

JANUARY, 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 November, 2004  
Urban Wage  
Earners & Clerical

	All Urban (CPI-U)	Workers (CPI-W)
Chicago-Monthly	-0.1	0.1
12 Month	2.7	2.8
St. Louis-6 Month	2.6	2.6
12 Month	3.9	4.0
U.S.-Monthly	0.1	0.2
12 Month	3.5	3.7

December CPI Figures will be released January 15, 2005.  
Visit the CPI at <http://stats.bls.gov/eag/eag.us.htm>

#### Reminders/Notes

- HLERK is pleased to announce that it will present at four upcoming administrator approved programs on the reauthorized IDEA cosponsored by ISBE, the Special Education Leadership Academy and the Regional Offices of Education. (see Article)
- Note the beginning of the "window period" for union representation petitions.
- Remember your statutory and collective bargaining agreement deadlines for reductions-in-force of certificated and educational support personnel. Contact Ellen Rothenberg with your RIF inquiries.
- Determine dates for bi-annual review of executive session minutes (typically January and July).

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.

**IDEA Reauthorization Administrator Academy Approved Programs Scheduled**--HLERK is pleased to announce a series of four state-wide, administrator academy approved programs on the reauthorization of the *Individuals with Disabilities Education Act* sponsored by the [Illinois State Board of Education](#), the [Special Education Leadership Academy](#) and the Regional Offices of Education.

The dates and locations are:

**February 3, 2005 - Ashland House, 201 E. Ashland Street, Morton, IL**

**February 8, 2005 - Hilton Lisle/Naperville, 3003 Corporate West Drive, Lisle, IL**

**February 10, 2005 - Oak Lawn Hilton, 9333 S. Cicero, Oak Lawn, IL**

**February 15, 2005- Rend Lake Resort, 11712 E Windy Lane, Whittington, IL**

**Registration 8:00 a.m. Workshop: 8:30 a.m. – 3:30 p.m.**

At each program HLERK attorneys will review the important changes incorporated into the new [Individuals with Disabilities Education Improvement Act of 2004](#). Topics which we will cover will include highly qualified special education teachers, modifications to the IEP process, expanded school district disciplinary authority, funding issues, limitations on due process rights and amendments to the attorneys' fees provisions, least restrictive environment and enhanced emphasis on educational outcomes for students with disabilities.

Each session will conclude with a question and answer panel session with the day's presenters.

***Please contact Bennett Rodick, Nancy Krent, Jay Kraning or Shayne Aldrige with your questions concerning the impact of the Individuals with Disabilities Education Improvement Act on your school district or cooperative.***

**The New Year Brings a New IDEA**--As noted in the December *Tickler* President Bush signed into law on December 3, 2004, the new *Individuals with Disabilities Education Improvement Act of 2004* ("IDEIA"). With the exception of the new requirements for highly qualified special education teachers, which are now in effect, the remainder of the statutory changes are not effective until July 1, 2005, giving all school administrators a brief period to familiarize themselves with the new requirements before they are effective for the 2005-2006 school year.

The following is a very brief description of the major areas changed by the reauthorized IDEA.

- 1. Highly Qualified Special Education Teachers**--The IDEIA defines what a "highly qualified" special education teacher is for the first time, pursuant to *No Child Left Behind Act* requirements.
- 2. Special Education Funding Changes**--The IDEIA significantly increases appropriations for special education, authorizes a new school district "risk pool" and allows school districts to utilize part of its IDEIA funding for early intervention services for non-disabled children.
- 3. Discipline**--The statute broadens school district disciplinary authority regarding disabled children by creating a new alternative education

setting ("AES") for students causing severe bodily injury and by expanding the AES to forty-five school days.

- 4. Procedural Safeguards**--The IDEIA adds a statute of limitations, creates federal standards for hearing officers, requires a meeting to resolve disputes before a hearing is held after a due process hearing request, and, in limited circumstances, allows school districts to obtain legal fees from parents and parents' attorneys.
- 5. Private School Students**--Child find requirements for private school students are expanded. The statute further modifies a school's obligations to students with disabilities unilaterally placed by parents.
- 6. FAPE**--The legislation limits a school district's liability for alleged "procedural" violations of a student's right to a free, appropriate public education.
- 7. Evaluations and Eligibility**--The new legislation distinguishes between "screenings" and evaluations and changes the definition of a learning disability.
- 8. IEPs**--The IDEIA modifies the contents of IEPs by eliminating, for most students, the inclusion of short term objectives or benchmarks, changes the requirements for transition plans and substantially modifies the rules governing IEP attendance by school personnel.

***Please contact Bennett Rodick, Nancy Krent, Jay Kraning or Shayne Aldrige with your inquiries concerning the new legislation and we look forward to seeing you at the upcoming SELA/ISBE sponsored programs.***