



New Associate Attorney – Mary J. Rocco

Mary J. Rocco has joined our firm as an Associate Attorney and practices out of our Oak Brook Office. Mary has over seventeen years of experience practicing law. She worked for ten years as a litigator with Administration of Children’s Services in New York City, focusing on assisting families and children touched by the foster care system.

In 2015, Mary moved to Illinois with her family and opened up her own law practice specializing in family law focusing on special education matters. With her years of experience in advocating on behalf of families, Mary has the background to advocate on behalf of school districts. She has experience with IEP compliance, 504 Plans, mediation, due process hearings, disciplinary matters, expulsion and residency hearings.

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Mary earned her J.D. from The University of San Diego School of Law, her B.A. from Villanova University and obtained an M.S.W. from New York University. Mary is licensed to practice law in Illinois and New York. In 2007, Mary was the recipient of the Family Court Legal Service's Permanency Award, recognized for her outstanding dedication and hard work.

PROPERTY TAX RECOVERY LEVY LAW GOES INTO EFFECT WITH GOVERNOR'S SIGNATURE

Several weeks ago, we reported on the passage of Senate Bill 508, which provides for a supplemental levy, outside the tax caps (*i.e.*, the limiting rate of the Property Tax Extension Limitation Law ("PTELL")). The bill is designed to make taxing districts whole for revenue lost due to property tax refunds resulting from successful property tax assessment appeals. On

Friday, August 20, 2021, Governor Pritzker signed that bill, which makes this new law go into effect immediately. It adds a new Section 18-233 to the Property Tax Code.

Starting with school districts' 2021 levies, county treasurers must annually certify by November 15 the amount of property tax revenues lost due to PTAB or court orders to each district over the previous 12 months from property tax assessment appeals, The Treasurer must then issue a supplemental or recapture levy in the amount of that loss. These levies will be in addition to a district's tax-capped levies and debt service levies.

As we discussed in June, there are limitations to this new law. [\[Click here for our June 8, 2021, Priority Briefing\]](#). First, it is not available to districts which are not subject to PTELL, *i.e.*, those in non-tax-capped counties. Further, there will be an inherent delay in obtaining the make-whole revenues as the result of the usual extension and collection cycle. And it must be kept in mind that the recapture levies will not make districts whole for revenue losses due to refunds which were not assessment-based, such as those due to tax rate objections or the granting of new tax exemptions.

We also need to emphasize that the reason PTAB and the courts order tax refunds is because of their determinations to retroactively reduce a district's equalized assessed valuation ("EAV"). EAV reductions have adverse consequences for school districts even without immediate tax revenue loss due to refunds. EAV loss means less bonding authority and, most significantly, the shifting of tax burdens to other taxpayers, such as homeowners and small businesses. This result will only exacerbate the problem already facing many suburban and small city communities, where higher property taxes discourage new development and hold down property values, thus increasing tax rates even more and further discouraging development. It is a cycle of fiscal disadvantage which the State has promised to ameliorate, but which this legislation will only aggravate. These factors should be weighed when future involvement in opposing assessment appeals is considered.

Coincidentally, or maybe not, a new bill, House Bill 4130, was introduced just the day before the Governor's action on Senate Bill 508. This new bill would significantly modify, but not eliminate, the revenue recovery levy. It would, for instance, make the levy discretionary with each district, allow

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the levies to be implemented over multiple years, and place certain limits on the amount. The General Assembly is out of session now, not to return until the fall session in late October, but we expect to see consideration of this or other proposals for adjustments to the recovery levy provisions in the near future.

In the meantime, districts are best advised to continue to pay close attention to tax assessment appeals for properties in their communities, but possibly with new strategies in how to address them.

If you have any questions about this important legislation, please do not hesitate to contact one of our attorneys.

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REMINDER TO NOTIFY IEP STUDENTS WHO MAY QUALIFY FOR SERVICES THROUGH THE END OF SCHOOL YEAR 2021-2022 IF THEY WILL TURN 22 YEARS OLD

School Districts must provide notification of the availability of services to each student with an Individualized Education Plan (“IEP”) by regular mail sent to the last known address of that student or their parent or guardian by August 27, 2021. Illinois now requires IEP services through the end of the 2021-2022 school year for IEP students who reach 22 years of age during a COVID-19 related suspension of in-person instruction, services or activities that lasted for three or more consecutive months. Each qualified student’s IEP goals that were in effect when the student turned 22 years old should be resumed unless an agreement to revise those goals in order to meet the student’s transitional goals is made.

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The new law does not apply to students who no longer reside within the school district that was responsible for the student's IEP at the time the student turned 22. Nor is the school district required to resume services at a private therapeutic day or residential program if the student has aged out of that program or funding for that program is not available.

We have provided a draft template to send out this notification.

[Download The Template](#)

If you have any questions about providing this notification, please do not hesitate to contact one of our attorneys.



New Associate – Graeme J. Quinn

Graeme J. Quinn has joined our firm as an associate and practices out of our Oak Brook office. Graeme graduated from the University of Notre Dame School of Law in 2015, and cum laude from Loyola University Chicago in 2011. He represents school districts and municipalities in a wide array of areas, including litigation, employment matters, property tax appeals and general school and municipal law. Prior to joining the firm, Graeme spent two years as an assistant attorney general within the General Law Bureau working primarily in administrative review and civil prosecutions and nearly three years as an assistant state's attorney in Kankakee County working in the civil division.

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New Associate – Ninnette Gregory

Ninnette Gregory has joined the firm as an associate and practices out of our Downers Grove office. Ninnette received a Bachelor of Science degree from University of California, Davis in 1991 and a Master's Degree in Environmental Law at Vermont Law School in 1992. Thereafter, she received her Juris Doctor degree from Chicago-Kent College of Law in 1996. During her law studies, she received the Academic Excellence Award in Dispute Resolution. Ninnette's law firm experience is diverse and includes civil litigation, insurance coverage and defense, personal injury, products liability, landlord-tenant, and employment law.



New Partner – Jennifer K. Schwendener

Jennifer K. Schwendener has joined our firm as a partner and practices out of our Downers Grove office. Jennifer has over 16 years of litigation experience and is recognized as an Illinois “Super Lawyer.” She has litigated and successfully tried cases in numerous counties throughout the states of Illinois, Indiana, and Oklahoma and in the Federal District Court for the Northern District of Illinois.

Jennifer earned her J.D. from The John Marshall Law School and her B.A. from Indiana University. Jennifer is licensed to practice law in Illinois and Indiana.

Firm Name Change

Raymond A. Hauser – Retirement

It is with mixed emotions and an extreme sense of gratitude that the Firm announces the retirement of our partner, mentor, and colleague Raymond A. Hauser at the end of this year. While we will miss collaborating with and learning from Ray, the commitments and contributions he has made to the legal profession over his nearly 40 year career and to our Firm individually over the past 16 years have more than earned him the opportunity to pursue other passions and interests.

“It is always bittersweet to say goodbye to a friend and mentor,” said William Gleason, one of the Firm’s partners. “I will miss his passion for aggressively protecting our clients and I am grateful for the guidance and example that he provided to me and many other attorneys who have worked with him. On

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behalf of the Firm and all of its team, we wish Ray the absolute best in retirement.”

Ray has focused his professional work in representing the interests of school and municipal clients. The Illinois Educational Labor Relations Act had just come into existence as Ray began his practice of law and he was intimately involved in shaping the law in this field while collaborating on the working relationship between schools and public employee unions throughout his career. When the need to litigate arose, he was always up to the challenge and has successfully represented clients in State and federal court with great success. He is well-respected by clients for being readily accessible and providing common sense advice to enable them to achieve successful outcomes in alignment with each client’s individual goal. He is confident that the law firm will carry on this legacy. Ray joins Lorri, his wife of 40 years, a former teacher and principal, in retirement. He is grateful for the many friendships and people with whom he has worked since 1982.

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ILLINOIS DEPARTMENT OF PUBLIC HEALTH ADOPTS UPDATED CDC GUIDANCE FOR WEARING MASKS IN SCHOOLS

Due to “new evidence” on the Delta variant of the COVID-19 virus, the Centers for Disease Control and Prevention updated its guidance for schools on July 27, 2021. The CDC now recommends that everyone in K-12 schools ages 2 and up wear masks indoors including students, staff and visitors, regardless of vaccination status.

The Illinois Department of Public Health has fully adopted the CDC’s recommendations and we anticipate the Illinois State Board of Education to release updated guidance in the coming days. IDPH’s Director Dr. Ngozi Ezike said: “We know masking can help prevent transmission of COVID-19 and its variants. Until more people are vaccinated, we join CDC in recommending everyone, regardless of vaccination status, wear a



mask indoors in areas of substantial and high transmissions, and in K-12 schools.”

If you have any questions about IDPH’s mask wearing guidance, please do not hesitate to contact one of our attorneys.

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UPDATED GUIDANCE ON RETURNING TO IN-PERSON MEETINGS

For the last several months, public bodies in Illinois have been permitted to hold remote meetings under the Illinois Open Meetings Act without a quorum being physical present and with limits on members of the public begin present at the meeting location based, in part, on Governor Pritzker’s



Disaster Proclamations and his findings that in-person attendance of more than 10 people at the regular meeting location was not feasible.

On July 24, 2021, Governor Pritzker issued another Gubernatorial Disaster Proclamation and Executive Order 2021-15. Although the Disaster Proclamation remains in place, neither it nor Executive Order 2021-15 made a finding that attendance at in-person meetings by more than 10 persons was not feasible.

>While a finding by the head of the public body (*i.e.*, the board president or committee chair) that an in-person meeting is not practical or prudent because of a disaster is a condition for remote attendance under the Open Meetings Act, all that the Act requires of the Governor is the continued disaster declaration, something which he has again provided.

Accordingly, public bodies may continue to conduct meetings remotely, but only if the head of the public body determines that attendance at the regular meeting location is not practical or prudent due to the disaster. However, please keep in mind that in-person meetings are permissible. Further,

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under circumstances where the required determination is not made by the head of the public body, in-person meetings are required.

If you have any questions about Governor Pritzker's Disaster Proclamations, his Executive Order, or the Illinois Open Meetings Act, please do not hesitate to contact one of our attorneys.

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