

December 2, 2010



ALLIANCE LEGISLATIVE REPORT (96-67)

LEGISLATURE DONE FOR THE YEAR

The Illinois General Assembly completed its second week of the fall Veto Session, dispensing with several major issues before leaving the Capitol for the rest of the year. The legislature is scheduled to return to Springfield for an extended “lame duck” session January 3 – 7 and January 9 – 11. Members of the new 97th Illinois General Assembly, those elected in the November 2 General Election, will be sworn into office on January 12, 2011.

The General Assembly, besides acting on the vetoes issued by **Governor Pat Quinn**, took on a number of other high profile issues in the Veto Session. Lawmakers approved a bill establishing gay civil unions (**SB 1716**) and a bill to create a two-tier pension system for policemen and firemen (**SB 3538**). The House of Representatives, however, defeated a measure to legalize the use of medical marijuana and neither chamber considered the bill to abolish the death penalty. The Senate approved a new gaming bill, **SB 737 (Link, D-Vernon Hills)**, which would add four new river boat casinos and a Chicago casino, as well as allowing slot machines at horse racing tracks and additional gaming positions on the existing riverboat casinos. That bill will be sent to the House for further consideration.

Other budget-related issues – such as pension borrowing and income tax rate increases – will wait until January. In the meantime, the Senate has convened Special Committees on Medicaid Reform and Worker’s Compensation Reform. The hope is that if the work of these committees is fruitful, it may pave the way for the Senate Republican caucus to provide some needed votes for the budget issues, specifically the pension borrowing bill.

ACTION ON VETOED BILLS

FOIA EXEMPTIONS

HB 5154 (Chapa La Via, D-Aurora) amends the Personnel Record Review Act to prohibit disclosure of performance evaluations of *all public employees* (including school districts) under the Freedom of Information Act. Governor Quinn executed an amendatory veto so that only the evaluations of police officers would be exempt from FOIA requests, and that all other public employees – including school district employees (other than superintendents, principals, and teachers) – could have their performance evaluations disclosed.

In November, the House voted to override the Governor’s veto. This week, the Senate also voted to override the veto, meaning the legislation will become law protecting all school personnel performance evaluations. The performance evaluations for superintendents, principals, and teachers were exempted from FOIA requests in legislation approved in January (SB 315).

SUBSTITUTE TEACHERS

HB 5863 (Eddy, R-Hutsonville) states that, in order to substitute teach in the public schools, a person holding a valid substitute teacher's certificate or other type of teaching certificate shall register as a substitute teacher with the regional superintendent of schools in each educational service region where the person will be employed. The registered substitute teacher is responsible for the payment of fees to register the certificate for its period of validity and authorization payment of costs of a criminal history records check and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database.

The bill originally had an immediate effective date. The Governor, however, amendatorily vetoed the bill to provide for an effective date of January 1, 2011. Both chambers have accepted the amendatory veto and the bill becomes law effective the first of the year.

DIABETES CARE IN SCHOOLS

HB 6065 (Cross, R-Oswego) requires school districts to have a diabetes care plan for students and requires delegated care aides to perform the duties necessary to assist a student with diabetes in accordance with his or her diabetes care plan. The bill originally had an immediate effective date, but the Governor's amendatory veto moved that effective date back to June 1, 2011. The House voted to override the Governor's veto in November. This week, the Senate also voted to override the veto, making the bill effective immediately.

ACTION ON NEW LEGISLATION

SCHOOL SALES TAX CHANGES

A bill was approved by a Senate committee that will make some clarifications to the School Facility Occupation Tax law that allows sales taxes to be used for school construction. **Senator James Clayborne (D-E. St. Louis)** sponsored a Senate amendment to **HB 2376 (Gordon, C., D-Coal City)** that will make a number of changes to the law. The bill:

- *Requires* the sales tax to be imposed if approved by the voters, instead of *authorizing* the county board to impose the sales tax if approved by the voters
- *Requires* that, if the sales tax question is approved, the tax shall be imposed at the rate set forth in the question (instead of allowing the county board to impose a lesser rate)
- Allows the county board to put on the ballot an opportunity for voters to reduce the amount of the sales tax or discontinue the sales tax
- Provides that a backdoor referendum is not required for alternate bonds if at least 90% of the revenue source pledged to the payment of the alternate bonds is expected to be obtained from a school facility occupation tax
- Allows for the Regional Superintendent of Schools, as well as the county board, to certify the sales tax ballot question to the election authority
- Clarifies that the sales tax question will go on the ballot upon receipt of resolutions by local school boards that represent "more than 50%" of the student enrollment of the county, instead of "at least 51%" of the student enrollment

- Provides that the State of Illinois will not limit or alter rights, powers, and duties so as to impair the rights and remedies of holders of bonds secured by proceeds of a school facility occupation tax
- Provides that a referendum shall not be required if the purchase, construction, or building of a school building is paid from funds received from the County School Facility Occupation Tax Law or from the proceeds of bonds secured by revenues obtained from that Law

The bill is pending on the floor of the Senate.

NEW CHARTER SCHOOL

The House of Representatives failed to approve a bill to authorize a new concept in charter schools. **HB 6862 (Chapa La Via, D-Aurora)** was designed to allow a new charter school focusing on math and science with students coming from within the municipal boundaries of the City of Aurora (affecting four separate school districts). The bill would have allowed more than one school district to jointly issue a charter to a single shared charter school operated by Aurora University.

The charter school could have restricted attendance to only residents of a municipality shared by the districts and in lieu of a lottery, selected students for enrollment based on admission criteria that focuses on academic proficiency in science and mathematics. However, in no case could such a charter school discriminate on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, marital status, or need for special education services in the establishment of its attendance boundaries or in the selection of students for enrollment.

The bill was defeated on the House floor on a vote of 55-39-4. Sixty votes were needed for passage.

MANDATE WAIVER RESOLUTION

The House of Representatives approved a resolution, **HJR 127 (Smith, D-Canton)**, to deny or restrict several local school district mandate waiver requests. The resolution approves (with changes) the request made by St. Charles CUSD 303 with respect to driver education fee limits for up to \$400. It disapproves the request from DeKalb CUSD 428 regarding the waiving of driver education behind-the-wheel instruction. The petition from Rock Island SD 41 regarding behind-the-wheel driver education was approved for only one year and was disapproved for the remaining years.

The Senate has not taken up the resolution as yet. If the resolution is not approved by the Senate, all of the waiver requests are deemed approved.

OTHER PENDING LEGISLATION

SB 458 (Koehler, D-Peoria) was amended to make changes regarding the Property Tax Appeals Board. It provides that a board of review may enter into discussions with a taxpayer aimed at achieving a stipulated revised assessment upon the property. Regarding objections by taxing districts to the proposed assessment, it requires that those objections be submitted to the board of

review within 45 days after the district receives notice of the proposed assessment and provides that, within 120 days after the Property Tax Appeal Board's receipt of the stipulation or assessment agreement, the Board shall issue a decision in accordance with the stipulation or assessment agreement, unless it finds that the Board lacks jurisdiction over the appeal or that the stipulation or assessment agreement is against the manifest weight of the evidence.

The bill is pending on the Senate floor.

SB 2843 (Bivins, R-Dixon) creates the Task Force on the Prevention of Sexual Abuse of Children within the Illinois State Board of Education to make recommendations for reducing child sexual abuse in Illinois. The bill also allows a school board to adopt and implement a policy addressing sexual abuse of children that may include age-appropriate curriculum for students in pre-K through 5th grade; training for school personnel on child sexual abuse; educational information to parents or guardians, along with any needed assistance, referral, or resource information; available counseling and resources for students affected by sexual abuse; and emotional and educational support for a child of abuse to continue to be successful in school. These provisions are permissive and are not mandated in the bill.

The House of Representatives amended the bill to change the composition of the Task Force. The Senate concurred in the House amendment and the bill will be sent to the Governor.

SJR 80 (Lightford, D-Maywood) creates the Recess in Schools Task Force to examine the barriers facing schools in providing daily recess to every age-appropriate student and make recommendations in a final report to the General Assembly by January 1, 2011. The resolution was adopted by both the House and Senate.

A LOOK AT THE MEMBERS OF THE NEW 97TH GENERAL ASSEMBLY

As was stated earlier in this publication, the members of the 97th General Assembly will be sworn into office on January 12, 2011. There will be dozens of new faces in the legislature as eight Senators will not be returning and 24 Representatives will not return to the Capitol. The Legislative Research Unit (LRU), an arm of the Illinois legislature, has published the biographies of the in-coming legislators. Here is the link:

<http://www.ilga.gov/commission/lru/Nov2010FirstRdg.pdf>

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:
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