Published April 9, 2026

PETRARCA, GLEASON,
BOYLE & IZZO, LLC
ATTORNEYS AT LAW

Skipping a Grade? You Need a Policy for That.

The Illinois School Code has been amended to codify the practice of accelerating students in certain subjects or grades. Public Act 100-421 amends Article 14A of the Illinois School Code by requiring school districts to adopt a policy regarding the accelerated placement of students. Pursuant to the new law, "accelerated placement" means, but is not limited to, early entrance into kindergarten or first grade, accelerating a student in a single subject, and grade acceleration. Each district's policy must contain certain components:

1. A provision which provides that participation in accelerated placement is not limited to those children who have been identified as gifted and talented, but rather is open to all children who demonstrate high ability and who may benefit from accelerated placement.
2. A fair and equitable decision-making process that involves multiple persons and includes a student's parents or guardians.

19730 Governors Highway, Suite 10, Flossmoor, IL 60422-2083
Telephone: **708.799.6766** | Facsimile: 708.799.6866

PETRARCA, GLEASON,
BOYLE & IZZO, LLC
ATTORNEYS AT LAW

3. Procedures for notifying the parents or guardians of a child of a decision affecting that child's participation in an accelerated placement program.
4. An assessment process that includes multiple, valid reliable indicators.

The policy may also contain certain other components such as:

1. Procedures for annually informing the community at-large, including parents or guardians, about the accelerated placement program and the methods used for the identification of children eligible for accelerated placement.
2. A process for referral that allows for multiple referrers.
3. A provision which provides that children participating in an accelerated placement program and their parents or guardians will be provided a written plan detailing the type of acceleration the child will receive and strategies to support the child.

The Act is effective July 1, 2018. We expect that IASB's Policy Services will soon issue a PRESS model policy which satisfies the requirements of this new law. However, the law appears to

leave considerable discretion to districts to develop policies aligned to the district's mission and vision for accelerating students. We therefore recommend that districts carefully review the model policy before adopting it. In addition to the policy itself, districts will need to adopt and implement procedures and processes required by the policy and this public act.

If you have questions about this topic, please contact one of our attorneys in Oak Brook (630.928.1200) or Flossmoor (708.799.6766).

Changes to the Illinois School Student Records Act

The Illinois legislature recently amended the Illinois School Student Records Act ("ISSRA"). The changes to ISSRA by Public Act 100-0532 are effective immediately and require school

---

PETRARCA, GLEASON,
BOYLE & IZZO, LLC
ATTORNEYS AT LAW

districts to comply with student records requests more quickly.

Previously, a school district had days to respond to a parent's or student's request to inspect and copy student records within 15 school days of its receipt of the request. Now, school districts generally have only **10 *business*** days after receipt within which to respond.

A school district may, however, extend the time to respond by up to **five (5) business** days. The reasons are analogous to the reasons a school district can extend the time to respond to a request made under the Freedom of Information Act, *i.e.*:

1. The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
2. The request requires collection of a substantial number of specified records;
3. The request is couched in categorical terms and requires an extensive search for records responsive to it;
4. The requested records have not been located in the course of a routine search and additional efforts are being made to locate them;

PETRARCA, GLEASON,
BOYLE & IZZO, LLC
ATTORNEYS AT LAW

5. The request cannot be complied with by the district within the time limits without unduly burdening or interfering with the operation of the school district; or
6. There is a need for consultation, which shall be conducted with all practicable speed, with another public body or school district, or among two or more components of a public body or school district, having a substantial interest in the determination or in the subject matter of the request.

Also, as with the Illinois FOIA, the person making the student records request and the school district may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the school district agree to extend the period for compliance, failure by the school district to comply with any previous deadlines shall not be treated as a denial of the request for the records. The statute does not provide a mechanism for resolving situations when the parties cannot agree to extend the period for compliance. In those scenarios, the statute appears to require compliance within the timeframes described above.

If you have questions about this topic, please contact one of

PETRARCA, GLEASON,
BOYLE & IZZO, LLC
ATTORNEYS AT LAW

our attorneys in Oak Brook (630.928.1200) or Flossmoor (708.799.6766).

Voter-Initiated Referenda to Reduce Property Taxes

A provision within the recently passed school funding legislation (SB1947, enacted as Public Act 100-465) allows voter-initiated referenda to reduce property taxes for certain school districts in Illinois. The threshold for districts to be subject to such a possible referendum is 110% of the district's adequacy target for local taxing capacity, as determined under the State Aid formula, in the school year preceding the year in which the reduction in the levy is sought. *"Adequate funding"* or *"adequacy"* refers to what it costs for a school district to provide the evidence-based practices that drive

---

PETRARCA, GLEASON,
BOYLE & IZZO, LLC
ATTORNEYS AT LAW

student achievement. The referendum may only be held at a consolidated election, the one held in April of odd-numbered years when school board candidates are on the ballot.

This rather complicated new law is best explained with an example. Since the next consolidated election is in April 2019, we'll use the 2018 and 2019 levies and the 2018-2019 school year for illustrative purposes only. Thus, under the new law, if District A's adequacy target exceeded 110% for the 2018-2019 school year, then the voters in District A could file a petition with their election authority (*i.e.*, the County Clerk, or the Election Commission where that agency exists) for a referendum seeking to reduce District A's tax levy in 2019. A referendum would be put on the ballot on the next consolidated election, but only if more than 10% of the voters in the school district signed the petition. The referendum question would ask voters whether they wish to reduce the educational fund tax levy extension for 2019 to an amount less than that extension in 2018. However, the proposed lower amount for 2019 that would be stated in the referendum cannot be more than 10% lower than the 2018 educational extension *and* the 2019 extension amount cannot be in an amount that would cause the district's adequacy target

PETRARCA, GLEASON,
BOYLE & IZZO, LLC
ATTORNEYS AT LAW

to fall below 110%. For example, if the 2018 adequacy target is 122%, the lowest the 2019 adequacy target could be after a successful referendum reducing the tax levy is 112%. On the other hand, if the 2018 adequacy target is 117%, the lowest the 2019 adequacy target could be after a successful referendum reducing the tax levy is 110%.

Although the concept is complicated, the law mandates that the following simple question be put forth to the voters:

“Shall the amount extended for educational purposes by [School District A] be reduced from [2018’s %] to [2019’s %] for [2019], but in no event lower than the amount required to maintain an adequacy target of 110%?”

Voters would vote either “yes” or “no” in response to this question and, if a majority of votes cast is in favor of the referendum, then the tax levy would be reduced for 2019. Regardless of the outcome of the referendum, the question cannot be submitted to the voters again at any of the next two consolidated elections. In our example, then, if there were a referendum held in April 2019, the next time there could be a tax reduction referendum would be in April 2025.

PETRARCA, GLEASON, BOYLE & IZZO, LLC
ATTORNEYS AT LAW

Clearly, the impact of this new state law, which is codified at 35 ILCS 200/18-206, could be substantial. School districts with adequacy targets above 110% stand to lose local property tax funding thereby reducing the district's educational fund. To see your district's most current adequacy target (as of May 2017) and whether your district is meeting or exceeding the 110% threshold, go to the link below from the ISBE website, click the tab under House Amendment 1 to Senate Bill 1, and look for the number applicable for your district in column 21:

https://www.isbe.net/Pages/Education-Funding-Proposals.aspx.

If you have questions about these topics, please contact one of our attorneys in Oak Brook (630.928.1200) or Flossmoor (708.799.6766).

19730 Governors Highway, Suite 10, Flossmoor, IL 60422-2083
Telephone: **708.799.6766** | Facsimile: 708.799.6866

Published April 9, 2026

PETRARCA, GLEASON,
BOYLE & IZZO, LLC
ATTORNEYS AT LAW

New Mandates for Accommodations for Students

Public Act 100-163 amends the Illinois School Code beginning on January 1, 2018 to require that school districts make feminine hygiene products available at no cost to students in the bathrooms of all school buildings serving students in grades 6-12. Please note that the term "feminine hygiene products" includes both tampons and sanitary napkins. School districts impacted by this new statute should consider what type of dispensary system will be needed to comply in addition to considering which employees will be responsible for stocking and restoring the products and how frequently these items will be replenished. While there are not yet any regulations regarding this topic, we advise that these items should be inspected and restocked on a daily basis.

Public Act 100-029 requires school districts to make breastfeeding accommodations available if there are students who need them. These accommodations include, but are not limited to: (a) access to a private and secure room, other than a

19730 Governors Highway, Suite 10, Flossmoor, IL 60422-2083
Telephone: **708.799.6766** | Facsimile: 708.799.6866

restroom, to express breast milk or breastfeed an infant child which has a power source for the use of a breast pump if necessary, (b) allowing a breast pump and other related equipment used to express breast milk, (c) access to a place to store breastmilk safely and (d) providing the student with a reasonable amount of time to express breastmilk or to breastfeed. Given these requirements, we believe that a private room with a lock should be made available to the student and that providing access to an area in the nurses' office or a locker room where other persons may be present is not sufficient. In addition, as the statute makes clear, a breast-feeding child must be permitted to be on grounds for purposes of feeding if requested by the student. Lastly, we would recommend that there be a dedicated refrigerator in a secure area under the supervision of an employee for the student(s) to store expressed breast milk. If the same refrigeration unit is going to be used for multiple students, an identification system should be created so that each individual student can clearly mark the expressed breast milk that belongs to her.

Public Act 100-029 provides further that the nursing students must not suffer academically based upon the choice to

PETRARCA, GLEASON,
BOYLE & IZZO, LLC
ATTORNEYS AT LAW

breastfeed. Specifically, the student must not incur an academic penalty as a result of her decision to utilize the accommodations required by law and she must be provided the opportunity to make up any work missed due to utilizing these accommodations. It is our suggestion to work with any student who needs to breastfeed or express breastmilk to develop a schedule that will allow the student to utilize these accommodations with as little disruption to educational instruction as possible or to provide instructional materials that the student may be able to review while expressing breast milk. Please recognize, however, that the nature of the accommodations will almost undoubtedly lead to some missed class time and that the student may need to utilize the accommodations multiple times during the school day.

The last component of the new law is a requirement that there be a grievance procedure for alleged violations of the statute. This process is the same as that utilized under the current sex equity requirements, which should already exist in Board Policy. This existing policy can simply be amended to permit complaints alleging a violation of the breastfeeding accommodations of the School Code.

Published April 9, 2026

PETRARCA, GLEASON, BOYLE & IZZO, LLC
ATTORNEYS AT LAW

If you have questions about these topics, please contact one of our attorneys in Oak Brook (630.928.1200) or Flossmoor (708.799.6766).

19730 Governors Highway, Suite 10, Flossmoor, IL 60422-2083
Telephone: **708.799.6766** | Facsimile: 708.799.6866