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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

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meet the student's transitional goals is made.

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.

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# 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.

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# 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.

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# Firm Name Change

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# 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

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and I am grateful for the guidance and example that he provided to me and many other attorneys who have worked with him. On 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

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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.

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>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, 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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# ISBE ADOPTS CDC GUIDANCE FOR COVID-19 PREVENTION IN K-12

On July 9, 2021, ISBE and IDPH adopted the CDC Guidance for COVID-19 Prevention in K-12 Schools for the upcoming school year, which provides for fully in-person learning (with limited exceptions).

**Highlights include:**

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**Each School District determines which prevention strategies to implement and how, based on the local community:**

- Factors the CDC indicates should be considered in developing strategies include level of transmission of COVID-19 in the community, outbreaks and community trends, vaccination rate in the community, ages of children in the school district, and whether the school utilizes a COVID-19 screening testing program.

- Prevention strategies to implement in varying degrees and monitor continue to include promoting vaccination, mask use, physical distancing, screening testing, ventilation, handwashing and respiratory etiquette, cleaning and disinfection, contact tracing, and staying home when ill or being tested for COVID-19.

- Strategies should be adjusted based on outbreaks, increasing trends in school/community, ages of children

served, vaccination levels, and the feasibility of different prevention strategies. Prevention strategies should be removed based on local conditions and removed one at a time.

**Guidance on Mask Use:**

- Fully vaccinated students and staff need not wear masks at school.
- All students, drivers and other passengers must wear a mask on the school bus, regardless of vaccination status.
- No one is required to wear a mask outdoors, except those persons who are not fully vaccinated should wear a mask in a crowded outdoor area or during activities that involve sustained close contact with other people who are not fully vaccinated.
- Mask use is strongly recommended for students and school employees who are not fully vaccinated.
- Schools that continue to require people older than 2 years of age to wear a mask should make exceptions for those who

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cannot wear a mask or safely wear a mask due to a disability or health reasons or for whom wearing a mask would create a risk to workplace health, safety, or job duty (determined by relevant workplace safety guidelines or federal regulations).

**COVID Testing in Schools:**

- The school must obtain written informed parental consent to test minor students and report test results.
- Written informed consent to test must also be obtained for employees and adult students.
- Fully vaccinated students and employees who do not have COVID-19 symptoms do not need to quarantine or get tested after an exposure to someone with COVID-19.

**Vaccination Verification:**

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- Schools may request voluntary submission of vaccination verification.
- Vaccination status is confidential, like other health information.
- Employees who are unable to be vaccinated due to a disability may be entitled to a reasonable accommodation under the Americans with Disabilities Act.

**Physical Distancing:**

- Three feet of physical distancing between students in classrooms is recommended.
- A six feet distance is recommended for students and teachers who are not fully vaccinated.
- However, students should not be excluded from in-person learning if this distancing is not possible within the school structure.

If you have any questions concerning this Guidance, please

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contact one of our attorneys.

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# GOVERNOR PRITZKER SETS TIMELINE FOR RETURNING TO IN PERSON MEETINGS

On June 25, 2021, Governor Pritzker issued Executive Order 2021-14 which, among other things, extended the suspension of the Illinois Open Meetings Act's requirements for in-person meetings through July 24, 2021. This Executive Order permits

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School Boards to continue utilizing remote board meetings through July 24, subject to the same requirements and procedures they have been required to follow throughout the pandemic. School Boards may, however, opt to conduct meetings in-person.

However, in the Gubernational Disaster Proclamation issued on the same day, Governor Pritzker warned public bodies that this exception permitting in-person meetings will expire on July 24, and that it will likely not be renewed. Accordingly, school districts and other public bodies should begin preparing for a return to in-person meetings and find adequate space to accommodate their public business.

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

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