



ALLIANCE LEGISLATIVE REPORT (95-64)

SWIFT APPROVAL OF EMPLOYEE BILLS

The Illinois State Senate quickly approved two school district employee benefit bills Wednesday night only hours after the bill text was advanced by the Senate Rules Committee. In an Alliance Legislative Alert sent out late Wednesday night, **SB 2686 (Demuzio, D-Carlinville)** regarding teacher tenure and **SB 2689 (Noland, D-Elgin)** regarding employee sick leave were highlighted.

Instead of introducing new bills which would have required a six day posting notice before they could be considered in committee, the provisions were added to "shell bills" by amendment – thus only requiring a one hour notice before the amendments were heard in committee. The bills were debated in the Senate Education Committee mid-afternoon on Wednesday. **The Alliance** opposed both bills and testified against them before the legislative panel. During the discussion, senators had asked for some additional information on the fiscal impact of the sick leave proposal. Alliance lobbyists worked with other education lobbyists to devise a method to receive the fiscal information as soon as possible. The Alliance Legislative Alert was written and sent out that evening. In the meantime, however, the sponsor called SB 2689 for a vote on the Senate floor Wednesday evening – mere hours after the provision first surfaced by amendment.

SB 2686 was also called for a vote and was approved by the Senate Wednesday evening.

SB 2689, as amended, would require school districts to allow educational support personnel (ESP) to accumulate up to 240 days of sick leave at full pay, including the leave of the current year. The bill also would require that the school keep a record of ESP sick leave accrual so that upon reduction in force and recall either the district must pay the employee the cash value for all accumulated sick leave at the daily rate of pay at the time of the lay off or for those recalled the district must re-credit the employee for any accumulated sick leave at the time of recall.

SB 2686, as amended, would require that a school district grant tenure after a two-year probationary period for any teacher that had served in another school district and been granted tenure there after 4 consecutive school terms.

Both bills now go to the House of Representatives for consideration. Please call your State Representatives and urge them to oppose these two bills.

IMRF BILLS ALSO APPROVED

The Senate this week also approved three costly bills that would increase school districts' costs regarding the Illinois Municipal Retirement Fund (IMRF). The bills move to the House of Representatives for consideration.

SB 1958 (Clayborne, D-E. St. Louis) provides that the amount of the separation benefits for IMRF members shall include interest at 50% of the prescribed rate of interest per annum from the date of enrollment to the date of termination of participation. Currently, no interest is paid.

SB 1959 (Clayborne) increases the amount of supplemental benefit payments for IMRF members. The amount of the supplemental benefit payment to each eligible person shall be 75% of the monthly retirement or surviving spouse annuity payable to that person in June preceding the July 1 supplemental benefit payment date and adds the percentage of earnings of the participating employees of all

participating municipalities and participating instrumentalities necessary to provide that year's supplemental benefit payment to the list of considerations in determining the municipal contribution rate.

SB 1960 (Clayborne) increases the minimum number of years of service an IMRF employee must work to be eligible for a retirement annuity from 8 years to 5 years.

Each of these bills would increase the IMRF payment for every school district in the State. To cover the increased costs associated with the bills, school districts would either be forced to expend education fund monies to cover the added IMRF pension costs (likely in school districts whose IMRF levies are subject to property tax caps); or increase the IMRF levy thus directly impacting local property taxes.

OTHER BILL ACTION THIS WEEK

**The following bills* were approved by the House of Representatives and were sent to the Senate:

HB 4471 (Dugan, D-Bradley) requires a school to notify the person enrolling a child that he/she must provide a certified copy (instead of a copy of the certified copy) of the child's birth certificate and requires the school to promptly make a copy of the certified copy of the child's birth certificate for its records and return the original certified copy to the person providing it.

HB 4646 (Moffitt, R-Gilson) allows school districts to enter into cooperative ownership agreements with other local governmental entities to operate wind generation turbine farms.

HB 5188 (Pihos, R-Glen Ellyn) amends the Illinois School Student Records Act, regarding confidential communications, to define "psychotherapist" as a person who is a school social worker, school psychologist, or school counselor, as those terms are defined in the School Code, or an intern working under the direct supervision of a school social worker, school psychologist, or school counselor.

HB 5399 (Verschoore, D-Rock Island) allows for specific area school board member representation for the Aledo-Westmer school district consolidation initiative.

HB 5611 (Jefferson, D-Rockford), subject to appropriation, requires the ISBE to establish and administer a program that provides stipends (\$20,000 over 5 years) to teachers (with at least 4 years of experience) who choose to teach at hard-to-staff public schools.

HB 5684 (Boland, D-Moline) requires each agency of the State government and each unit of local government to ensure that each United States flag that is flown at each building, structure, or facility is manufactured in the United States.

**The following bills* were approved by the Senate and were sent to the House of Representatives:

SB 848 (Clayborne) makes changes regarding debt limitations for Mascoutah Community Unit District 19.

SB 1865 (Noland) increases the penalty and allows for school districts to recover attorney fees for damages under the Parental Responsibility Law.

SB 1956 (Lightford, D-Chicago) allows for a maximum of 5 additional charter schools (with up to 25 campuses each) exclusively for truants or dropouts in Chicago if the limit on the number of charter schools that may operate at any one time in the rest of the State has not been reached.

SB 2002 (Haine, D-Alton), with respect to the participation of units of local government and school districts in the State Employees Group Insurance Act, permits participation with fewer than all employees enrolled as long as (i) those not enrolled are covered spouses or dependents in this or another plan or (ii) at least 50% of employees are enrolled.

SB 2042 (Bond, D-Grayslake) makes changes relating to the residency of pupils in residential facilities and the payment of costs concerning tuition for non-resident pupils, residency and the payment of tuition, determining the resident district with respect to children with disabilities, and special education classes for children from orphanages, foster family homes, children's homes, or in-State housing units.

SB 2091 (Haine) establishes the State's Attorney's duty to notify the State Superintendent of Education upon the conviction of a teacher of certain offenses or felony convictions; allows for suspension or revocation of teaching certificates for misconduct; establishes the State Superintendent's authority to initiate the suspension of up to 5 calendar years or revocation of any certificate for specific reasons; establishes a school superintendent's duty to notify authorities if there are claims against a teacher for abusing or neglecting a child; requires cooperating in an investigation of alleged misconduct, and addresses confidentiality and non-disclosure of information, the attendance of witnesses and the production of certain documents. A Senate amendment adds a "willful and wanton" clause regarding the school district superintendent's immunity from liability and removes the language presuming that the superintendent is acting "in good faith" when complying with the notification requirements of the bill.

SB 2113 (Radogno, D-LaGrange) creates the Identity Protection Act to prohibit a state or local government agency (including school districts) from using an individual's social security number on any document that is mailed or otherwise made available to others. It requires school districts to develop and implement an identity protection policy and requires that any employee who has access to social security numbers receive training on how to keep the numbers confidential.

SB 2170 (Murphy, R-Palatine) provides that teachers (not just school authorities) may inspect and search places and areas owned or controlled by the school, as well as personal effects left in those places and areas by students, without notice to or the consent of the student and without a search warrant.

SB 2256 (Cullerton, D-Chicago) as to how the Human Rights Act impacts school districts, limits the jurisdiction of the Department of Human Rights to: (1) the failure to enroll an individual; (2) the denial of access to facilities, goods, or services; (3) harassment, bullying, or similar acts against an individual; or (4) the failure of a covered entity to take corrective action to stop harassment, bullying, or other acts against an individual.

SB 2293 (Maloney, D-Chicago) requires that certain contracts involving an expenditure in excess of \$25,000 or a lower amount as required by school board policy (rather than \$10,000) be awarded to the lowest responsible bidder.

SB 2400 (Link, D-Vernon Hills) creates the Biometric Information Privacy Act to provide that a public agency in possession of biometric identifiers or biometric information must develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying biometric identifiers and biometric information when the initial purpose for collecting or obtaining such identifiers or information has been satisfied or within 3 years of the individual's last interaction with the public agency or private entity, whichever occurs first.

SB 2402 (Martinez, D-Chicago) provides that the total number of charter schools operating at any one time shall not exceed 100 (instead of 60) and removes the geographical limits on the number of charter schools that may operate at any one time.

SB 2481 (Lightford) eliminates the statute allowing for out-of-state testing waivers for teachers.

SB 2482 (Lightford) removes obsolete and duplicative language from the Illinois School Code.

SB 2487 (Forby, D-Benton) clarifies and corrects the newly created Article 11E for school district reorganizations.

SB 2685 (Delgado, D-Chicago), beginning with the 2009-2010 school year, requires teachers' institutes to include instruction on prevalent student chronic health conditions.

SB 2687 (Demuzio), with respect to the Illinois Teaching Excellence Program, makes changes concerning the \$3,000 annual payment to teachers and school counselors, the \$1,000 and \$3,000 annual incentives for certain teachers who agree to provide mentoring (including changing the \$3,000 annual incentive to \$2,000 and allowing the incentives for school counselors), additional annual incentives and monetary support, funds for an electronic system to process Master Certificates and various payments and for candidate support and recruitment, and the information a regional superintendent of schools must provide to individuals seeking to register or renew a certificate.

SB 2688 (Kotowski, D-Park Ridge) requires school districts to conduct a law enforcement drill each year to prepare students and school personnel for evacuations for incidents of shootings, bomb threats, etc. **An Alliance amendment** will be added in the House to lessen the disruption in schools.

SB 2858 (Trotter, D-Chicago) requires the ISBE to adopt rules for the elimination of foods containing trans fats in public school cafeterias.

SB 2864 (Cullerton) eliminates the use of 11-15 passenger vans for interscholastic or other school sponsored non-curriculum related activities.

**The following resolution* is pending on the Senate floor:

SJRCA 92 (Frerichs, D-Gifford) proposes to change the Revenue Article of the Illinois Constitution by removing the provision stating that income taxes shall be at a non-graduated rate – thus allowing the legislature to approve legislation establishing a graduated income tax. The resolution was approved by the Senate Executive Committee and was sent to the Senate floor for consideration.

**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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