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Fwd: Capitol Watch: Bills, BIMP and the Final State Budget

1 message

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April 25 Board Meeting

----- Forwarded message -----

From: **IASA** <iasa@iasaedu.org>

Date: Mon, Apr 11, 2022 at 12:02 PM

Subject: Capitol Watch: Bills, BIMP and the Final State Budget

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**Bills, BIMP and the Final State Budget:
Legislators Wrap-Up Spring Session with a Marathon Evening**

Public education emerged a winner from an abbreviated spring session that saw legislators work into the early morning hours Saturday before adjourning. The Illinois General Assembly pumped more money into Evidence-Based Funding while not saddling school districts with another tidal wave of unfunded mandates.

At the top of the win column was funding. Legislators allocated an additional \$350 million for Evidence-Based Funding — \$300 million of which will flow into the formula via tier money, with \$50 million being allocated for another round of Property Tax Relief Grants.

After years of financial uncertainty for school districts, it's wonderful to see continued boosts in education funding. Since its inception, the passage of EBF has generated an additional \$1.6 billion for public education funding in Illinois.

The Early Childhood Education budget was also boosted with an additional \$54 million, matching the Illinois State Board of Education's and Gov. JB Pritzker's requests for an increase to these programs. ISBE indicated that it expects 7,000 additional children will be able to be served with this allocation. Additionally, there was a \$96 million dollar increase to Mandated Categoryicals (MCATS).

Overall, the FY 2023 budget for education totals just over \$20 billion, with \$9.7 billion in General Revenue Funds (GRF). GRF saw a \$518 million dollar increase from FY 22.

One surprise that was included in the budget is \$87.5 million in additional EBF payments "for adjustments owed from past Evidence-Based Funding cycles" to school districts as

the result of an error with one school district's enrollment calculation. We expect districts will receive communication from ISBE related to this issue but, essentially, Chicago Public School District's enrollment calculation was found to be incorrect for the last several years. As a result, CPS received an overpayment of EBF dollars over several fiscal years, resulting in other districts being underpaid.

In an effort to correct this error, the General Assembly has allocated an additional \$87.5 million to be distributed to the underpaid districts in the form of a supplemental appropriation. ISBE will be responsible for calculating how those funds are allocated through the formula. The budget bill requires the money to be distributed during the fiscal year ending June 30, 2022. Many questions remain about this issue that we believe will be answered in the coming weeks and months by ISBE.

Major Highlights from the Budget Bill (HB 900), the Budget Implementation Bill (HB 4700) and the Revenue Bill (SB 157)

- The \$46.5 billion proposed in the FY 2023 budget builds off a projected \$1.7 billion surplus from FY 2022.
- Language in the BIMP creates a sales tax holiday for school supplies from August 5, 2022 to August 14, 2022.

What Legislation Passed?

As we mentioned earlier, this spring session won't add too many pages to the Illinois School Code. In total, there were over 50 education-related bills passed this session, which is a far cry from the number of unfunded and curricular mandates that were passed last spring. Many of the proposals that passed both chambers will not have a significant impact on school districts.

Overall, there was a mixed bag of bills school administrators support — like efforts to address the substitute shortage, provide flexibility with food service vendors and create a framework on school construction grants — as well as some ideas that you will balk at.

Here is a rundown of bills that will be sent to the governor's office:

School Construction

[HB 3637](#) (Bennett, R-Pontiac)

Following years of discussions, there is finally a new statute to govern school construction projects. Although there was no funding included in this year's budget for capital projects, this bill will provide the framework for grant allocation once the General Assembly restarts funding for school construction. The bill provides that grant applications will only be made available when funding has been allocated, assigns priority based on a number of factors and includes the potential for school districts that were on the construction lists in 2004, 2005 and 2006 with the possibility of a reduction in their local match requirement for a new project if they completed their previous project with local dollars.

Food Service

[HB 4813](#) (Gordon-Booth, D-Peoria)

Removes the lowest bidder requirement when selecting a food service vendor. Requires that a number of factors be considered during the RFP process including food that promotes the health and well-being of students, preferences to local and regional suppliers and suppliers that adopt USDA hormone and pest practices, and contracts that increase opportunities for businesses owned by minorities, women, and persons with disabilities.

[HB 4089](#) (Nichols, D-Burbank)

Requires school districts to offer a plant-based meal option for any student who submits a prior request. This bill has an effective date of August 1, 2023.

Property Tax Omnibus Package**[SB 1975](#)** (Martwick, D-Chicago)

In one of the last minute bills heard on the final night of session, lawmakers made changes to existing homestead exemptions, as well as exemptions for disabled veterans and other residents with disabilities via a property tax omnibus bill. Included in the bill was a PTELL proposal from Rep. Mark Walker (D-Arlington Heights). The intent behind the legislation is to alleviate what legislators refer to as the "Tax to the Max Incentive" under which PTELL districts currently operate. The final version of this language was watered down from the initial proposal but, essentially, districts that elect to not levy the max in a given year will have the ability to recapture that amount for three years. There are a number of stipulations, including that the total extension can not exceed 5 percent in a given year, and that the recapture is only available to districts that are in "Recognition" or "Review" standing on their most recent financial profile rating. This omnibus package also authorizes interfund transfers through June 30, 2026.

Curriculum Requirements**[HB 3296](#)** (Ness, D-Carpentersville)

Requires that every school board elect to implement the College and Career Pathway Endorsements or opt-out of implementation. Factors that would allow a school district to opt out include already having career and technical education course offerings, the availability of local higher education partners for implementation, the cost balanced against the benefits of implementation, availability of local business partners and the availability of properly licensed teachers to staff the programs. Each board must consider implementation or opt out by July 1, 2025.

[HB 4716](#) (Halpin, D-Rock Island)

Requires ISBE to adopt rigorous learning standards for the classroom and laboratory phases of driver's education, which shall include the Novice Teen Driver Education and Training Administrative Standards.

Restricting Assessments**[SB 3986](#)** (Pacione-Zayas, D-Chicago)

Prohibits ISBE from requiring standardized assessments to be administered to students 2nd grade and younger. Further prohibits ISBE from funding standardized assessments for students in those grade levels. This bill does not prohibit districts from administering assessments for screening and diagnostic purposes at the local level, and allows for the KIDS assessment to continue to be administered, as well.

Substitute Flexibility**[SB 3893](#)** (Joyce, D-Kankakee)

Expands the number of days that a substitute may work for any one licensed teacher during a school year. Current law allows for 90 days in one school year, and this bill extends that number to 120 through FY23.

[SB 3907](#) (Turner, D-Carlinville)

Allows individuals with a Short-Term Substitute Teaching license to work up to 15 consecutive days for any one licensed teacher. Current law limits the number of consecutive days to 5. This extension is only allowed if the Governor has issued a disaster proclamation due to a public health emergency.

[HB 4798](#) (Stava-Murray, D-Downers Grove)

Allows students enrolled in an Illinois educator preparation program to obtain a Substitute Teaching License once they have earned at least 90 credit hours.

Lowering the Paraprofessional Age Requirement**[SB 3988](#)** (Pacione-Zayas, D-Chicago)

Provides that individuals aged 18 may receive a paraprofessional endorsement on an Educator License with Stipulations, and may work with students in prekindergarten through grade 8.

Filing Threat Assessment Plan

[HB 4994](#) (Crespo, D-Streamwood)

Requires every school district to annually file its threat assessment plan with the local Regional Office of Education and local law enforcement offices. Provides that the plan must include the names of all members of the threat assessment team. Furthermore, exempts these plans from FOIA to protect safety protocols for the district.

Remote Learning Plans

[HB 3573](#) (Bennett, R-Pontiac)

In an effort to alleviate the confusion between “e-learning” and “remote learning,” HB 3573 essentially allows all districts the option to utilize remote learning for future years in lieu of an emergency day, so long as the plan adheres to certain requirements, the superintendent has approved the plan, and it is posted on the district’s website. Districts currently utilizing e-learning plans may continue to do so until the expiration date of the existing plans, after which time the district will utilize remote learning days. The language continues to provide for paycheck protection for support personnel on remote learning days, mirroring the language included in [HB 1167](#), which we wrote about on Friday, April 1st.

Interpreters at Due Process and 504 Meetings

[HB 5214](#) (Hernandez, D-Cicero)

Extends the requirement for school districts to provide an interpreter for parents and guardians to any multidisciplinary conference, 504 meeting, or due process mediation meeting.

Funding Emergency Residential Placements

[HB 4365](#) (Didech, D-Buffalo Grove)

Provides that a student’s resident district may receive reimbursement from ISBE for a nonpublic residential placement in a facility that is not approved by the State Board of Education in emergency circumstances. Requires certain criteria to be met for reimbursement to be allowable.

Evaluations

[HB 4256](#) (McCombie, R-Sterling)

Provides that if the Governor has declared a public health emergency during the 2022-2023 school year, evaluations may be waived for teachers, assistant principals, and principals whose performance was rated as either “excellent” or “proficient” during the employee’s previous evaluation.

Professional Development Requirements Reduced

[HB 4257](#) (McCombie, R-Sterling)

Eliminates the requirement for the completion of an Administrator’s Academy course for the 2021-2022 school year only.

Employee Mental Health and Bereavement Leave

[SB 3914](#) (Loughran Cappel, D-Plainfield)

This bill amends the current sick leave language in the statute to ensure that education employees can utilize their available sick leave days for the purposes of mental and behavioral health complications. Provides that a school board may request documentation from a mental health professional after an absence of three days for mental or behavioral health complications.

[SB 3120](#) (Bush, D-Grayslake)

Changes the Child Bereavement Act to the Family Bereavement Act. Provides that employees are entitled to 2 weeks (10 days) of unpaid bereavement leave following the death of a covered family member, which is redefined in the statute. Extends the leave provision to also be applied in the event of a miscarriage, unsuccessful round of intrauterine insemination, failed adoption match, failed surrogacy agreement, a diagnosis that negatively impacts fertility or pregnancy, or a stillbirth.

Employment Verification

[HB 4316](#) (Mussman, D-Schaumburg)

This trailer bill to last veto session's HB 1975 ([Public Act 102-0676](#)) extends Faith's Law to include employment verification for all new employees in a public school district. The bill requires school districts to contact all previous employers of a prospective employee to request verification the individual was not the subject of a sexual misconduct investigation that resulted in a finding during their employment term.

Government Efficiency and Organization

[SB 3789](#) (Morrison, D-Highwood)

Creates the Decennial Committees on Local Government Efficiency Act. Requires units of local government to convene a committee to study potential efficiencies that can be realized, or possible consolidations with other units of local governments every 10 years. School districts are exempt from this requirement, but clarifies that school boards must approve their annual shared services reports at an open meeting and the report must be published on the district website.

[HB 5127](#) (Halpin, D-Rock Island)

This initiative from the Illinois Association of School Boards will allow school boards 40 days from the date of an election before the school board reorganization must occur. Currently, school boards have 28 days from the date of an election to conduct the reorganizational meeting.

Student Fees

[SB 3867](#) (Johnson, D-Waukegan)

Requires school districts to waive all fees for students whose parents are veterans or active duty military personnel with income at or below 200% of the federal poverty line.

[HB 5265](#) (Guzzardi, D-Chicago)

Requires districts to waive fines for the loss of school property for students who are eligible for free breakfast and lunch, as well as homeless children and youth. Further requires districts to provide a notice of waiver availability to parents or guardians with every bill for fees or fines.

[HB 4243](#) (Mason, D-Gurnee)

Prohibits a public high school from withholding transcripts, grades and diplomas from any student who has an unpaid account balance. Requires school districts to report the amount of unpaid account balances to the state board at the end of each school year. The bill is effective immediately upon approval by the Governor, and is set to expire in three years.

As this session comes to a close, we want to thank all of our members who engaged in the legislative process to make our voices heard by signing witness slips, contacting legislators and testifying in committees. Thanks to your advocacy, we were able to push the Better School Lunches Act across the finish line, and hold off several measures that would have made adverse changes to the tenure process for certified staff.

Sincerely,

Madeline McCune

Director of Governmental Relations

Illinois Association of School Administrators/Illinois Association of School Business Officials

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