and guidance for districts to use to implement **Mental Health Screenings**
- Model Procedures Must Include:
 - Option to Opt-Out
 - Confidentiality and Privacy Considerations
 - Communications with Family/Communities about MHS
 - Data Sharing
 - Storage of results and plans for follow up
 - Training provisions
- Districts are required to offer MHS to all students (grades 3-12) at least once a year beginning at 2027-2028 school year.
- Only required when ISBE has procured the screening tool that offers a self-report option for student and is made available to school districts at no cost. Districts may apply for an extension to meet ISBE criteria.



P.A. 104-0229 EPINEPHRINE INJECTOR ACT (EFF. 1/1/2026)

- Replaces the classification of “epinephrine injector” to “epinephrine delivery systems”
- Adding definitions:
 - “authorized individuals”
 - “epinephrine delivery system”
- Expands the applicable area where an epinephrine delivery system may be provided to anywhere allergens capable of causing an anaphylaxis reaction may be present

New Liability Limitation:

- An authorized individual shall not be liable for civil damages if:
 - Acting in good faith to provide or administer epinephrine delivery systems
 - In an emergency
- Except for willful or wanton misconduct on the part of the individual
- Only applies when providing or administering epinephrine



SPECIAL EDUCATION UPDATE

P.A. 104-0218 WITHDRAWAL FROM JOINT AGREEMENT (eff. 1/1/2026)

Changes the process for withdrawing from a joint agreement after January 1, 2026:

- Withdrawing member must hold a public hearing on the intent to withdraw at least 18 months before the proposed withdrawal date
- Must send written notice of intent to withdraw and details about the public hearing to other member districts no less than 10 days before the public hearing
- Must develop a written comprehensive plan for educating and placing all currently eligible students with disabilities and demonstrate the ability to provide a full continuum of services
- Must submit plan, evidence of holding public hearing and Board of Education resolution to withdraw to the ROE or ISC



P.A. 104-0218 WITHDRAWAL FROM JOINT AGREEMENT (eff. 1/1/2026)

Changes the process for withdrawing from a joint agreement after January 1, 2026:

- ROE or ISC must ensure that (a) notice of withdrawal was provided to all member districts; (b) the public hearing was held; (c) the Board passed the resolution to withdraw; (d) the district developed the comprehensive plan. If these criteria are not met, ROE/ISC notifies withdrawing member of what needs to be satisfied and resubmitted
- ROE or ISC notifies ISBE and the members of approval of the district's withdrawal



P.A. 104-0218 WITHDRAWAL FROM JOINT AGREEMENT (eff. 1/1/2026)

A joint agreement must include:

- Provisions for dissolution of assets if the joint agreement dissolves
- Provisions for distribution of assets if a member withdraws
- Requirement of annual presentation of fiscal year budget and calculation of member and usage fees to all member districts
- Withdrawing member must waive claims for assets except for an assets designated for distribution upon dissolution of the joint agreement
- Withdrawn member must remit payment for its proportionate share of debts or liabilities incurred by the joint agreement prior to the member's notice of withdrawal



P.A. 104-0270 RELEASE FOR MENTAL HEALTH RECORDS (eff. immediately)

Amends the Mental Health and Developmental Disabilities Confidentiality Act to no longer require a witness signature on the authorization to release mental health records.



P.A. 104-0263 RELEASE OF MENTAL HEALTH RECORDS TO PARENT (eff. 1/1/2026)

Amends the Mental Health and Developmental Disabilities Confidentiality Act to allow the release of records of specific mental health or developmental services to the parent of a minor receiving special education services, regardless of the minor's age, if the parent consented to these special education services on the minor's behalf.



P.A. 104-0356 SUMMARY OF PERFORMANCE (eff. 7/1/2026)

- SOP form must be substantially similar to the ISBE form.
- SOP is confidential.
- SOP must be part of student's permanent record (as opposed to a temporary record like other special education records) **unless the parent is notified that** (1) school districts do not keep special education records beyond 5 years and (2) if a summary of performance is not kept in the student's permanent file, the student may not have documentation needed to qualify for benefits in the future **and the parent consents in writing** to excluding the SOP from the permanent file.

(This is a requirement separate from the records destruction notice.)



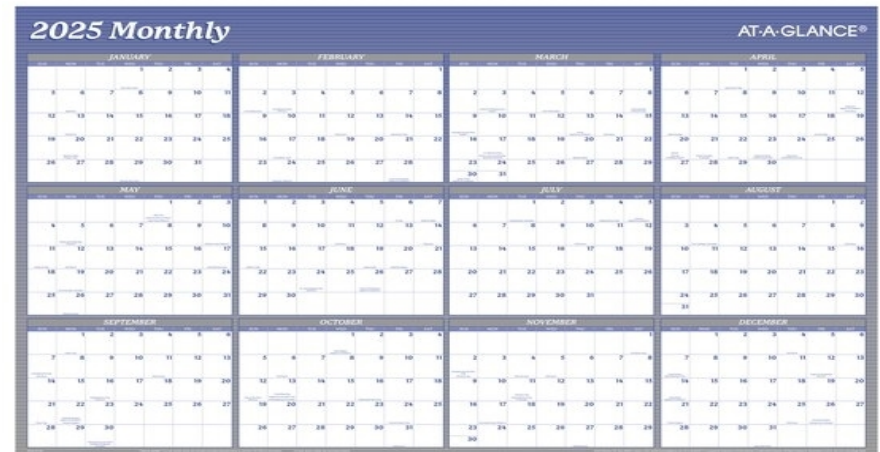
P.A. 104-0232 TRANSITION DISCUSSION (EFF. IMMEDIATELY)

- By the school year in which a student turns 16, the transition planning process must include discussions with the IEP team, including the student and parent, of the student's graduation status and the implications of high school graduation.
- This must include informing the student and parent that graduation with a regular high school diploma terminates the student's eligibility for FAPE and that the student can continue to receive IEP services until the end of the school year in which the student turns 22 when appropriate to meet the student's IEP goals.



P.A. 104-0368 INDEPENDENT EDUCATIONAL EVALUATIONS (eff. 1/1/2026)

- Gives the school district **7 school days** after parent requests IEE at public expense to either agree to the IEE or file due process to establish that the school's evaluation is appropriate (current time frame is 5 calendar days)
- IEE at public expense must be completed **within 60 school days** of parent's request for IEE (unless school district files due process) unless the parent or district offers reasonable grounds to extend this time period (current time for completing IEE is 30 calendar days)



P.A. 104-0211 MEDIATION AGREEMENT WAIVERS (EFF. IMMEDIATLEY)

A mediation agreement, resolution agreement or settlement agreement may include, as a condition of settlement, that a parent waive a legal right or claim if:

- The legal right or claim being waived is related only to the student who is the subject of the mediation, resolution or settlement;
- The legal right or claim being waived is related to the claims raised in the complaint being settled; and
- The prospective waiver is for a reasonable duration not to exceed the duration of the mediation, resolution or settlement agreement.



P.A. 104-0047 NOTICE OF CONFERENCE REQUIREMENTS (EFF. 1/1/2026)

- Notice of Conference must inform parent that he or she has a right to invite other individuals to the meeting to assist the parent, including individuals who have knowledge or special expertise regarding the child, or advocates for the parent or child.
- Notice shall include a request that the parent informs the school prior to the meeting if the parent plans to bring other individuals so that arrangements can be made to accommodate the additional participants.
- ISBE shall prepare and distribute one page of information about the IEP facilitation process that briefly describes the process and how to 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.



P.A. 104-0314 ABLE ACCOUNT INFORMATION: 504 MEETING; WEBSITE (EFF. 1/1/2026)

- Beginning with the 2026-2027 school year, the district must provide ABLE account information to the parent at a meeting where the student's initial 504 plan is being developed, or if the student already has a 504 plan, the school must distribute the ABLE account information to the parent by the same method that the school provides the parent with other communications related to the student's 504 plan.
 - Beginning with the 2026-2027 school year, the district must post ABLE account information on the school district's website.
- (current requirement is to provide this information at annual IEP meetings)



LIABILITY UNDER SECTION 504

Osseo Area Sch. Dist. No. 279 v. A.J.T., 96 F.4th 1062 (8th Cir. 2024)

- Teenager has severe Epilepsy and cannot attend school before noon due to frequent morning seizures.
- Student's previous school district in KY provided instruction into the evening. Osseo agreed to provide instruction beginning at noon, but not into the evening. Parents wanted instruction until 6 pm or later.
- The hearing officer found a denial of FAPE and ordered 495 hours of compensatory instruction and at home instruction from 4:30 to 6:30 pm daily.
- The district court affirmed the hearing officer and noted that the student's progress was de minimis. The 8th Circuit affirmed finding that the district's administrative decision to not provide evening instruction caused limited progress and regression.



LIABILITY UNDER SECTION 504

Osseo Area Sch. Dist. No. 279 v. A.J.T., 96 F.4th 1062 (8th Cir. 2024)

- Parent then filed suit for money damages under Section 504 and ADA, claiming disability discrimination because by not providing evening instruction, the student was not provided a school day close in length to her peers.
- The trial court and the 8th Circuit denied money damages on the basis that the family had not proven “bad faith or gross misjudgment,” which was the standard under previously decided case law.



LIABILITY UNDER SECTION 504

A.J.T. v. Osseo Area Schools (Supreme Court June 12, 2025)

- Unanimous decision of Supreme Court that students with disabilities are not required to satisfy a more stringent standard of proof than other plaintiffs to establish discrimination under the ADA and Section 504.
- Indicates that standard is not bad faith or gross misjudgment but does not state a specific standard.
- In *CTL v. Ashland School District (2014)*, the 7th Circuit used a standard of intentional discrimination.
- Expected fallout:
 - More litigation
 - Parent attorneys refusing to waive claims under all disability laws when settling an IDEA case.



QUESTIONS

