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Kriha LAW LLC

Illinois Directors of Counseling and Student Services of Suburban Chicago

Legal Update

October 19, 2018

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Kriha Law LLC

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HUMAN TRAFFICKING

- https://abc7chicago.com/more-than-450-arrested-in-national-sex-buyer-sting-84-in-illinois/4093121/

CHICAGO (WLS) -- More than 450 people were arrested in a national sex buyer sti
including 84 in Illinois, Cook County Sheriff Tom Dart said Wednesday.

Dart said the 16th National Johns Suppression Initiative (NJSI) lasted from July 25
Aug. 26 with 24 law enforcement agencies in 12 states, including the county's four
largest cities.

At least 473 arrests were made, according to the sheriff, including 10 people charge
in relation to attempting to have sex with a minor and six people charged with
tra

menu WATCH LIVE

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More than 450 arrested in national sex buyer sting, 84 in Illinois

Wednesday, August 29, 2018

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NEW IL LAW
EFFECTIVE JAN 1, 2019

http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0671

The Human Trafficking Resource Center Notice Act - 775 ILCS 50/5(e)

"The administrator of a public or private elementary school or public or private secondary school shall post a printout of the downloadable notice provided by the Department of Human Services under Section 15 that complies with the requirements of this Act in a conspicuous and accessible place chosen by the administrator in the administrative office or another location in view of school employees. School districts and personnel are not subject to the penalties provided under subsection (a) of Section 20."

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IL DEPT OF LABOR RESOURCE CENTER NOTICE ACT

- IL Human Trafficking Resource Center Notice Act
- Model Notice Form to Post

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https://abc7chicago.com/news/family-sues-naperville-high-school-police-after-students-suicide/2032422/

STUDENT INTERVIEWS BY SCHOOL PERSONNEL

January 11, 2017 https://coreysgoal.org/Home/CoreysStory

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IASB GUIDANCE DOCUMENT

- Guidance published by IASB updated in January 2018
- https://www.iasb.com/law/intstudents.cfm
- SB 2925 PA 100-0984 SRO Training

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ASHLEY'S LAW

- Designated caregiver may administer medical cannabis to a student on school premises
- After administering cannabis, it must be removed from school
- Student and parents must have registry cards
- No smoking or vaping

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MEDICAL MARIJUANA

Click here to watch the full clip

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AGRICULTURAL HEMP

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CONCUSSIONS

Click Here for HB 4226

Concussion brochure shall be distributed free of charge by schools to any child/parent of a child who may have sustained a concussion, regardless of whether or not the concussion occurred while the child was participating in an interscholastic athletic activity.

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- Effective ”

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Definition of a Student Record

- Any writing or other recorded information
- By which a student may be individually identified
- That is maintained by a school or school employee
- Regardless of how/where the information is stored

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EDUCATION RECORDS

Burnett v. San Mateo-Foster City Sch. Dist., 72 IDELR 147 (9th Circuit 2018)

The SD had no obligation to turn over unprinted emails as "maintained' suggests being locked in a filing cabinet or file

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Exclusive Use Exemption

- Notes maintained by a school employee
- For the employee's exclusive/personal use
- That are not shared with anyone else

Are not considered student records

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Law Enforcement Records

- Records maintained by law enforcement personnel working in a school
- Security videos (in school and on a bus)

Are not considered student records

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Transfer of Rights at age 18

- “Parent” is defined as the person who is the biological or adoptive parent or other person who has the primary responsibility for the care and upbringing of the student

- When the student turns age 18, all rights under ISSRA are transferred to the student

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Destruction of School Records

- The principal shall periodically review each student's temporary school records to eliminate or correct anything that is inaccurate, misleading, unnecessary or irrelevant.

- Prior to destruction, parents must be given reasonable prior notice and an opportunity to copy the records

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Permanent Student Records

- 60 year retention after graduation, transfer or withdrawal
- Name, gender, birth date, place, address
- Grades and grade level
- Attendance
- Academic transcripts and standardized testing (HS)
- Health records

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Change (September 22, 2017)

- 105 ILCS 10/1 *et seq*.
- On September 22, 2017, the Governor signed SB 1483 (Public Act 100-0532), effective immediately
- Instead of 15 school days, school districts have only 10 business days after receipt of the request by the school district's official records custodian to respond to the records request.

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The time to respond may be extended by not more than 5 business days for any of the following reasons:

- The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
- The request requires collection of a substantial number of specified records;
- The request is couched in categorical terms and requires an extensive search for records responsive to it;
- The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
- The request cannot be complied with by the district within the time limits without unduly burdening or interfering with the operation of the district; or
- 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.

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Changes (March 15, 2018)

- 23 Ill.Adm.Code Part 375, Student Records
- Gender is no longer included in directory information
- Academic transcript no longer must include class rank or State assessment scores

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Temporary Student Records

- 5 year retention after graduation, transfer or withdrawal
- Standardized testing (elem school)
- Discipline
- Special education
- Certain health records
- Accident reports

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QUESTIONS?

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