



Jim Broadway

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## Illinois School News Service

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### Bill to ban non-resident tuition waivers dies

By Jim Broadway, Publisher, Illinois School News Service

With 31 requests pending from school districts wanting waivers from the law requiring them to charge non-resident tuition for children whose parents are employed by the districts but do not reside in them, the House overwhelmingly voted down a bill that would have prohibited most districts from even asking for that.

[HB 4235](#), sponsored by [Rep. Robert Pritchard](#) (R-Sycamore), would have inserted the following language into the School Code section otherwise permitting districts to request waivers of certain statutes:

*"A waiver or modification of a mandate may not be requested from subsection (a) of Section 10-20.12a of this Code unless the area encompassing the school district requesting the waiver qualifies as a designated teacher shortage area as determined by the State Board and approved by the U.S. Department of Education."*

[Section 10-20.12a of the School Code is the section requiring districts to charge non-resident tuition, not to exceed 110% of the per capita cost of providing education services in the district, to be paid by the parents of students enrolled in the district, attending its schools - but not residing in the district.]

**School districts have increasingly sought waivers** from the mandate of this section, Pritchard told his colleagues as he presented the bill for third-reading (passage) vote on the floor of the House on Wednesday, citing as evidence the fact that 31 such requests are pending in the current waiver report from ISBE.

Tuition to be paid by the parents of children who are non-resident students should rightfully benefit district taxpayers, who are residents and are paying for the schools, Pritchard said. To waive the charge for non-resident students is tantamount to having district residents subsidize the education of non-residents' children.

"Open enrollment" is not allowed under Illinois law, he pointed out.

The bill had [received strong bipartisan support](#) in the House committee that considered it, even though organizations representing both teachers and school management - the Illinois Federation of Teachers and the Illinois Statewide School Management Alliance - filed [witness slips in opposition](#) to it.

The only vote against the bill in committee was cast by [Rep. Sue Sherer](#) (D-Decatur) - a former teacher - and no opponents argued against the bill as Pritchard presented it to the House. But when the roll was called, the bill lost [37-60-6](#). The vote was bipartisan, but this time it came down strongly against HB 4235.

**Under the school mandate waiver law**, districts seeking a waiver must hold a public hearing on the issue, publicized in advance, and have the school board take a vote to make the request of the state. In some cases, ISBE can grant a request. Other requests are forwarded to the legislature for a decision.

The law was drawn so that mandate waiver requests are hard to deny. To reject one or more requests, the House and the Senate both must pass a resolution explicitly disallowing them. Any request not explicitly rejected is "deemed approved." In recent years, most waiver requests are, in this passive manner, approved.

ISBE delivers a waiver "report" to the legislature twice each year. The [spring 2018 report](#) was delivered to the legislative leaders last October. It describes 73 waiver requests from districts; 31 of them (42%) are requests for waivers of the statutory mandate to charge non-resident tuition.

There are also 11 requests relating to driver education (either to allow specific amounts to be charged to the students or to let them practice driving by "virtual reality" systems); 13 seek to exceed statutory limits on districts' administrative costs; 14 seek some form of physical education mandate waivers; and 4 requests are from districts who want waivers of the law requiring newspaper publication of their annual statements of affairs.

**Three bills received passing floor votes** in the House this week. All now go to the Senate. Two of the three were sponsored by Pritchard. [HB 4409](#) modified the statutory definition of "school psychologist" to include a person who holds "a valid Nationally Certified School Psychologist credential." [HB 4514](#) provides that "only persons licensed and endorsed as a school counselor under the Code may use the title 'school counselor'."



Both bills passed without a single dissenting vote. Pritchard has exceptional credibility as a sponsor of School Code bills. The failure of his proposal to ban non-resident tuition waivers was unusual. Its nearly unanimous support in committee was probably a sign of respect; his colleagues didn't want to block his bill there.

The other bill that passed this week was [HB 5812](#), which identifies conditions and circumstances that must be addressed by ISBE as the state agency determines how much each school district is to receive under the new evidence-based funding (EBF) system. It passed easily, [76-31](#), but still was opposed by members of the House Republican caucus. The Senate has scheduled a "[subject matter](#)" [hearing](#) on the bill for Tuesday at 1:30 p.m.

The bill's sponsor, [Rep. Will Davis](#) (D-East Hazel Crest), pointed out that the bill was requested by ISBE so the agency could be confident that its calculations are correct when EBF dollars are distributed in April. Mandated categorical funds are expected to be delivered by end of FY 2018, Davis assured his colleagues.

**The House is not scheduled to be in session again** until April 9, nearly two weeks after the March 20 primary elections, when it will race the clock to get committees to act on bills in their custody. April 13 is the deadline for committee action (although deadline extensions are common for politically sensitive measures).

A few School Code bills have emerged from committees and could receive floor votes when the House returns in April. Among them are: [HB 4193](#), a non-controversial bill amending the law on the timing of special education "due process" hearing reports to be filed; [HB 4706](#), about physical fitness of substitute teachers; [HB 4860](#), to continue an "e-learning" pilot project for which ISBE is to make a recommendation regarding expansion in 2019;

[HB 4870](#), to permit a parent to administer medical cannabis to a child for whom it has been prescribed; [HB 4908](#), to expand requirements for children to receive dental examinations; [HB 5561](#), which would let a student wear a military uniform to graduation ceremonies if basic training for a branch of the armed forces has been completed; [HB 4789](#), which would alter the law on administrative cost limits, starting next school year.

The House held [HB 4208](#) on second reading this week, perhaps because the votes to pass it had not been identified. The bill would allow school boards with high numbers of student suspensions and expulsions to participate in a "Safe Schools and Healthy Learning Involvements Program" - created in the bill - assuming funds for it are appropriated. The bill is very controversial, but could be considered on third reading when the House reconvenes.

**The Senate is scheduled to convene for three days** - Tuesday through Thursday - next week. A primary objective will be to move legislation from committees to the floor of the Senate for consideration when the chamber reconvenes April 10. Like the House, the Senate's committee action deadline is April 13.

The Senate Education Committee has a [significant agenda](#) for its meeting Tuesday afternoon, in addition to the subject matter discussion of [HB 5812](#) - the bill requested by ISBE that tweaks school funding policy in various ways so the agency can be confident in the correctness of its Evidence-Based Funding distributions.

The Illinois Department of Public Health has signed a witness slip in support of [SB 2654](#), which would require schools to advise parents about flu vaccinations "accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention."

*Who would object to parents being told what the CDC thinks about vaccinations? More folks than you might think. The IDPH is outnumbered 40-1* on this subject. Of course, the Department will probably give some persuasive testimony. None of the other 24 bills posted have drawn [even one opponent](#). So far.

This committee has a meaty agenda. We'll look at it more on Monday.

The Senate Revenue Committee is to convene Wednesday afternoon with some [interesting bills posted](#). You might look favorably on [SB 2336](#), which would require that all affected taxing units be informed whenever anyone files a property tax objection that would, if sustained, cut an assessment by \$100,000 or more.

I understand that House Speaker Michael Madigan's law firm handles tax objections for large property owners. You don't think that bill is aimed at Madigan's law practice, do you?

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