



ALLIANCE LEGISLATIVE REPORT (99-9)

Rancor continued this week in the Capitol between legislative Democratic members and **Governor Bruce Rauner** over the Governor's proposed cuts for the Fiscal Year 2016 State budget. Thousands of union members flooded the Capitol rotunda, performing demonstrations against the budget cuts, and creating a chaotic atmosphere in the Statehouse.

Meanwhile, legislative committees were huddled in their respective committee rooms plowing through the hundreds of bills that were scheduled for hearings. Democrat legislative leaders have begun discussions about their budget blueprint, but the inevitable negotiations between the House Speaker, Senate President, and Governor have yet to begin in earnest.

And amidst all of the activity in the Capitol, on Wednesday the focus shifted across the street as the Illinois Supreme Court heard oral arguments regarding the law suit questioning the constitutionality of the pension reform bill passed two years ago.

PENSION CASE ARGUMENTS HEARD IN SUPREME COURT

The Illinois Supreme Court heard arguments Wednesday afternoon regarding the pension reform law that was signed into law by **Governor Pat Quinn** in 2013. Participants of the various State retirement systems filed suit after the enactment of SB 1, claiming that it was unconstitutional based on the provision regarding the diminishment of pension benefits. The State's defense is not arguing the fact that there would be diminishments in pensions, but that the state has flexibility within the Constitution in emergencies – such as the poor fiscal health of the State (and thus the pension systems).

The state's argument was that even a constitutional provision is not absolute, that the state retains "police powers," and that the case should be remanded to the circuit court to determine if a fiscal emergency great enough exists for the state to reduce pension benefits. The plaintiffs pointed to the state constitution, which says that state pensions are contractually enforceable and that the benefits for those pensions cannot be diminished or impaired.

The Supreme Court Justices, however, had many questions of the State, often asking why the state should be granted police powers when it could be argued that the state created the fiscal emergency. Chief Justice Rita B. Garman said that the Supreme Court now would review the case. The court took the case on an expedited basis and a decision could be made relatively quickly.

The outcome of this case will have a major impact on the financial outlook of the State of Illinois. School districts may once again face a pension-cost shift proposal if the pension reform measures are deemed unconstitutional.

BILL APPROVED TO MOVE SCHOOL BOARD ELECTIONS

A bill that would move school board elections from the non-partisan consolidated elections in odd-numbered years to the partisan General Election in even-numbered years, received approval this week from the Senate Executive Committee. **SB 669 (Cullerton, T., D-Villa Park)**, strongly opposed by the Alliance, now advances to the full Senate.

The bill would not require candidates to declare a party to run for a school board, but would move the election to a clearly partisan election (the same ballot as candidates for congress, the State legislature,

Governor, and President of the United States). The taint of partisan politics would be inescapable for school board candidates over time.

Under SB 669, candidates for offices in other local governments – municipalities, park districts, library districts, townships, etc. – would still be elected in the non-partisan election of odd-numbered years.

School board members are urged to contact their State Senator and urge a “no vote” on SB 669.

EDUCATION TASK FORCE ON FUNDING LAYS THE GROUNDWORK

On Wednesday afternoon, the newly formed House Education Task Force on School Funding held its first meeting to discuss legislative proposals that would change the way Illinois funds schools. The meeting comes almost two years after the Senate formed its task force to discuss education funding. During the meeting of the House task force, it became clear that this will be a long process in the House just as it has been in the Senate. The task force meeting lasted just over an hour.

Jonathan Furr, the Director of the Office of Education System Innovation at Northern Illinois University and the technical advisor to **Senator Andy Manar (D-Bunker Hill)** on **SB 1** addressed the task force. Furr spoke about Senate Bill 1 and the changes it has undergone since being introduced as Senate Bill 16 last session. Two major areas of change are an increase in the amount of money to go into the formula and a regional cost fact.

Also discussed was **Senate Bill 1403 (Barickman, R-Bloomington)**, a Vision 20/20 school funding initiative. SB 1403 would create an evidenced-based funding model that takes into account the cost associated with delivering quality, research-based programming and continues to generate much positive conversation, like many Vision 20/20 initiatives, in the General Assembly. Currently, the bill has thirteen bi-partisan sponsors.

Discussion of the two proposals wrapped up with the task force members desiring to hear from more education stakeholders on the important issue of school funding reform. No further meetings have been scheduled at this time.

BILL ACTION FROM THIS WEEK

HB 152 (Willis, D-Northlake) requires that every school building be equipped with approved carbon monoxide alarms in accordance with the rules of the State Fire Marshal. **The bill, opposed by the Alliance, was approved** by the House Elementary and Secondary Education: Licensing Oversight Committee and was sent to the House floor for further consideration.

HB 303 (McDermed, R-Frankfort) provides that a severance agreement that is funded by public moneys or that releases a claim against a public body shall not require or impose any condition on any party to keep allegations, evidence, or settlement amounts confidential, except that which is necessary to protect a trade secret or proprietary information. **The bill was approved** by the House Judiciary-Civil Committee and was sent to the House floor for further consideration.

HB 1498 (Bennett, T., R-Watseka), an Alliance initiative, allows for an Open Meetings Act exemption for school boards to discuss school building safety and security. **The bill was approved** by the House of Representatives and was sent to the Senate for further consideration.

HB 2807 (Mitchell, C., D-Chicago) provides that any Illinois museum, providing State Superintendent approval, shall be approved for professional development activities for teacher licensure renewal. **The bill was approved** by the House Elementary and Secondary Education: Licensing Oversight Committee and was sent to the House floor for further consideration.

SB 73 (Connelly, R-Wheaton) allows a school district or nonpublic school to authorize a school nurse or trained personnel to administer an undesignated dose of an opioid antidote to any person that the school nurse or trained personnel in good faith believes is having an opioid overdose. **The bill was approved** by the Senate Public Health Committee and was sent to the Senate floor for further consideration.

SB 663 (Koehler, D-Peoria), an Alliance initiative, allows for an Open Meetings Act exemption for school boards to discuss safety and security measures. **The bill was approved** by the Senate Local Government Committee and was sent to the Senate floor for further consideration.

SB 1340 (Anderson, R-Moline) requires the School Security and Standards Task Force to submit a report to the General Assembly and the Governor on or before January 1, 2016 and the State Board of Education on or before July 1, 2016 (instead of on or before January 1, 2015). **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for further consideration.

SB 1488 (Cunningham, D-Chicago), for the Senior Citizen Homestead Exemption, places the burden of notification of transfer of deed on the recorder of deeds and notification of cancellation of exemption for the taxpayer on the assessor. It removes the requirement that the taxpayer reapply each year. **The bill was approved** by the Senate Revenue Committee and was sent to the Senate floor for further consideration.

SB 1561 (Manar) is an Alliance initiative. In the School Construction Grant Program, it allows for the use of the highest grant index among the school districts involved in a consolidation. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor.

SB 1605 (Radogno, R-LaGrange), in provisions providing for the transfer of interest to the fund that is most in need, allows any high school district whose territory is in two counties and that is eligible for Section 8002 Federal Impact Aid to make a one-time declaration as to interest income not previously declared from 1998 through 2011 in the debt service fund, declaring said moneys as interest earnings on or before June 30, 2016. **The bill was approved** by the Senate Executive Committee and was sent to the Senate floor for further consideration.

BILLS SCHEDULED FOR HEARING NEXT WEEK

HOUSE APPROPRIATIONS – ELEMENTARY & SECONDARY EDUCATION COMMITTEE

Tuesday, March 17, 1:00 p.m., Room C-1, Stratton Building

Subject Matter: Mandated Categorical Grants; Materials Center for the Visually Impaired; Phillip J. Rock Center; Social, Gifted Education; Blind and Dyslexic; and Community and Residential Services

SENATE EDUCATION COMMITTEE

Tuesday, March 17, 1:00 p.m., Room 212, State Capitol

SB 100 (Lightford, D-Westchester), in an amendment filed for the bill, would add comprehensive new policy changes regarding discipline and expulsion procedures in schools.

SB 665 (Stears, D-Chicago), in an amendment filed for the bill, would require school districts to give the union bargaining agent a five-day notice that the district has been identified as a priority district by the Illinois State Board of Education (ISBE).

SB 1301 (Hutchinson, D-Chicago Heights) provides that payments made by the ISBE or a school board to a charter school shall be prorated and paid at the same percentage as general State aid payments to school districts in a fiscal year.

SB 1591 (Collins, D-Chicago) requires a charter school proposal to include disclosure of any known active criminal or civil investigation by a local, state, or federal law enforcement agency into the individual or organization submitting the charter school proposal.

SB 1628 (Brady, R-Bloomington) provides that if a disaster occurs a month or more after the start of a school year and that disaster affects the district's pupil attendance, then the Average Daily Attendance figure must be no less than the best month of pupil attendance for that school year before the disaster occurred.

SB 1679 (Lightford) provides that the State Course Access Catalog shall be developed for the ISBE and shall provide a listing of all courses authorized and available to students, detailed information about the courses, and the ability for students to submit their course enrollments.

SB 1793 (Hastings, D-Matteson) requires the ISBE to develop a model youth suicide awareness and prevention policy and compile, develop, and post on its Internet website recommended guidelines and educational materials for professional educator training and recommended resources and age-appropriate educational materials on youth suicide awareness and prevention.

SB 1905 (Lightford) adds to high school graduation requirements the successful completion of two years of a foreign language.

HOUSE JUDICIARY-CRIMINAL COMMITTEE

Tuesday, March 17, 3:00 p.m., Room D-1, Stratton Building

HB 355 (Zalewski, D-Riverside) requires that enhanced penalties for certain drug violations committed on school property must be committed when persons under the age 18 are present, the offense is committed during school hours, or the offense is committed at times when persons under the age of 18 are reasonably expected to be present.

HB 1314 (Flowers, D-Chicago) establishes a specific criminal offense for fraud against a school district and assesses enhance penalties in such cases.

HB 2637 (Crespo, D-Hoffman Estates), a Vision 20/20 initiative, amends the State competitive bidding requirements to allow for school districts to participate in purchasing through contracts with any state's purchasing pool that awards contracts by a competitive process and whose membership is limited to governmental agencies.

HB 3633 (Conroy, D-Villa Park) provides that a concealed carry of firearms licensee who knowingly carries a firearm onto the of a public or private pre-school, elementary or secondary school, college, or university is guilty of a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense.

HOUSE ELEMENTARY & SECONDARY EDUCATION – LICENSING OVERSIGHT

Wednesday, March 18, 8:00 a.m., Room 115, State Capitol

HB 3123 (Pritchard, R-Sycamore) provides that school counseling services may include actively supporting students in need of special education services by implementing the academic, personal or social, and college or career development services or interventions as required by a school professional per a student's individualized educational program; participating in or contributing to a student's individualized educational program; or completing a social development history.

HB 3191 (Mayfield, D-Waukegan) provides that an administrator of a transitional bilingual education program or a transitional program of instruction is not required to hold an administrative or a

supervisory license endorsement.

HB 3192 (Mayfield) removes a provision requiring a school nurse whose duties require the educational evaluation of pupils to be certificated.

HB 3314 (Anthony, R-Morris) lowers the application fee for a Professional Educator License, Educator License with Stipulations, or Substitute Teaching License from \$100 to \$75.

HB 3477 (Mayfield) allows a school district to employ a substitute teacher for no longer than 30 instructional (instead of calendar) days if there is no licensed teacher under contract because of an emergency situation. It also provides that a district in an emergency situation may employ as a substitute teacher an educator who holds a Professional Educator License or Educator License with Stipulations that is endorsed for the grade level of instruction for up to 120 days if the district notifies the appropriate regional office of education within 5 business days after the employment of the educator.

HOUSE ELEMENTARY & SECONDARY EDUCATION – SCHOOL CURRICULUM & POLICIES COMMITTEE

Wednesday, March 18, 8:00 a.m., Room 114, State Capitol

HB 2923 (Golar, D-Chicago) requires the ISBE to create a pilot program in which public elementary schools with 30% or greater mobility rates may apply for and be awarded an annual grant to use the Direct Instruction teaching method.

HB 3159 (Gabel, D-Evanston) sets forth additional information that a school must report to the ISBE with respect to children receiving a required dental examination.

HB 3165 (Burke, D-Chicago) requires instructors training persons on how to properly administer cardiopulmonary resuscitation and how to use an automated external defibrillator to be certified to administer cardiopulmonary resuscitation and use an automated external defibrillator.

HB 3190 (Davis, W., D-East Hazel Crest) provides that if a person attempts to enroll a pupil in a school district and the school board finds that the pupil is a non-resident of that district, the board must provide certain information to the person attempting to enroll the pupil, including referrals to free or reduced-cost legal help.

HB 3196 (Chapa LaVia, D-Aurora) requires the State Superintendent of Education, the executive director of the Illinois Community College Board, the executive director of the Board of Higher Education, and the executive director of the Illinois Student Assistance Commission ("Appointing Authorities") to establish and select individuals to serve as members of one or more advisory committees responsible for delivering recommendations concerning competency-based high school graduation requirements, student readiness for college-level instruction, and early college credit.

HB 3197 (Chapa LaVia) creates the Attendance Commission within the ISBE to study chronic absenteeism and make recommendations for strategies to prevent chronic absenteeism.

HB 3198 (Chapa LaVia) provides that all school districts shall, every two years, review and update all policies regarding attendance, absenteeism, and truancy, using data from the previous 360 regular attendance school days.

HB 3200 (Chapa LaVia) provides that the Average Daily Attendance figure for formula calculation purposes shall be the average of the actual number of pupils in attendance of each school district of the previous 180 regular attendance days (currently, the monthly average of the actual number of pupils in

attendance of each school district, as further averaged for the best 3 months of pupil attendance for each school district).

HB 3252 (Ives, R-Wheaton) creates the Illinois School Choice Program that allows the payment of public funding to private schools through a voucher process.

HB 3286 (Flowers) requires every public elementary school that maintains grade 6 to include in its 6th grade curriculum a one-semester civics education course that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States.

HB 3337 (Welch, D-Westchester) requires every school district to provide all-day kindergarten beginning with the 2017-2018 school year.

HB 3364 (Andrade, D-Chicago) provides that the principal of a school within any school district may admit a non-resident pupil requesting to attend that school if the parent or legal guardian of the pupil is a licensed employee for two or more years at that school.

HB 3402 (Tabares, D-Chicago) provides that any person having custody or control of a child who is receiving special education services is guilty of a Class B misdemeanor and is subject to not more than six months' imprisonment or a fine of up to \$1,000 or both upon conviction for knowingly and willfully persisting in the child's truancy.

HB 3428 (Sente, D-Lincolnshire) provides that a student who takes a College Board Advanced Placement examination and receives a score of three or higher on the examination is entitled to receive postsecondary level course credit at a public institution of higher education.

HB 3435 (Jackson, D-East St. Louis) allows a child to be absent from school on a particular day or days or at a particular time of day for the reason that his or her parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support postings.

HB 3526 (Fortner, R-West Chicago) requires that the current high school graduation requirements be aligned with the content of the Illinois Learning Standards.

HB 3535 (Golar), a Vision 20/20 initiative, provides that school districts need not comply with and may discharge any mandate or requirement placed on school districts by the School Code or by administrative rules adopted by the ISBE that is unfunded.

HB 3544 (Bradley, D-Marion) requires (instead of permits) a school district to establish a volunteer service credit program.

HB 3574 (Cloonen, D-Kankakee) provides that school board members may expend school district funds only for school purposes, including without limitation the conduct of business, operations, and education.

This legislative report was 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.

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