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Fwd: Capitol Watch: Will Fall Veto Session be a Boom or Bust?

1 message

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November Board Meeting

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From: IASA <iasa@iasaedu.org>
Date: Wed, Oct 20, 2021 at 3:02 PM
Subject: Capitol Watch: Will Fall Veto Session be a Boom or Bust?
To: <jbauer@panaschools.com>



Will Fall Veto Session be a Boom or Bust?

Longtime followers of the Illinois General Assembly understand it typically takes a deadline to spur much action at the statehouse. With the General Assembly scheduled to return Oct. 26-28, the first few days of the fall veto session (Oct. 19-21) were quiet and even ended early after both the House and Senate canceled session Thursday.

However, as we've seen in the past, bills can move quickly in Springfield if there is enough momentum behind them. At this time, it's too early to say if the fall veto session will be a boom or bust in terms of passing legislation. After the tidal wave of bills last spring, many school administrators are probably rooting for the latter.

IASA, of course, will be monitoring this session closely because several proposals have emerged that could have a lasting impact on public education. Here is a closer look at the fall veto session.

Illinois Healthcare Right of Conscientious Act

Illinois Gov. JB Pritzker has briefed legislators about his new proposal to narrow the Illinois Healthcare Right of Conscientious Act (HCRCA). The act — originally written to shield healthcare providers from any consequences for refusing to perform services they objected to, mainly abortions and contraception — has been used by police officers, teachers and others to opt out of COVID-19 vaccinations and regular testing requirements. Here is the governor's proposed language to narrow the public act:

"It shall not be a violation of this Act for any person or public official, or for any public or private association, agency, corporation, any institution or employer to implement requirements for masking or testing or to implement a requirement for a vaccination that is

approved or authorized, including for emergency use, by the FDA to prevent the spread of COVID-19 or any pathogens that result in COVID-19 or any of its subsequent iterations.”

IASA and other organizations, across all sectors, will be monitoring this legislation.

Interfund Transfers Sunset Extension

In May 2020, Rep. Will Davis, D-Homewood, sponsored [SB 1569](#), a school-related COVID-19 bill that extended the sunset for interfund transfers until June 30, 2021. During veto session, we expect the Illinois General Assembly to consider a clean-up bill that would restore a school's ability to do unrestricted transfers between the operating funds and extend the sunset to a later date.

Before the legislation sunset, Section 17-2A of the School Code authorized school districts, outside of Chicago, to permanently transfer money between the Educational Fund, Operations and Maintenance (O&M) Fund and the Transportation Fund. It also permitted transfers from the Tort Immunity fund to the O&M fund. Such transfers had to be completed upon approval by board resolution after a public hearing, which must be preceded by notice of the hearing and the intended transfer, posted, and published at least seven and no more than 30 days before the hearing.

The sunset eliminated that freedom, meaning school districts have only been able to do transfers for “one-time, non-recurring expenses.” For example, a transfer of funds from the transportation fund to the education fund cannot be used for salaries and benefits, unless the clean-up bill is passed.

We believe this proposal has enough support to clear both chambers and will keep you updated on the latest news.

Emergency paid sick leave and emergency family and medical leave

The Illinois Education Association has floated language that would extend a similar benefit offered by the federal government related to paid time off for quarantine or an isolation order that expired September 30 to Illinois educators moving forward.

The IEA is proposing that 14 paid administrative days shall be awarded to an employee or an employee whose child must isolate or quarantine due to COVID-19, in the event a school district, community college or public university requires an employee to be excluded or otherwise not be on school property for COVID-19 rules set by the employer, the State, any state agency or the local public health department. Public health administrative leave days shall be paid at the employer's regular rate of pay and not count against any other leave or benefit rights of the employee. The employee shall not accrue the administrative absence days awarded for this purpose.

Furthermore, a school district shall pay its employees who provide educational support services in the district, including, but not limited to, custodial, transportation, food service providers, classroom assistants and administrative staff their daily, regular rate of pay and benefits rendered for any school closure or e-learning day associated with COVID-19.

IASA has a number of concerns with this proposal and is working with the IEA and other stakeholders.

Faith's Law

IASA and other school stakeholders have held numerous negotiations over the past year on a proposal to prevent sexual abuse in schools, sometimes referred to as Faith's Law. Last spring, [HB 1975](#), sponsored by Michelle Mussman, D-Schaumburg, cleared the House but was held in the Senate after a commitment from IASA to work with the sponsor and advocates on rules around employment history and background checks.

The current proposal, [HB 1975 Senate Amendment 2](#), continues to protect students without sacrificing employee rights or dramatically increasing the administrative burden on districts. It also instructs the Illinois State Board of Education to develop and maintain a resource guide on its website. Furthermore, the proposal defines sexual misconduct and requires an employee code of conduct. Lastly, the proposal closes a gap that currently

exists in law regarding child grooming and includes in-person behaviors and grooming via written communication to the law.

Revision of Supplemental Tax Levy Bill

A trailer bill, [HB 4130](#), has also been floated to replace recently-signed legislation ([SB 508](#)) that, among other things, amended the Property Tax Extension Limitation Law by stating all tax-capped taxing districts' levies "shall be increased by a prior year adjustment" to make the taxing district whole for revenue lost as the result of property tax assessment appeal refunds. SB 508 purports to automatically increase the extension for all tax-capped districts by the amount lost to Property Tax Appeal Board of Errors resulting from assessment mistakes.

Under HB 4130, this collection would not be automatic, and districts would have to conduct another levy hearing with their board to recapture the levy. IASA has concerns with this proposal and is meeting with the bill sponsor.

Suspension and Expulsion Review Hearings

The Illinois General Assembly is also slated to consider clean-up legislation on a bill passed in the spring, [HB 3223](#), that laid out accommodations schools need to make for K-12 students who have experienced gender-based violence or harassment, as well as students who are pregnant or parenting, that allow them to complete their education.

The new proposal, [Senate Amendment 2 to HB 3173](#), passed the Senate Education Committee on Wednesday. It proposes the following changes:

- Changes the overall effective date from July 1, 2025 to July 1, 2022. Sections dealing with confidentiality for student victims of domestic or sexual violence are effective July 1, 2023.
- Charges the Ensuring Success in Schools Task Force with recommending consolidation of duplicative mandated trainings. Task force recommendations are due on January 1, 2024.
- Specifies that only "qualified" employees of domestic or sexual violence organizations are able to excuse students from school to treat physical or mental health complications, or address safety concerns related to domestic or sexual violence.
- Allows existing mandated trainings in the areas of domestic violence, child sexual assault, and related topics to qualify for required training of school personnel tasked with addressing complaint resolution.

As you can see, a number of proposals have surfaced in the fall veto session that could impact public education. We will be monitoring the issues closely and be sure to update you on the latest developments in Capitol Watch next week.

Sincerely,

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