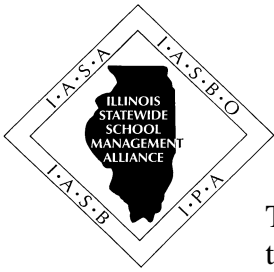


April 11, 2014



ALLIANCE LEGISLATIVE REPORT (98-42)

LEGISLATIVE PROCESS HALF WAY DONE

Today (Friday) is the deadline for bills originating in the House of Representatives to be moved out of the House and for bills starting in the Senate to be out of the Senate. So, generally, this is the half-way point in the legislative session. The bills still “alive” will now be considered by members in the opposite chamber.

Alliance legislative staff has been busy trying to stop or amend bills that would have an adverse impact on local school districts. Many Alliance amendments have been added to bills while negotiations are still ongoing on several issues (school discipline, bullying, military compact, school district mandate relief). The Alliance will be trying to “kill” bills in the second chamber if they have been approved over Alliance objection in the first house.

Both the House and Senate will be on hiatus for the next two weeks. This is an opportune time to contact Representatives and Senators in their home offices to discuss legislation. The General Assembly returns to the Capitol on Tuesday, April 29.

Also, there is a sample resolution for your local school board to adopt regarding school funding. It can be found on the IASB webpage at <http://iasb.com/govrel/l sfr14.pdf>. The resolution is an opportunity for local school districts to take positive action regarding the school funding debate. It is a sample, drafted broadly, but can be adapted more specifically for your school district. Please consider adopting a resolution and sending it to your State legislators. Please also send a copy of your resolution to the Alliance at: ccrowder@iasb.com

UPDATE ON KEY LEGISLATIVE ISSUES

SCHOOL DISCIPLINE

Several bills related to student discipline and bullying have been making their way through the House and Senate this spring. **Senate Bill 3004 (Lightford, D-Maywood)**, as currently written, would require sweeping changes to the use of exclusionary discipline in schools (suspensions, expulsions, and referrals to alternative settings). The bill would prohibit school officials from using suspensions and expulsions as a form of “punishment,” even for many serious disciplinary issues. This legislation would limit school officials’ ability to maintain and ensure a safe learning environment for students and staff.

Senate Bill 3004 would also limit the ability of school officials to respond to threatening behavior such as bullying, harassment, and other non-physical threats. The legislation would, as a result, provide minimal consequences (a maximum 3-day suspension) and protection for students who engage in persistent non-physical but threatening behavior such as stalking or violations of an order of protection. This could exacerbate law enforcement involvement when a school is unable to address these situations internally.

The bill also requires schools to provide very prescriptive, mandated educational services to students that have been suspended or, expelled and not admitted to another school. Under the bill, students must receive daily classwork and assignments from each teacher and be allowed to make up all work and earn equivalent credit, and have their assignments graded, without penalty, on a weekly basis and returned to them. Schools would also be tasked with an unfunded mandate to designate a staff person to serve as the liaison between the student and their teachers to ensure these requirements are met.

The Alliance has participated in negotiations with the proponents of this legislation and proposed several different ways to accomplish the shared goal of reserving exclusionary discipline for the most egregious offenses. There is still no agreement on a final bill, so it is important to contact your local State Senator to share the many dangerous consequences of this legislation.

BULLYING LEGISLATION

Lawmakers continue to seek legislation to address bullying in schools and at home. Tragedies ripped from the headlines blaming bullying as the cause lend validity to lawmakers' efforts to make a difference for children who are bullied. Illinois has been prolific in passing legislation to address bullying issues. Laws have been enacted in 2006, 2007, 2008 and 2011 requiring schools to adopt policies, provide instruction, define cyberbullying and instruction on gang resistance to name a few of the changes codified into law. In 2012 the legislature considered legislation that would have added "restorative measures" to the requirements for addressing bullying and those being bullied. While that legislation was unsuccessful in 2012, it has been introduced again as **HB 5707 (Cassidy, D-Chicago)** with additional provisions from legislation enacted in New Jersey where they found it to cost school districts over \$2,000,000 to implement. **The Alliance continues to work** with the sponsors of the legislation for sensible modifications.

HB 5707, as amended, includes numerous mandates that would require the following:

- Adds criteria to what is required for a school's "Policy on bullying" including procedures for promptly reporting bullying such as:
 - All acts of bullying shall be reported verbally to the school principal or designee on the same day the bullying is witnessed or information regarding the incident is received
 - Principal or designee shall inform the parents of all students involved and discuss counseling or other restorative measures
 - All acts of bullying shall be reported in writing to the school principal or designee within two school days of the witnessed or reported incident
 - An investigation shall be initiated by the principal or designee within one day of the report of the incident and be conducted by a school counselor, social worker or other personnel required to be trained in bullying intervention
 - Investigation shall be completed within 10 days after the report of the incident
 - Results of the investigation shall be reported to the principal or designee within two school days of the completion of the investigation
 - Principal may decide to provide intervention services, restorative measures, establish training programs, order counseling or other appropriate action
 - Parents party to the investigation shall receive, within five days of the investigation, information about the investigation and what actions were imposed or provided
 - Parents may request a meeting with the principal and the board of education which must be granted within 10 days of the request
 - Requires naming a school district "anti-bullying coordinator"
- Policy must also include:
 - Consequences and remedial actions for a person found to have falsely accused another as a means of retaliation or as a means of bullying
 - Posting on the school's website provision and placement of the policy in the student handbook

- Requires the posting of the name, school phone number, school address and school e-mail address of the district anti-bullying coordinator
 - Defines “Restorative Measures” as: continuum of school based alternatives to exclusionary discipline such as suspensions and expulsions that are adapted to needs of school and community; contribute to maintaining school safety; protect the integrity of a positive and productive learning climate; teach students the personal and interpersonal skills they will need to be successful in school and society; serve to build and restore relationships; reduce the likelihood of future disruption by balancing accountability with an understanding of students’ behavioral health needs in order to keep students in school.
- Requires schools to re-evaluate, reassess, and review the policy every two years
 - Requires a yearly report including the following:
 - Number of reports of bullying
 - Number of investigations conducted
 - Number of reports determined to be substantiated and unsubstantiated
 - For the substantiated bullying reports the number of reports with outcomes involving restorative interventions, disciplinary action and those utilizing both
 - Requires the report to go to the superintendent, requires maintaining the aggregate data and requires reporting the same on the district’s website
 - Requires the ISBE to promulgate rules

In addition, identical initiatives are progressing, **HB 4207 (Fine, D-Glenview)** and **SB 2870 (Silverstein, D-Chicago)**, that prohibit a student from being subjected to bullying through the transmission of information from a computer that is accessed off school property, or from the use of technology or an electronic device that is not owned by a school district (commonly called “Cyberbullying”). **School management advocates, including the Alliance**, were successful in getting the bills amended to reflect that school intervention is only required where there is a substantial disruption to the educational process or orderly operation of a school and *only* in cases where school personnel receive a report that bullying occurred specifying that the district is not required to monitor non-school related activity.

Legislators need to hear from school personnel about the difficulties in implementing many of the provisions included in these efforts. It is especially important to share current local school policies on prevention of bullying, intimidation and harassment as well as, student discipline and grievance procedures. Please contact your Senator to discuss your school’s procedures for addressing bullying and ask for a “no” vote on HB 5707.

CHARTER SCHOOLS

After successfully moving two major changes to charter schools laws through the House of Representatives, **State Representative Linda Chap La Via (D-Aurora)** hit a snag this week as **HB 4237** failed on the House Floor. HB 4237, supported by the Alliance, would have restricted the ability of the Charter School Commission to overturn a local school boards decision to deny a charter application.

The two bills that were approved were **HB 3937** and **HB 3754**. HB 3937, as amended, extends the moratorium on virtual charter schools from April 1, 2014 to December 31, 2017. HB 3754 repeals the law that establishes the State Charter School Commission and returns charter school authorizing and appeal powers to the Illinois State Board of Education (ISBE).

Discussion of charter school bills often gets heated, but none so far this session have reached the level of intensity of the House floor debate on HB 4237 Thursday. In her closing statement, Chapa La Via made some remarks that many legislators and onlookers viewed as offensive. She has since apologized. Even after the apology, the passion of the debate led to the decision to change sponsorship of the bill to **Representative Sandra Pihos (R-Glen Ellyn)**.

The bill was a handful of votes short of the 60 needed for passage. The sponsor used a legislative measure to allow for another vote on the bill at a later date. **The Alliance will be monitoring** this issue and will provide future updates if the new sponsor, Representative Pihos, decides to move this important local control issue forward.

Another Charter Schools bill, **HB 4591 (Martwick, D-Chicago)**, provides that if a charter school dismisses a pupil from the charter school shall return to the school district an amount equal to 100% of the school district's per capita student tuition, on a pro rata basis, for the time the student is not enrolled at the charter school. This bill was approved by the House of Representatives and sent to the Senate.

SCHOOL FUNDING

Appropriations committees in both the House and Senate have continued to meet to craft the Fiscal Year 2015 State budget. Nothing definite has been decided at this point and, generally, the budget updates in Alliance Legislative Reports 98-39 and 98-40 are still accurate. More specific education budget information can be found on the ISBE website at: <http://www.isbe.net/budget/default.htm>

In other funding news this week, **House Speaker Michael Madigan (D-Chicago)** announced that he had dropped his plans to move forward with a proposal to change the State Constitution to allow for a graduated income tax. **House Joint Resolution Constitutional Amendment 51** proposes to charge an additional 3% of income taxation on any income over \$1 million. According to Speaker Madigan, the proposal would generate an additional \$1 billion for State coffers and, as drafted in the resolution, would be distributed on a per pupil basis to every school district. But when it became apparent this week that the measure did not have the support needed for passage on the House floor, the Speaker announced that he would not be calling the resolution for a vote. Resolutions calling for an amendment to the Illinois Constitution must be adopted by the House and Senate prior to May 4th to be placed on the November ballot.

The legislation that calls for an entirely new method to distribute funds through the General State Aid formula was approved by a Senate committee this week and sent to the full Senate for consideration. **SB 16 (Manar, D-Bunker Hill)** incorporates many of the ideas discussed as a part of the Education Funding Advisory Committee deliberations. The sponsor stated that the bill will be held on the Senate floor without a vote until the ISBE can run data through the new formula so school districts (and legislators) can see what the new funding distribution will look like. The ISBE announced that it would take at least until the middle of May before it will have the necessary data to do so. A summary of SB 16 was contained in the last Alliance Legislative Report at: <http://iasb.com/govrel/alr9841.cfm>

HOT BILLS THAT WERE APPROVED THIS WEEK

The following bills were approved by the House of Representatives and were sent to the Senate for further consideration:

HB 2513 (Phelps, D-Harrisburg) requires that all new school building construction governed by the "Health/Life Safety Code for Public Schools" must include in its design and construction a storm shelter that meets the minimum requirements of the ICC/NSSA Standard for the Design and Construction of Storm Shelters. **The Alliance opposes** the bill.

HB 3163 (Ford, D-Chicago) requires the ISBE to conduct a study on the impact and effectiveness of standardized testing. **The Alliance supports** the bill.

HB 3939 (Jackson, Sr., D-East St. Louis), as amended, makes minor changes to the Educational Opportunity for Military Children Act, including allowing children to be placed in grades and courses they were in at their last school until school administrators can verify placement. It also removes the sunset date. **The bill was amended** to address Alliance concerns.

HB 5330 (Chapa La Via), as amended, requires the State Superintendent of Education to appoint a committee to review the tests administered by the ISBE and national, statewide, and local assessments administered by school districts. **The Alliance assured** that members of the committee included one each from the IASA, IPA, and IASB.

HB 5537 (Curry, D-Chicago) allows ISBE, an appointed board, to remove elected school board members and takeover school districts based on governance issues. **The bill was amended to address Alliance concerns**, and now can apply to only four school districts. More information can be found in Alliance Legislative Reports 98-38 and 98-41.

HB 5623 (Sandack, R-Downers Grove) originally required that every unit of local government and school district provide an electronic mail address for the use of each of its elected officials, including board members. **To address Alliance concerns**, the bill was amended to provide one uniform, single email address, for members of the public to electronically communicate with elected officials.

HB 5838 (Mitchell, C., D-Chicago), as amended, under the alternative and optional education programs for truants and the IHOPE program, allows dropouts up to the age of 23 to stay in the program if the program is not be conducted in the same public school facility as the regular education program. **The Alliance opposes** the bill.

HB 5967 (Sosnowski, R-Rockford) provides that a school board shall provide free transportation for pupils residing at a distance of two miles (instead of one and one-half miles) or more from school.

The following bills were approved by the Senate and were sent to the House of Representatives for further consideration:

SB 2793 (Hutchison, D-Chicago Heights) requires the ISBE to annually prepare a report on student discipline in all school districts and to post it on its website. The report shall include data on the issuance of out-of-school suspensions, expulsions, and removals to alternative settings, disaggregated by race and ethnicity, gender, and age. The ISBE then must analyze the data on an annual basis and determine the top quartile of school districts for the following metric: total number of instructional days on which students were excluded, divided by the total student population. The ISBE shall require each of the school districts identified in this quartile to submit a school discipline improvement plan identifying the strategies the school district will implement to reduce the use of harsh disciplinary practices, which plan must be approved at a public school board meeting and posted on the school district's Internet website. **The Alliance opposes** the bill.

SB 3412 (Steans, D-Chicago) requires the ISBE to establish the academic standards that are to be applicable to students who are subject to State assessments and establishes the new process for standardized tests in grades 3-12.

OTHER LEGISLATION APPROVED THIS WEEK

The following bills were approved by the House of Representatives and were sent to the Senate for further consideration:

HB 3664 (Kosel, R-New Lenox), as amended, provides that a severance agreement that is funded by public moneys shall not require any party to keep allegations, evidence, settlement amounts, or any other information confidential.

HB 3948 (Golar, D-Chicago) makes changes to the Grow Your Own Teachers program to create new criteria for applicants to the program.

HB 4612 (Sandack), as amended, requires the ISBE to study shared services contracts in current student transportation, as well as the opportunity for increased savings

HB 4995 (Mitchell, B., R-Decatur) makes changes with respect to the debt limitations for Monticello Community Unit School District 25.

HB 5283 (Harms, R-Watseka), concerning the debt limitations of school districts, provides that Milford Township High School District 233 may issue bonds with an aggregate principal amount not to exceed \$17,500,000 if certain conditions are met.

HB 5588 (Mautino, D-Spring Valley) removes several outdated, obsolete and duplicative provisions of laws governing schools.

HB 5716 (Brauer, R-Springfield), as amended **to address Alliance concerns and to remove the mandate**, states that consideration may be given to making the emergency and crisis response plans available to first responders, administrators, and teachers for implementation and utilization through the use of electronic applications on electronic devices, including, but not limited to, smartphones, tablets, and laptop computers.

HB 5816 (Senger, R-Naperville) provides that if a member or participant of a pension fund or retirement system is convicted of, or pleads guilty to, intimidation by a public official, bribery, official misconduct, engaging in kickbacks, fraudulently obtaining public moneys reserved for a disadvantaged business enterprise, or certain theft offenses, then none of the benefits that are provided for and that are attributable to the service of that person shall be paid.

HB 5892 (Mussman, D-Schaumburg), as amended, provides for the administration of undesignated epinephrine auto-injectors by a pupil, school nurse, and trained personnel.

HR 826 (Gabel, D-Evanston) urges the ISBE to: (1) identify potential federal grants for states that can be used for parenting programs and early care and education programs; (2) require early care and education programs; (3) require elementary, middle, and high schools to have family engagement policies and procedures in place that welcome and involve families in meaningful partnerships focused on children's learning; and (4) consider the potential benefits of requiring a course in parenting education as a prerequisite for high school graduation. **The House adopted** the Resolution.

HR 895 (Chapa La Via) urges the House Elementary and Secondary Education Committee to hold subject matter hearings on the administration and funding of high school sports, the safety of high school athletes, the systems and protocols of Illinois High School Association (IHSA), the costs and income of administering high school sports and feasibility of transferring the duties and functions of IHSA to ISBE. **The House adopted** the resolution.

The following bills were approved by the Senate and were sent to the House of Representatives for further consideration:

SB 585 (Sullivan, D-Quincy), in provisions allowing a school district to levy a tax or issue bonds for fire prevention, safety, energy conservation, disabled accessibility, school security, and specified repair purposes, also allows a district to levy a tax or issue bonds whenever the district determines that it is necessary for the improvement of potable water quality or the fire protection system water.

SB 3108 (Noland, D-Elgin) provides that funds from certain taxes authorized under the Act may be used for the funding of preventative maintenance measures such as sprinkler systems.

SB 3374 (Sullivan) extends the expiration date by five years (June 30, 2013 to June 30, 2018) for the time allowed retired teachers to work in shortage areas in school districts.

This legislative report was written and edited by the lobbyists of the Illinois Association of School Boards and Illinois Principals' Association 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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