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LAW ALERT

JCAR Rejects ISBE's Proposed Amendment Banning TRS Annuitants from Working as Interim Superintendents

December 17, 2010

On December 14, 2010, the Joint Committee on Administrative Rules ("JCAR") rejected the Illinois State Board of Education's ("ISBE") proposed amendment to Section 1.310 of the Administrative Code. ISBE's proposed amendment sought to prohibit school districts from employing retired teachers or school district administrators who receive pension benefits from the Illinois Teachers' Retirement System ("TRS Annuitants") as interim superintendents by requiring all school superintendents to hold a one-year contract, be employed on a full-time basis, contribute to TRS, and be available on a daily basis (which, according to ISBE, cannot be accomplished if a Superintendent is limited by TRS' restrictions on work days).

Based upon public comment, ISBE revised its proposed amendment prior to submitting it to JCAR. However, the revised amendment still prohibited the employment of TRS Annuitants as interim superintendents. RSNLT submitted an opposition letter to JCAR on behalf of school districts throughout the state, voicing the serious concerns of numerous school districts and urging JCAR to return the proposed amendment to ISBE for revision.

Upon review of the proposal, JCAR correctly recognized that there was no statutory authority to support ISBE's amendment. A JCAR representative also stated that, in light of recently-created educational reform committees, legislative action is likely the more appropriate course for any changes regarding this issue. Accordingly, JCAR requested that ISBE withdraw the amendment, and ISBE voluntarily agreed to do so.

JCAR's rejection of the proposed amendment is a major victory for school districts statewide. RSNLT will continue to monitor this issue. If you have any questions, please feel free to contact an RSNLT attorney.

Amanda Tiebert, associate, and David Weldon, law clerk in the firm's Chicago office, prepared this *Law Alert*.

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