

September, 2004

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 July, 2004
Urban Wage
Earners & Clerical

	All Urban (CPI-U)	Workers (CPI-W)
Chicago-Monthly	0.1	-0.1
12 Month	2.8	2.6
St. Louis-6 Month	2.6	2.6
12 Month	3.9	4.0
U.S.-Monthly	-0.2	-0.2
12 Month	3.0	3.0

August CPI Figures will be released September 15, 2004.
Visit the CPI at <http://stats.bls.gov/eag/eag.us.htm>

Reminders/Notes

- Attend the HLERK co-sponsored reception at the State Superintendent's Conference at the Renaissance Hotel in Springfield on September 21st between 5:30-7:30 p.m.
- Attend the HLERK reception at the IAASE Fall Conference on Thursday, September 30th at the Holiday Inn, Tinley Park and join Jay Kraning's and Bennett Rodick's sessions at the Conference.
- Require student health exam and immunization compliance by October 15th unless your district has set an earlier date and provided such notice to parents.
- Adopt your district's final budget after completion of your public budget hearing before the end of September.

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.

Invitation to HLERK's 2004 Regional Conferences Enclosed--Enclosed with this edition of our *Tickler* is a registration brochure for our annual *Regional Conferences on Recent Developments in School Law*. Because some of the recent legislation impacting school districts this year is both complex and subject to differing interpretation (e.g., new *Ethics Act*, FLSA wage and overtime requirements, and student attendance laws), we strongly encourage you to send several attendees from your district. Your district administrators responsible for personnel and payroll, for example, will benefit most directly from our in-depth afternoon discussion workshop focusing on the new FLSA regulations.

Please return your registration form promptly and reserve a spot at one of our conference locations.

Wednesday, October 13th
Wyndham Hotel, Itasca

Wednesday, October 27th
Weaver Ridge Country Club, Peoria

Illinois Legislature Changes School Compulsory Attendance and Graduation Requirements--In a trio of bills recently signed by the Governor, the Illinois legislature has significantly revised school attendance and graduation requirements. In [P.A. 93-0858](#) the Illinois legislature amended Section 26-1 of the *School Code* by changing the compulsory attendance age

for students from sixteen to seventeen effective January 1, 2005.

In addition, [P.A. 93-0857](#) amends Section 2-3.64 of the *School Code* and requires all students to take the Prairie State Achievement Examination (“PSAE”) prior to receiving a “regular high school diploma.” This new law became effective on August 3, 2004.

Students may be exempt from taking the PSAE if: (1) they have an IEP which specifies that the PSAE is not appropriate; (2) they lack proficiency in the English language; or (3) they are enrolled in a program of Adult and Continuing Education.

Finally, [P.A. 93-0803](#) amends Section 26-2 of the *School Code* by allowing school districts to “deny enrollment” to a student sixteen years of age and older *for one semester only* if that student fails to meet certain academic or attendance criteria delineated in the Act; provided the District follows due process procedures to be designated by ISBE.

The Act also requires a school district to deny “re-enrollment” to certain students above the age of nineteen (changed from age 16). The denial of re-enrollment is subject, however, to IDEA and ADA requirements.

Please contact Heather Brickman or Bennett Rodick with questions or to request a complimentary copy of the new legislation.

New Legislation Requires Fingerprinting for Criminal Background Checks--New legislation requires that applicants for school employment submit fingerprints as part of the criminal background check required by Section 10-21.9 of the *School Code*. School districts are still **not** permitted to charge applicant fees for conducting the necessary background checks.

The new law, [P.A. 93-0909](#), took effect on August 12, 2004, but does not address the status of new hires who are waiting to start work with the start of the school year. As a practical matter, the State Police have advised that they will return background check requests that were pending, but not completed, as of August 12, and require those requests to be re-submitted with fingerprints.

The State Police will not require school districts to re-submit background checks that had already been completed as of August 12, though local school districts may elect to do so anyway. The State Police also offer several resources to assist schools in implanting the new fingerprinting requirements.

For more information or to request a complimentary copy of the new legislation, contact Rob Swain.

Preliminary List of “Failing” Schools Released by ISBE--On August 18, 2004, ISBE released a preliminary list of schools in Illinois that failed to make Adequate Yearly Progress (“AYP”). www.isbe.state.il.us/ayp This list is *preliminary* and several factors may change the makeup of the list before a final one is published.

In addition, this list does not reflect the schools which have appealed or intend to appeal their designation. The appeals process is complicated and contains relatively short deadlines. Schools interested in appealing have 45 days from the receipt of assessment data to appeal their designation.

If you have any questions regarding the preliminary list of “failing” schools or the appeal of this designation, contact Heather Brickman or Stephanie Jones.