



School Law Update for Busy Building Administrators

Brian D. Schwartz
Deputy Executive Director
& General Counsel
Illinois Principals Association

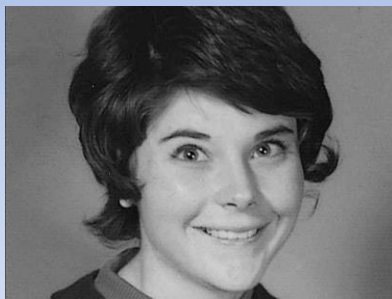
Today's Topics:

- ✓ New Standard for Student IEP's
- ✓ Transgender Student Access Update
- ✓ DACA and Implications for K-12 Schools
- ✓ Dealing with Difficult Family Situations
- ✓ Union Relationships after *Janus v. AFSCME*

It's Time to Play

FAMOUS EDUCATORS

Famous
Educators



Famous
Educators



Laura Bush

Famous
Educators



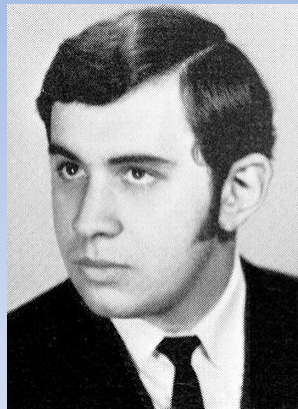
Shelton Jackson Lee

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Spike Lee

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Chaim Witz

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Gene Simmons

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Gordon Matthew Thomas Sumner

Holding in *Endrew F.*

“To meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”



- “Every child should have the chance to meet challenging objectives.”
- The standard to be applied **must be more than “merely de minimis.”**
- “The adequacy of an IEP turns on the unique circumstances of the child for whom it was created.”
- Substantial deference should be given to school officials.
- The Supreme Court refused to impose an equal opportunity standard.

How drastically will student IEP's change in light of *Endrew F.*?

U.S. Supreme Court →	IEP must be "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."
Tenth Fed. Circuit →	"educational benefit [that is] merely . . . more than de minimis."
Seventh Fed. Circuit →	IEP "requires reasonable progress...depending on the needs of the individual student."

Important Reminders

- Reasonably calculated means every IEP meeting should consider the child's rate of growth, whether the child is on track to meet current goals and any behavioral impediments.
- Appropriate progress in light of the child's circumstances means the IEP must be specifically designed to meet an individual child's needs.
- No one size fits all approach!
- It is critical to follow state and federal laws and procedures!



One Year Later...

49 federal court cases have cited *Endrew F.*

- 44 decisions were upheld (including 37 in favor of the school district).
- 3 decisions reversed (including one in favor of the parent).
- 2 decision send back for further consideration.

--Education Week, April 27, 2018



Deferred Action on
Childhood Arrivals | **DACA**



Reminders to Schools:

- *In accordance with Plyer v. Doe*, undocumented children have a constitutional right to FAPE.
- Schools cannot inquire about a student's citizenship status, but may inquire about residency.
- An undocumented student who is homeless need not present documents otherwise required for enrollment, such as a birth certificate.
- Internal policy of DHS and ICE has been to avoid investigations or apprehension on school grounds.
- Student records should not be released to ICE officials without a subpoena.

Transgender Student Access



Transgender Student Access Snapshot

- 42.2% of transgender students had been prevented from using their **preferred name**.
- 31.6% had been prevented from **wearing clothes and accessories** consistent with their gender identity.
- 59.2% had been prevented from using the **bathroom** consistent with their gender identity.

-- GLSEN Survey of 7000 students (2017)



Transgender Student Access Snapshot

- There is no federal law prohibiting discrimination in schools based on real or perceived gender identity or expression.
- USDOE withdrew Obama-era guidance making Title IX applicable to gender identity.
- 14 states and DC have enacted laws prohibiting discrimination in schools based on gender identity.



Recent Court Cases

G.G. v. Gloucester County School Board: A federal judge in Virginia ruled in favor of a transgender teen after his local school barred him from using the boys' bathroom (May 7, 2017).

Whitaker v. Kenosha Unified School District: The Seventh Federal Court of Appeals (IL, WI, IN) refused to dissolve an injunction allowing a transgender student the right to use the restroom consistent with his gender identity (May 30, 2017).

Doe v. Boyertown Area School District: A federal judge in Pennsylvania denied an injunction attempting to keep transgender students from accessing bathrooms and locker rooms consistent with the students' gender identity (August 25, 2017).

Students & Parents for Privacy v. Township H.S. District 211: A federal judge in Illinois denied a request for a preliminary injunction to bar transgender students from using facilities that correspond to their gender identity (December 29, 2017).



Transgender Student Accommodations

- Requests to use a name consistent with a student's gender identity should be honored.
- A student should be allowed to wear clothing and accessories consistent with a student's gender identity.
- Bathroom and locker room access decisions should be made by the Board of Education!
- For athletic participation of transgender students, consult your state's athletic association rules.

Dealing with Difficult Family Situations



1. Both parents have the right to participate in their child's education.

2. Only the parent with parental responsibility (custody) can make educational decisions.

3. Equal parental responsibility equals stay put until joint decision is made.

4. Use allotted time to figure things out!





Janus v. AFSCME

What the Court Said...

- This case, which originated in Illinois, challenged a public-sector union's ability to mandate fair share.
- “We conclude that this arrangement violates the free speech rights of nonmembers by compelling them to subsidize private speech on matters of substantial public concern...”.





Guidance for Principals

- Stay out of it!
- Employers are free to provide factual information to employees, which does not include any promise of a benefit or threat of a reprisal, and which does not disparage the union.
- Generally speaking, it is an unfair labor practice to discourage membership in a union, to bypass the union, and to negotiate directly with employees.



Questions

SESSION FEEDBACK FORM IN THE APP

*Please rate your experience in this session.

	Poor	Fair	Good	Very Good	Excellent
• overall value of this session for you.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
• new learning from this session.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
• access to tools and resources that will help you and your school	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

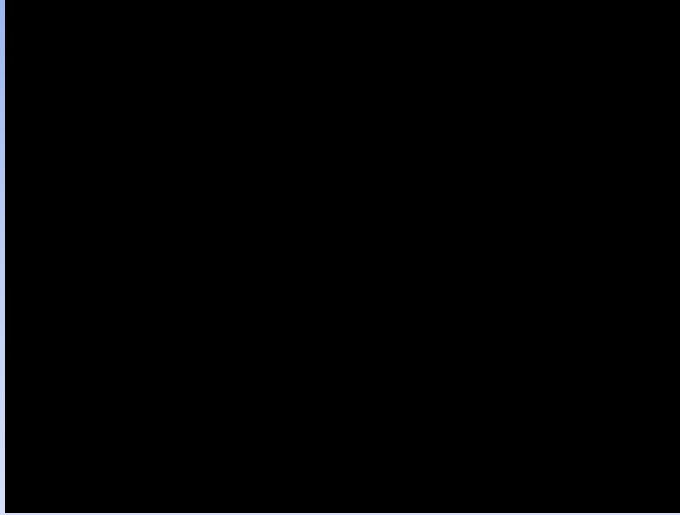
*Please rate the session leader(s) effectiveness in the following areas.

	Poor	Fair	Good	Very Good	Excellent
• presentation skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
• engagement and interactivity of learning activities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
• presented content aligned with the session description	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

- Save the final five minutes of your session for completing the session evaluation found in the mobile app.



Some Days It Feels Like...



Thank You for Your Participation

For More information, please contact

Brian Schwartz
bschwartz@edlawyer.org
www.edlawyer.org

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