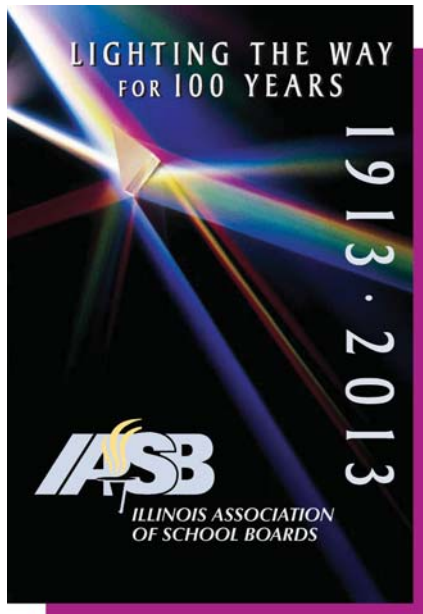


Illinois SCHOOL BOARD Newsbulletin

January 2013 / Issue No. 727



Centennial celebration plans kick off year-long activities, events

The Illinois Association of School Boards will reach an historic milestone later this year, and plans are under way to observe the occasion with emphasis on local member participation.

A variety of events and activities is being planned in conjunction with IASB's 100-year anniversary. The year-long observation will conclude at the 2013 Joint Annual Conference, Nov. 22-24, in Chicago.

The organization was started on Dec. 11, 1913, when 25 Illinois school board members met in Quincy, Illi-

nois, to discuss the common challenges facing public schools. This led to the formation of the Illinois State School Board Association.

"Although there have been changes in public education and certainly the role of school boards over the past 100 years, the fact that the Association is a member-driven organization is the same today as it was 100 years ago," said Roger Eddy, IASB executive director.

In addition to the local and statewide observations, IASB's histo-

See **CENTENNIAL** on page 12

School safety preparations require careful planning, practice

District policies key to support sound measures

After the shootings that took 26 lives at Sandy Hook Elementary School in Connecticut, school leaders are looking for ways to head off violent incidents of all kinds. And according to the National School Boards Association, much of the information to base school safety policies upon is already out there.

From fostering a positive and inviting school climate, to teaching and modeling good behavior, to encouraging students and staff to be the eyes and ears of the building, schools can do a lot to make themselves unsuitable targets for unstable individuals. That information was published in the *American School Board Journal* article in 2006.

Following the 1999 Columbine High School shootings in Colorado, which with 15 fatalities and 23 injuries

Also see *Community engagement guide*, page 5
Sample policies, page 5

remains one of the deadliest incidents of student-perpetrated school violence, the U.S. Secret Service and U.S. Department of Education examined 37 school-based attacks and interviewed 10 killers.

The resulting report was adamant that no common profile existed among

See **SAFETY** on page 5

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**IASB offers
FOIA guidance**

Page 11

AP participation

A record number of Illinois students are taking AP exams and posting successful scores. According to the annual AP Report to the Nation, the percentage of Illinois graduates completing more than one AP exam has more than doubled since 2001. Participation is up among all categories – by gender, ethnicity and economic class. The 2013 report will soon be available at: <http://apreport.collegeboard.org/>.

Graduation rates

Illinois is near the top for state graduation rates. In fact, preliminary data released by the U.S. Department of Education in November, shows Illinois ranked 10th in the nation for its graduation rate, 84 percent. Among the 10 most populous states, Illinois was second, behind only Texas at 86 percent. For a fuller explanation, visit: http://www.huffingtonpost.com/2012/11/26/high-school-graduation-rate_n_2194378.html.

School safety

The School and Campus Security Training Program schedule for the start of the new year is available online at http://www.isbe.net/safety/pdf/training_schedule.pdf. Courses already scheduled through March 5 include “K-12 Student Behavioral Threat Assessment,” “Understanding and Planning for School Bomb Incidents” and more. To locate related resources, visit the Illinois State Board of Education’s School Safety and Emergency Response web page at <http://www.isbe.net/safety/default.htm>. ISBE is encouraging school leaders to work proactively on school safety with community partners, including local public health departments, law enforcement agencies, etc.

State high court upholds school funding system in challenge to property tax fairness

The Illinois Supreme Court recently upheld a decision rejecting a lawsuit that challenged the state’s system of funding public school districts largely through property taxes. On November 29, 2012, the Court issued its unanimous decision in *Carr v. Koch* agreeing with a lower court ruling.

Hundreds of Illinois school districts are funded primarily through property taxes. The state funding formula sets minimum per student funding levels with specified tax rates for every school district.

The lawsuit argued some taxpayers in poorer districts whose property is worth less must pay a higher tax rate to reach the funding levels of those in wealthier school districts. Attorneys called that unconstitutional and unfair.

For example, attorney Alexander Polikoff of Business and Professional People for the Public Interest told justices that because people in two different parts of the state could pay vastly different property tax rates, the state law that governs school funding is unconstitutional.

In a wealthier district like in the suburbs, Polikoff said, a school can draw from a larger pool of property tax wealth, meaning an individual taxpayer’s rate is lower. He said that is unfair to people in less-wealthy districts, who have to pay a bigger share of their home’s value toward property taxes for schools just to meet the state’s presumed minimum standards.

Illinois relies more on local property tax revenues to fund education than just about any other state.

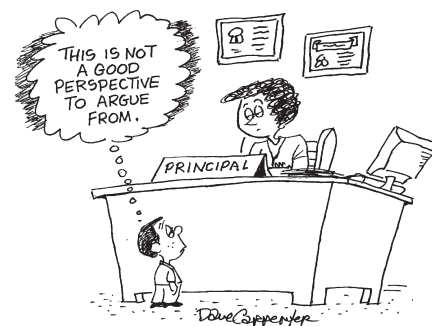
“We are a local control state,” explained Ben Schwarm, deputy executive director of the Illinois Association of School Boards. “We elect school board members from the community and therefore want to raise money locally.”

The court’s final opinion said local communities themselves determine the tax rate. And it said any dispari-

ties that result are not a direct result of the state’s funding statute. The ruling also essentially said plaintiffs must not look to the courts for relief from funding inequities but instead must seek any change through the state legislative process.

Illinois Assistant Attorney General Daniel Berks explained that plaintiffs were “barking up the wrong tree” because the state does not set local districts’ tax rates — school boards do. In addition, Berks said, the state is set up to pay out far more money to poor school districts than wealthy ones in order to try to even out those inequities in funding.

“It bolsters their tax money,” Berks said.



Illinois
SCHOOL BOARD
Newsbulletin

**Illinois Association
of School Boards**

This newsletter is published monthly by the Illinois Association of School Boards for member boards of education and their superintendents. The Illinois Association of School Boards, an Illinois not-for-profit corporation, is a voluntary association of local boards of education and is not affiliated with any branch of government.

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**ILLINOIS ASSOCIATION
OF SCHOOL BOARDS**

\$34 million federal early learning grant will aid state's neediest kids

Governor Pat Quinn announced Dec. 6 that Illinois had been awarded a \$34.8 million grant under the Race to the Top-Early Learning Challenge through the U.S. Department of Education to support quality early childhood education.

Illinois was one of only 14 states selected for the grant. The funds are meant to help Illinois connect children most at risk of school failure with high-quality early learning programs.

"Illinois has been a leader in early learning for decades and we will now be able to further strengthen that leadership," Gov. Quinn said. "The achievement gap begins before a child steps into kindergarten. Empowering our children with a solid education foundation before they begin kindergarten is the most crucial investment we can make in a future workforce that will drive economic growth in Illinois."

The Illinois State Board of Education, Department of Human Services and Department of Children and Family Services will work together to improve the quality of all early learning and development programs in the state through this grant.

Officials say the federal grant will be used to: create a new Quality Rating and Improvement System to inform parents about program quality through a website that will be fully implemented in July 2014. It will also help communities connect children with the greatest needs to high-quality programs, strengthen the quality of early learning programs, and support the development of better teachers in such programs.

The funds may also allow the state to make one-time investments to improve efficiency, streamline program administration and data systems and evaluate effectiveness for early

childhood programs.

Illinois was one of five states eligible to compete for the second round of the grant, which was submitted in October to the U.S. Department of Education. The state was one of 35 states to apply for the first round of funding and was found eligible to apply for the second round based on its performance.

The state application reportedly is designed to increase the efficiency and effectiveness of early childhood education in Illinois by taking a patchwork of early learning programs and integrating them into a unified system and increasing early childhood program quality.

To learn more about the Illinois plan for the Early Learning Challenge, visit: <http://www2.illinois.gov/gov/OECD/Pages/EarlyLearningChallenge.aspx>.

State board chairman favors K-12 education budget increase, eyes major state-aid overhaul

A budget discussion was featured at the Illinois State Board of Education's mid-December meeting in Springfield, including a comment by Chairman Gery Chico that he favors an increase in school funding next year.

Chico's request for staff to prepare for formally presenting this option to the board was preceded by a presentation about possible General State Aid funding formula changes.



Gery Chico

Staff members briefly reviewed for the board the considerations for General State Aid formula changes as presented at the board's September retreat. Options would include eliminating wealthier districts from eligibility for General School Aid Formula and poverty grants, changing the calculations for poverty grants and basing the per-student foundation funding

level on the amount of money appropriated by the General Assembly instead of an amount fixed by law. Such proposals all would require legislative action.

Chico summarized the budget options the board would like to see at its meeting in January when the FY14 budget is brought back to the board, including:

- Strive for a GSA number, budget number, that will be an increase;
- Provide possibility of flexibility with poverty grant;
- Provide more money, especially for GSA and early childhood – see this as "a two-pronged attack;
- Increase to the ISBE staff budget line item.

Board members also mentioned the possibility of introducing new legislation that may help districts that would be overburdened if a pension cost-shift bill is passed.

Get tax deduction for board expenses

School board members are allowed a deduction on their federal income tax returns for non-reimbursed expenses arising out of board service.

Board members must itemize deductions and file Form 1040 to qualify. For further information contact the IRS or see IRS Publication 526, "Charitable Contributions." Free copies are available from the IRS and may be obtained via fax or mail by calling 1-800/829-3676.



"It's 'Back to School' fashion week."

State lawmakers unveil ideas to fix underfunded pension system

Seek solution to keep plans, schools solvent

Though no legislation was passed in the *Lame Duck* session of the Illinois General Assembly in early January, insiders say pension reform discussions are likely to continue through the spring as the pressure is on for Illinois lawmakers to approve a solution to the underfunding of state pensions.

Gov. Pat Quinn was unable to broker a pension deal before the adjournment of the 97th General Assembly, but he said recently he was confident legislators could still reach a deal soon and was reported to have called the issue Illinois' equivalent of federal fiscal-cliff concerns. Years of skipping or skimping on pension payments have left Illinois with an unfunded liability of \$96.8 billion at the end of fiscal 2012, a sharp jump from \$83 billion in the prior fiscal year. The funded ratio, which was already the lowest among states, sank to 39 percent from 43.3 percent. A funding level of 80 percent is considered healthy.

The first bill introduced in the new 98th General Assembly in the Senate, SB 1, is a pension reform measure sponsored by Senate President John Cullerton.

The burgeoning liability and elusive political consensus on reforms have contributed to credit rating downgrades of Illinois, meaning the state's cost of borrowing money may be significantly higher.

One late new proposal arose when a House committee approved Amendment 10 to **SB 1673**, on Jan. 7, and sent the amended bill to the House floor for consideration. Although that bill never reached passage stage before the 97th General Assembly expired on Jan. 9, it seems to represent a popular new approach to resolve pension issues.

General provisions of SB 1673, which had been sponsored by **Representative Elaine Nekritz (D-Northbrook)** in the House, would make

significant benefit cuts for most members of state pension systems. The bill would suspend all Cost of Living Adjustments (COLA) for six years, remove the current 3% compounding interest provisions for the COLA, apply the COLA (3% simple interest) to only the first \$25,000 of a person's pension, cap the salary for pensionable purposes at \$113,700, and increase the employee's pension contribution by 2%. It would apply to Tier I employees only (hired before 2011), and would allow no COLA payments until 2020, and then only after participants reach age 67.



Sen. John Cullerton

This legislation *would not* raise the age for retirement, shift pension costs onto local school districts, or require an election of benefits by pension system participants. Employees would be required under the bill to contribute an additional 1% of salary in each of the next two years towards the pension fund.

The legislation is designed to fully fund the pension systems (100% of the pension liability) by 2043 and to contain a "guarantee" that the state will make its annual pension payments by establishing a contractual obligation between the state and the pension systems.

Currently, Teachers Retirement System (TRS) members pay 9.4 percent toward their pension and State University Retirement System (SURS) members pay 8 percent. Employers would be required to contribute 6.2 percent. The state's pensions systems would then invest the money on behalf of the cash balance participants, which would allow money in the pension system to grow and, it is hoped, alleviate the state's \$96.8 billion pension shortfall.

The two major hurdles facing legislators regarding a pension reform proposal, according to school management lobbyists, are finding a way

to achieve pension cost savings without violating the Illinois Constitution, and avoiding a shift of the state's pension costs onto local school districts.

School district officials said that with already declining state revenue, picking up more pension costs is a burden local school districts cannot bear. For the current fiscal year, many districts received much less in General State Aid than they were entitled to on paper due to an 11-percent cut in GSA funding.

Many districts also have not received any transportation funding for the current fiscal year, nor have they received accustomed state payments for early childhood, special education or the free/reduced meal program.

But Sen. Cullerton questioned whether some of the new or revised pension legislation could infringe on state constitutional protections of public pensions: "The larger proposal appears to impose unilateral pension reductions without offering voluntary acceptance by participants," his office said in a statement.

Cullerton was referring to Article 13, section 5 of the Illinois State Constitution of 1970, which states: "...Membership in any pension or retirement system of the State, any unit of local government or school district, or any agency or instrumentality thereof, shall be an enforceable contractual relationship, the benefits of which shall not be diminished or impaired."

Cullerton and other lawmakers have stressed that any legislative solution to the pension funding problem must not violate those constitutional restrictions.

"We believe that any pension solution must be fair to school district employees and in line with our Constitutional requirements, and further, the pension solution must not undermine the financial ability of schools to afford to provide quality educational services," said Ben Schwarm, deputy executive director of the Illinois Association of School Boards.

the shooters, but the study found that nearly “three quarters of the attackers felt bullied, attacked, threatened, or injured by others.” Since the report’s release in 2002, anti-bullying programs have proliferated.

Delbert Elliott, head of the University of Denver’s Center for the Study and Prevention of Violence, said during a White House summit in October 2006 that these programs can help curb students’ desires to resolve conflicts in a violent manner. When children are bullied and the school doesn’t apply rules evenly, Elliott says, problems ensue.

But beyond discouraging poor behavior, Elliott said schools should aim to build a healthy and supportive environment by encouraging good behavior through community service projects and school programs, and by explicitly teaching social skills like how to listen and communicate, manage anger, and resolve conflicts.



Delbert Elliott

Everyone in the school must assume the role of hallway monitor, keeping an eye out for suspicious behavior and reporting it promptly. The Secret Service and Department of Education found that in about 80 percent of the attacks, at least one person had knowledge of what was going to happen.

“Our first line of prevention is really having good intelligence,” Elliott says.

Of course, all these measures should be supported through district-wide safety policies (see sidebar article at right), clearly defined rules and penalties for adults and students who make threats and harass and intimidate others, and training for faculty, staff, and even students on how to recognize a troubled individual. Student services personnel — counselors, psychologists, and social workers — play critical roles in crisis prevention as well.

The odds are slim that a homicide will occur at or near a school. According to a 2004 Justice Department report, violent crimes are more likely to happen at home or on the street than at school. Still, preparing for the worst is the best thing a school can do.

The first step is to draw upon the talents and expertise of security personnel, teachers, building adminis-

trators, student services personnel, and emergency responders to articulate what to do in the event of a crisis. “You can’t learn to dance the night of the ball,” according to Frederick Ellis, who oversees safety and security for Virginia’s Fairfax County Public Schools.

Excerpted with permission from American School Board Journal, December 2006.

School safety guide from NSPRA author suggests community engagement approach

The National School Public Relations Association has published a new tool for school districts that want to connect with their communities on the issue of school security. It is entitled: Responding to the Newtown Tragedy; What Parents and Educators Can Do to Make Schools Safer.

The guide’s primary author is Matt Leighninger, NSPRA’s VP at Large for Civic Engagement and Deliberative Democracy, with editorial assistance from NSPRA President Joe Krumm, APR.

Leighninger’s career is steeped in

public engagement and he is currently executive director of the Deliberative Democracy Consortium in Washington, D.C. (www.deliberative-democracy.net).



This new tool is available upon request from editorial@nspra.org.

Here is the link for the new guide: <https://www.nspra.org/files/docs/NSPRAEngagementGuideForSchoolSafety.pdf>

Policy Reference Education Subscription Service offers sample resources, options for safer schools

In the wake of the Sandy Hook Elementary School incident in Connecticut, school boards and superintendents will likely turn to legal counsel as they review their policies and procedures in the area of student safety.

Below are references to IASB policy resources from the Policy Reference Education Subscription Service (PRESS) that school leaders may find of interest as they prepare for and deal with related school safety concerns. Each piece listed below contains applicable legal citations and references:

- 4:170-AP1, Comprehensive Safety and Crisis Program
- 4:170-AP7, Targeted School Violence Prevention Program

- 4:170-AP1, E2, Memo to Staff Members Regarding Contacts by Media About a Crisis
- 4:170-AP7, E1, Threat Assessment Decision Tree
- 4:170-AP7, E2, Threat Assessment Documentation
- 8:30, Visitors to and Conduct on School Property

“These resources offer a wide array of options and suggested policies to help school boards work to ensure that their schools remain safe for all students. These represent the key policy areas school leaders may wish to review at this time,” said Melinda Selbee, IASB’s General Counsel.



The 2012 Joint Annual Conference exhibit hall in Riverside Center at the Hyatt featured displays from 273 exhibitors. Applications for 2013 exhibitors will soon go online.

Three more firms join IASB Service Associates

Three more firms have been invited to join IASB's Service Associates, an organization of businesses that offer school-related products and services and have earned favorable reputations for quality and integrity.

Prospective members are screened by the Service Associates Executive Committee, which then forwards eligible candidates to the IASB Board of Directors.

Firms that received an invitation to join Service Associates in 2012 are:

- WinTrust Financial (Willowbrook, April 2012);
- Interiors for Business, Inc. (Batavia, July 2012);
- American Fidelity Educational Services (Fairview Heights, October, 2012).

IASB currently has 69 Service Associate members. A complete listing of these members can be found online at: <https://www.iasb.com/associates/>. A print directory of the membership is also published in each issue of *The Illinois School Board Journal*.

More information on the program, including costs and benefits, can be found at: http://www.iasb.com/associates/SA_homepage_flyer.pdf.

Website application forms and instructions for Conference exhibitors going online soon

IASB is again offering online registration for contracts and housing for all exhibitors in the 2013 Joint Annual Conference.

The new forms will be posted online Monday, Feb. 4. Like last year, the forms and instructions will not be mailed out this year; however the completed forms still must be printed out and mailed in to IASB.

Signed contracts and booth fees must be submitted by mail by March 18 for firms to reserve the same exhibit space as in 2012. After that date, all booths will be assigned on a first-

paid/first-received contract basis.

Instructions and forms will be posted online at: <http://www.iasb.com/jac13/exhibitor.cfm>.

Exhibitor registration will be preceded by an online reminder on the IASB's website soon.

Potential exhibitors are asked to ensure IASB has the correct email address for the person they wish to get a reminder on these new procedures.

Questions about exhibitions, forms or procedures, should be directed to IASB Meetings Management at 217/528-9688, ext. 1115.

Forecast 5 Analytics decision-making software is IASB's newest sponsored program

The newest IASB-sponsored program for member districts is Forecast5 Analytics, decision-making software from PMA Financial Network, Inc., Naperville.

According to PMA, the program "provides powerful data analytic and collaboration tools to help school leaders drive strategic and financial decisions with better information."

By using this proprietary business intelligence software, schools reportedly spend time analyzing rather than trying to find data. The Forecast5 platform includes interactive visuals and the opportunity



to perform collaborative analytics.

Schools are quickly gaining meaningful insights across several disciplines of financial management.

"IASB has a great history of leadership in education and we are thrilled to have them as a member of the Corporate Partner Program," said Mike English, Forecast5 President and CEO. "I believe that the relationship

with IASB will accelerate the deployment of analytics for Illinois schools. Development of future applications will be greatly accelerated with the opportunity to leverage the vast knowledge base of the IASB."

IASB Executive Director Roger Eddy agreed. "There is no question that in these difficult fiscal times, the ability to access and analyse various and multiple types of data is crucial," Eddy said. "We are happy to add Forecast5 to our growing list of sponsored programs."

For more information, visit: <http://www.forecast5analytics.com>.

Candidate briefings to be featured at all regional division meetings in spring

Many IASB divisions will offer an opportunity this spring for school board candidates to attend a Candidate Briefing being held in conjunction with IASB's regional division dinner meetings. The 21 regional meetings begin Feb. 26 and conclude April 4.

The sessions will give potential first-time board members an overview of their roles and responsibilities and an idea of what to expect if they are successful in the April election. Boards are being invited to bring candidates for the Candidates Briefing and they are also welcome to stay for the whole evening. The dinner program will be

very valuable to candidates as well as seated board members.

Registration is required. There is no fee for the briefing, but there is a small fee for the dinner meeting.

Another hot topic at a number of division meetings will be legislative issues.

Attendance at division meetings earns five credits in IASB's Master Board Member program. Reservations can be made by mail, phone, fax, or online.

For more information on upcoming division meetings planned for this spring—visit online at: <https://www.iasb.com/calendar/calendar.cfm>.

Board approves three operational indicators for executive director, picks executive panel

The IASB Board of Directors at their meeting in November reviewed its annual work calendar and approved the executive director's Operational Indicators 3, 4 and 5, which coincide with recently adopted Operational Expectations.

Operational Expectations are the IASB governance policy "statements of the Board's values about operational matters delegated to the Executive Director, including both actions and conditions to be accomplished and those prohibited." Specifically, items 3, 4 and 5 deal with: treatment of members and other clients and volunteers;

plus the personnel administration required to enable the Association to achieve its results policies; and, finally, staff compensation and benefits.

In addition, 2013 Executive Committee Members were selected. Tom Neeley, Joanne Osmond, Joanne Zendol, and Phil Pritzker will join Immediate Past President Joe Alesandrini, plus PresidentCarolyn Brooks, Vice President Karen Fisher and Treasurer Dale Hansen as members of the Executive Committee. The committee met Jan. 4 in Springfield.

The IASB Board of Directors meets again Feb. 8 and 9 in Chicago.

School design's future, how it may aid in education, piece on principal prep, highlight Jan/Feb Journal

What if there's another way to build schools for students success? That's the question posed and answered by award-winning architectural firms in the January/February 2013 issue of The Illinois School Board Journal.

Writers for Cannon Design and Legat Architects Inc., both Award of Distinction winners in IASB's 2011 Exhibition of Educational Environ-

ments competition, look to the future of design and how it could enhance student learning.

Also in the issue are articles on changes to principal preparation rules, how honesty plays a big role in leadership, a proactive approach to discipline, photo highlights of the 2012 Joint Annual Conference and the start of a year-long celebration of the Association's Centennial anniversary.

NEWS FROM IASB

New periodical indexes

IASB has completed online indexes for two Association periodicals issued through 2012, namely *The Illinois School Board Journal*, and the *Illinois School Board Newsbulletin*. Topics indexed cover everything from accountability and achievement to vision and writing. The *Journal* can be searched through either of two indexes: by subject and by author. Indexes for both publications also are available for 2009, 2010 and 2011, and available on the IASB website at <http://www.iasb.com/publications.cfm>.

Online learning popular

IASB's Online Learning Center continues to see increased usage as members take the online courses to fulfill mandatory training requirements for the Open Meetings Act (OMA) and the four-hour Professional Development Leadership Training (PDLT). As of Dec. 31, IASB had counted 644 registrations for these courses in 2012: OMA (417) and PDLT (227), with 190 new registrations in December alone. Staff are anticipating big jumps in registrations for both courses with the April 2013 election. Four other courses are also available from the OLC: 1) Media Relations; 2) School District Labor Relation: What Illinois Law Requires; 3) Superintendent Evaluation; and 4) Introduction to Parliamentary Procedure. Visit online at: <http://www.iasb.com/training/onlinelearning.cfm>.

Executive searches continue

The Executive Searches Department has completed or begun the process of performing 31 superintendent searches and two other administrative searches. The staff anticipates a busy spring as well. For more information, visit online at: <http://www.iasb.com/executive/>.



School districts are being asked to submit ideas for 2013 conference panel sessions by Feb. 15 and “Share the Success” through a presentation in November. This panel at the 2012 Joint Annual Conference dealt with school finance and funding.

Seek panel session ideas for 2013 Conference as Share the Success proposals due by Feb. 15

The Illinois Association of School Boards is seeking proposals for “Share the Success” panel sessions for the 2013 Joint Annual Conference.

School districts and other organizations are invited to submit specific proposals for these 90-minute sessions. The chosen panels are presented by the board members, administrators and other school or community members who were involved in the particular programs showcased, based on actual school system experiences.

Presenters give insight and practical information on how to solve common problems. They share discoveries and innovations from programs succeeding in their school districts. And they provide tips on how school boards can achieve such successes at home.

IASB seeks specific panel suggestions, to be submitted by filling out forms either online or by mail, in any of the following categories:

- Governance/Leadership
- Finance and Funding
- Current Issues
- Community Relations and Communications
- School Law

- Facilities/Transportation/Technology
- Best Practices
- Governmental Relations

Proposals can be made electronically and must be received in the Springfield office by Friday, Feb. 15. The forms can be found at: <http://www.iasb.com/jac13/rfp.cfm>. A committee of Association members will evaluate all proposals in March. Preference will be given to registered conference attendees. Acceptance of an invitation to present a Share the Success panel represents a joint commitment to create a valuable educational experience for conference attendees.

Districts and organizations not selected to make their presentations in a 90-minute panel session may be offered a different opportunity to present at the conference. IASB will once again be featuring many of them in a “Carousel of Panels” session on Saturday afternoon, Nov. 23, 2013.

The 2013 Joint Annual Conference is set for Nov. 22-24 in Chicago.

Updated information about the 2013 conference will be posted online as it is received. Instructions and forms for registration and housing will all be posted on the IASB website.

Names sought for excellence awards, honors for service

IASB annually recognizes people and organizations whose actions have contributed to excellence in education that produced an impact *statewide*. Recognition is provided through the Harold P. Seamon Award for Distinguished Service to public education. Only one award may be given each year. Nominations are sought from now through April 15.

Outstanding nominees are sought from all walks of life—the award is not just for educators. IASB will present the award at the 2013 Joint Annual Conference in November.

Recipients must have done one or more of the following: displayed exceptional service and commitment; provided innovative approaches to meeting school challenges; or enhanced local governance by school boards.

In addition, IASB Honorary Memberships for Exceptional Service are awarded for rendering distinguished service to IASB or to public education in general. These contributions may extend district-wide or regionally. Up to three Honorary Memberships statewide may be awarded each year. The awards are presented at regional meetings.

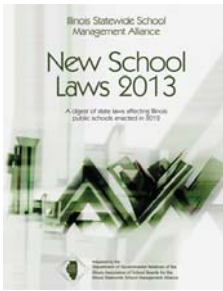
Finally, there is the IASB Service Award for 25 years of service (not necessarily continuous) producing a positive impact through a close affiliation with and direct service to schools, either as an employee or volunteer. Current board members and IASB staff are not eligible recipients. Service Awards are issued to as many people as meet the requirements to receive them; they are presented at regional meetings. There is no deadline by which these names must be submitted.

Submit nominations to: IASB Awards Committee Liaison, 2921 Baker Drive, Springfield, IL 62703-5929, phone IASB, ext. 1139, or fax 217/753-2485.

Board agendas, student crime disclosures among topics of new laws

More than 150 new laws officially took effect in Illinois on Jan. 1, 2013.

For example, House Bill 4687 requires that the published agenda for a school board meeting must set forth the general subject of any resolution or ordinance that will be the subject of final action at that meeting. It requires that the board ensure that at least one copy of the agenda for the meeting is continuously available for public review for 48-hours immediately beforehand. Posting on the website satisfies this requirement. (Public Act 97-0951).



Other new laws include:

H.B. 5602 makes changes to the law regarding law enforcement officials providing information about students to a school district. Law enforcement must provide information if a student has committed certain infractions or specific violent crimes if the officer believes that there is an imminent threat of physical harm to those in school or on school grounds, based on the criminal act. Information must be provided orally, and not in written records, and must be used solely by the school official to protect the safety of students and employees in the school. (PA 97-1104).

H.B. 5013 requires school districts to make publicly available, by Dec. 1 of each year, the student immunization data that the district is required

to submit to the ISBE each year (PA 97-0910).

S.B. 3374 establishes a task force to promote and recommend enhanced physical education programs that can be integrated with a broader wellness strategy and health curriculum in elementary and secondary schools. Each of the four Illinois Statewide School Management Alliance organizations, including IASB, will have representation on the task force (PA 97-1102).

All of the new education-related laws are available at: <http://www.ilga.gov/legislation/default.asp>. More targeted information for school leaders is now offered online in a new IASB publication, expected to be mailed by the end of the month, called *New School Laws*. It can be found at <http://www.iasb.com/govrel/newlaws.cfm>.

Last of election dates, deadlines loom for school races, issues

School board candidates running in the April 9, 2013 election, and school district officials, still have several potential deadlines to consider.

For example, Thursday, January 31 is the last day a board candidate may file notarized papers withdrawing a nomination for the April 9 school board election. (Election Code 10-7).

Jan. 31 is also the last day for the board secretary to certify board candidates to the election authority (county clerk or election commission) for the April 9 school board election.

Jan. 31 is the last day for a board secretary to certify public policy questions to the election authority for a referendum vote April 9.

A complete list of remaining deadlines for the April 9, 2013, election is online at: <http://www.iasb.com/pdf/13electioncalendar.pdf>.

Local election officials can also find help at: <http://www.elections.state.il.us/Downloads/ElectionInformation/PDF/2013LEOBook.pdf>

Poor English skills cost Latinos \$38 billion in missed wages annually, new study finds

Spanish-speaking Americans with poor English skills miss out on \$38 billion in earnings each year, much of that in Illinois, according to a new study by the Lexington Institute.

“The latest Census results show that we are seeing poor English skills passing down from one generation to the next, with Spanish speakers paying the heaviest price in economic terms,” said Don Soifer, Executive Vice President of the Lexington Institute and one of the authors of the study, *The Value of English Proficiency to the United States Economy*. “We need to do better at breaking these cycles of linguistic isolation.”

On average, each adult with poor English skills earns \$3,000 per year less than would have been earned by a proficient English speaker. In addition,

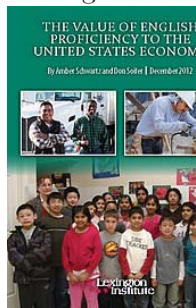
the wage penalty facing Latinos who do not earn a high school diploma is \$4,700.

Illinois has the nation’s ninth-largest population of English learners, making up 9.6 percent of its total population. According to the report “Shortages of high-quality teachers with strong oral and written English and Spanish language skills continue to be reported in many of these same communities, especially in states including ... Illinois where their work is particularly important.”

“When it comes to closing the language gap between English learners and other students, we are seeing widely varying results nationally, with small gains,” Soifer noted.

The report, *The Value of English Proficiency to the United States Economy*, is available online at: <http://www.lexingtoninstitute.org/thevalueofenglishproficiencytotheunitedstateseconomy1?a=1&c=1136>.

To speak with the author of the report, contact Don Soifer at 703/522-5828 or soifer@lexingtoninstitute.org



Three must-know FOIA issues: How they impact your district



Kimberly A. Small is IASB's assistant general counsel.

DEVELOPMENTS IN SCHOOL LAW

Remember the amendments to the Freedom of Information Act (FOIA) in 2010? Along with the binding opinions from the Ill. Attorney General's Public Access Counselor (PAC), also created by those 2010 amendments, school attorneys are starting to see FOIA decisions in the Illinois court system.

Interesting to the legal field, is that each decision in this article comes from a different level in the structure of the Illinois court system. To the layperson that means each decision applies only to the area that the decision-maker has authority over. Collectively though, the three decisions provide guidance and best practices for school officials and FOIA officers.

Below are three questions in bold with a brief description of the issues from each decision:

Have any civil penalties and attorney's fees been ordered under FOIA yet?

Yes and no. The second district appellate court affirmed a civil penalty of \$2500 ordered by a circuit court under FOIA. But, it denied a request that the school district pay a FOIA requestor's attorney's fees. See, *The Rock River Times v. Rockford Public School District 205* [N.E.2d -, (Ill. App. 2nd, Oct. 3, 2012); 2012 WL 4554295].

This is the first case addressing civil penalties against a school district under FOIA since that law's 2010 amendments. There, a local newspaper sent a FOIA request asking for a rebuttal letter written by a principal. It filed a lawsuit in circuit court that sought attorney's fees and a civ-

il penalty for the district's delay in disclosure. Then, the school district disclosed the rebuttal letter to the newspaper on its own accord.

Public record is defined under FOIA in relevant part as all * * * documentary materials pertaining to the transaction of public business, regardless of physical form * * *, having been or being used by * * * any public body."

The circuit court ordered a \$2,500 civil penalty under FOIA against the school district. It found that the school willfully and intentionally failed to comply with FOIA. The court based the finding on the fact that the school district claimed a third exemption after the PAC told the school district two other exemptions would not apply to the letter. However, the court did not order attorney's fees against the school district because the school district voluntarily disclosed the letter.

Does email become a public record within the scope of FOIA just because the school district physically possesses it?

No. Items that are not public records do not magically become a public record because the school district has them.

A 19th Judicial Circuit Court judge issued a 43-page ruling in *Hauser v. Township High School District #113 (Hauser)* [Case No. 11 CH 1157 (19th Judicial Cir. Court, Sept. 18, 2012)] about disclosing emails located on a school district's server that have private business in them. Here, the judge explained that emails requested under FOIA are not automatically public records simply because of their location on the school district's server. Instead, what is discussed in the requested email must have a substantial nexus (relation)

to the public body's business. If the email only relates to private business or views, is it not a public record that must be disclosed pursuant to a FOIA request.

Does a public record fall outside the scope of FOIA simply because a public body does not physically possess it?

No. A public record is always a public record wherever it is.

Where a communication is located was also the question in a binding opinion issued by the PAC [Public Access Opinion 11-006 (Nov. 15, 2011), available at <http://foia.ilatorneygeneral.net/2011binding.aspx>]. FOIA still applies to public records located in personal electronic devices or email accounts owned by members of the public body - rather than the public body itself. The PAC's answer explains that communications on private electronic devices, owned by members of the public body, are public records and subject to disclosure under FOIA. Like *Hauser*, it is not where the record is, but what is in the record and how it relates to the school district's business that makes it a public record.

How do these decisions impact your school district?

Civil penalties are real under FOIA. Attorney's fees require a judge to enter a formal court order requiring the payment to the winning party. FOIA uses *prevailing party*, and that means winning in court, not just getting the public body to disclose the public record.

A requested record's physical location is not relevant. What is in it and how it relates to the school district's business determines whether it is a public record under FOIA. School officials perhaps can save their districts a lot of time and effort navigating FOIA

See **GUIDANCE** on page 11

What PRESS suggests about how schools should proceed under FOIA law

Since the Freedom of Information Act (FOIA) was overhauled in 2010, school districts have worked diligently to comply with its new, and sometime onerous, requirements. School boards revised their FOIA policies and identified a FOIA officer to receive and respond to requests.

The applicable IASB PRESS policy identifies the district superintendent as the district's FOIA officer and allows him or her to delegate these duties.

The revised FOIA gave an important role to the Public Access Counselor (PAC) in the Illinois Attorney General's office. The PAC's responsibilities include responding to informal inquiries, mediating disputes, issuing advisory and binding opinions, and providing electronic training. During the last two years, the PAC has published many binding opinions concerning FOIA.

In 2011, the legislature made welcomed revisions to FOIA. The timelines were relaxed for responding to and complying with a request from a recurrent requester, provided the public body follows the statutory requirements.

In addition, public bodies may now charge a fee for search and/or retrieval when responding to a request for commercial purposes. Finally, a burdensome requirement in the FOIA law was deleted – public bodies no longer must request pre-approval from the PAC before denying a record request based on the exemptions for preliminary drafts or personal infor-

mation.

IASB amended its sample PRESS policy and procedure most recently in October 2011. Amended items included 2:250, *Access to District Public Records*, and 2:250-AP1, *Administrative Procedure - Access to and Copying of District Public Records*. The policy and procedure reserve special treatment for requests from a recurrent requester and/or a

School boards and their FOIA officers recognize that some FOIA requests should or must be denied. For example, school districts continue to receive requests for personnel evaluations.

– PRESS policy and footnotes

request for a commercial purpose.

The PRESS procedure re-states FOIA's definition of "recurrent requester." It instructs the district FOIA officer to handle requests from a recurrent requester according to specific FOIA provisions that will extend the compliance deadline. The PRESS exhibit, 2:250-E3, *Recurrent Requester Notification*, contains the statutory notice requirements. The FOIA officer may use this exhibit to inform an individual, as required by FOIA, that he or she is being treated as a recurrent requester.

The PRESS policy requires the

district's FOIA officer to recommend a copying fee schedule for the board's approval. Most boards of education adopt the statutory maximum fee reasoning that even the statutory max will not cover the actual costs of complying with most FOIA requests.

The PRESS policy sets a search and retrieval fee for responding to a request for commercial purposes. The sample policy sets a \$10.00 fee for each hour spent by personnel, after the first eight hours, in searching for and retrieving a requested record. The policy also provides a fee for the actual cost, if any, of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the district. These fees are in addition to the copying fees and are the maximum amounts permitted.

School boards and their FOIA officers recognize that some FOIA requests should or must be denied. For example, school districts continue to receive requests for personnel evaluations. Both the footnotes to the PRESS FOIA policy and the procedure itself explain that two laws limit the disclosure of employee personnel evaluations. The School Code prohibits the disclosure of public school teacher, principal, and superintendent performance evaluations except as otherwise provided in the certified employee evaluation laws. The Personnel Record Review Act prohibits the disclosure of performance evaluations.

GUIDANCE *from page 10*

requests by using district-issued email for district business only. This can reduce the time needed to examine every email on the district's server for private business.

And, the reverse is also helpful.

Not using a personal electronic device or email account for school dis-

trict business, whenever possible, may help the school district comply more efficiently with its duties under FOIA (and other records laws, too). This is because the FOIA officer will not need to sift through privately owned electronic devices and email accounts for public records.

Boards should contact their local board attorney to discuss how these FOIA decisions apply — or do not apply — to their local school district. Many school districts use these conversations to assess or implement and maintain more robust records management programs.

Conference photos online at secured third party website – no fee to browse and enjoy

Hundreds of photos taken at the 2012 Joint Annual Conference are now posted online.

More than 1,000 photos – from Friday morning’s pre-conference workshops to the general session on Sunday – are posted on a secured third party website. There is no fee for this member service; however, visitors will need to use a password to log into the site.

The website address is <http://www.rhphoto.com/2012-IASB/>. The password (Chicago) is required to log on to the site. The images will appear in a low-resolution, “thumbnail” format. Visitors will be able to click on any photo to see a larger image, or use the

slide show button that automatically scrolls through the entire gallery.

All prints will be mailed directly to the buyer or images can be downloaded from the website. Prices and shipping information are listed on the web galleries. Arrangements can be made to transfer images to CD or DVD or USB memory stick by contacting the photographer’s office at 773-625-1741 for prices.

Prints are available in sizes from wallets to eight by ten inches.

Questions concerning this year’s conference photos can be directed to Robert Levy Photography at the phone number listed above or by emailing r-levy@sbcglobal.net.

CENTENNIAL, from page 1

ry will be chronicled in a six-part series in *The Illinois School Board Journal*, in daily postings on the Association’s website, and in a special commemorative publication to be published later this year.

The centennial observation plans have been under way since the fall of 2012, when a 10-member committee began discussing potential ideas. From the beginning, Eddy said an emphasis was placed on activities that would encourage member district involvement, at the local and statewide level.

“We look forward to making this celebration something that everyone can participate in and remember,” he said.

Local districts will be invited to:

- Showcase their own history. A template will be created to show how to develop and share this information locally.
- Recognize their longest-serving board members. Opportunities will include community, division meetings and the annual conference, in addition to School Board Members Day in November.
- Recognize the original member dis-

tricts. Opportunities will include local and statewide recognition, and in IASB history documents.

- Recognize past presidents of the Association board of directors.
- Create Public Service Announcements (PSAs). IASB will create messages that districts can localize to promote public education and distribute to local broadcasters.
- Make local presentations. IASB will develop a series of talking points suitable for board members to use at community functions.

The Association has developed a special centennial mark that is already being used in all IASB literature and mailings. Eddy said that the mark will also be available for member districts to use.

The centennial will be observed throughout the Joint Annual Conference in November. More information about these activities will be announced later. Eddy said that the conference is the perfect opportunity to include all members to join the celebration at one time and one location.

“We are planning a lot of fun activities that you won’t want to miss,” he said.

CALENDAR OF EVENTS

- January 15 – Professional Advancement - Seeking the Superintendency**, IASB Springfield
- February 2 – South Cook Legislative Breakfast**, Prairie Hills SD 144, Markham
- February 7 – The Board and its Superintendent: Developing and Maintaining an Effective Relationship**, Morton CUSD 709
- February 8-9 – IASB Board of Directors’ Meeting**, Hyatt Regency Hotel, Chicago
- February 15-16 – Data First Bootcamp**, IASB Lombard
- February 15 – Data First – Saturday Only, if already taken Building the Foundation (Module 1)**, IASB Lombard
- February 22-23 – Data First Bootcamp**, IASB Springfield
- February 23 – Data First – Saturday Only, if already taken Building the Foundation (Module 1)**, IASB Springfield
- February 26 – Shawnee Division Spring Dinner Meeting**, Harrisburg High School, Harrisburg
- February 26 – Abe Lincoln Division Spring Dinner Meeting**, TBD
- February 27 – Egyptian Division Spring Dinner Meeting**, Benton Middle School, Benton
- February 27 – Southwestern Division Spring Dinner Meeting**, TBD
- February 28 – Blackhawk Division Spring Dinner Meeting**, United THSD 30, East Moline
- February 28 – Illini Division Spring Dinner Meeting**, Charleston High School, Charleston

