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**[EXTERNAL EMAIL] The Extra Mile School Law Newsletter**

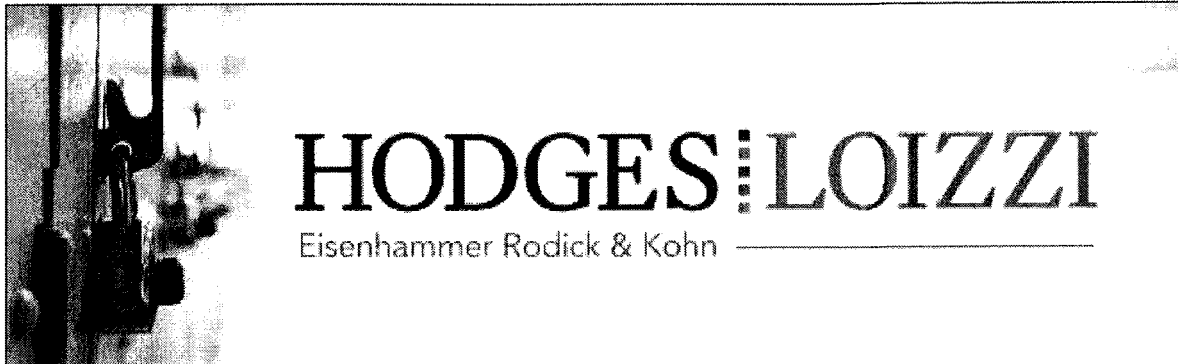
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Wednesday, February 21, 2024 at 4:40:03 PM Central Standard Time

*February 2024*

Dear *Extra Mile* Readers:

Interesting things are afoot in the U.S. Supreme Court that could have a notable impact on schools.

The Court recently declined to review the Seventh Circuit's decision allowing a transgender student to use the restroom aligning with their gender identity, leaving the Seventh Circuit's ruling in place as precedent for Illinois schools.

We continue to await the Court's decision on board members' use of their "personal" social media accounts in *O'Connor-Ratcliff v. Garnier*.

And, as we received another "Dear Colleague Letter" from the Department of Education and await the ever-forthcoming Title IX regulations (see below), the Supreme Court is now weighing two cases in which it may overturn a decades-old precedent known as the *Chevron* doctrine, under which courts afford administrative agencies (like the Department of Education) substantial deference in their interpretation of ambiguities in the law. The Court's handling of the *Chevron* doctrine in those two cases could have a significant impact on the regulations and guidances imposed on schools, so stay tuned.

## Title IX Regulations Update

The final Title IX regulations on sex discrimination from the U.S. Department of Education may be released this spring after all. In the meantime, school districts must continue to follow the current Title IX regulations, which went into effect in August 2020. [Read more...](#)



Jennifer Mueller  
Rosenberg



## New Year Begins With New “Dear Colleague Letter” from Department of Education

To get 2024 started off right, the U.S. Department of Education’s Office of Special Education Programs and Office of Educational Technology issued a new Dear Colleague Letter regarding the use of assistive technology for students with disabilities. [Read more...](#)



Jen Deutch



## Revised Retainage and Bond Requirements on Public Construction Projects

The *Public Construction Bond Act* was amended to include new limitations on retainage that can be withheld from contractors on public works projects and to increase the minimum cost of a contract for any public work needed to trigger payment and performance bond requirements. [Read more...](#)



James Levi



## Student Transportation Contract Terms Lengthened, Particularly for EVs

The *School Code* now allows school boards to enter into longer student transportation contracts, especially for electric vehicles. [Read more ...](#)

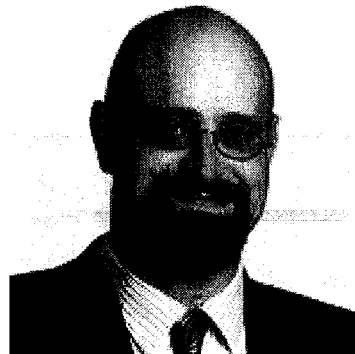


[Kerry Pipal](#)



## Board Could Not Use “Collective Negotiating” OMA Exception When Collective Bargaining Was Not Active Or Imminent

In a recent appellate court decision, the court found that a village board’s closed session discussion of budget proposals exceeded the scope of the *Open Meetings Act* exceptions for collective negotiating matters and probable or imminent litigation because there was no active or imminent collective bargaining at the time of the discussion and there was only a mere possibility of litigation. [Read more...](#)

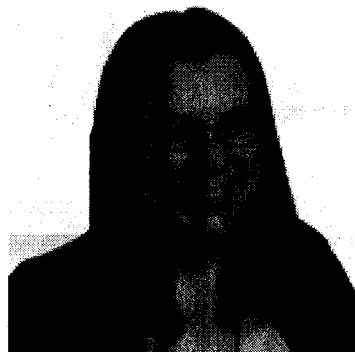


[Steve Richart](#)



## Nondisclosure Agreement Subject to Disclosure Under FOIA

A city violated the *Freedom of Information Act* when it denied a request for a nondisclosure agreement that it entered into with a private company related to a development project. The nondisclosure agreement did not fall within the “trade secrets” exception under Section 7(1)(g) of FOIA because the city did not demonstrate how the disclosure of the agreement would cause competitive harm to the company. [Read more...](#)



[Katherine LaRosa](#)

**IN CASE YOU MISSED IT**

The Illinois Department of Revenue has published the CPI figure to be used in computing the 2024 extensions (taxes payable in 2025) under PTELL: 3.4%.

The Department of Justice recently published its "Critical Incident Review" report regarding the tragic 2022 shooting at Robb Elementary School in Uvalde, Texas.

## INSIGHTS FOR SCHOOL LEADERS

**Feb 22**  
Champaign

Jessica Nguyen and Michelle Todd will present "**Major Mistakes to Avoid in 2024**" at the 24th Annual IAASE Winter Conference.

**Feb 23**  
Champaign

Jennifer Rosenberg will join the Legal Panel discussion on "**Monday Morning Madness**" at the 24th Annual IAASE Winter Conference.

**Mar 8**  
Webinar

**IAASE Legal Series: Up Your Game – Mental Health and Special Education: School Refusal, Trauma, and More**

Register [here](#).

**Apr 4**  
New Orleans

Tony Loizzi will participate in a panel discussion at the national Council of School Attorneys 2024 Spring School Law Seminar on "**Impasse and Strike: How to Advise School Districts.**"

## TAKE NOTE

Remember your statutory and CBA deadlines for reductions-in-force and end-of-year dismissals of teachers and educational support employees. Contact Ellen Rothenberg, Tina Christofalos, Chris Hoffmann, Ben Shaw, or George Acosta with your evaluation, dismissal, or RIF inquiries.

Review the need for non-renewal of employment contracts for administrators or administrative reclassifications to teaching positions.

Remember to complete Principal and Assistant Principal evaluations by March 1, and give any reclassification notices to Principals and Assistant Principals by April 1.



Our Student Handbook Checklist is updated for 2024. It outlines topics that are legally required (and recommended) to be in your student handbook and/or provided to parents/guardians in some manner. This publication is an invaluable guide for those working on handbook updates. [Order your copy here.](#)

### CONSUMER PRICE INDEX Latest figures: January 2024

*The Extra Mile is intended solely to provide information to the school community. It is neither legal advice nor a substitute for legal counsel. It is intended as advertising but not as a solicitation of an attorney/client relationship.*

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