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Subject: **Alliance Legislative Report (#96-48)**  
Date: March 5, 2010 2:14:15 PM CST  
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2 Attachments, 154 KB

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March 5, 2010

## **ALLIANCE LEGISLATIVE REPORT (96-48)**

### **COMMITTEES MUDDLE THROUGH BUSY WEEK**



Legislative committees in both the House of Representative and Senate worked through the week to deliberate on the hundreds of bills that were scheduled for a hearing this week. Today (Friday) was the deadline for Senate bills to be approved by a Senate committee; next Friday is the committee deadline for House bills. Other than some partisan political wrangling in the Senate, little committee work was done on the Fiscal Year 2011 State budget.

On a positive note, the U.S. Department of Education announced that Illinois has been chosen as one of the finalists to receive "Race to the Top" funds. The Illinois State Board of Education (ISBE) submitted an application in January in an effort to receive part of the over \$4 billion in federal funds available for public school districts. According to the U.S. DOE, 41 States applied for the "Race to the Top" funds and, Thursday, 16 were chosen as finalists for the grants. The final grant awardees will be announced in April.

### **ANOTHER MANDATE ON SCHOOL DISTRICTS**

The Senate Education Committee Tuesday evening approved a bill that would add stringent new requirements regarding a school district's bullying policy. **SB 3266 (Lightford, D-Maywood)** was approved with Senators Meeks, Martinez, Steans, Demuzio, Lightford, and Frerichs voting "yes" while Senators Garrett, Burzynski, Luechtefeld, and McCarter voted "no" or "present". The Alliance testified against the bill in committee. The bill, which now goes to the Senate floor for consideration, does the following:

- o provides a new 150-word definition of bullying
- o requires school districts to adopt a new comprehensive policy on bullying which must include 8 specific points as spelled out in the bill, including:
  - Ø procedures for reporting bullying
  - Ø required reporting of bullying by school employees
  - Ø procedures for a prompt investigation of allegations of bullying
  - Ø identification of the person responsible for investigating reports of bullying
  - Ø timelines that the school will follow in resolving complaints of bullying
  - Ø a list of the consequences and remedial actions taken against bullies
  - Ø a list of remedies for a student subjected to bullying
- o requires new public posting requirements for the bullying policy
- o requires the district to maintain data that records each bullying complaint and the result of the district's investigation into the complaint. The school district would be required to submit the data to the ISBE.
- o If funds are appropriated to the ISBE for this purpose, a "demonstration project" with 5-10 school districts that includes instruction to students and in-service training on bullying for school personnel (defined as all certificated and non-certificated employees of the district, those that contract with the district, and volunteers).
- o includes provisions for "Gang Resistance Education and Training" in schools. Though it states that school districts "may make suitable provisions" for this instruction – if a district does offer such instruction – it "must collaborate with State and local law enforcement agencies".
- o Exempts the legislation from being covered under the State Mandates Act.

The entire text of the bill can be found at: <http://www.ilga.gov/legislation/fulltext.asp?>

You are encouraged to call your State Senator and urge a "No vote" on SB 3266. Remind him/her that:

- o Current law requires school districts to have a policy on bullying that must be filed with ISBE
- o Current law requires that the bullying policy be updated every two years and re-filed with ISBE
- o Current law requires that the student discipline policy address bullying
- o Current law requires that the internet safety education curriculum include online harassment and cyber-bullying
- o The State of Illinois currently owes school districts approximately \$735 million in late payments for the current FY 2010 fiscal year
- o The Governor has suggested that K-12 education will be cut by \$1 billion in FY '2011
- o This is not the time to mandate additional burdens on local school districts
- o Your district already has procedures in place on bullying and conflict resolution. Please explain these to your legislator.

### **PENSION REFORM STILL ON AGENDA**

Though no pension reform bill has yet been called for a vote before the full legislature, the idea is still on the forefront in the State Capitol. Generally, there have been calls for reform for all five State pension systems. The Governor, Speaker of the House, and Senate President, have each indicated that this is an issue that needs addressed. Debate has been fueled recently as news media articles continue to appear regarding public employee pensions and salaries and groups continue to advance their own "pension reform" proposals. Most recently, the Civic Committee of the Commercial Club of Chicago, consisting largely of business leaders in the Chicago area, unveiled its new pension plan. This proposal, unlike most legislation that has been introduced thus far, could affect the pension benefits of those active employees who currently are members of the Teachers' Retirement System. The Civic Committee's plan is being discussed in the Capitol. Other pension legislation includes:

**HB 5418 (McCarthy, D-Orland Park)** creates a "two-tier system" for pensions for members of all five State retirement systems. For all members currently in the pension system, no benefit changes would apply. For persons entering into any of the systems after this bill was to become law, a new set of benefits would apply. For the Teachers' Retirement System (TRS), it would: increase the retirement age for prospective members to 67 (62 with the Early Retirement Option) to receive full pension benefits; calculate the final average salary by using the highest eight consecutive years in the last ten years; set the maximum annuity at 70% of salary (currently 75%); and eliminate the use of sick leave for pension purposes. **The bill remains** in the Rules Committee.

**HB 5506 (Kosel, R- New Lenox)**, for all five state pension systems, originally capped the salary, earnings, or compensation used in determining retirement annuities for persons who first enter the systems on or after July 1, 2010 at the governor's salary (\$150,000). Rep. Kosel added an amendment to remove this provision for members of the General Assembly Retirement System since there is *already a provision* in the Pension Code to cap the pensions of members of the General Assembly at the salary level of the Speaker of the House. **The bill remains** in the House Personnel and Pensions Committee.

**HB 5872 (Fortner, R-West Chicago)** requires the various State pension systems, including TRS, to establish and administer a defined contribution retirement plan. Employees hired after January 1, 2011 would have the option to participate in the defined contribution plan or the traditional defined benefit plan. **The bill remains** in the House Personnel and Pensions Committee.

**SB 3408 (Brady, R-Bloomington)** requires the five State pension systems to automatically enroll its newly eligible employees in a self-managed program of retirement benefits instead of the program of retirement benefits currently offered and allows currently eligible employees to elect to participate in the self-managed program. **The bill remains** in the Senate Pensions and Investments Committee.

**SB 3409 (Brady)** allows employees covered under the five State pension systems to elect to participate in a self-managed program of retirement benefits instead of the program of retirement benefits currently offered. **The bill remains** in the Senate Pensions and Investments Committee.

### **OTHER BILL ACTION THIS WEEK**

**SB 2499 (Noland, D-Elgin)**, for school districts located in more than one county that use an estimated equalized assessed value to calculate the limiting rate, it allows the ISBE to make estimated payments until the actual limiting rate becomes available. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 2594 (Lightford)** removes the "sunset date" for preschool educational program grants. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 2647 (Koehler, D-Peoria)** makes changes for the Peoria School District regarding its use of the Public Building Commission. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 3086 (Raoul, D-Chicago)** requires an explanatory statement or note to include a reliable estimate of the probable impact a bill would have upon the ISBE's annual budget if it creates a new program or service that will be provided by the ISBE. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 3106 (DeLeo, D-Chicago)** would exempt special education property tax extensions from the Property Tax Extension Limitation Law. The sponsor testified that the bill would be further amended to add the requirement for a front-door referendum to approve the exemption. **The bill was approved** by the Senate Revenue committee and sent to the Senate floor for consideration.

**SB 3117 (Garrett, D-Lake Forest)**, supported by the Alliance, extends the time period for allowing interfund transfers by three years (from June 30, 2010 to June 30, 2013). **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 3332 (Cronin, R-Elmhurst)**, opposed by the Alliance, provides that all sex education courses that discuss sexual intercourse shall teach pupils about the dangers associated with drug and alcohol consumption during pregnancy. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 3375 (Haine, D-Alton)**, an Alliance initiative, provides that if a criminal background check reveals certain convictions, then the person is ineligible for employment and shall be dismissed. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 3460 (Harmon, D-Oak Park)**, for early childhood construction grants, allows a public school district to provide local matching funds in an amount equal to 10% of the grant (rather than the amount of the grant). **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 3483 (Luechtefeld, R-Okawville)** expands the debt limitations for the West Washington County Community Unit School District under certain conditions. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 3489 (Steans, D-Chicago)** removes a provision that provides that no one may be certified to teach or supervise in the public schools who is not of good health. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 3507 (Jones, E., D-Chicago)** requires the Illinois Early Learning Council to make recommendations for the early childhood block grant appropriation needed to make available high-quality early childhood and family education programs and services to all eligible children. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 3515 (Garrett)**, an Alliance initiative, makes technical "clean-up" changes to the School Code. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 3544 (Crotty, D-Oak Forest)**, supported by the Alliance, makes changes regarding a school district's use of the working cash fund. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 3547 (Clayborne, D-E. St. Louis)** authorizes a school district to provide students with instructional materials in an electronic format. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 3566 (Delgado, D-Chicago)**, opposed by the Alliance, creates the Abusive Work Environment Act that creates liberal new violations of unlawful employment practices. **The bill was approved** by the Senate Labor Committee and was sent to the Senate floor for consideration.

**SB 3608 (Demuzio, D-Carlinville)** removes the provision requiring a consumer education proficiency test. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 3609 (Demuzio)** provides that the ISBE, in consultation with the State Comptroller, may transfer line item appropriations for General State Aid between the Common School Fund and the Education Assistance Fund (instead of from the Common School Fund to the Education Assistance Fund) and removes the requirement that the salaries for regional superintendents and assistant regional superintendents of schools be payable from the Common School Fund. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 3610 (Demuzio)** makes technical "clean-up" changes in the School Code. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 3635 (Noland)**, in the provisions concerning the account of expenditures for programs in transitional bilingual education, provides that at least 60% of bilingual funding must be used for instructional costs. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 3663 (Noland)**, as amended, would add educational support personnel employed by a cooperative to accumulate sick leave from previous educational employers for calculation of benefit under IMRF. **The bill was approved** by the Senate Pensions and Investments committee and sent to the Senate floor for consideration.

**SB 3681 (Lightford)**, as amended, adds a "trigger" as to what could cause intervention into a local school district that is certified to be in financial difficulty. Specifically, the ISBE would look at a district that is likely to fail to fully meet any regularly scheduled payroll obligations or debt service payments. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**SB 3706 (Holmes, D-Aurora)** provides that the ISBE shall develop and maintain a nutrition and physical activity best practices database and that the database shall contain the results of any wellness-related fitness testing done by local school districts, as well as information on successful programs and policies implemented by local school districts designed to improve nutrition and physical activity in the public and charter schools. **The bill was approved** by the Senate Education Committee and was sent to the Senate floor for consideration.

**HB 4586 (Ford, D-Chicago)** designates each March 25 as the Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade. **The bill was approved** by the House of Representatives and will be sent to the Senate for consideration.

**HB 4672 (Harris, D-Chicago)**, opposed by the Alliance, requires school principals to attend in-service workshops on suicide prevention. **The bill was approved** by the Sub-Committee on Mandates and was sent to the full House Elementary and Secondary Education Committee for consideration.

**HB 4873 (Davis, W., D-Hazel Crest)** makes changes to the offenses that disqualify a person for a school bus driver permit or a commercial driver's license. **The bill was approved** by the House of Representatives and will be sent to the Senate for consideration.

**HB 4945 (Mathias, R-Buffalo Grove)** permits governmental units to authorize the treasurer of the governmental unit to join with the treasurers of other governmental units for the purpose of jointly investing the funds of which the treasurer has custody. **The bill was approved** by the House of Representatives and will be sent to the Senate for consideration.

**HB 5154 (Chapa La Via, D-Aurora)**, supported by the Alliance, amends the Personnel Record Review Act to provide that disclosure of performance evaluations under the Freedom of Information Act shall be prohibited. **The bill was approved** by the House State Government Administration Committee and sent to the House floor for consideration.

**HB 5234 (Bellock, R-Hinsdale)** amends provisions of the Illinois Human Rights Act prohibiting sexual harassment in higher education so that they also apply to sexual harassment in elementary and secondary schools. **The bill was approved** by the House of Representatives and will be sent to the Senate for consideration.

**HB 5344 (Chapa La Via)** requires schools to provide recordings for its blind and dyslexic students. **The bill was approved** by the Sub-Committee on Mandates and was sent to the full House Elementary and Secondary Education Committee for consideration.

**HB 6041 (Eddy, R-Hutsonville)**, supported by the Alliance, makes changes regarding a school district's use of the working cash fund. **The bill was approved** by the House Elementary and Secondary Education Committee and was sent to the House floor for consideration.

### **BILLS SCHEDULED FOR COMMITTEE NEXT WEEK**

#### **HOUSE ELEMENTARY AND SECONDARY EDUCATION COMMITTEE**

**Wednesday, March 10, 8:00 a.m., Room 114, State Capitol**

**HB 4674 (Eddy)**, an Alliance initiative, is a viable alternative to the State of Illinois entering into a national Military Compact.

**HB 5188 (Hannig, D-Litchfield)** provides that if a school district compensates its administrators, faculty, teachers, or other personnel at a salary more than the State Superintendent of Education (\$190,000), the district is prohibited from receiving General State Aid.

**HB 5450 (Nekritz, D-Northbrook)** abolishes the Regional Office of Education in suburban Cook County and transfers those duties to the Educational Service Center.

**HB 5863 (Eddy)**, an initiative of the ISBE, makes many changes regarding the certification of substitute teachers.

**HB 6065 (Cross, R-Oswego)** requires a parent to submit a diabetes care plan for a student with diabetes who seeks assistance with diabetes care in the school setting and provides that a delegated care aide shall perform the activities and tasks necessary to assist a student with diabetes in accordance with that plan. Among many new requirements and mandates, it requires training for school employees and delegated care aides.

**HB 6255 (Gordon, D-Peoria)** makes changes for the Peoria School District regarding its use of the Public Building Commission.

#### **HOUSE HUMAN SERVICES COMMITTEE**

**Wednesday, March 10, 8:00 a.m., Room 122B, State Capitol**

**HB 6205 (Currie, D-Chicago)** creates the Reproductive Health and Access Act. Among the many provisions, it requires all public schools to offer medically accurate, age appropriate, comprehensive sexual health education as a part of the Comprehensive Health Education Program.

*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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