

Illinois SCHOOL BOARD *Newsbulletin*

February 2007 / Issue No. 658

Election duties looming for April 17 consolidated election

School board members running for seats in the April 17, 2007 Consolidated Election need to pay close attention to the remaining duties outlined in the election calendar, including the task of getting poll-watchers registered by Thursday, March 8 (Election Code 17-23). Other significant deadlines are as follows:

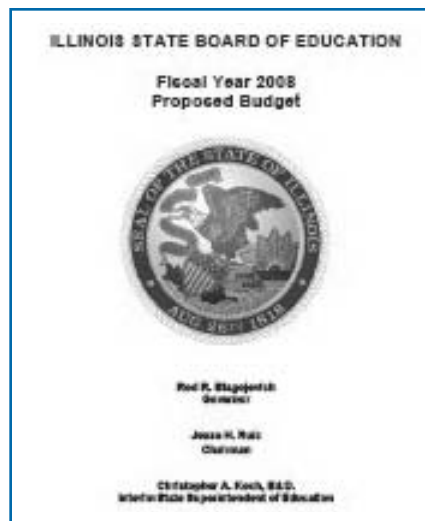
- **Tuesday, April 3** — Last day for election authority to have poll watchers credentials available for distribution. (Election Code 17-23)
- **Tuesday, April 10** — Last day to file a declaration of intent to run for the school board as a write-in candidate at the April 17 election. Within ten days after the election authority proclaims winners, a successful write-in candidate must file a statement of candidacy and a county clerk's receipt for the Statement of Economic Interests. (Election Code 17-16.1 and 18-9.1)
- **Friday, April 13** — Last day for the election authority to have ballots printed and available for inspection by candidates and their agents for the April 17 election. (Election Code 5/16-5)

- **Tuesday, May 15** — Last day for the school board to reorganize by seating new members, electing officers and setting a time and place for regular meetings. (School Code 10-5 and 10-16)

The board secretary also has a number of duties and responsibilities, such as filing all official election-related materials, including nominating papers, receipts, forms, copies of certifications, and so forth. These are all public records that need to be filed properly to show that things were all done correctly, just in case anyone ever wants to know.

School leaders should also know that there is a conflict in Illinois law between the school code and the election code regarding who is responsible for canvassing election results: the board of education or the county clerk. School boards may wish to contact their county clerk of record to determine who needs to be doing this.

For more detailed information about the April election, including the full list of duties of the board secretary, visit the IASB Web site at http://www.iasb.com/election07/Election_Calendar_2.pdf.



Budget calls for \$801 million school increase

The state budget for elementary and secondary schools would increase by \$801 million, or 12.2 percent, next year under a recommendation from the Illinois State Board of Education (ISBE). That would be twice the amount the state increased public education funding last year. The schools budget, if approved, would top \$7.3 billion.

The state board also suggested major funding increases in a number of programs, including preschool, up

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Teacher of Year available now to address districts

Joe Fatheree, the 2006-2007 Illinois Teacher of the Year, is scheduling speaking engagements. Fatheree is Technology Director at Effingham High School and reportedly has done some incredible things both in and outside of the traditional classroom. Call Susie Cisna at 217/540-1100 for scheduling information.

Deadline nearing for Those Who Excel nominations

Nomination forms for the 2007-08 Those Who Excel program are now available online at http://www.isbe.net/those_who_excel.htm. School leaders must act quickly to nominate those people, including board members, who have made outstanding contributions to their local schools. Award recipients are nominated by their local schools and by people in their communities. The deadline for submission of forms for the 33rd annual awards program is May 7.

For a hard copy of the form, contact Ann Muraro or Urlonda Briggs at 217/782-4648.

Title I allocations, adjustments to be on ISBE site

Last fall the United States Department of Education notified the Illinois State Board of Education of a nation-wide error made on the 2003 Census figures that would impact the 2007 Title I Final Allocation poverty counts and district allocations. Illinois has opted to apply these minimal adjustments to the 2008 Title I allocations.

The revised FY 2007 Final Title I Allocations and Adjustments will be posted soon on the ISBE web site, <http://www.isbe.net>.

Also visit <http://www.census.gov/hhes/www/saie/index.html>.

For safety's sake, teens may face more hurdles for driver's license

Secretary of State Jesse White recently promised to push for tighter laws governing teen drivers. Suggested provisions would restrict night driving, triple the time a teen must hold a learner's permit, require six hours of behind-the-wheel driving with an instructor, and force teens to wait longer before driving with teens who aren't relatives.

The legislative proposal arose from key suggestions of the state's Teen Driver Safety Task Force, consisting of 27 lawmakers, judges, educators, victim advocates and law enforcement officials.

White said he hopes the legislation, and an accompanying public awareness campaign from his office, will raise understanding of the dangers of reckless driving. "It is important that we take a very comprehensive approach to improving teen driver safety," he said.

School management lobbyists were concerned, however, about the state financial support for the proposed statutory requirements. "We haven't fully researched the proposal as yet, but my guess is that we may have problems with it if it contains any unfunded, or under-funded, state mandates," said Ben Schwarm, IASB's associate executive director of governmental relations.

Some school leaders are pushing for the changes, but are not certain that even the proposed requirements

and public information campaign will be sufficient to seriously reduce teen car crashes and fatalities.

"It can't just be education. Law enforcement has to be involved and, sadly, tragic consequences have to be involved to really get kids' attention," said Paula Davis, superintendent of the Pekin High School district in central Illinois. The district lost six of its 2,100 students in accidents during the 2005-06 school year.

Board Vice President Joe Alessandrini agreed with Davis: "School districts can only provide the foundation for developing good teen drivers. Parents and guardians will have to step up their efforts to give teens guidance for safe driving," he said.

But district officials say the state proposal will be added to other initiatives launched there in the last two years after 15 teens died in crashes over just 16 months in Tazewell County.

Numbers from the National Highway Traffic Safety Administration show more than 300,000 teens are injured in car crashes each year nationwide. Nearly 8,000 are involved in fatal crashes and 3,500 are killed.




Bill missed rehearsal.

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.

James Russell, Director of Publications
Gary Adkins, Editor
2921 Baker Drive
Springfield, Illinois 62703-5929
(217) 528-9688
One Imperial Place
1 East 22nd Street, Suite 20
Lombard, Illinois 60148-6120
(630) 629-3776
www.iasb.com


**ILLINOIS ASSOCIATION
OF SCHOOL BOARDS**

Few schools meeting incident reporting mandate

User guide can help schools sign up on SIRS

Although state law mandates reporting significant school incidents – such as drugs, weapons, and attacks on school personnel occurring in or on school property – within three days to local law enforcement authorities and the Illinois State Police (ISP), many schools are not yet in compliance. But a user guide is now available to help.

To satisfy the reporting requirement, the Illinois State Board of Education, in conjunction with the ISP, has created the School Incident Reporting System (SIRS). The SIRS is a Web-based application on IWAS, and is used by schools to report incidents electronically, but many schools and districts are not yet registered under SIRS. Reporting on SIRS does not satisfy the requirement to report incidents to local law enforcement authorities.

The mandate and statutes relevant to this reporting are:

- 105 ILCS 5/10-27.1B. Reporting drug-related incidents in schools. "...Upon receipt of any written, electronic, or verbal report from any school personnel regarding a verified incident involving drugs in a school or on school owned or leased property...the superintendent or his or her designee, or appropriate administrative officer for a private school, shall report all such drug-related incidents occurring in a school or school property to the local law enforcement authorities immediately and to the Department of State Police in a form, manner, and frequency prescribed by the Department of State Police."
- 105 ILCS 5/27.1A. Firearms in schools. "...Upon receipt of any written, electronic, or verbal report from any school personnel regarding a verified incident involving a firearm in a school or on school owned or leased property...the superintendent or his or her designee shall report all such firearm-related incidents occurring

in a school or on school property to the local law enforcement authorities immediately and to the Department of State Police in a form, manner, and frequency as prescribed by the Department of State Police."

- 105 ILCS 5/34-8.05. Reporting firearms in schools. "...Upon receipt of any written, electronic, or verbal report from any school personnel regarding a verified incident involving a firearm in a school or on school owned or leased property...the superintendent or his or her designee shall report all such firearm-related incidents occurring in a school or on school property to the local law enforcement authorities no later than 24 hours after the occurrence of the incident and to the Department of State Police in a form, manner, and frequency as prescribed by the Department of State Police."
- 105 ILCS 5/10-21.7. Attacks on school personnel. "...Upon receipt of a written complaint from any school personnel, the superintendent, or other appropriate administrative officer for a private school, shall report all incidents of battery committed against teachers, teacher personnel, administrative personnel or educational support personnel to the local law enforcement authorities immediately after the occurrence of the attack and

to the Department of State Police's Illinois Uniform Crime Reporting Program no later than 3 days after the occurrence of the attack."

Only 257 schools have registered to report, leaving the remaining school districts without a SIRS reporter signed up with IWAS. The signup, to be authorized to use this system, is accomplished within the IWAS system in the System Categories for Monthly Reporting – School Incident Reporting. There is still time to report all incidents for this school year once the reporter is authorized. Failure to do so could cause problems and even lead to the loss of state grants or other support.

There appears to be some misunderstanding about the reporting requirement that took effect at the end of 2005. "My belief is they [administrators] didn't understand that SIRS was a separate piece, and you had to sign up to do the school incident reporting. They thought IWAS was for every part of school reporting," said Peggy Dunn, an ISBE administrator of SIRS.

A user guide is available at: <http://www.isbe.net/accountability/pdf/UsersGuideV1.pdf>.

For assistance, contact Peggy Dunn at 217-782-2948 or madunn@isbe.net.

A reminder: RIF deadline coming up

Time is running out for school districts to issue Reduction-in-Force (RIF) notices. Districts are required by statute to serve written notice 60 days before the end of the school term for any tenured teacher being honorably discharged because of a RIF or discontinuance of teaching service.

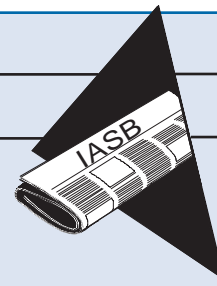
A written notice must be mailed to the teacher and also given the teacher, either by certified mail, return receipt requested, or personal delivery with receipt, along with a statement of honorable dismissal and the

reason for it. Under some circumstances these provisions also apply to the dismissal of an administrator. Any employee not properly notified is deemed reemployed.

Because collective bargaining agreements, policies or evaluation plans commonly have their own notice requirements, employers must be careful to meet all of their relevant notice requirements.

Although the RIF requirements and deadlines are well known, it never hurts to have a small reminder, state officials say.

N EWS HEADLINES



Arlington Heights (Jan. 26, *The Daily Herald*) The District 214 school board debated the details but supported the concept of adopting a board code of conduct. The discussion began after one board member suggested adopting the seven-point code of conduct created by IASB in the mid-1970s.

Arlington Heights (Jan. 30, *The Daily Herald*) Three incumbent board members who are looking to retain seats on the District 214 school board have set up a campaign office and have already collected an estimated \$10,000 for a board race that is shaping up to be among the priciest ever in Illinois.

Bartlett (Jan. 24, *Chicago Tribune*) State Sen. John Millner (R-Carol Stream) is planning to introduce legislation that would allow residents to vote on whether to allow Bartlett, and possibly Carol Stream and Wayne, to secede from Elgin district U-46.

Bloomington (Jan. 19, *The Pantagraph*) District 87 schools have needed more services for Spanish speakers in the last five years, according to the district's bilingual program.

Bloomington (Jan. 29, *The Pantagraph*) Results of an in-depth survey on bullying have been obtained from parents, students and teachers and are now in the hands of the school principals.

Carpentersville (Jan. 24, *The Daily Herald*, Arlington Heights) District 300 officials and their attorney say the board followed the letter of the law in holding several closed sessions last year.

Charleston (Jan. 12, *Charleston Times Courier*) The Charleston district recently joined the IASB-sponsored Illinois Energy Consortium (IEC), which works to find member districts the best available electric rates by taking bids from utilities. "Therefore, we reap the benefits," Charleston Superintendent Gary Niehaus said.

Chicago (Jan. 23, *Chicago Tribune*) The Chicago public schools system is proposing to help sub-par principals, who will get about a year to improve their performance before facing dismissal. The board of education is set to approve the plan, which creates a system of "support and remediation" for principals.

Dixon (Jan. 31, *Telegraph*, Dixon) Teachers and school board members averted a potential strike by agreeing to a four-year contract on Jan. 31 that raises the base pay for entry-level teachers and distributes raises more evenly, Board President Doug Lee said.

Elgin (Jan. 24, *The Daily Herald*, Arlington Heights) A pay raise for the district superintendent was informally approved by all seven school board members, and publicly disclosed by one board member. The board voted to provide a \$20,000 raise and a 10 percent, tax-free, bonus.

Freeport (Jan. 17, *The Journal-Standard*) Half of all District 145 teachers believe children from underprivileged backgrounds cannot achieve at their current grade level, according to results of a recent survey.

Freeport (Jan. 18, *The Journal-Standard*) District 145's college prep program for low-income and minority students, called AVID, was honored for national success by program officials from Texas at a Jan. 17 school board meeting. AVID stands for Advancement Via Individual Determination, and is a graded elective course.

Galva and Cambridge (Jan. 26, *Copley News Service*) A study of the possible merger of Galva and Cambridge schools has been commenced. Results could determine whether consolidation talks for the two districts take any significant steps.

Granville (Jan. 19, *The News Tribune*, La Salle) A lawsuit filed against Putnam County schools was recent-

ly moved to federal court from the circuit court. The lawsuit filed on Dec. 20 argues that the makeup of the at-large school board does not fairly and accurately represent voters in the district.

Huntley (Jan. 30, *The Daily Herald*, Arlington Heights) Huntley District 158 is one of three school districts statewide – along with Gavin District 37 and North Chicago District 187 – left off this year's release of school financial information. The data, compiled by ISBE, are used to determine where districts fall on the state's financial watch list. Final data was not available for the three districts.

Minooka (Dec. 23, *The Herald News*) Minooka Grade School is joining other area districts in signing a resolution with the Grundy County Board showing their intent to work with a tax zone to attract new industry to the area.

Monmouth (Jan. 19, *The Register-Mail*, Galesburg) The board recently approved a contract to buy and place school security systems at the entrances of Monmouth-Roseville District 238 schools. Officials cited safety concerns in light of incidents of school violence around the country as a factor in the decision.

Normal (Jan. 17, *The Pantagraph*) To have enough room for students in 2009, the district likely would need to open two elementary schools, and expand an existing school.

Normal (Jan. 18, *The Pantagraph*, Bloomington) Advocates suggest developers should pay a share of the cost for new schools. Such impact fees were among the topics covered when Unit 5 leaders met on Jan. 18 with area village board members.

Peoria (Dec. 22, *The Journal Star*, Peoria) District 150 is reevaluating its plans for a school after a recent vote by the Peoria Park Board derailed the district's dream site.

Plan to attend spring division meetings; bring board candidates

Discussion sessions at IASB division dinner meetings this spring — beginning on Feb. 22 and concluding on Mar. 26 — will include helpful information for prospective school board members.

The sessions will give potential first-time board members an overview of the roles and responsibilities of board service, and an idea of just what to expect if they are successful in the April election. Boards are invited to bring candidates for the entire evening. “The dinner programs may be very valuable to candidates as well as board members,” said IASB Field Services Director Dave Love. He notes that the superintendent or a current board member may choose to attend a session with their candidates.

These panel sessions for prospective board members are free, but all participants are invited for dinner, for which they must be registered and pay the charge. Discussions will be led by veteran IASB Field Services directors.

Other spring division meeting discussions will cover the latest information from the Illinois Capitol on school funding reform plans, consolidation, the junk food ban, and other breaking legislative issues.

But elections and legislative issues are not the only focuses. A hot topic at the Lake County Division meeting on March 21, for example, is “Data Driven Decision Making,” presented by Superintendent John Van Pelt, of Lake Villa District 41. District 41 is training all teachers and administrators in the Data-Driven Decision Making (DDDM)/Data Teams process. This initiative focuses on greater accountability for student achievement results and aims to cultivate a higher degree of staff ownership for instruction and learning.

In the DDDM process, teachers and administrators collaborate in small grade-level or subject-area learning teams. The aim is to develop short-

range and long-range goals to improve student achievement through data analysis. Learning teams meet weekly and have established roles and responsibilities to facilitate on-going analysis.

The process includes an analysis of strengths and obstacles, the development of specific instructional strategies to support improvement, development of common assessments, and selection of indicators so team members know when progress is being made. In some cases, professional development is needed to support modifications in classroom instruction.

Superintendent Van Pelt will facilitate the discussion on this valuable approach at the Lake County Division dinner meeting at Olive Martin School in Lake Villa.

For more information on that division meeting, and many others planned for the spring, watch for your IASB division meeting mailings or visit the IASB Web site at www.iasb.com/calendar/.

Watch your mail

If you feel like someone is watching your school board, you’re probably right! In the March/April 2007 issue of The Illinois School Board Journal, Ginger Wheeler examines the openness of board meetings in “Watchdogs: School board’s best friends or foes?” You’ll also find articles on how to raise achievement in your district using a business model, how to improve air quality in your buildings and how an advisory board gave one suburban district a better feel for what was going on at school.



NEWS FROM IASB

IASB reps attend roundtable with ISBE

Brenda Holmes, a member of the Illinois State Board of Education, recently hosted a roundtable meeting with invited education stakeholders, including IASB Executive Director Mike Johnson and Associate Executive Director of Governmental Relations Ben Schwarm. The ISBE board member’s intent was to share issues and concerns regarding the agency.

IASB representatives asked about state testing and the possibility of providing a grace period between when test scores are finally provided and when districts must begin again with the next round of testing. IASB also expressed concern over getting new programs before fully funding programs that school districts already have underway.

“There is a need to support what we have now rather than continue to just add new,” Johnson said. Current Alliance legislative initiatives include: adequate special education funding, Teachers Retirement System (TRS) funding, long-term funding relief, and school construction.

Nominations now sought for Harold P. Seamon Award

Nominations are now being sought for award recognition through the Harold P. Seamon Award for Distinguished Service to public education. The awarded activity must extend statewide or have an impact on a large region. Only one such award may be given annually. The nomination deadline is April 15.

Submit a brief letter of nomination by April 15 to IASB Awards Committee Liaison, 2921 Baker Drive, Springfield, IL 62703-5929; for more information phone IASB at 217/528-9688, ext. 1139, or fax 217/753-2485.

Capital needs reach \$8.2 billion: Survey

State law requires the Illinois State Board of Education and the Capital Development Board to file a comprehensive assessment report on the capital needs of all school districts to the legislature every two years. The latest such report shows that 450 school districts report capital needs totaling more than \$8.2 billion. That estimate covers 52 percent of the 873 Illinois school districts.

The same state survey in 2004 said capital improvements totaled \$6.7 billion. However, the 2004 survey total was based on 690 districts' responses, suggesting that the growth in capital need may be far greater than \$1.5 billion.

Other significant changes shown:

- **Over \$5.2 billion is now needed** for

overall general repair and remodeling, compared to \$3.8 billion in 2004

- **Over \$2.9 billion is needed** for health/life safety work, compared to \$2.2 billion in 2004
- **Nearly \$1.9 billion is needed** to build 71 school buildings today, compared to \$2.2 billion needed to build 122 new school buildings in 2004
- **Over \$1 billion is needed** for 142 building additions, compared to \$726 million in 2004

Most if not all local school districts cannot afford to pay for needed capital improvements, the survey indicates. Ninety-eight percent said they would need to exceed their general obligation debt limit to finance con-

struction needs over the next two years. What's more, enrollment growth was reported in 161 school districts, 36 percent of those districts responding.

To ease overcrowding, reporting districts are now using 724 temporary classrooms. Districts commonly use temporary, modular or manufactured classrooms when school building capacity is not adequate to handle student enrollment.

Early childhood (K and pre-K) classrooms are among the most needed facilities. In 2006, 18 percent of reporting districts provided full-day pre-Kindergarten classes and said they needed 819 additional classrooms for pre-Kindergarten.

Of the reporting districts, 60 per-

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21.8 percent; and special education, up 56.8 percent for personnel reimbursement alone. The budget also calls for 100 percent funding for mandated categorical grant programs.

Of the \$801 million proposal, \$299 million is earmarked to boost per student state aid, raising it to \$5,689 from the current level of \$5,334. That's a 6.7 percent increase.

But the total still is far less than the funding level proposed by the Education Funding Advisory Board. In 2005 the state panel recommended a base rate of \$6,405 per pupil; EFAB is scheduled to update that recommendation, however, this year.

The state board's spending proposal has been sent to the governor, who must prepare his own budget proposal for fiscal year 2008. "The governor will outline his spending priorities when he gives his budget address on March 7," said Ben Schwarm, IASB's associate executive director of governmental relations. The legislature will have the final vote on the entire state budget – including the education budget – later in the spring.

The governor has suggested selling or leasing the state lottery to raise

funding for schools. Under his plan, the state could get up to \$10 billion as a one-time payment to spend immediately, while the purchaser would receive a monopoly and keep all revenue and profit from the lottery for the next 75 years.

The Blagojevich administration had asked potential bidders to speak up by Feb. 20 and demonstrate that they would be able to submit serious proposals. He hopes that public gauging of the private-sector interest will help sell the idea to lawmakers.

But so far many state legislators have severely criticized the lottery privatization proposal. "He wants the state to give up receiving more than \$600 million in revenue every year so he can have some money to fill holes in his budget this year," said Sen. Christine Radogno, R-Lemont. "I don't think of this as serious public policy and don't believe numbers coming out



Sen. James Meeks

of the governor's office."

House Speaker Michael Madigan, D-Chicago, expressed his own doubts about how the \$10 billion estimated value was derived.

Some legislators are weighing alternatives, such as a state income tax increase, which Gov. Blagojevich has long opposed. Sen. James Meeks, D-Chicago, has said he would favor either the Blagojevich lottery sale proposal or a "tax swap" plan to increase the state income tax and reduce local property taxes to provide more adequate and sustainable funding for all schools.

"I think this is a great moment for the school funding forces," he said. "At best, or as some people would say at worst, we will get a four-year, \$8 billion plan for schools out of it. If lawmakers decide that a longer-term plan is more effective, we should get an (income) tax increase and property swap out of it.

"I'm going to introduce (the tax swap) so if lawmakers decide selling the lottery is not viable, we still have a school-funding proposal on the table," Meeks said. [The bill has since been introduced as S.B. 750].

Schools must fulfill daily physical education duties

The Illinois State Board of Education recently reminded school administrators that all students enrolled in Illinois public schools must participate in physical education courses every day. A school district's failure to offer daily physical education each day will affect the district's recognition status. This requirement is contained in state law under Section 27-6 of the School Code.

There are instances, however, in which a district may offer physical education less often, including:

- The district has a waiver currently in effect approved by the General Assembly and is offering physical education for the amount of time as set forth in the approved waiver. Waivers are granted for up to five years only. See <http://www.isbe.net/isbe/waivers/default.htm> for further information.
- The district's board of education has adopted a policy to allow certain students to be excused on an individual basis from physical education under Section 27-6(b) of the School Code.
- The district provides courses on a block scheduling basis. Prior to Jan. 1, 2006, districts wishing to implement a block schedule had to seek permission to offer physical education on a less than daily basis through the waiver process. **Note: As a result of the passage of P.A. 94-198, approval of a modification under the waiver process is no longer necessary.**

Each school district not meeting one of the conditions described above must provide physical education each day to all of its students. If it does not, ISBE says the district is subject to the sanctions set forth in Section 1.20 of rules governing Public School Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1.20, which can be reviewed at <http://www.isbe.net/rules/archive/pdfs/oneark.pdf>).



Wind Power: Contractors pour the foundations of a large wind turbine at Erie CUSD 1 on December 29. To learn more, visit: <http://www.erie1.info/>.

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cent provide full-day Kindergarten, but needed 818 additional classrooms for Kindergarten, according to the new report.

State construction grants

The Illinois General Assembly passed the latest School Construction Law (Public Act 90-548) in December 1997, but the state legislature suspended payments after 2004, which was the last time the state funded the program. "To date, the School Construction Grant Program has benefited 502 school districts in every region of the state and has provided over \$3.1 billion in state-funded grants to help local school districts," according to the report.

The grant program used local and

state matching funds to build 265 new schools and 3,177 renovations/additions, resulting in 12,085 new classrooms throughout the state. A list of these school districts is available at www.cdb.state.il.us.

IASB has been demanding stronger state support for the school construction grant program. The Association believes that all school districts with an approved school construction grant entitlement should be paid the full amount of the entitlement before any new school construction program is implemented.

A copy of the latest "Capital Needs Assessment Survey Results" report is available online at: http://www.isbe.net/finance/pdf/cnas_FY07.pdf.

Network with colleagues, and meet new ones at IASA conference

The Illinois Association of School Administrators (IASA) Annual Conference, traditionally held in the spring, annually draws more than 650 school administrators to Springfield. Attendees include school superintendents, state agency staff and college professors of educational administration.

This year's event, to be held on April 25-27, presents an opportunity

to establish new contacts, network with colleagues, and meet the IASA staff and board of directors. General sessions and breakout panels will provide up-to-date information on topics relevant to district superintendents and other school administrators.

For more information, visit the IASA conferences Web page at: <http://iasaedu.fesdev.org/vnews/display.v/SEC/Conferences>.

School boards lobby for federal support

FRN delegation seeks NCLB changes, funding

Those attending NSBA's 2007 Federal Relations Network conference in Washington, D.C., took to Capitol Hill Jan. 30 looking for Congressmen they could "sell" on the idea of additional funding for Title I and the IDEA as well as a 42-point bill that would overhaul the No Child Left Behind Act (NCLB).

Like salesmen on a mission, more than 900 school board members, superintendents and state association staff, representing 48 states and the Virgin Islands, asked that appropriation levels come closer to matching authorized spending levels for the two federal programs that have the greatest impact on school budgets — Title I and IDEA.

Delegates this year also sought signatures for NSBA's "Pledge to America's Schoolchildren," a grassroots program to demonstrate a bipartisan commitment to improving NCLB, improved funding for IDEA, support for school readiness programs, help for districts to attract, train and retain highly qualified teachers, and help for

districts as they provide all students with 21st-Century skills and knowledge.

An ad in the Jan. 29 edition of *Roll Call*, the Capitol Hill newspaper, listed 76 names as pledge signers. Rep. Phil Hare (D-17) was the only Illinois legislator listed; however, Sen. Barack Obama signed the pledge following a visit from the Illinois delegation.

Those attending from Illinois were: board members Christy Coleman, Geneseo CUSD 228; Victoria Eggerstedt, Plainfield CCSD 202; and Joyce Fountain, U-46, Elgin; Superintendent Nancy Gibson, O'Fallon S.D. 90; IASB president Marie Slater, Wheaton-Warrenville CUSD 200; vice president Mark Metzger, Indian Prairie CUSD 204; and past president Raymond Zimmerman, Flanagan CUSD 4; and IASB executive director Michael Johnson; associate executive director Ben Schwarm, government relations intern Zach Messersmith; and director of editorial services Linda Dawson.

Coleman, an IASB past president, said her district could cut its \$1 million deficit by a third if only the fed-

eral government would appropriate amounts for those two programs at levels that have been promised. While federal funding for IDEA is supposed to cover approximately 40 percent of the costs for districts, current appropriations cover only about 18 percent of those costs.

But pending reauthorization of NCLB was uppermost on everyone's mind. NSBA officials as well as legislators are quick to note that if a reauthorization bill is not passed during the first session of the 110th Congress, it would stand little chance of passage during a presidential election year.

NSBA is backing H.R. 648, introduced by Rep. Don Young (R-Alaska), because it includes all 42 changes that the national Association would like to see. Those changes fall into three broad priority areas — assessments, AYP measurements and sanctions — and address problem areas such as size for groups, overrepresentation of a student who might be counted in multiple groups and allowing supplemental services to be offered before

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Kennedy, Spellings highlight FRN speakers list at DC conference

The United States cannot reform schools and meet global challenges on a "tin cup" budget for education, according to Sen. Edward Kennedy (D-Mass.).

As a featured speaker at a mid-morning session of NSBA's 34th Federal Relations Network (FRN) Conference in Washington, D.C., Kennedy voiced public education concerns to thunderous applause. Secretary of Education Margaret Spellings later drew a mixed response as she talked about 2007 being a "definitive moment" in education.

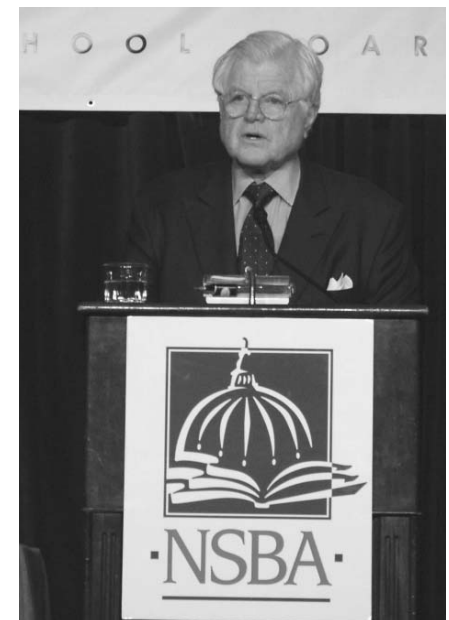
"We have to be willing to make the tough choices and the hard sacrifices to improve education in America," Kennedy said. "More than ever before in our history, it's the key to

future opportunity and success for children, and we don't intend to fall short."

Kennedy promised to "move quickly" to reauthorize the No Child Left Behind Act in 2007. "Our goal will be to work on a bipartisan basis to develop a strong bill that builds on the positive aspects of the law, meets the concerns about its implementation and encourages reforms that will be effective in helping students succeed," he said.

Despite a \$22 billion infusion of new education money in 2002, he acknowledged that the federal government has not kept its promise for increased funding in subsequent years to help with increased student test-

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U.S. Sen. Edward Kennedy

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schools must offer “choice.” Two additional areas covered by the legislation are more flexibility for states in implementation and testing of non-public school students.

A similar bill, S. 348, has been introduced in the Senate by Sen. Mike Crapo (R-Idaho).

Young and Crapo both received Congressional Special Recognition Awards at this year’s conference for their commitment to children and public education. Usually an annual part of the conference, no such awards were given out in 2006.

“School boards welcome increased accountability for student achievement,” said Reginald Felton, NSBA director, federal relations, during an issues briefing at the conference. But, he added, “If Congress does not address needed changes, both the credibility of the NCLB law and the public confidence in our schools will erode.”

H.R. 648 was offered in 2006 by Young as H.R. 5709. For more on this bill, see <http://www.nsba.org/site/page.asp?TRACKID=&CID=1611&DID=35207>.

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ing. In addition, Congress has fallen short on funding for the Individuals with Disabilities Education Act reauthorized two years ago.

Kennedy called for more effective ways to measure student progress and a goal of making a new investment in struggling schools instead of more punitive policies. “If schools that miss the mark are truly on their way toward improving,” he said, “we’ll give them ample time under the law to demonstrate and document their progress.”

Spellings drew applause when talking about making NCLB provisions “common sense and doable” under reauthorization, as well as when she stated that “school board members know best where resources are needed.

She met with a chilly response, however, to plans that would lift charter school caps and institute a voucher system for private schools that would be known as “Promise Scholarships.” Attendees also were not pleased with her statement that the administration would look at “comparable” tests for private school students, but would not require private schools to administer the same tests that their public counterparts must take.

“We are making good progress,” Spellings said of the five years under NCLB, adding that no bill is perfect and that reauthorization should build

on the “knowledge and success” that has been achieved so far. While acknowledging that there is room for improving NCLB, she said she was not familiar with H.R. 648 or its companion bill S. 348 that embrace the 42 NSBA-sponsored recommendations for improvement.

Other legislators who addressed the 2007 FRN Conference were:

- Rep. James Clyburn (D-S.C.-6), who said, “I don’t care how good a concept it might be ... unless you fund it, it might as well not be in existence.” He also acknowledged the importance of Head Start programs and vowed to make certain its provisions would also be reauthorized.
- Rep. Michael Castle (R-Del.-At large), who said one of the best aspects of NCLB is that it started a “solid dialogue about education across the country.”
- Rep. Dale Kildee (D-Mich.-5), who said, “Education is and always has been a local function, a state responsibility and a federal concern.” Legislators need to be open to opinions from all sides before reauthorizing NCLB, he said, especially when it comes to the impact it has had at the local level. “Wisdom is not a monopoly of Washington, D.C.,” he said. “It’s out there with you.”

Task force puts forth school food standards

The Illinois School Wellness Policy Task Force submitted nutrition standards recommendations to the governor’s office and the legislature and now has moved into the evaluation phase of its three-year charge. This report also has been submitted to the Illinois State Board of Education, which plans a revision to its food and beverage standards in response.

While previous School Food Service Rules (Part 305) only affected grades eight and below, the task force recommendations would extend nutrition standards into high schools. If implemented, the recommendations would effectively ban all carbonated beverages in all public schools. The recommendations specify allowed and disallowed beverages by size and type, as well as caloric counts and portion sizes for a la carte entrees, nutrient dense foods and other individual items sold during the school day.

“The State Board of Education is overstepping its bounds by establishing school cafeteria menus from Springfield,” said Ben Schwarm, IASB’s associate executive director of governmental relations. IASB and other school management advocates have long opposed the recent state-imposed changes in food service rules on grounds that they interfere with local control of schools.

Beyond recommended new standards, the task force also handed out more specific recommendations.

In its evaluation phase, the task force is asking 15 school districts to voluntarily participate in a survey to gather information for the next report, which is due by Jan. 1, 2008. The districts were randomly selected and have the option to decline. The legislation which set up the task force indicates five to 10 districts should be surveyed to determine the effectiveness of wellness policy implementation across the state.

Keep track of your schools' electronic documents



by Melinda Selbee and Steven M. Puiszis

DEVELOPMENTS IN SCHOOL LAW

Amendments to the Federal Rules of Civil Procedure involving electronic discovery went into effect on Dec. 1, paving the way for more court requests for electronic information. Popular media have reported erroneously that school districts must now retain all electronic documents as well as all e-mail and instant messages (IM) generated by their employees. But the new e-discovery rules have prompted businesses to take a fresh look at their document retention policies and information management systems in light of those rules. Illinois school districts should follow suit.

Why new e-discovery rules?

The new rules were enacted to address basic differences between paper and electronic records. For years, defendants have argued that electronic records cannot be treated the same as paper and that one can just press a button to produce them.

E-discovery involves an exponentially greater volume of potentially relevant information. Today hard drives with capacity measured in terabytes can be purchased for less than \$400.

Melinda L. Selbee is the General Counsel for the Illinois Association of School Boards.

Steven M. Puiszis is a partner in the firm of Hinshaw & Culbertson LLP and is the President of the Illinois Association of Defense Counsel. He is a member of his firm's electronic discovery committee and his firm's school law practice group. Puiszis is the author of Illinois Municipal Tort Liability 2d ed., LEXIS Publishing.

A university study estimated it would take 50,000 trees to create enough paper to record *one terabyte* of information. See <http://www.sims.berkeley.edu/research/projects/how-much-info-2003/>. That study estimated the entire Library of Congress could fit on 10 terabytes of storage. Because of the larger volume, the cost of reviewing and producing electronic information can be much higher than with paper. Defendants have sometimes spent hundreds of thousands of dollars simply producing their back-up tapes.

Storage sites of paper records can

What should your district be doing? First review document retention procedures and practices.

be readily identified, but determining where electronic information is stored can be a real challenge. Potentially relevant information can be found on workstations and laptops, on file, application and network e-mail servers, back-up media, PDAs such as Blackberries and Treos, voice-mail systems and smart phones, portable storage devices such as pen drives, I-pods, DVDs, CDs or floppy disks, web site blogs, third party e-mail hosts, intranets and even home computers.

Further complicating e-discovery is metadata, or "data about data." While it cannot be viewed when a document is printed or when viewed on a computer screen, metadata is generated for every computer document, and for every e-mail. When a computer document is open, go to the browser menu, scroll and click on "properties" to find some basic document metadata. The document's author, and the date it was created, are just some of the hidden metadata

fields there.

If an attorney shares a document with a client who makes changes or comments to it, those tracked changes are embedded in the electronic version of it and are not easily removed, making privilege reviews more complicated and expensive. If such a document is e-mailed to a third-party without first scrubbing its metadata, potentially privileged information may be inadvertently produced.

Electronic information also is paradoxical. When a paper document is put into a shredder, it is gone forever. Hitting a computer's delete button does not dispose of an electronic document. The binary code assigned to it is simply altered so the document's location on the file allocation table is marked as unused space. Until that document's disk location is overwritten by the computer, it remains hidden on the hard drive, capable of being at least partially found through a forensic examination. However, several fields of metadata can be altered simply by opening the document or moving it into a new file. Moreover, metadata is available when electronic records are produced in certain formats but not in others. Additionally, electronic documents in certain formats cannot even be labeled or numbered. Such differences between paper and electronic discovery prompted the new federal rules.

What the e-discovery rules require

The rules address the discovery of "electronically-stored information." That term was deliberately left undefined because of the wide variety of computer systems and the rapidity of technological change. The rules set up a two-tiered discovery system for electronically-stored information. A party must produce any potentially relevant electronic records that are "reasonably accessible." Electronic information that is "not reasonably accessible because of undue burden or cost" does not have to be produced

unless the opposing party can show good cause.

Before the new rules, various federal courts had imposed sanctions ranging from large fines to default judgments for failing to properly preserve electronic information. The rules provide a limited safe harbor against discovery sanctions where the loss is caused by the routine operation of a computer system, so long as the party acts in good faith. The good faith requirement means that you must impose a "litigation hold" and suspend any features of your information systems that might result in the automatic disposal of potentially relevant electronic information. The automatic recycling of back-up tapes and deletion of e-mails after a specified time are common routines that should be temporarily suspended when a litigation hold is issued to avoid the imposition of sanctions.

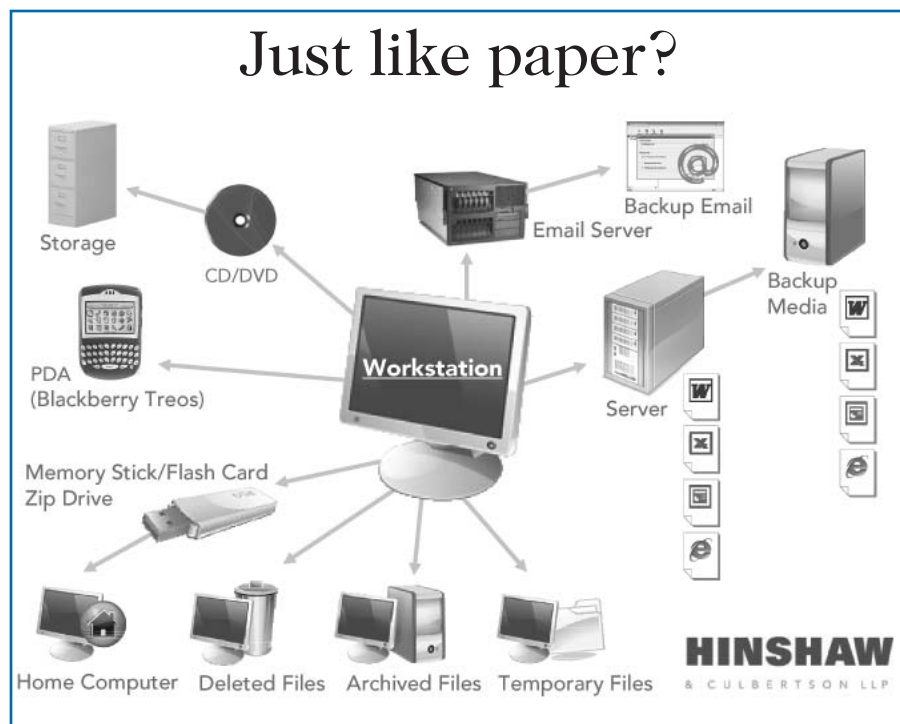
The rules also mandate early attention to e-discovery issues by court and counsel. The parties must meet and discuss issues involving the preservation and production of electronically-stored information before the first discovery scheduling conference with the court. To negotiate a fair electronic discovery plan and be prepared to demonstrate why certain electronic information is not readily accessible, your counsel must be intimately familiar with your information systems and document retention procedures. The only way your counsel can gain that information is if you are ready to provide it.

What should your district be doing? First review document retention procedures and practices. Do they cover both paper and electronic documents, as well as e-mail and IM? Do they require the preservation of relevant e-mails and electronic information when litigation is reasonably anticipated, and spell out how a litigation hold should be instituted when triggered? Do they comply with the latest requirements of the Open Meetings Act? Do they recognize that certain types of e-mails or other electronic communications may be cov-

ered by the School Students Records Act or be subject to the preservation obligations of the Local Records Act?

The head of Information Technology should also inventory your information management systems and map out their structure, including the configuration of network servers and workstations. Identify the operating system(s) in use, including all soft-

The PRESS sample procedure also contains a process for developing record retention schedules. Retention schedules contain the timetable for destroying listed records. The sample procedure begins with the caveat that "[n]o district record, as defined in the Illinois Local Records Act, shall be destroyed except as provided herein." Records are scheduled for destruction that are neither needed for current



ware, applications, and files, how access is controlled, and which employees have access to them. Identify backup and archiving procedures for all applications or data. Once all this is in place, it should be periodically updated as your systems change. Taking a proactive approach now will save significant time and expense for both you and your counsel when suit is filed.

February's PRESS issue contains a new administrative procedure, 2:250-AP2, "Protocols for Record Preservation and Development of Retention Schedules." It contains a process for developing protocols for preserving district records consistent with the new E-discovery rules and the Illinois Local Records Act (50 ILCS 205/1 et seq.). Using the process, every district can examine its own practices to build an efficient, effective protocol.

business nor have sufficient administrative, legal or fiscal value to warrant their further preservation. After approval by the local records commission, the record retention schedule constitutes legal authority for the disposal of records. Under the new E-discovery rule, a litigation hold or preservation letter from the board's attorney will postpone the destruction of any relevant record, even if it is scheduled for destruction. After its publication, any IASB member may receive a copy of this administrative procedure by contacting lcala@iasb.com.

Visit the IASB Web site:

www.iasb.com

Empower your district via NSBA's Annual Conference

On April 14-17 school leaders will meet in San Francisco for the National School Boards Association's 67th Annual Conference. Veteran board members as well as newcomers will meet to discuss the educational challenges they face and explore practical solutions to overcome them.

Organizers say attendees will learn from their peers, share successes, and get energized for the upcoming year at the event. "NSBA helps you reach higher, with innovations and proven approaches to inspire student success," said a spokesperson. "Whether you're new to the conference or a veteran attendee, 2007 promises fresh perspectives with practical, applicable sessions and workshops."

NSBA offers topical program tracks to make it easier to identify the programs most relevant to board members and other school leaders. For 2007, NSBA is adding a new Hot Topics mini-tracks series to provide information on issues most requested by school board members.

Some programming is designed specifically for new board members, superintendents, board support professionals, and more. And Focus on Education Lectures will offer information about timely issues that can affect any school district's future.

General session speakers for 2007 are former South African President, F.W. de Klerk; former U.S. President, Bill Clinton; inspirational educator and recent IASB conference speakers Erin Gruwell and Maria Reyes; and actress, author, Jamie Lee Curtis.

For 2007, NSBA is adding a new Hot Topics mini-track series...

NSBA will also offer programs for board members from urban as well as rural districts, members with an interest in technology, and school attorneys, and guests of attendees. Plus there's an Executive Job Fair, an Exhibition of School Architecture, and more, along with a golf tournament and 5K Run/Walk.

Details on registration, housing, speakers, seminars, and tours and attractions are available from the NSBA Annual Conference home page on the Internet at <http://www.nsba.org/conference/>. For additional information, or to register by phone, call NSBA toll-free at 800/950-6722 and press option "1."

CALENDAR OF EVENTS

March 7 – Central IL Valley Division Spring Dinner Meeting, Washington SD 52, 6 p.m. Dinner

March 7 – Northwest Division Spring Dinner Meeting, Polo CUSD 222, 6:30 p.m. Dinner

March 7 – Kaskaskia Division Spring Dinner Meeting, Bond Co. CUSD 2, 6:30 p.m. Dinner

March 8 – Southwestern Division Spring Dinner Meeting, Triad CUSD 2, 6:30 p.m. Dinner

March 8 – Wabash Valley Division Spring Dinner Meeting, Red Hill CUSD 10, Bridgeport, 6:30 p.m. Dinner

March 13 – Western Division Spring Dinner Meeting, Hedding Elementary School, Abingdon, CUSD 217, 6 p.m. Dinner

March 14 – Blackhawk Division Spring Dinner Meeting, Rock Island High School, Rock Island SD 41, 6 p.m. Dinner

March 14 – Kishwaukee Division Spring Dinner Meeting, Grace McSwane School, Batavia, 6:30 p.m. Dinner

March 17 – IASB Job Fair for Teachers, Administrators and Education Majors, Shannon Center at St. Xavier University, Chicago, 9 a.m. to 2 p.m.

March 21 – Lake County Division Spring Dinner Meeting, Olive Martin School, Lake Villa, 7 p.m. Dinner

March 21-22 – ISBE Board Meeting, Springfield



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