

THE
Extra Mile
GOING THE EXTRA MILE SO YOU DON'T HAVE TO

HLERK Debuts New Format for Monthly Publication and Launches New Website

In conjunction with our new website we have created a new and exciting format for the former *Monthly Tickler*. Our renamed *Extra Mile* will continue our longstanding tradition of providing you with the legal news you need to successfully manage your school district with unrivaled dependability while adding new clarity and easier access.

In addition, we are most pleased to announce the launching of our new website. You may now visit us on the web at:

www.hlerk.com

Our website is dedicated to providing you with the most current legal updates and information about our firm and the services we offer you.

Twenty-four hours a day, our website is here to meet your needs. Simply log on and gain access to breaking news, get to know our firm and its attorneys, register for a conference, or read current and archived issues of our newsletters.

For additional information, email us at info@hlerk.com or access attorneys directly through our website.

We welcome your comments about our new format and website. Please feel free to contact any HLERK attorney with your comments and suggestions.

Offices:

Arlington Hts. 847-670-9000
Springfield 217-546-9200
Belleville 618-355-7850

ISBE Issues New Proposed Regulations Regarding Highly Qualified Teachers--On October 26, 2005, [ISBE](http://www.isbe.net) issued new proposed regulations addressing the criteria teachers must meet to be considered highly qualified. The regulations affect regular and special education teachers, as well as bilingual teachers and charter school teachers. Aside from setting forth the new criteria, there are two notable items in the proposed regulations. First, the regulations make clear that the requirement for teachers to be highly qualified applies only to teachers with the *primary responsibility* for instructing students in core academic subject areas. Accordingly, a teacher who collaborates or consults with another teacher does not have

“primary responsibility” and does not have to be highly qualified. Second, the regulations define “veteran teacher” as any teacher who has accrued one full year of teaching experience. Previously, a veteran teacher was defined as any teacher who was first certificated in Illinois on or before June 30, 2002. This change is significant in that veteran teachers have access to the HOUSSE system to determine if they are highly qualified. “New teachers” as defined under the new proposed regulations, do not have access to the HOUSSE system to prove their qualifications.

For more information regarding the new regulations, please contact Stephanie Jones.

Consumer Price Index

Percent change for the month of **September, 2005**; for the urban wage earners & clerical indices as reported by the Bureau of Labor Statistics.

	All Urban (CPI-U)	Workers (CPI-W)
Chicago-Mthly	1.3	1.6
12 Mth	4.4	5.0
St. Louis-6 Mth	1.9	2.0
12 Mth	3.3	3.4
U.S. Mthly	1.2	1.5
12 Mth	4.7	5.2

October CPI figures will be released November 16, 2005. Visit the CPI at <http://stats.bls.gov/eag/eag.us.htm>.

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

Reminders/Notes

*Please join us at our annual hospitality suite at the Joint Conference on Saturday, November 19th, and please attend the HLERK attorney programs at the Conference (See Article, Page 2).

*Remember that school boards are now required to have procedures in place governing [AEDs](#), and the Department of Public Health has just published final regulations implementing the Act (See Article, Page 2). Please contact Sonja Trainor with questions or use the attached form to purchase our Model Policy/Procedures.

*Remember that on January 1, 2006, [amendments](#) to the [Open Meetings Act](#) go into effect regarding posting of meeting agendas on school websites.

TRS Submits Proposed Rules Implementing New Pension Laws to JCAR -- TRS submitted proposed rules implementing the new pension reforms contained in [P.A. 94-0004](#) to the Joint Committee on Administrative Rules ("JCAR"). The proposed rules were published in the Illinois Register on October 7, 2005. Under the administrative rulemaking process, following their publication, there is a 45-day period for public comment on proposed rules.

The proposed rules define the term "normal annual sick leave allotment" and set forth the required employer calculations for granting sick leave days in ex-

cess of the normal annual sick leave allotment and for granting certain salary increases in excess of 6%. Additionally, the proposed rules address a number of transitional issues involving impermissible modifications to "grandfathered" contracts or collective bargaining agreements, retirement incentives paid and sick leave days granted after the "grandfathered" contract or collective bargaining agreement expires and the "grandfathered" status of employment policies.

Please contact Cindi DeCola with questions concerning the proposed implementing rules or any aspect of the new TRS legislation.

HLERK Attorneys Present at Upcoming Joint Conference--HLERK is pleased to announce that several of our attorneys will present at the upcoming annual Joint Conference. Please join us at the following programs: **Superintendent Employment Contracts** with **Stan Eisenhammer** on Saturday, November 19th from 10:30-12:00 in the Hyatt Regency-East Tower, Columbus G/H Ballroom.

Protecting Students from Sexual Offenders and Sexual Misconduct with **Heather Brickman** also on Saturday, November 19th from 10:30-12:00 in the Swissotel, Grand Ill.

Mainstreaming and the IDEA with **Bennett Rodick** and **Rob Swain** on Saturday, November 19th from 1:30-3:00 p.m. at the Hyatt Regency, Columbus I/J.

Please join us for each of these exciting and informative sessions, and then visit our annual reception in the Monarch Suite at the Hyatt. Please contact Stan Eisenhammer with questions.

Illinois Department of Public Health Adopts Final Regulations Addressing AEDs in Physical Fitness Facilities-- The Illinois Department of Public Health has adopted final regulations implementing the [Physical Fitness Facility Medical Emergency Preparedness Act, 210 ILCS 74/1 et seq.](#) ("the Act"). These final regulations differ in several important ways from the proposed regulations published this spring. First, unlike the proposed regulations, the final rules require school districts and other owners/operators of physical fitness facilities to have at least one trained user *on staff*, rather than *on the premises during facility operation*. Second, acts that will constitute violations of the Act have been amended to parallel the above-revised requirement. Finally, and most importantly, the final regulations require that a third-party user simply be informed of the AED and medical emergency plan. They remove the requirement that a facility operator or third party user of a facility ensure that a trained AED user is on the premises during the third party's use when third party user will employ people to supervise, instruct, train or assist others

using the facility for physical fitness activities, will be supervising a total of 100 or more individuals at the facility, and will use the facility for physical fitness activities focusing primarily on cardiovascular exertion.

The final regulations retain the same required components of a medical emergency plan as described in the proposed rules. Your district's medical emergency plan was required to be on file with the Department by July 1, 2005.

HLERK is revising its Model Policy and Administrative Procedures to reflect the final regulations. Please contact Barbara Erickson or Sonja Trainor if you would like a copy of the final regulations.

You may purchase HLERK's Model Policy by sending in the attached form. Those districts that have already purchased our Model Policy and Procedures drafted under the proposed regulations will receive a revised Model at no additional charge.

CONTACT US:
info@hlerk.com

3030 Salt Creek Lane · Suite 202 · Arlington Heights, Illinois 60005
3048 Spring Mill Drive · Springfield, Illinois 62704
521 West Main, Suite 201D · Belleville, Illinois 62220