

MAY, 2005

HLERK

HODGES, LOIZZI, EISENHAMMER, RODICK & KOHN

MONTHLY TICKLER

CONSUMER PRICE INDEX

Percent Changes As Reported by the Bureau of
Labor Statistics

For the month of **March, 2005**

Urban Wage
Earners & Clerical

	All Urban (CPI-U)	Workers (CPI-W)
Chicago-Monthly	0.4	0.3
12 Month	2.7	2.8
St. Louis-6 Month	1.4	1.4
12 Month	4.1	4.0
U.S.-Monthly	0.8	0.7
12 Month	3.1	3.1

April CPI Figures will be released May 23, 2005.

Visit the CPI at <http://stats.bls.gov/eag/eag.us.htm>

Reminders/Notes

- HLERK congratulates the Illinois Alliance of Administrators of Special Education on receipt of the "Exemplary Unit Award" from the Council of Administrators of Special Education for the second time in three years! HLERK is proud to serve as legal counsel to this outstanding organization.
- If you haven't yet adopted a policy governing graduation of disabled students, remember that such policies were required to be in effect by March 1st.
- Remember to adopt AED policies, if applicable, by July 1, 2005. Please contact Sonja Trainor or Barbara Erickson with inquiries about your AED requirements.
- Adopt and publish your board's "prevailing wage" resolution. Contact Bob Kohn with questions.

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

IASA and HLERK Announce Dates for *Regional Conferences on Recent Developments in School Law*--HLERK is pleased to announce two of the dates for our upcoming *Regional Conferences on Recent Developments in School Law* sponsored for the first time this year by the [Illinois Association of School Administrators](#). The Chicago metropolitan area Conference date will be announced soon.

Dates and Locations Are:

Thursday, October 6, 2005:
Holiday Inn, Collinsville

Thursday, October 27, 2005:
Weaver Ridge Country Club, Peoria

Contact Kathy Nelson at IASA to make your reservation (217) 787-9306 or contact Vanessa Clohessy at our firm with questions. We look forward to seeing you in the fall.

ISBE Issues Proposed Highly Qualified Teacher Regulations--On April 21, 2005, ISBE issued [proposed amendments](#) to Section 25, Appendix D of the ISBE Administrative Regulations (23 Ill.Admin. Code 25, Appendix D). The new proposed regulations seek to comply with the requirements of the [Individuals with Disabilities Education Improvement Act](#) by amending the Highly Objective Uniform State Standards for Evaluation ("HOUSSE") by: 1) decreasing the amount of points awarded for teaching experience available for "veteran" teachers; and 2) increasing the amount of professional development

activities for which points can be accumulated.

The new proposed regulations also provide that each teacher who completes one year of teaching will be defined as a “veteran” teacher and, therefore, can take advantage of the HOUSSE standards to achieve “highly qualified” status.

The federal government has indicated that Illinois will *not* be able to treat special education as a core academic area of assignment. Thus, under the regulations, there are several revisions emphasizing subject matter competency for special education teachers.

Please note that these proposed revisions are *not* currently in effect and will likely be subject to revision. State Superintendent Dunn has, however, “highly recommended” that school districts use the proposed regulations as a point of reference when reporting information for the [School Report Card](#).

Please contact Sara Groom or Stephanie Jones with questions or to request a complimentary copy of the Regulations.

Reminder: Last Day of Work June 29 for ERO Retirees--If the current [TRS](#) Early Retirement Option (“ERO”) statute is not extended, it will expire on June 30, 2005. Thus, those school district employees wishing to retire under the existing ERO statute need to retire effective on or before June 30, 2005, to receive the ERO benefits.

Under the TRS pension statute, however, the effective date of a retirement annuity can be no earlier than the day following a retiree’s last day of creditable service, regardless of the date of official termination of employment. Accordingly, TRS is informing prospective ERO retirees that their

last day of work must be on or before June 29, 2005, in order to retire with an effective date on or before June 30, 2005. (See TRS [Employer Bulletin 5-05](#) and [TRS Employer News Spring 2005](#).)

TRS is further informing members at field meetings and by phone that retiring members cannot receive compensation past their last day of service. Thus, we strongly encourage retiring employees to contact their counsel and TRS to ensure that they are clearly not paid salary for June 30, 2005, whether by resignation effective June 29th, Board adjustment of final pay, or otherwise.

Districts also should ensure that the Employer’s TRS Supplemental Report and the member’s Retirement Annuity Application reflect any resulting variation between contract days and days worked, the proper compensation rate applicable to the number of days worked, and a last day of creditable service (last day worked) of June 29, 2005, or earlier.

If you have any questions regarding the foregoing, please contact Terry Hodges or Heather Brickman.

U.S. Supreme Court Upholds School District Liability for “Retaliation” Under Title IX--In [Jackson v. Birmingham Board of Education](#), the United States Supreme Court held that individuals could sustain a private right of action under Title IX for retaliation claims against school districts. In *Jackson*, a girl’s basketball coach complained to the school district that the girls’ team was not receiving equal access to equipment, facilities and funding. He then alleged he was removed as coach in retaliation for his complaints. The Supreme Court ruled that the coach stated a claim under Title IX.

Contact Nancy Krent with questions or to request a complimentary copy.