

In Brief

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NEW SCHOOL LAW: THREAT ASSESSMENTS AND SCHOOL SECURITY COSTS

On August 26, 2019, Governor Pritzker signed House Bill 1561 which requires all school districts to implement a threat assessment procedure and create a threat assessment team, and expands the ability of school districts to pay the personnel costs of employees needed for school security purposes.

The new law, enacted as Public Act 101-0455, amends a variety of statutes including the School Safety Drill Act (105 ILCS 128/1, et seq.), the School Code's requirements for a levy for health/ life safety purposes (105 ILCS 5/17-2.11), and the Counties Code's requirements for school facility occupation taxes (55 ILCS 5/5-1006.7). Under the Act, school districts must implement a threat assessment procedure no later than December 21, 2019 and form a "threat assessment team" no later than February 19, 2020. The threat assessment team must include a school district or special education cooperative employee serving the school district in each of the following categories:

- Administrator
- Teacher
- School Counselor
- School Psychologist
- School Social Worker
- Law Enforcement Official

As there may be employment and bargaining considerations related to the creation of these teams, school districts should reach out to their Robbins Schwartz Labor and Employment attorney when establishing their teams and procedures.

If a school district is unable to establish a threat assessment team with existing school district staff and resources, the school district may utilize a regional behavioral threat assessment and intervention team that includes mental health professionals and representatives from the State, county, and local law enforcement agencies. School

districts that need to use mental health professionals and representatives from these agencies should consider entering into a simple intergovernmental agreement to confirm the availability of said mental health professionals and representatives.

The new law also adds a new exemption to the Freedom of Information Act ("FOIA") so that records concerning the work of the threat assessment team are exempt from the requirements of FOIA. Additionally, the Act requires school boards to review their threat assessment procedures at least annually when reviewing the school buildings' emergency and crisis response plans and the buildings' compliance with the school safety drill programs.

Public Act 101-0455 also provides new ways for Illinois school districts to fund the personnel costs for those employees who may be necessary for school security purposes and may be part of the threat assessment team. First, the Act adds language to the School Code allowing school districts to levy a tax or issue bonds for health / life safety purposes to hire or pay personnel costs of school counselors, mental health experts, or school resource officers if the school district determines that it is necessary for school security purposes. Second, the Act expands the ability to use school facility occupation taxes, which are authorized under the Counties Code, so that schools may use the proceeds from said taxes for school resource officers and mental health professionals.

Please contact your Robbins Schwartz attorneys with any questions concerning this new law, including your school district's threat assessment procedures or funding personnel costs for building security purposes.