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Senators vent fiscal frustration on Smith

By Jim Broadway, Publisher, Illinois School News Service

State Superintendent Tony Smith [wrote last week](#) about the "opportunity" he had to discuss school funding with members of House and Senate appropriations committees. He was too tactful - in the message he posted on the ISBE web site, and in his interactions with the legislators - to describe how senators ambushed him.

Here is the goal that was set before Smith and the members of the Illinois State Board of Education when the legislators passed [SB 1947](#) last August and Gov. Bruce Rauner signed the bill into law:

"The purpose ... is to ensure that, by June 30, 2027 and beyond, this State has a kindergarten through grade 12 public education system with the capacity to ensure the educational development of all persons to the limits of their capacities in accordance with Section 1 of Article X of the Constitution of the State of Illinois."

The new statute under which state financial support is to be distributed to the schools could, if sufficiently funded, achieve the purpose set forth in the statute itself. But, of course, the old General State Aid formula could have succeeded if its designed ratio of 50% or more state funding had been maintained.

The reality, folks, is that the legislators - at least the Senate Republicans - see the goal as out of reach, since they have no intention of supporting budgets that would achieve the law's goal even in 10 years. It frightens them, politically, and that was apparent last week when they attacked Smith.

The hearing opened with an introduction of Smith and ISBE Chief Financial Officer Robert Wolfe, by [Sen. Andy Manar](#) (D-Bunker Hill), chairman of the committee and the chief architect of the evidence-based funding law that was enacted. Smith introduced Kevin Settle, chair of the State Board's Finance and Audit Committee.

Settle described the budget proposal made by the State Board, the proposal recommending that state funding for public schools essentially double in FY 2019 compared to this year's state budget. He said the process involved public hearings, the board's analysis of current law and calculations of what it would take to comply.

Settle's comments seemed to have gone unheard. The board held the hearings, he said, and the board *"provided guidance to staff"* (that would be Smith) on what the proposal should be like, and then the board unanimously approved the plan it calls "Education Excellence" at its meeting in January.

Importantly, it was the State Board, whose chairman and the majority of its members were appointed by Rauner, that decided to present a proposal that would say what "adequacy" for every child would cost in FY 2019 (not waiting for the goal to be reached in 2027), and directed Smith to prepare such a document.

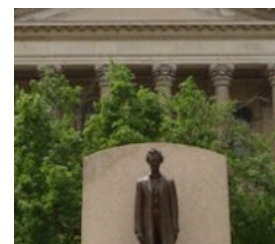
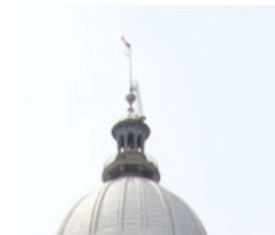
"The board recommends nearly \$15.7 billion in General Funds for FY 2019," Settle said, "and acknowledges it is a jaw-dropping amount, especially during difficult budgetary times. However, it is a reflection of the new statute and our increased statewide understanding of what it costs to educate our children."

The Evidence-Based Funding statute describes "34 cost factors" - conditions and processes that are achievable by a school and that the best evidence available says will make a difference in a child's education - and describes a process for determining a district's "adequacy target," the funding needed to pay those costs.

While there are some districts whose total resources are nearly 300% of their adequacy targets, there are 531 districts, serving two-thirds of Illinois's more than 2 million students, which struggle to get by with "75% or less of the resources they need" for an adequate education of their children, Settle said.

The evidence-based calculations show, he said, that only 20% of the state's public schoolchildren are enrolled in districts that have the resources they need to fund the 34 "cost factors now in Illinois statute." So it was the State Board that held the hearings, did the analysis and "provided guidance" on the budget proposal.

But it was Smith who took the heat in the Senate Appropriations II Committee hearing last week. Leading the attack was [Sen. Kyle McCarter](#) (R-Vandalia), who was just so obviously angry that he was sputtering, hurling rhetorical questions at Smith and then interrupting when Smith attempted to respond.



"If everybody that comes before the appropriations committee suggested this is what's fair for us," McCarter said, "where would our budget be? Where would we find the money for them as well?" But when Smith tried to respond, McCarter broke in, exasperated, filling the hearing room with sentence fragments. Ultimately, McCarter concluded that the State Board's budget proposal was not worth his time to consider.

Next up was [Sen. Chapin Rose](#) (R-Champaign), who did engage Smith in some substantive and coherent conversation. But eventually he, too, could not contain his anger at being asked to consider a proposal other than that of Gov. Rauner as drafted in [SB 3364](#). Rose seemed to assume there was some coordination in budgeting between Rauner's office and the State Board - which was the case only when Rod Blagojevich was governor.

Eventually, Rose called the ISBE budget "a joke" and objected that Smith was at the hearing to discuss it unless he was willing to recommend how to raise the funds to pay for it. Toward the end of the hearing, [Sen. Karen McConnaughay](#) (R-West Dundee) piled on, telling Smith the "responsible" thing would have been to propose a "reasonable" budget rather than "playing politics" and "making this [hearing] a complete mockery."

What seems most remarkable is that Smith kept his cool under such a blistering and unwarranted attack. First, as Settle said at the outset, Smith was the messenger of the Board's proposal. But more importantly, to give the committee what the GOP senators wanted would have hidden the cost of the 34 factors.

That seems to have been what they wanted. They did not want to be told, especially in public, what it will actually cost to achieve the policy goal embedded in SB 1947. That's not a goal they intend to help the state to meet. McCarter did not vote for SB 1947, nor did McConnaughay. Rose voted for the bill, but last week demanded that Smith agree to the fact that Rauner's budget includes the \$350 million increase that the GOP caucuses accept for public education.

It's an old ploy to try to get committee witnesses who express a need to say where the money will be found. That is not the State Board's role, not in statute nor in the Constitution nor in reality. It is the legislators' role, but one they wish was someone else's. As to the \$350 million, read it here again: That is only about half of what it would take, as an increase in school funding every year, to reach "adequacy" for every child by 2027.

The failure to maintain the 50% funding required for the GSA formula to be effective has put the state in an "equity hole" that's similar to the gap between fully-funded pension systems and \$120 billion in unfunded pension liability. The path to fair school funding is drawn in SB 1947, but it is a path most unlikely to be followed.

This is the week for the House to be in session (Tuesday through Thursday) without the Senate. As you know, of the thousands of bills that have been filed for the second year of the biennium, most haven't yet been considered by any committee. The backlog of bills in committee is almost as big as the backlog of unpaid bills in the Comptroller's Office. (That would be [nearly \\$8.9 billion as of Friday](#) - still a deep pile even after being cut in half.)

The House has scheduled 50 committee hearings to be conducted in the three session days of this week. Folks who are members of more than one committee - that would be most legislators - will have to step lively. Events of concern to education start with the [PK-12 appropriations committee](#) at 1:30 Tuesday.

It's a subject-matter hearing for discussions with [Early Childhood Education advocates](#), the [Illinois Principals Association](#) and the [Latino Policy Forum](#). There is a bill posted, but it is "substantive" (not an appropriation) concerning policy changes that the new evidence-based funding (EBF) system makes necessary.

[HB 5812](#) would codify policy relating to the funding effects, for example, of property tax relief in a district, or of a district withdrawing from a special education cooperative. The EBF system's linkage of all districts will require districts to inform ISBE of events or conditions that they previously experienced in quiet isolation.

On Wednesday, two of the "substantive" PK-12 committees are scheduled. The licensing, administration and oversight panel will convene at 8 a.m. with eight bills and a resolution posted. There also will be subject-matter discussion about the teacher shortage, according to [the agenda posted](#) online.

The bills relate to: substitute teacher credentialing ([HB 4167](#)) and physical fitness ([HB 4706](#)), teacher preparation by former English-learning students ([HB 4280](#)), multiple changes in educator licensure ([HB 5627](#)), special education students' enrollment as non-residents ([HB 5249](#)), identification of homelessness ([HB 4281](#)), administration of medical cannabis to students ([HB 4870](#)) and requiring district report cards to note chronic absence of IEP students ([HB 5796](#)).

The resolution ([HR 683](#)) designates this week as National School Counseling Week. As a simple House resolution, the measure does not require Senate concurrence, nor is it binding on anyone in Illinois or nationally. It's [just a statement](#) by House members who vote for it - and a reflection of the sponsor's interests.

The PK-12 committee on [school curriculum and policies](#) - also meeting at 8 a.m. Wednesday - also has a subject-matter element. The panel plans to talk about "school safety and mental health," probably a focus on signs of mental health issues in reaction to the tragic school shooting that occurred on February 14 in Florida.

Legislation pending in the curriculum and policies committee consists of 18 bills or amendments to bills, plus a House resolution (a statement binding on no one) encouraging the General Assembly to enact a law requiring an elected school board in Chicago ([HR 796](#)) to replace the board as currently appointed by the mayor.

Among bills posted to be heard by that committee are *mandates* for full-day kindergarten ([HB 4209](#)), for passing computer science as a requirement for receiving a diploma ([HB 4291](#)), for access to spelling bees ([HB 4292](#)), for parenting education instruction ([HB 4442](#)), and additional student dental examinations ([HB 4908](#)).

There's a bill ([HB 4730](#)) to make it difficult for districts to maintain a mandate waiver of physical education requirements, another ([HB 4925](#)) to allow chiropractors to manage concussion protocols for athletes, and another ([HB 4685](#)) giving students conditional rights to possess and use sunscreen or sun-protective clothing.

State-funded early childhood programs would have to "collect and review ... chronic absence data and determine what systems of support and resources are needed to engage chronically absent students and their families to encourage the habit of daily attendance and promote success," if [HB 5771](#) is enacted.

The table of all bills to amend the School Code has been updated. ([Here it is.](#)) It's still pretty long, but many bills will be dead before you know it. I've alphabetized the "Action taken" column so you can see if a bill is moving, in a stage of advancement - or not. Example: A bill still in House Rules Committee is not.

Some bills affect the School Code only tangentially. For example, there are five bills that would repeal the Firearm Owners Identification Act, a statute that's been in the law since the 1960s. It does not register guns, but just tells state officials who possesses guns. The price - \$5 for five years - has never been increased.

Clearly, those bills - sponsored by [Rep. Thomas Bennett](#) (R-Pontiac), [Rep. Jerry Lee Long](#) (R-Streater), [Rep. John Cabello](#) (R-Loves Park), [Rep. Jerry Costello](#) (D-Red Bud) and [Sen. Chapin Rose](#) (R-Champaign) - will not pass. Identical bills have been filed every year, and they've never passed. Their sponsors don't expect that.

But in most years it has been an advantage to legislators representing rural districts to call for repealing the FOID Act, to file legislation to that effect and to brag loudly about that, to stay cozy with the National Rifle Association for campaign cash and an "all-American" image. This year may not be like most years, however.

I heard from a friend who objected to my true yarn last week about the hair stylist who is regulated by the state and believes gun-dealers should also be regulated. Guns can be used as lethal weapons, she reasoned, but who do you know that ever died from a bad haircut? Her position makes sense to me.

Now, my friend disagreed mainly because he strongly believed something that seems very intuitive, something that I also believed when I first arrived at the Capitol back in 1981, something about how occupations become regulated.

He believes, as I did years ago, that hair styling and the myriad other occupations regulated by the state are under such state control because (1) their practitioners are not politically strong enough to resist it and (2) the policymakers regulate them just for the money the practitioners have to pay in fees and, occasionally, fines.

I quickly learned that most regulated practitioners are in on the scam. They beg to be regulated. It does two things for them. It (1) creates a barrier to others' entry into their professions and (2) that allows them to set higher fees for their services. So what if consumers have to pay more for haircuts and massages?

The license fee money that goes to the state is just a dribble. It's the legislators themselves who get something from this system. They get to be the "champions" of the regulated constituencies. They get cozy with the associations representing the constituents ([such as barbers](#)), for the endorsements and the campaign cash.

That's why all occupational regulation programs have "sunset" provisions. Unless they are renewed (every ten years in most cases), they would go away. Legislators who file bills to extend the programs - and who sit on the committees that move those bills toward enactment - usually get a nice reward for their votes.

But last week's commentary was about the NRA, which *does not want to be regulated*. The NRA has even invented a national myth about why regulating gun dealers is prohibited by the U.S. Constitution, and another falsehood about the "founding fathers" intention that gun ownership should never be regulated.

I'm on a roll with regard to offending various folks. Listen, I see the NRA lobby as being a lot like home-schoolers. Neither group wants even to be mentioned in the statutes. Theirs is the opposite of a desire to be regulated. Still, they have ways of rewarding (or punishing) policymakers for voting right (or wrong).

I grew up around guns, hunting with my father and grandfather on a farm outside of Hurst in southern Illinois. I carry a FOID card and still possess a firearm. I don't engage in the sport anymore, but the memories are pleasant and they remind me of the men who were models for me. But guns are not a religion, folks.

We're talking about how an idea becomes a bill. Now, how a bill becomes a law is another matter. [Schoolhouse Rock](#) has been describing that process since 1976. Now some members of the Utah House of Representatives have come out with [their own version of that](#) process. Not bad for a bunch of white folks.

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3/5/2018

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