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k12 focus



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October 2019

Legal Updates Impacting Students

The Illinois legislature and Governor have been very active in the past few months, signing a host of new laws affecting school districts. This newsletter highlights some of the more impactful legislation affecting students and the steps districts should take to ensure compliance. We have highlighted a few of those new laws below and have also provided several links to the laws and additional information and resources. We also expect that relevant PRESS policies will be reviewed in response to these new laws.

[Civics Education: Public Act 101-0254](#)

Starting July 1, 2020, public elementary school districts will be required to include at least one semester of civics education in its 6th, 7th, or 8th grade curriculum. Civics education must be provided in accordance with the [Illinois Learning Standards for Social Science](#) with a focus on government institutions, the discussion of current and societal issues, service learning, and simulations of the democratic process. Civics instruction must begin during the 2020-2021 school year.

[Graduation Requirements—FAFSA: Public Act 101-0180](#)

Starting in the 2020-2021 school year, public school students will be required to complete a Free Application for Federal Student Aid (FAFSA) as a condition of receiving their high school diploma. The law allows students to file a waiver with the school district, which will be developed by the Illinois State Board of Education.

A student is exempt from completing the FAFSA if there are extenuating circumstances as determined by the school district. In these situations, a school district must award the high school diploma if the student has met all graduation requirements.

School districts must provide students and their parents with “any support or assistance necessary” to comply with this graduation requirement. This law serves a great purpose since each year, thousands of students miss out on billions of dollars in federal money to attend college.



Meeting the Needs of LGBTQ Youth

[LGBTQ Curriculum: Public Act 101-0227](#)

Governor Pritzker signed a bill into law requiring that Illinois public schools include a “study of the roles and contributions of lesbian, gay, bisexual, and transgender people in the history of this country and this State.” Students must receive LGBTQ-inclusive instruction by the end of eighth grade. This Act will take effect July 1, 2020. We have identified some resources already available to districts, and it is likely that additional resources will become available. Examples of resources currently available to districts are [GLSEN’s Educator Resources](#) and [the Legacy Project](#). Another additional resource that may be helpful to schools is the [Illinois Safe Schools Alliance](#).

[The Equitable Restrooms Act: Public Act 101-0165](#)

Governor Pritzker also recently signed a bill requiring that all single-occupancy restrooms in places of public accommodation, including schools, be identified as gender-neutral through exterior signs. While this does not require schools to build single-occupancy restrooms, it does apply to any existing or future construction. This Act will take effect January 1, 2020.

Strengthening Our Commitment to Affirming and Inclusive Schools – An Executive Order

Additionally, Governor Pritzker issued an executive order, [Strengthening Our Commitment to Affirming and Inclusive Schools](#), which established a task force to “identify strategies and best practices for ensuring welcoming, safe, supportive, and inclusive environments for transgender, nonbinary, and gender nonconforming students and to promote cooperation and collaboration between relevant stakeholders and the State.” The executive order also asks the Illinois State Board of Education to develop non-regulatory guidance on the legal rights of transgender, nonbinary, and gender nonconforming students, and to develop model policies or procedures identifying best practices for addressing the needs of these students in the school setting in areas such as access to facilities, student records, participation in school-based programs, and dress codes. While this executive order does not require any immediate action, once this guidance is developed by the task force and ISBE, it will likely provide additional clarity to schools on how best to address the needs of transgender students.

Transgender Student Access to Locker Rooms

The Illinois Human Rights Commission, which makes decisions on cases related to complaints of civil rights violations based on protected classes, recently ruled

that an Illinois school must provide students with unfettered access to the locker room that corresponds with a student’s gender identity. This decision involved a high school transgender male student who filed a discrimination complaint that the school discriminated against him by denying him the use of the boys’ locker room unless he agreed to dress separately behind a privacy curtain. The Commission found that “the District’s sole motivation in mandating that the [student] use a privacy curtain to change clothes while using the boys’ locker room was rooted in the [student’s] gender-related identity, transgender male.” Additionally, the Commission found that requiring the use of a privacy curtain was a “denial of full and equal use of the District’s facility,” which violates the Illinois Human Rights Act.

While there is not yet established case law that explicitly addresses locker room usage, the Commission’s findings suggest that prohibiting a student unfettered access to the locker room that corresponds with his or her gender identity is a violation of the Illinois Human Rights Act. The task force that will be developed based on the Governor’s executive order described above, along with the guidance that will be developed by ISBE, will likely provide districts with further clarity regarding requirements in this area. While additional guidance will likely be provided from the task force and ISBE, we know that you may have some questions about the implications of this ruling:

Can we use a privacy curtain in the locker room?

Districts will still be allowed to have privacy curtains available in locker rooms, and while a district can’t mandate a student use it, it can be available to any student who may want additional privacy.

Can we request a transgender student use a privacy curtain?

While a district may not require a student to use a privacy curtain, the needs of each student are different and should be addressed individually. It will be important to determine and address a transgender student’s needs through collaboration with the student, parent/guardian, and relevant school staff. Many districts use a Gender Support Plan, which can be an effective tool for guiding the conversation and identifying individual student needs. As part of that conversation, districts should address locker room use and have a collaborative conversation around the issue.

What should we do if we have other students who are uncomfortable with a transgender student using the locker room?

The district should offer an alternate environment or use of a privacy curtain to increase privacy for all students, including those who may be uncomfortable.

Are there any additional recommendations for addressing locker room usage for all students?

The most important thing is to be a collaborative partner with students to address their needs. Districts should also consider increased supervision in the locker room to address student safety. Additionally, districts should promptly address any allegations of bullying or harassment and document the investigation and findings.

Self-Administration of Medication

Self-Administration of Medication by Students: Public Act 101-0205

Beginning January 1, 2020, districts must allow students who have an asthma action plan, an Individual Health Care Plan, or an Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form, a Section 504 Plan, or an IEP, to self-administer any medication that is required under the student's plan if the parent/guardian provides the district with certain information.

What are the requirements that must be met?

- Written permission for the student to self-administer the medication;
- Written authorization from the student's physician, physician assistant, or advanced practice registered nurse for the student to self-administer the medication; and
- Prescription label for the medication provided by the parent/guardian (which must contain the name of the medication, the prescribed dosage, and the time(s) at which or circumstances under which the medication is to be administered). The school must keep this information on file in the school nurse's office, or the administrator's office in the absence of a school nurse.

Additional Requirements

The district must also adopt an emergency action plan for any student who meets the above criteria to self-administer. The plan must include the following:

- Action plan in the event the student is unable to self-administer the medication; and
- Situations in which the school must call 9-1-1.

Parents will be required to sign a statement acknowledging that the District is not liable, except for in the case of willful and wanton conduct, as a result of any injury arising from self-administration. Policy 7:270,

Administering Medicines to Students, will be reviewed by PRESS in response to this change.

Undesignated Glucagon: Public Act 101-0428

As of August 19, 2019, schools in Illinois can carry a supply of glucagon, a medication for individuals with diabetes, pursuant to the *The Care of Students with Diabetes Act*. While not required, districts can choose to maintain an undesignated supply of glucagon in a secure location available to a school nurse or delegated care aide to be administered to a student as long as the school nurse or delegated care aide is authorized to administer the undesignated glucagon through the student's diabetes care plan, and if the student's prescribed glucagon has expired or is not available on-site. Once administered, the school nurse must be notified (if the nurse wasn't the one who administered it) along with the student's parent/guardian and health care provider. Policy 7:270, *Administering Medicines to Students*, will be reviewed by PRESS in response to this change.

How can a school district obtain undesignated glucagon?

A district may obtain a prescription in the name of the school from a qualified health care provider. The following providers can provide the appropriate prescription: (1) a physician, (2) a physician assistant who has prescriptive authority under Section 7.5 of the Physician Assistant Practice Act of 1987, or (3) an advanced practice registered nurse who has prescriptive authority under Section 65-40 of the Nurse Practice Act.

Who can serve as a delegated care aide?

This part of the law is not new. A delegated care aide is "a school employee who has agreed to receive training in diabetes care and to assist students in implementing their diabetes care plan and has entered into an agreement with a parent or guardian and the school district or private school." As a reminder, delegated care aides must be trained in the following tasks: (1) checking blood glucose and recording results; (2) recognizing and responding to the symptoms of hypoglycemia; (3) recognizing and responding to symptoms of hyperglycemia; (4) estimating the number of carbohydrates in a snack or lunch; (5) administering insulin and keeping a record of the amount administered; and (6) responding in an emergency, which includes administering glucagon and calling 9-1-1. For more information about training requirements, please see the [Care of Students with Diabetes Act](#).

Corey's Law

Public Act 101-0478 (Corey's Law)

Governor Pritzker signed Public Act 101-0478, better known as Corey's Law. This law will impact how students under 18 are detained and questioned on school grounds when criminal activity is suspected. In these instances, a police officer, school resource officer, or school security personnel must notify parents and make reasonable efforts to ensure parents are present during questioning.

If it is not possible for a parent to be present, schools must ensure that a social worker, school psychologist, guidance counselor, nurse, or other mental health personnel is present during the interview. Additionally, as practical, law enforcement officers who have been trained in "promoting safe interactions and communications with youth" should be present during questioning.







The provisions of this new statute do not apply in a situation that requires immediate action such as to prevent bodily harm or injury, to apprehend a suspect that is armed or fleeing, to prevent destruction of evidence, or to address a dangerous or other emergency situation.



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