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Fwd: Capitol Watch: After Slow Start, Fall Veto Session Ends With a Bang

1 message

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November Board Meeting

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From: **IASA** <iasa@iasaedu.org>
Date: Fri, Oct 29, 2021 at 10:24 AM
Subject: Capitol Watch: After Slow Start, Fall Veto Session Ends With a Bang
To: <jbauer@panaschools.com>



After Slow Start, Fall Veto Session Ends With a Bang

An absence of vetoed bills didn't slow the Illinois General Assembly down during the fall veto session.

The Healthcare Right of Conscience Act, a union-backed initiative to legislate paid administrative leave for COVID-19 related absences and extending interfund transfers were among the bills that impact public education to clear both chambers.

In the 11th hour, the General Assembly passed a slate of bills Thursday night into the early hours of Friday morning, including a new Congressional redistricting plan, expanded gambling to include betting on in-college sports and a package of tax credits and incentives meant to encourage the development of the electric vehicle industry. Earlier in the day, lawmakers approved a controversial bill to repeal the state's Parental Notice of Abortion Act.

After a slow kickoff, fall veto session ended with a big bang. If things stay true to form, it will also be an eventful January session, where the threshold to pass legislation gets easier, dropping from three-fifths to simple majority. The session begins January 4. The adjournment date for the 102nd General Assembly is April 8.

Let's take a closer look at the fall veto session.

Health Care Right of Conscience Act

Sponsored by Rep. Robyn Gabel, D-Evanston; Sen. Don Harmon, D-Oak Park
[House Floor Amendment 3 to Senate Bill 1169](#)

The Illinois House passed HCRCa late Wednesday night— despite seven Democrats voting “no” and two “present” — and the Senate approved the amended bill just before 11 p.m. Thursday. The vote in the House was 64-52-2 and 31-24 in the Senate. The legislation now heads to the governor, who is expected to sign it.

While the bill passed, legal questions remain. Because some Democrats peeled off support, the legislation failed to meet the three-fifths majority (71 votes) that would allow it to become law before June 1, 2022.

That’s important because supporters of the bill argued HCRCa needed to be narrowed to close a potential loophole allowing people to opt out of COVID-19 vaccine or testing mandates and shield employers from civil suits — a predicament a number of school districts currently face.

At this time, it remains unclear how much the legislation influences those pending court cases. School districts named in a civil suit should contact their school attorney about how to proceed.

However, the issue may not remain murky for long. There are already rumblings the two chambers will revisit the bill in January, where only simple majorities are needed for an immediate effective date.

There were some last-minute changes to the language, but nothing notable to the overall impact. At the request of a handful of legislators, language was deleted that specifically referenced “terminating the employment or excluding individuals from a school” in response to noncompliance.

The final bill still grants that authority with softer language that reads it is not a violation for an employer “to take any measures or impose any requirements intended to prevent contraction or transmission of COVID-19 or any pathogens that result in COVID-19 or any of its subsequent iterations.”

COVID School Employee Benefit and Wage Protection Bill

Sponsored by Rep. Janet Yang-Rohr, D-Naperville; Sen. Christopher Belt, D-Swansea

[HB 2778 Senate Amendments 2 and 3](#)

Legislation that requires districts to provide as many COVID administrative leave days as necessary to abide by public health guidance to an employee or an employee whose child must isolate or quarantine due to COVID-19 was passed by wide margins in both chambers.

The bill was backed heavily by labor groups, including the IEA, IFT, CTU, AFL-CIO, SEIU and AFSCME. The [Senate overwhelmingly approved the bill](#) by a vote of 53-1 on Wednesday. Sen. Darren Bailey, R-Xenia, was the lone “no” vote. On Thursday, the vote in the House was [92-23](#).

Interestingly, the bill was opposed by Gov. Pritzker, who argued the paid administrative days should only be awarded to vaccinated employees instead of vaccinated and unvaccinated employees who submit to weekly testing.

IASA and other educational stakeholders also opposed the bill over concerns schools, already hit hard by the teacher shortage, will be even more shorthanded when trying to find teachers and substitutes to cover classrooms and provide a quality education to students.

It will be interesting to see how Pritzker responds. He could use his amendatory veto power and roll the dice that the General Assembly won’t have enough votes to override him when they convene in January. We will be watching closely.

The legislation includes costly provisions for schools. It mandates that all school district staff, including contracted staff, be paid for closures and e-learning days, and would

retroactively restore sick leave days for COVID-19 absences since the start of the 2021-22 school year.

Interfund Transfers Sunset Extension

Sponsored by Sen. Kimberly Lightford, D-Chicago; Rep. Jay Hoffman, D-Swansea
[HB 594 Senate Amendment 2 and 4](#)

In last week's Capitol Watch, we shared the General Assembly would 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. The freedom to do interfund transfers sunset on June 30, 2021.

The proposal, initiated by IASA and IASBO, extends the sunset date to June 30, 2024. It once again authorizes 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 permits transfers from the Tort Immunity fund to the O&M fund.

The legislation cleared both chambers with overwhelming support and is headed to the governor's desk.

Faith's Law

Sponsored by Rep. Michelle Mussman, D-Schaumburg; Sen. Scott Bennett, D-Champaign
[HB 1975 Senate Amendment 2](#)

Lastly, the General Assembly unanimously passed Faith's Law, a proposal backed by advocate groups to prevent sexual abuse in schools.

IASA was among the stakeholders that worked with the bill sponsor, Michelle Mussman, D-Schaumburg, on rules around employment history and background checks. The final proposal 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.

This fall veto session was definitely one to remember, and it appears the January session is likely to be too. As always, we will be monitoring the issues closely and keep you updated on the latest developments in Capitol Watch.

Sincerely,

Madeline McCune
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