

Challenges in Implementing Legislation

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Introductions

Trevor J. Moore, Speaker and Moderator
- *Chief School Business Official, Peotone CUSD 207U*



Patrick Palbicke, Speaker
- *Assistant Superintendent for Business/CSBO,
Lincolnshire-Prairie View School District 103*



John E. Fester, Speaker
- *Attorney, Himes, Petrarca, & Fester*



Laws and Discussion Points

- HB 1167 COVID Administrative Leave
- \$15 Minimum Wage
- Title IX
- SOPPA
- Remote educational programs (105 ILCS 5/10-29)

HB 1167 COVID Employee Benefits and Wage Protection

- 5 Week Window for Vaccination
- Pay Contractor for Emergency Days
- Return Sick Days to Individuals
- Eligibility
 - Tests positive for COVID-19 (PCR or rapid test); or
 - Is a close contact with a confirmed case; or
 - Is excluded from school due to COVID symptoms by the school or school policy; or
 - Has a child excluded from elementary or secondary school for any of the reasons listed above

Why is this Difficult?

- Have to pay those that may have been docked due to lack of sick time
- Return sick time used (and reported)
- No cap on number of days
- Religious/Medical Exemptions unclear on eligibility

Public Act 101-0001

SB 0001 Minimum Wage

Effective Date: 2/19/2019

Increases the minimum wage from \$8.25 per hour in 2019 to \$15 per hour by 2025.

Increase is incremental:

- \$9.25 per hour beginning January 1, 2020
- \$10 per hour beginning July 1, 2020
- \$11 per hour beginning January 1, 2021
- \$12 per hour beginning January 1, 2022
- An additional \$1 per hour beginning each January 1st until it reaches \$15 per hour on January 1st, 2025

Why is this Difficult?

- Affects variety of positions within classified personnel
- Minimum wage in future years could surpass negotiated contracts
- Wage varies throughout areas of the State
- Removes local ability to negotiate
- There are also stiff new penalties, including record keeping provisions

Title IX Changes

Effective Date: 8/14/2020

Title IX of the Education Amendments of 1972 provides that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

- Changes to “Formal Complaints”
- Prescribed investigation/grievance processing
 - Written notices
 - Evidence disclosures
 - Impartiality in investigation
 - Appeal options
- Informal resolution opportunities
- Mandatory staff training
- Website Posting

Why is this Difficult?

- District must have a written policy defining the complaint and grievance process
- Must have grievance process roles and personnel to fill:
 - i. Investigator
 - ii. Title IX Coordinator
 - iii. Initial Decision Maker
 - iv. Final Decision Maker
- Personnel must have proper training
- Record Keeping must be maintained for 7 years for all investigative files and decisions
- Must Post on Website
 - i. Contact information for Title IX Coordinator
 - ii. Non-discrimination policy
 - iii. Training materials

SOPPA 105 ILCS 85/1

Effective Date: 7/01/2021

The changes impact agreements with third party contractors (“operators”) who receive student data

Examples of operators could include:

- Online personalized platforms
- Career readiness software providers
- Online computer games/apps designed for learning
- Web based language learning platforms

Intended to ensure student data is protected in which new “terms” are to be included in the agreements

SOPPA 105 ILCS 85/1

What are the new “terms” that agreements must include?

- Listing of categories/types of information covered
- Statement of product/service being provided
- A statement that, pursuant to FERPA, the operator is acting as a school official with a legitimate educational interest
- Description of how, if a breach happens, costs will be allocated in remediation
- A statement that school information/data will be deleted when no longer needed for purpose of the agreement
- Must publish agreements on Website
- Annual notice to parents

Why is this Difficult?

- Maintain exhaustive list of information for all providers
- Ensuring all providers meet the above requirements
- Identifying which providers must comply (making sure all staff are aware of requirement)
- Another website mandate to ensure compliance
- Notice to parents annually

Other Items to consider

TRS, TRS, TRS

- TRS SSP – Still questions regarding the plan, fiscal responsibility, adoption, auto enrollment, etc.
- TRS Gemini – Still many districts not reporting or signed up. Looming Penalty for failure to comply beginning July 1

Illinois Sustainable Investment Act

School Unused Food Sharing Plan PA 102-0359

Questions and Answers

We thank you for your time!

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Presenters:

MODERATOR AND PANELIST INFO:

Trevor J. Moore
Chief School Business Official
Peotone CUSD 207U
(708) 258-0991
tmoore@peotoneschools.org

PANELIST INFO:

Patrick Palbicke
Assistant Superintendent for Business/CSBO
Lincolnshire-Prairie View School District 103
(847) 295-4030
ppalbicke@d103.org

John E. Fester
Attorney
Himes, Petrarca, & Fester
(312) 565-3100
jfester@edlawyer.com