

In Brief

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NEW ILLINOIS LEGISLATION FOR SCHOOL DISTRICTS: SUBSTITUTE TEACHER BACKGROUND CHECKS, BOARD VACANCIES, AND MORE

A busy spring legislative session has led to plenty of activity this summer by Governor Pritzker, as he signed 143 bills into law this July. Our recent In Brief discusses changes to the Equal Pay Act. Here are a few other legislative highlights for school districts:

Substitute Teacher Background Checks

As of July 12, 2019, a regional superintendent may disclose to the Illinois State Board of Education (ISBE) whether a job applicant for a substitute teacher position has passed or failed a background check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database. If a regional superintendent provides ISBE with that information, ISBE must indicate whether the job applicant passed or failed the background check for 90 days in its Educator Licensure Information System.

Time to Fill School Board Vacancies

Effective January 1, 2020, most school boards will have more time to appoint a new member when a vacancy occurred. Before Governor Pritzker signed this bill into law, members of school boards in districts with populations between 1,000 and 500,000 had 45 days to fill a vacancy after it occurred. If they failed to fill the vacancy within 45 days, the law then provided that the regional superintendent for the district would appoint a new board member. Under the new legislation, these school boards will have 60 days to appoint a new member instead of 45 days.

Educational Support Personnel Protections

In the right circumstances, educational support personnel now have additional protections when a school board dismisses them and rehires them within a year of the next school term. The new protections

only apply if the dismissal was the result of the school board's decision to decrease the number of educational support personnel it employs or to discontinue some specific type of educational support service. Under those circumstances, the educational support personnel keep any rights they accrued during their previous employment by the school district. This law became effective immediately upon its signing on July 12, 2019.

Retired Teacher Work in Downstate Shortage Areas

Effective July 12, 2019, new legislation changing the Illinois Pension Code aims to help address the teacher shortage in downstate Illinois. Previously, with certain exceptions, teachers who retired could return to the classroom and work in shortage areas between July 1, 2003 and June 30, 2019 without impairing their retirement status or their retirement annuity. This law extends the period that teachers can work in shortage areas to June 30, 2021. Any increases in benefits that result from this law will not increase the amount of benefits provided under the Illinois Pension Code.

FOIA and OMA for Chicago Contract Schools

As of January 1, 2020, the Illinois School Code will make clear that contract schools in Chicago are subject to the Illinois Freedom of Information Act (FOIA) and Open Meetings Act (OMA). FOIA already deemed certain records of contractors performing governmental functions to be public records, but this change will make the governing bodies of contract schools themselves subject to FOIA and OMA.

Keep an eye out for more publications as we keep up with legislative action in the coming months. Contact your Robbins Schwartz attorney with your questions about these new laws and what they mean for you.