

LEGAL UPDATES

December 2008

- The Illinois State Board of Education has ordered a 7% cut across the board in the budget for 2009, and is allowing school districts more leeway on how to use the funds they receive from the state for special education. See our [Nonpublic Facilities Funding Alert](#) for more information.
- New Isolated Time Out and Physical Restraint regulations were passed on an emergency basis through the Illinois register. The new regulations, 23 Ill. Admin Code Sections 1.280 and 1.285, can be found at <http://www.ilga.gov/commission/jcar/admincode/023/02300001sections.html>.

November 2008

- In [Richardson Indep. Sch. Dist. v Michael Z. and Carolyn Z. ex. rel. Leah Z.](#), a Texas federal court rules that the unilateral placement of a student in a "hybrid" placement was appropriate, and orders reimbursement for the parents for the cost of this placement. Please read our memo for [additional information](#) regarding this case.
- The U.S. Court of Appeals for the 3rd Circuit ruled in [Cumberland Regional High School District v Freehold Regional High School District](#) that two New Jersey School Districts must share the cost of educating a disabled student whose parents share physical and legal custody of the student, but reside in different school districts.
- The Illinois Supreme Court heard oral arguments in *Lebron v. Gottlieb Memorial Hospital* (Case Nos. 105741 and 105745), a case which is attempting to void the Illinois Tort Reform Statute which caps medical malpractice lawsuit awards. The 2005 statute limited monetary damage awards for plaintiffs' "pain and suffering" to \$500,000 against doctors and \$1 million against hospitals. Last year, an Illinois trial court ruled that the Tort Reform law violated the separation of powers clause by allowing the Illinois legislature to restrict deliberations by judges and juries.

October 2008

- The [Mental Health Parity and Addiction Equity Act of 2008](#) was passed as part of the financial bailout package on October 3, 2008. Please see our [alert](#) for detailed information regarding the significance of this new Public Act.

UPCOMING PRESENTATIONS

Date	Title/Topic	Organization
2/6/09	"Legal Aspects of Managing Autism Spectrum Disorders at School"	National Business Institute
5/15/09	"Lawfully Managing Student Records Without Violating Privacy Rights"	National Business Institute

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