AGENDA (timeframes are estimated for planning purposes)

I. Roll Call

II. Board Member Participation by Other Means

III. Public Participation (15 minutes maximum) 12:15 – 12:30 p.m.

IV. Legislative Update – Veto Session (Darren Reisberg, Nicole Wills, Cynthia Riseman) (pp. 2-5)
12:30 – 1:15 p.m.

V. Committee Agenda Planning/Additional Items

VI. Adjourn

* Items listed with an asterisk (*) will be discussed in committee and action may be taken in the plenary session.
Agenda Topic: Legislative Update

Staff Contact(s): Nicole Wills, Liaison, Governmental Relations
Cynthia Riseman, Liaison, Governmental Relations

Purpose of Agenda Item
To provide the Committee with an update on (a) Spring 2010 legislation affected by Governor veto action; (b) legislative initiatives introduced or amended during the fall veto session, and (c) potential legislative actions prior to or during the Spring 2011 veto session. With respect to the Board’s legislative initiatives, we intend to discuss them at the January meeting and provide you with draft legislative language on each sufficiently in advance of that meeting.

Spring 2010 Legislation Affected by Governor’s Veto
During the summer months, Governor Quinn acted on approximately 600 bills; eighteen of which were either vetoed in their entirety, or subject to an amendatory veto. A sponsor of the legislation can take one of two actions with respect to legislation that has been vetoed or amendatorily vetoed:

- File a motion to accept the veto. If the sponsor files this motion and it is accepted by both chambers, the bill will become law as changed by the Governor.
- File a motion to override the veto: Overriding the veto of the Governor requires a vote of 3/5 the majority in both chambers. If the motion to override is successful in both chambers, the bill becomes law as originally passed by the General Assembly. If a 3/5 majority is not attained in either one of the chambers, the bill dies.

The Governor vetoed 4 education-related bills from the Spring 2010 session:

- **HB 5154**: As originally passed by the General Assembly, the bill amended the Illinois Personnel Record Review Act to prohibit disclosure of public employee performance evaluations under the Freedom of Information Act (including all ISBE employees). The bill had been introduced because recent amendments to the FOIA had, whether intentionally or unintentionally, arguably made such evaluations subject to FOIA (whereas they had long been clearly exempt). The Governor amendatorily vetoed the bill such that it applied only to state and local law enforcement personnel. The House and Senate, though, overrode the Governor’s veto and the law is now in effect.

- **HB 5863**: As originally passed, the bill shifted costs associated with background checks for substitute teachers to the individual seeking to substitute teach and required the regional superintendent of schools to maintain a file for each registered substitute teacher.
teacher in the educational service region that includes relevant background check and medical testing information, and to issue a signed and sealed certificate of authorization to the substitute teacher to be presented to all prospective employing school districts in the educational service region. At the request of the bill’s sponsor, the Governor amendatorily changed the effective date to January 1, 2011 so that more time would be allowed for appropriate implementation. The House and Senate agreed with the Governor’s amendatory veto and the law will therefore become effective on January 1, 2011.

- **HB 6065**: The bill creates the Care of Students with Diabetes Act and, among other things, requires a parent or guardian to submit a diabetes care plan for a student with diabetes who seeks assistance with diabetes care in the school setting, whether it is a public or a private school. A delegated care aide shall perform the activities and tasks necessary to assist a student with diabetes in accordance with his or her diabetes care plan, which must be signed by a student's parent or guardian and submitted to the school for any student with diabetes who seeks assistance with diabetes care in the school setting, unless the student has been managing his or her diabetes care in the school setting before the effective date of the Act, in which case the student's parent or guardian may sign and submit a diabetes care plan under the Act. The bill also addresses what the diabetes care plan must include. The Governor amendatorily vetoed the bill, changing the effective date from January 1, 2011 to June 1, 2011. His rationale was that the extended time would allow for the General Assembly to develop a more holistic means of addressing school health issues, beyond just diabetes. The House and Senate nevertheless overrode the Governor’s veto and the bill took effect immediately upon the override.

- **SB 2499**: As you are aware, SB2499 was the bill proposed on behalf of Elgin School District U-46 to allow it to change its “home county designation”, which as it relates to 2010-2011 school year, would mean a significant increase in the district’s General State Aid allocation. ISBE had opposed the bill because it did not believe that individual legislative “fixes” to the GSA formula were appropriate and, instead, advocated for a more global solution. The Governor vetoed the bill, essentially on the same basis as ISBE’s opposition. Both the House and Senate overrode the Governor’s veto and it took effect immediately upon the override.

**Veto Session Legislative Initiatives**

The following includes certain issues that were addressed during Veto Session. Notably, while there had been discussion about the Voucher Bill returning during Veto Session, there was no movement on that bill.

**Waivers**

The House and Senate Elementary and Secondary Education Committees heard testimony regarding School Code mandate waiver requests (the requests forwarded by ISBE as part of the 2010 Fall Waiver Report). HJR 127 (Smith/Steans) was approved by the House and sent to the Senate for consideration. The resolution, if adopted in the Senate, will deny or modify the following mandate waiver requests (and all others would be approved):

- the St. Charles CUSD 303 request seeking to increase the driver education fee to $400 (the resolution only denies the request as it relates to the 2010-2011 school year, but
even as to the 2010-2011 school year, the fee would be able to be increased to $200, retroactive to the beginning of the school year;

- the DeKalb CUSD 428 request regarding behind the wheel instruction; and
- the Rock Island CUSD 41 request regarding behind-the-wheel drivers’ instruction.

The Senate Education Committee is expected to take action on HJR 127 and these mandate waiver requests during the remaining days of the 96th General Assembly in January.

**Recess Task Force Resolution**

The House and Senate adopted SJR 80 (Lightford/Dunkin) which 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 on December 1, 2010). ISBE is charged with providing the staff and resources for this task force.

**Private Transportation Bill**

SB 2879 was assigned to the House Elementary and Secondary Education Committee. The bill provides that non-public schools may use a multifunction school activity bus to transport non-public school students between non-public schools for curriculum-related school activity. ISBE was neutral on the bill; however, facing opposition from the Secretary of State’s office, this bill was not called for a committee vote.

**Charter School Proposal**

HB 6862, an initiative to begin a multi-district elementary charter school with a math/science focus in the Aurora area made it successfully through the House Education Committee but failed to get enough votes to pass the House. Legislation was needed for this bill because the proponents sought to limit enrollment to students from the 4 relevant districts who reside within the City of Aurora, and—instead of enrolling through a lottery—to have a selection process based on evidence proficiency in math and science. Agency staff had supported this legislation as an innovative model that had been developed through a collaborative process in the Aurora area. There has been discussion about the bill returning in the Spring session, with the concept being a multi-district magnet school as opposed to a charter school.

**Task Force on Child Sexual Abuse Prevention/ Erin’s Law**

SB 2843, known as “Erin’s Law,” creates a task force within the Department of Children and Family Services to make recommendations for reducing child sexual abuse in Illinois. The State Superintendent or a designee will a member of this task force. The resolution lays out specific duties of the task force (information gathering, testimony from individuals, and a report to the Governor and General Assembly, due in January 2012). The impact on schools districts is permissive, allowing schools to adopt and implement policies addressing the sexual abuse of children that may include age-appropriate curriculum for students in pre-K through 5th grade.

**Additional Issues of Note**

**Tenure/Certification Legislation:** On December 1, Representatives Eddy, Pritchard and Chapa LaVia convened a meeting of education stakeholders in the Capitol to discuss a potential education reform bill that would address, among other potential issues, teacher tenure, teacher dismissal, teacher certification, and principal autonomy. The attached handout was disseminated during that meeting. Meanwhile, the House and the Senate have established Special Committees on Education Reform, and the House Committee will be meeting in Aurora on December 16 and 17 to take testimony regarding education reform. We are not clear on the
format of these Committees or the speed with which any resulting legislative proposals will move. Fact Sheets outlining the proposals will be provided.

**Independent Charter School Commission:** As you may recall, Senator Heather Steans and Darren Reisberg Co-Chaired a statutory task force on the establishment of an Independent Charter School Commission. Senator Steans is interested in introducing a bill, resulting from that task force, and held a follow up meeting with task force participants on December 7 to discuss. In short, the draft in its current form would establish a Charter School Commission, appointed by the Illinois State Board of Education. Charter applicants would still be required to apply first to local school districts but, if denied, would appeal to the Commission as opposed to the State Board.