



ISBE Approves School Nurse Regulations Amendments--Under final regulations recently adopted by ISBE physicians, RNs, APNs, and CSNs continue to be authorized to conduct all portions of a medical review as that term is defined in the new regulations.

In order to remain qualified, however, RNs, APNs, or physicians must, prior to July 1, 2016 (1) successfully complete a training program approved by ISBE; or (2) pass the content area test for CSNs.

To remain authorized in the future, these practitioners must also com-

plete the continuing professional development requirements for CSNs thereafter. Note that after July 1, 2016, RNs must also hold a bachelor's degree in nursing, education or a related field in order to conduct any portion of the medical review.

Should a district first employ an individual to make medical review recommendations *after July 1, 2016*, then the district may still employ a physician, APN, or RN with a bachelor's degree in nursing, education, or a related field--as long as those individuals have completed the training or passed the content area

Continued on Page 2

OCR Issues New "Dear Colleague" Letter Regarding Bullying of Students with Disabilities--The U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS) recently issued its latest "Dear Colleague" letter on the issue of disabled children being bullied in schools.

The letter stresses that a district may violate its obligations under IDEA if the bullying results in the student being denied a meaningful educational benefit and, hence, not receiving a "free, appropriate public education," ("FAPE") *regardless* of whether the bullying is related to the child's disability or not.

The letter stresses that when a school learns that a child with disabilities is being bullied, it should convene an IEP meeting to determine whether the current IEP should be modified.

The letter cautions that the IEP team should not change the student's placement unless he/she can no longer receive FAPE in the current placement, as placing the student in a more restrictive "protected" setting to avoid bullying behavior may constitute a denial of the IDEA requirement that FAPE be provided in the LRE.

The letter also states that schools may not unilaterally attempt to

Continued on Page 2

Consumer Price Index

Percent change for the month of **August 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	0.1	0.0
12 Mth	1.1	1.0
St. Louis, 1st Half 2013		
6 Mth	0.8	0.9
12 Mth	1.6	1.5
U.S. Mthly		
12 Mth	1.5	1.5

September CPI figures will be released October 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

- The IASA conference, *The Year in Review: The Highlights and Lowlights of Illinois School Law 2013* is closed to new registrants at Oak Brook and O'Fallon. You can order the conference handbook by sending in the attached order form.
- The IASB/IASA/IASBO Joint Conference is just around the corner! Visit www.hlerk.com for a listing of HLERK's programs at the Conference. In addition, HLERK clients and friends will receive an invitation to a special reception on the Friday evening of the Conference.

Offices	
Arlington Hts.	847-670-9000
O'Fallon	618-622-0999
Peoria	309-671-9000

Bullying Cont. resolve the bullying situation by changing the frequency, duration, intensity, placement, or location of the student's special education and related services. These decisions must be made by the IEP team.

The Dear Colleague letter and its enclosure are available at:

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.pdf>

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-enclosure-8-20-13.pdf>

Bullying issues continue to challenge school districts. Contact Lori Martin or Jay Kraning with your bullying and uniform grievance policy questions.

Medical Review Cont. exam and have maintained this status by completing the required professional development. If a district wishes to employ individuals who are not so qualified, then the district must (1) document that it is unable to recruit a qualified individual due to a shortage and that it was actively engaged in recruiting a qualified individual; and (2) ensure the individual has become authorized via the

ISBE training program or passage of the content area test within 12 months of hire. These amendments also now provide a uniform definition of what must be included in a medical review, which did not previously exist.

For more information regarding these medical review regulations or your school nurse issues generally, please contact Bennett Rodick or Laura Pavlik.

School Detachment Issues Receive a New Look from Illinois Appellate Court--

The Appellate Court of Illinois (Second District) recently heard two cases regarding petitions for detachment and annexation before the Regional Board of School Trustees of DuPage County ("RBST"). In *Board of Education of DuPage High School Dist. 88 and Board of Education of Salt Creek School Dist. 48 v. Pollastrini et al.*, the Court affirmed the decision of the Circuit Court, reversing the RBST's order granting detachment of the Timber Trails-Merry Lane subdivision in Oak Brook. The petitioners sought to detach territory from Salt Creek School District 48 and Willowbrook High School District 88 and annex the territory into Butler School District 53 and Hinsdale Central High School District 86.

The Appellate Court addressed whether a sufficient number of signatures on the petition substantially complied with the statutory mandate that the signatures match voter-registration cards. The court ruled that there were insufficient signatures as many of the signatures on the petition did not comply with legal requirements.

Just a few days later, the court issued another opinion on a similar matter affecting a nearby area. In *Board of Education of Community High School Dist. No. 99 and Board of Education of Downers Grove Grade School Dist. No. 58 v. Regional Board of School Trustees of DuPage County, et al.*, the court affirmed the DuPage County Circuit Court's order affirming the RBST's decision to grant a petition to detach 16 parcels within an Oak Brook subdivision from Downers Grove Grade School District 58 and Community High School District 99 and annex the parcels into the boundaries of Districts 53 and 86.

The court concluded that the benefit to the relevant parcels and annexing districts by granting the petition clearly outweighed the detriment to Districts 58 and 99. After applying a benefit/detriment test, the court concluded that the RBST's decision to grant the petition was not against the manifest weight of evidence.

School detachment law continues to present challenges to school districts seeking to maintain their school boundaries. Contact James Levi or Bob Kohn with your detachment/annexation inquiries.

CONTACT US:
info@hlerk.com

3030 Salt Creek Lane . Suite 202 . Arlington Heights, Illinois 60005
804 West US Highway 50 . Suite 220 . O'Fallon, Illinois 62269
401 SW Water Street . Suite 106 . Peoria, Illinois 61602