

LEGAL UPDATES

September 2009

- A new Public Act , 96-0657, provides that a parent, independent educational evaluator, or other qualified, professional retained by the parent or child must be afforded reasonable access to the school and school personnel in order to evaluate the child and review the child's current and/or proposed educational program, placement or services.
- Public Act 96-0788, the Illinois Premise Alert Program (PAP), was signed by the governor which makes the state responsible for providing "guidance and direction" to all Illinois public safety workers (including firefighters, police officers and other emergency response personnel) in responding to and assisting people with disabilities.

August 2009

- Public Act 96-0542 is signed by Governor Pat Quinn, effective January 1, 2010, which makes comprehensive changes to the FOIA law (see entry for May of 2009 for more information).

July 2009

- The 4th Circuit Court of Appeals held in [J.D. v Kanawha County Board of Education](#) that parents of special education students were "prevailing parties" and entitled to attorneys' fees even though the legal relief obtained as a result of the due process hearing was less favorable than the settlement offered by the school district during mediation.
- A search for over-the-counter drugs in a student's undergarments was ruled unconstitutional by the Supreme Court in an 8-1 decision in [Safford Unified School District No. 1 v Redding](#). The Court stated that after searching the student's book bag and pockets and finding nothing there was no reasonable suspicion that the drugs would be found in the student's underwear making the search unconstitutional. The Court held that the search was excessively intrusive in light of the age (the child was 11) and sex of the student and the nature of the infraction. The case was sent back to the appellate court to decide if the school district could be liable for the violation.
- Public Act 96-0062, effective July 23, 2009, requires for all superintendents who have not previously served as a school district superintendent in the state of Illinois participate in a two-year mentoring program established by the ISBE.

RECENT PUBLICATIONS

[Can Guardians Overcome Certain Mental Health Rights?](#)

UPCOMING PRESENTATIONS

<u>Date</u>	<u>Title/Topic</u>	<u>Organization</u>
October 13, 14 and 27, 2009	Public Safety Autism Training	Northeastern Illinois Public Safety Training (NIPSTA)
October 19, 2009	What are Your Rights Under RTI?	Chicago North Learning Disabilities Association
February 3, 2010	Disciplining Students with Behavioral Problems in a Legally Compliant Manner	NBI-SEMS

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