

August 18, 2011



ALLIANCE LEGISLATIVE REPORT (97-24)

DISCUSSIONS CONTINUE ON WEIGHTY ISSUES

Several issues held over from the spring legislative session are still being discussed this summer. Though many important matters were tackled in the Capitol earlier this year, such as education reform, Workers' Compensation reform, expanded gaming, and Charter Schools, other matters are still being debated.

Pension Reform

Pension reform legislation was seriously debated in the Capitol this spring, including provisions that would have affected the pensions of persons currently participating in the State's retirement systems. No legislation was approved. **SB 512** would have required employees who became a Teachers' Retirement System (TRS) participant before January 1, 2011 to select, by July 1, 2012, which retirement program they wish to participate in: the "traditional" plan which offers the TRS retirement benefits that were in place before January 1, 2011, but with a higher employee contribution rate; the "revised" plan which offers the "Tier II" TRS retirement benefits that are available to participants that entered the system on January 1, 2011 or after; or the "self-managed" defined contribution plan (similar to a "401(k)" plan).

Proponents of the measure vowed at the end of the spring session to continue talks on the proposal this summer. Indeed, last month **House Speaker Michael Madigan** and **House Minority Leader Tom Cross** called a meeting to discuss the pension issue. The Alliance and the teachers' unions participated in the meeting with the Illinois Association of School Administrators (IASA) representing the Alliance at the table. Though no solution was reached at this meeting, discussions will likely continue through the fall Veto Session in October.

Regional Superintendents of Schools Salary Impasse

Governor Pat Quinn, through his line item veto power, eliminated the State appropriation that pays the salaries of the Regional Superintendents of Schools. The Regional Superintendents (and Assistant Regional Superintendents), then, have received no salary for this fiscal year which began on July 1. Ongoing discussions among the Governor, the Illinois State Board of Education (ISBE), and the Regional Offices of Education (ROE) have, thus far, yielded no agreement on the impasse. The controversy will likely continue until the October Veto Session. At that time legislators could override the Governor's veto, thereby reinstating the State payment for the salaries; or another agreement could find an alternative revenue source to pay the ROE employees. The Governor has indicated he prefers the salaries to be paid out of a local source of money, such as the corporate personal property replacement tax.

School District Consolidation

A number of proposals emerged in the spring legislative session which would have forced school districts to consolidate without local community input or approval. The Alliance was successful

in defeating those measures. A bill did pass, however, that creates a commission to look into the issue. **HB 1216 (Chapa La Via, D-Aurora)** establishes a “School District Realignment and Consolidation Commission” to study the issue of school reorganization without any mandatory provisions. The Governor is expected to sign the bill into law in the next week or so. The Alliance was successful in having four appointments made to the commission – one from each of the Alliance organizations (IASB, IASA, IPA, IASBO).

Fiscal Year 2012 State Budget

When the legislature returns in October, lawmakers will be considering the veto action taken by the Governor regarding specific budget line items. Like the ROE salaries, Governor Quinn made substantial cuts to school district transportation funding. He cut \$89 million out of the regular transportation reimbursement amounts that repay school districts for costs incurred for transporting students to school. The Alliance will be urging legislators to override this veto and restore the transportation funding.

BILLS SIGNED BY THE GOVERNOR

HB 189 (Eddy, R-Hutsonville) provides that, with respect to any State statute or administrative rule that defines a general education classroom to be composed of a certain percentage of students with individualized education programs (IEPs), students with IEPs shall exclude students receiving only speech services outside of the general education classroom. The bill is now **Public Act 97-0284**, effective August 9, 2011.

HB 192 (Eddy) amends the Stalking No Contact Order Act to provide that the court may order that the respondent accept a change of educational placement or program, as determined by the school district. The bill makes other changes for this procedure and adds protections for the school district. The bill is now **Public Act 97-0294**, effective January 1, 2012.

HB 1130 (Sente, D-Vernon Hills) creates the Movable Soccer Goal Safety Act providing that the entity sponsoring the soccer program must ensure that the goal is properly anchored or eliminate the risk that the goal will inadvertently tip over by laying it forward onto its face or otherwise securing it from being used in its unanchored position. The bill is now **Public Act 97-0234**, effective August 2, 2011.

HB 1240 (Franks, D-Woodstock) provides that upon request of a school district, any information obtained by a school district pursuant to provisions concerning criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database within the last five years must be made available to that requesting school or school district. The bill is now **Public Act 97-0248**, effective January 1, 2012.

HB 1415 (Jones, D-Dolton) allows certain schools in Representative Jones’ legislative district to “opt in” to a pilot project for operation of a full-year school plan if a school remains on the academic watch list after two years. The bill is now **Public Act 97-0370**, effective August 15, 2011.

HB 1486 (Saviano, R-Elmwood Park) extends the Tax Increment Financing district in Bensenville to 35 years instead of 23 years. The bill is now **Public Act 97-0372**, effective August 15, 2011.

HB 1547 (Davis, M., D-Chicago) creates the Commission to End the Disparities Facing the African-American Community, which must report to the Governor and General Assembly on the disparities facing African-Americans in the areas of education, healthcare, healthcare services, and employment. The State Superintendent of Education is on the Commission. The bill is now **Public Act 97-0360**, effective August 15, 2011.

HB 1831 (Hernandez, D-Cicero) removes a provision that requires the educational services block grant to include the Bilingual Program. The bill is now **Public Act 97-0324**, effective July 1, 2011.

HB 2265 (Sosnowski, R-Rockford) provides that "multifunction school-activity bus" means a school bus manufactured for the purpose of transporting 11 or more persons (rather than 11 to 15 persons), including the driver, for any activity except transporting students to and from home or school bus stops. The bill is now **Public Act 97-0378**, effective August 15, 2011.

HB 3010 (Biss, D-Evanston) adds to the definition of "disability" in the Human Rights Act to include any mental, psychological, or developmental disability, including autism spectrum disorders. The bill is now **Public Act 97-0410**, effective January 1, 2012.

HB 3109 (Cole, R-Lake Villa) amends the Transitional Bilingual Education Article of the School Code to provide that, by no later than December 1, 2011, the Advisory Council on Bilingual Education shall submit a report to the State Superintendent of Education, the Governor, and the General Assembly addressing:

- whether and how the 20 child per attendance center minimum should be modified;
- whether and how educator certification requirement rules should be modified;
- whether and how bilingual education requirement rules should be modified to address differences between elementary and secondary schools; and
- whether and how to allow school districts to administer alternative bilingual education programs instead of transitional bilingual education programs

The bill is now **Public Act 97-0305**, effective January 1, 2012.

HB 3222 (Stephens, R-Troy) provides that a chief school business official endorsement shall be affixed to the administrative certificate of any holder who qualifies by having a Master's Degree in Public Administration from a regionally accredited higher education institution. The bill is now **Public Act 97-0255**, effective August 4, 2011.

HB 3223 (Senger, R-Naperville) makes many changes regarding remote educational programs in schools. Among them, it provides participation in a program may be claimed for general State aid purposes. The bill is now **Public Act 97-0339**, effective August 12, 2011.

HB 3281 (Mathias, R-Buffalo Grove) provides that a school board may suspend or by regulation authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend a student for a certain period of time or may expel a student

for a definite period of time if (i) that student has been determined to have made an explicit threat on an Internet website against a school employee, a student, or any school-related personnel, (ii) the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and (iii) the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school. The bill is now **Public Act 97-0340**, effective January 1, 2012.

HB 3294 (Nybo, R-Elmhurst) provides that a school district may authorize the use of an epinephrine auto-injector on a student if the student is in need and has a prescription on file. The bill is now **Public Act 97-0361**, effective August 15, 2011.

HB 3334 (Poe, R-Springfield) removes a provision requiring an application for leave-of-absence credit to be filed within two years after termination of the leave. It specifies two additional criteria that must be met for a person to be eligible for either temporary disability benefits or total and permanent disability benefits. The bill is now **Public Act 97-0415**, effective August 16, 2011.

HB 3411 (Roth, R-Morris) requires the Teacher Retirement Insurance Program (TRIP) Committee to identify proposed solutions to the funding shortfalls that are affecting the Teacher Health Insurance Security Fund and to report those solutions to Governor and the General Assembly within 6 months after the effective date of the amendatory Act. The bill is now **Public Act 97-0386**, effective August 15, 2011.

HB 3464 (Pihos, R-Glen Ellyn) is an ISBE proposal to update portions of the School Code and also contains a couple of Alliance provisions. The Alliance changes repeal section 10-21.6 of the School Code regarding mailing lists for board agendas and changes the date of when superintendent and teachers' salaries must be reported to the ISBE. Now the administrator and teacher salary report must be submitted to the ISBE by October 1 (was July 1), after the information was reported at a regular school board meeting and posted on the school district website. The bill is now **Public Act 97-0256**, effective January 1, 2012.

HB 3539 (Morrison, R-Palatine) eliminates the "hold harmless" provision of the State aid formula. The bill is now **Public Act 97-0351**, effective July 1, 2011.

SB 1742 (Althoff, R-Crystal Lake) adds new information that the Chicago Public Schools must provide to the General Assembly regarding its use of block grants. The bill is now **Public Act 97-0238**, effective August 2, 2011.

SB 106 (Kotowski, D-Park Ridge) provides that the privileged quality of communication between any professional person required to report a suspected case of child abuse or neglect and his or her patient or client shall not constitute grounds for failure to share information or documents with the Department of Children and Family Services during the course of a child abuse or neglect investigation. The bill is now **Public Act 97-0387**, effective August 15, 2011.

SB 2096 (Althoff) repeals provisions in the School Code regarding the Illinois Accessibility Task Force and provides that a school board does not have to comply with the Illinois

Accessibility Code with respect to accessibility to press boxes that are on school property if the press boxes are in bleachers that have points of entry at only one level, and the aggregate area of the press box is no more than 500 square feet. The bill is now **Public Act 97-0355**, effective January 1, 2012.

SB 2134 (Garrett, D-Lake Forest) encourages the Regional Office of Education to offer school districts the opportunity to participate in shared operational programs and for school districts to explore new ways to consolidate services and programs with other school districts. The bill also requires school districts to complete a one-page checklist along with the annual financial report to disclose which types of shared service options they may be participating in. The bill is now **Public Act 97-0357**, effective January 1, 2012.

SB 2149 (Sullivan, D-Rushville) expands and modifies the current Financial Oversight Panel (FOP) law in the School Code. A comprehensive analysis of the bill can be found at:

<http://www.iasb.com/govrel/sb2149andhb3108analysis.pdf>

The bill is now **Public Act 97-0429**, effective August 16, 2011.

BILLS VETOED BY THE GOVERNOR

HB 3489 (Cavaletto, R-Salem) allows a school board to adopt a substitute authorization program for substitute teachers who do not hold a certificate valid for teaching in the common schools as shown on the face of the certificate. The Governor issued **an amendatory veto** of the bill. He recommends adding language that clarifies that a substitute teacher must have a substitute teaching certificate before being employed by a school district.

The legislative report is written and edited by the lobbyists of the Illinois Association of School Boards to provide information to the members of the organizations that comprise the Statewide School Management Alliance.

Alliance Legislative Reports:
Bill Text/Status: Illinois General Assembly

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