

## CLIENT ALERT

August 2021



### **New Laws for the New School Year** *By Maureen A. Lemon*

Welcome, August! While your focus continues to be on public health guidance to reopen schools in the fall, several recent pieces of legislation out of Springfield, Illinois, will also affect your upcoming school year. Below, we have summarized several bills that became law in July and are effective immediately.

On September 14, 2021, we will review these and additional laws at ODHC's annual School Law Conference. Individuals may attend the Conference in person or via Zoom. An invitation and details about registration will be coming out in the next week. In the meantime, if you have any questions regarding these new laws, or your back-to-school plans, please contact one of our firm attorneys to assist you.

**IEP Services for 22-Year-Old Students (Public Act 102-172 amended 105 ILCS 5/14-1.02)** Effective July 28, 2021, students with a disability will be eligible to receive special education and related services through the end of the school year in which they turn 22 years old. The services will no longer automatically cease on the day before the student's 22nd birthday.

**COVID-19 Recovery Post-Secondary Transition Recovery Eligibility (Public Act 102-173 created 105 ILCS 5/14-17)** Also effective July 28, 2021, this new law provides IEP services through the end of the 2021-2022 school year for IEP students who reached the age of 22 during a COVID-19-related suspension of in-person instruction, services or activities for 3 or more consecutive months. The IEP goals in effect when the child turned 22 shall be resumed unless there is an agreement to revise those goals to meet the student's current transitional needs. School districts are not required to resume services at a private therapeutic day or residential program if a student has aged out of that program or funding for that program is no longer available. Additionally, the law does not apply to students who are no longer residents of the school district that was responsible for their IEP services when they turned 22.

If a student in your school district turned 22 during a period of three or more months since March 2020 when that student didn't get all components of their in-person, IEP based activities (such as during hybrid learning), that student would be entitled to resume their special education transitional services through the 2021-22 school year. By August 27, 2021, each school district shall notify students of the availability of services under this new law by regular mail sent to the last known address of the student or the student's parent or guardian.

**PUNS Information (Public Act 102-0057 amended 5 ILCS 5/2-3.163(d))** Effective July 9, 2021, school districts must distribute a copy of the Department of Human Services' guide titled "Understanding PUNS: A Guide to Prioritization for Urgency of Need for Services" at the annual review meeting of students with IEPs.

**Suicide Prevention Information (Public Act 102-134 created 105 ILCS 5/10-20.73)** Effective July 23, 2021, each school district that issues student identification cards to students shall place contact information for the National Suicide Prevention Lifeline and for the Crisis Text Line on the back of each ID card. If the school district does not issue student ID cards, the information must be published on the school district's website.

**Modification of Athletic or Team Uniforms (Public Act 102-0051 created 105 ILCS 5/10-20.73<sup>1</sup>)** Effective July 9, 2021, students have the right to modify their athletic or team uniform due to modesty in clothing or attire, based on religious requirements, cultural values or modesty preferences. The student does not need prior board approval but will be responsible for all costs associated with the modification. The modification could include but is not limited to, wearing a hijab, an undershirt, or leggings, must not interfere with the student's movement or pose a safety hazard to the student or others. Headgear may be modified if the headgear (a) is black, white, the predominate color of the uniform, or the same color for all players on the team; (b) does not cover any part of the face, (c) is not dangerous, (d) has no opening or closing elements around the face or neck; and (e) has no parts extruding from its surface.

**Enrollment of Dependents of Military Personnel (Public Act 102-0126 amended 105 ILCS 5/10-22.5a(a-5))** Previously, school districts had to enroll the dependent student of military personnel if the dependent student would be living within the district within 60 days after the student's initial enrollment. Effective July 23, 2021, the time frame has been extended from 60 days to 6 months. The military personnel must still show proof that the student will be living within the district within 6 months of enrollment. Such proof may include postmarked mail addressed to the military personnel sent to an address within the district, a lease agreement, or proof of ownership of a residence located within the district.

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<sup>1</sup>Your eyes are not deceiving you, the Illinois General Assembly has used the same statutory citation, 105 ILCS 5/10-20-73, for two of the new laws described in this Alert. The General Assembly will hopefully catch this error and designate a distinct statutory citation for each of these two laws.

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