

Illinois SCHOOL BOARD Newsbulletin

February 2009 / Issue No. 682

Rising TIF costs raising concern for schools

Note: This is the first part of a continuing series on Tax Increment Financing (TIF).

Cook County Clerk David Orr says he is concerned that abuse of Tax Increment Financing (TIF) redevelopment mechanisms is growing, which is costing schools and taxpayers a lot of money. The problem is potentially large, he indicates, because the size of the TIF pie is so impressive. Tax revenues generated by TIF districts in 2008 topped \$892 million in Cook County

alone.

Orr recently released his second annual TIF revenue report, which indicated that despite the economic downturn in property values and real estate development, TIF development is a booming industry. Cook County's 402 TIF districts generated 11.5 percent more revenue in 2008 compared to the previous year. Statewide there are 998 TIF districts, and that number is growing. (The most recent list of TIF districts in the state, shown by community, is available on the website of

the Illinois Tax Increment Association at: <http://www.illinois-tif.com/IllinoisTIFs.asp>.)

TIFs were authorized by statute in 1977, but much of the current law springs from sweeping rewrites enacted when the law was amended in 1989. TIFs today are legitimate economic tools used by many municipal governments to finance a variety of development costs in designated geographic areas. The main purpose is redeveloping blighted areas by diverting prop-

See **TIF** on page 4



Sen. Roland Burris met with the FRN Illinois delegation, including John Jekot, board member, East Moline SD 63.

Economic stimulus package could offer major influx of school funds

Many Illinois school districts were "shovel ready" when the federal government included education in the American Recovery and Reinvestment Act of 2009 that passed the U.S. House and Senate in differing versions, and is now law. The package would provide roughly \$787 billion for economic recovery, including approximately \$80 billion earmarked

for K-12 education.

"Ready and able" to use the funds was the message as 17 members of Illinois' delegation joined more than 900 school board members and association staff who converged on Washington, Feb. 1-3, for the 36th annual Federal Relations Network Conference. Forty-seven states plus the Virgin Islands were represented this year.

See **FRN** on page 5

On the inside

- Quality Counts studyPage 3
- PRESS tutorial onlinePage 6
- Open Meetings Act guidancePage 10

What will
Gov. Quinn do
for the schools?

Page 8

March conferences set on school wellness policies

Illinois Nutrition Education and Training Program staff are hosting three conferences this March on School Wellness Policies: March 18 (Naperville), March 19 (Urbana), March 20 (Rend Lake).

Participants will learn about evaluation strategies and resources, grant opportunities to support student wellness activities, and inspiration from Illinois schools recognized for their wellness initiatives.

Get registration forms at <http://www.kidseatwell.org/local-wellness-policy.htm> and click on New! School Wellness Policies: Striving for Excellence-March 2009 Conferences.

Census estimates released on Title I low-income count

The U.S. Department of Education has released the Small Area Income and Poverty Estimates (SAIPE) for income year 2007. These estimates will be used to calculate FY10 Title I Allocations. A file of 2007 Poverty Data, by Local Education Agency (LEA) is provided in an alphabetical listing of LEAs, Poverty Count, 5-17 Population, Poverty Percentage and Total Population online at http://www.isbe.net/funding/excel/census_poverty.xls.

With this data, school districts can determine their potential eligibility for Basic, Concentration, Targeted and Education Finance Incentive Grants (EFIG) from the federal government.

The following link to the Census Bureau, <http://www.census.gov/hhes/www/saipe/index.html>, provides various aspects of the SAIPE count.

For questions, contact Sally Cray or Kim Lewis in ISBE's Division of Funding and Disbursement Services at 217/782-5256.

IASA Annual Conference, April 1-3, to feature top speakers, budget primer

The Illinois Association of School Administrators (IASA) Annual Conference, which is set for April 1-3 at the Crowne Plaza Hotel in Springfield, will feature guest speakers ranging from education-technology expert Yong Zhao to public school reform leader Wendy D. Puriefoy.

The IASA Annual Conference, traditionally held in the spring, annually draws more than 650 school administrators to the Illinois capital city of Springfield.

Attendees will include school superintendents, assistant superintendents, state agency staff and college professors of educational administration. Among the draws this year will be a legislative update presented at Friday morning's general session. During this session, State Superintendent of Education Christopher Koch and key members of the 96th Illinois General Assembly will provide information on the state budget outlook and significant legislation pending before the legislature.

Back again this year will be the Apple Education Computer Lab for use by conference goers to check e-mail or receive hands-on training from



Apple representatives. And the exhibit hall, which is open on April 1 and 2, gives attendees access to more than 60 vendors, providing an excellent opportunity to get a quick look at the latest products and services available to Illinois school districts.

Future dates for the IASA Conference are set for:

- April 14-16, 2010
- April 13-15, 2011
- April 18-20, 2012

Questions about the conference can be directed to Cherry L. Middleton, IASA executive secretary/office coordinator, phone 217/753-2213; or email cmiddleton@iasaedu.org.

Excel awards for 2009 to recognize leadership

Do you know of an outstanding school board member, administrator, staff member or team that deserves statewide public recognition? Should a particular teacher become the 2009-2010 Illinois Teacher of the Year? If the answer is yes then you need to nominate him or her for the annual Those Who Excel awards program.

Nomination forms can be found online at http://www.isbe.net/pdf/those_who_excel_enabled.pdf. Nominations are due Monday, May 18.


Contact Ann Muraro-Lacopo, ISBE Public Information, at 217/782-4648 or by e-mail at amuraro@isbe.net.

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, Interim Associate Executive
Director of Communications**
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**

Quality Counts Grading Summary for Midwest States (2009)

	IL	IN	IA	MI	MN	OH	WI
Overall State Grade (2009)							
Grade	C	C+	C	C+	C	B-	C+
Total Score¹	72.9	79.0	76.3	77.8	76.2	81.2	78.0
English-language learners (ELL) (2009)	NA	NA	NA	NA	NA	NA	NA
Chance for Success (2009)	B-	C+	B	C+	B+	B-	B
Transitions And Alignment (2009)	D+	C+	C+	B	C	B-	C-
School Finance (2009)	C-	C+	C	B-	C+	B-	B
K-12 Achievement (2008)	D+	C-	C-	D	C	C-	C-
Standards, Assessments, And Accountability (2008)	C+	A	D+	A-	C	A	C+
The Teaching Profession (2008)	D+	C-	B-	D+	D+	C+	C+

¹The total score is the average of scores across the six individual categories, not including the English-language learners (ELL) category. Each category receives equal weight in the overall grade. As is customary, indicators related to the year's special focus — English-language learners in this case — are not graded.

State earns passing grades in '09 Quality Counts study on education

Illinois' educational systems again got a passing grade for educational performance this past year when Education Week released its annual "Quality Counts" report. But the annual state-by-state school report card gave Illinois a C- grade in the school funding category.

The Quality Counts survey also graded states on overall achievement, accountability and teacher quality. The nation as a whole scored a C, as did Illinois, which also got a C last year.

The 13th annual edition of *Education Week's Quality Counts* report's cradle-to-career perspective emphasizes the connections between K-12 education and other systems with which it intersects: preschool education, other social and economic institutions, and further education and training.

Most of the 50-state indicators that appear in *Quality Counts* are based on original data analyses and state-survey data from the EPE Research Center. The group also draws on published information from a number of outside organizations. A method-

ology section provides a more detailed description of research indicators and procedures for grading the states.

States were awarded overall letter grades based on their ratings across several areas of performance and policy, including: English-language learners; chance for success; transitions and alignment; school finance; K-12 achievement; standards, assessments, and accountability; and the teaching profession. (See accompanying chart for a comparison of Illinois and other nearby states.)

The executive summary of the Quality Counts report is available online at: <http://www.edweek.org/ew/articles/2009/01/08/17execsum.h28.html>



Why they perished.

Illinois 'teacher of year' gets similar national honor

Effingham teacher Joe Fatheree was named the nation's top teacher by the National Education Association Foundation on Feb. 6. But it was not his first major teaching honor. Fatheree was the Illinois Teacher of the Year in 2006, as named by the Illinois State Board of Education.



Joe Fatheree

This time he received the top award of the Member Benefits Award for Teaching Excellence and the \$25,000 prize at the NEA Foundation's annual Salute to Excellence in Education dinner. He and four other educators also received the Horace Mann Award for Teaching Excellence and \$10,000.

In the wake of the honors, Fatheree said he is even more proud to be a teacher for **Effingham CUSD 40**.

"One of the things I took away from the evening is how good a school district we have. We have a tremendous staff. I hope people realize just how lucky we are to have the other teachers in the district," he said.

He has taught for more than 20 years, serving as an English teacher, a history instructor and a technology teacher.

About 25 of Fatheree's students helped to create a short film about his teaching career last semester with a two-person team from the Pearson Foundation, a charitable arm of the Pearson Company, an international media firm with businesses interests in education and consumer publishing.

The film about Fatheree premiered at the NEA gala dinner. It can be seen at: http://www.jrsheetz.com/pearsonfoundation/neaf_ate/finals/Fatheree.mov.

TIF from page 1

erty tax dollars to public improvements that would not be made otherwise.

But in recent years TIFs have become an all-purpose development tool; relied on so much that some Illinois communities have as many as 155 TIFs. While most are used to



David Orr

relieve blight, others are being used in what is very stiff competition for developing the most desirable development sites, according to a Jan. 25 editorial in the *Belleville News-Democrat*.

That editorial said of the TIF tool that “the main benefit is that it helps spur growth and development. But instead of tax dollars being used to operate government, they are used to subsidize private business. And despite claims to the contrary, TIF does raise property taxes. For instance, last year the city of Belleville levied \$4.96 million for employee pensions, liability insurance and recreation. However, the tax rate is higher with TIF than it would be if the city’s total tax base were used to calculate the rate. As a result, the tax extension was \$7.4 million. Almost all of that extra \$2.44 million is due to TIF,” the Belleville newspaper editorial said.

One of the negative consequences of TIFs is a loss of revenue for other taxing bodies such as schools and the long-term effect on other taxpayers. “While TIF districts are intended to help blighted areas, they also place a greater burden on other taxpayers to support the schools, parks and other services,” Orr said.

TIFs are typically designed for a 23-year period. During that time, no new tax dollars are allocated to schools, parks or other tax districts from the TIF area. TIFs may be cancelled earlier or extended an additional 12 years.

Meanwhile, TIFs are growing in size and revenue. Approximately two-thirds of the TIFs in Chicago and the

Cook County suburbs generated more revenue last year. And in Chicago, 99 of 155 TIFs increased in size; meanwhile, 170 of 247 suburban Cook TIFs increased in size.

TIFs are multiplying in number, as well. The report shows that at least 15 new TIF districts in Cook County were added in 2008 – 11 suburban communities and four in Chicago. A quick look shows many new TIFs have been added around the state, as well. Belleville, for example, is now looking at creating its 20th TIF district, making it perhaps the most active municipality outside of Chicago in the use of TIF districts.

The TIF process involves issuing bonds to finance various kinds of economic development activities, including: property acquisition; rehabilitation or renovation of existing public or private buildings; construction of public works or improvements; job retraining programs; relocation; financing costs, including interest assistance; studies, survey and plans; professional services such as architectural, engineering, legal, property marketing and financial planning; demolition and site preparation; and day care services, according to the Illinois Tax Increment Association.

The municipality that issues the bond pays it back with the additional local property taxes that result from the improved status of the property. The assumption is that the redevelopment will provide new and added value, an increment above what was previously assessed and collected, which can be used to pay off the cost of the site improvements.

Illinois’ law stipulates that the TIF districts must be “blighted” or “conservation” areas where development would not occur “but for” the presence of the TIF district. Only municipalities have the authority to set up TIF districts. It’s this “but for” test that must stand up to the scrutiny of the law, and which has become a point of contention and source of the alleged abuse.

Lack of accountability

Another issue is accountability. Orr said he believes there is too little disclosure of how TIF revenues are handled.

Until recently Orr had published an obscure annual report on TIFs that consisted of data gathered from the hundreds of tax zones throughout Chicago and Cook County. He would typically make some copies, staple them together, and leave them in a large pile on a counter in the county building. Not many people ever knew about the reports or took an interest, except a few academics and reporters.

But for the past two years Orr has assembled a much more detailed, focused and better-publicized report that details in plain terms just exactly how much the TIF districts in Cook County take in for the year. (The bulk of the latest report is available online at: <http://www.cookctyclerk.com>.)

What led Orr to broaden the audience and attention for his reports? “I’m open to TIFs as a tool, but I believe there are significant abuses,” he told the *Chicago Reader* on November 22, 2007. “I believe we have reached a point in the process where the public needs much more information about how this program is operating,” he added.

Orr is not the only individual attempting to drag the TIF program out of the shadows. Cook County commissioner Mike Quigley has gotten into the act, proposing that tax bills reveal how much money is going into each local TIF. In 2007 he released a report skewering the program and called for more zealous oversight. Since then he traveled to Springfield to brief the governor, House Speaker Michael Madigan and other state leaders on the subject.

The publicity is gaining traction. *Crain’s Chicago Business* on Nov. 5, 2007 weighed in with an editorial condemning the city’s abuse of the program. “If ever there were a place to let the market take its natural course,

See **TIF** on page 5

this is it,” it said. Crain’s added that the “use of TIFs has become more questionable as it seems to stray from its intended purpose of luring developers into areas they would otherwise avoid. For example, much of the Loop and environs are covered by TIFs. This despite the historic boom in residential and commercial construction that’s made downtown Chicago a 24-hour-a-day, seven-day-a-week neighborhood that cities around the world try to emulate.”

That opinion piece was followed by a report from the Civic Federation, a downtown Chicago watchdog group, which urged reforms to the program—in particular, greater public access to information. The report said TIF expenditures occur in such an intermittent, obscure way that taxpayers have difficulty knowing what is really being done. “Both the state’s and the city’s

“Because so much tax revenue has been going to TIF’s, they have [triggered] controversy...”

efforts in providing transparency have fallen far short of what they should be,” the report said, adding that much “misinformation and erroneous speculation” naturally arises about what is being done with TIFs. To remedy that, the federation recommended that annual budgets in Illinois municipalities should include full information on TIFs, including expenses, revenues and fund balances. The group also recommended making TIF information easily accessible on the Web, and undertaking a comprehensive review of each TIF district every ten years.

Chicago Sun-Times’ columnist Mark Brown has also questioned the way TIFs allegedly are undermining Chicago’s tax base to funnel increasingly large subsidies to connected institutions and developers. Brown claims that there is a basic fraudulence of tax bills sent to property own-

ers in TIF districts. Brown said he discovered that more than 89 percent of the \$13,056 bill for one home – the mayor’s home – was diverted to a TIF. While the tax bill listed \$6,641 as going to the Chicago Board Education, the actual figure was more like \$713, the columnist wrote on Nov. 18, 2007.

Big bucks at stake

So how much money is at stake in the TIF debate? Orr’s 2008 report highlights the scope and potential impact:

- In Chicago, TIF revenue increased 10.98 percent, or \$54.9 million, to \$555,310,568.
- In suburban Cook County, TIF revenue increased 12.35 percent, or \$37 million, to \$336,834,537.
- At \$892 million, if TIFs were their own separate taxing agency, they would collect the second largest amount of revenue in Cook County. Chicago District 299 schools rank first, with \$1.9 billion.
- Approximately 75 percent of Chicago’s TIFs (118) and 50 percent of suburban TIFs (126) have been on the tax rolls for ten years or less. These districts will continue to be entitled to receive revenue for at least 13 more years, unless they are dissolved in advance of their normal 23-year term.
- Of the 1.8 million properties in Cook County, 182,356 properties or 10 percent, are located in TIF districts. TIFs cover 95 of the county’s 946 total square miles, or about 10.04 percent of the total area.

“Because so much tax revenue has been going to TIFs, they have become the subject of controversy and debate,” Orr said. “I believe much more information needs to be made available to the public to assist taxpayers in making their own judgments on TIFs.”

Note: The next issue of the Newsletter will look at what schools can do to control TIFs, and will feature tips from school districts that have been successful participants in TIF negotiations.

In addition to asking for support to include schools in the stimulus package, IASB lobbied Congressional delegates to suspend any increase in sanctions under the No Child Left Behind Act (NCLB) until the law can be amended or reauthorized. Such a suspension could save money for Illinois districts that face implementation of NCLB restructuring plans as early as the 2009-10 school year.

Offices visited included Senators Dick Durbin (D) and Roland Burris (D) and Representatives Peter Roskam (R-6), Janice Schakowsky (D-9), Deborah Halvorson (D-10), Judy Biggert (R-13), Bill Foster (D-14), Phil Hare (D-17), Aaron Schock (R-18) and John Shimkus (R-19). Delegates met directly with seven of the officials and with the educational aides of the other three.

Illinois’ FRN delegates this year were: Mark C. Metzger, IASB president, **Indian Prairie CUSD 204**, Aurora; Joseph Alesandrini, IASB vice president, **Pekin CHSD 303**; Marie Slater, IASB immediate past president, **Wheaton Warrenville CUSD 200**; Tariq Butt, IASB board of directors, **Chicago District 299**; and school board members Roger Bonuchi, **Plainfield CCSD 202**; Christy Coleman, **Geneseo CUSD 228**; John Jekot, **East Maine SD 63**; Michael Kelly, **Plainfield CCSD 202**; and Rufus Williams, board president, **Chicago District 299**.

Also in the delegation were Teresa Saunders, superintendent, **East St. Louis SD 189**; and two additional representatives from **Chicago Public Schools**: Ray Anderson, CPS lobbyist; and Steve Washington, chief of staff to the board.

IASB staff at the conference were: Michael D. Johnson, executive director; Michael Bartlett, deputy executive director; Linda Dawson, director, editorial services; Susan Hilton, assistant director, governmental relations; and Cynthia Woods, director for advocacy.

AASA conference explains how schools can thrive amid recession

The American Association of School Administrators (AASA) said its annual conference, Feb. 19-21 in San Francisco, demonstrated how school leaders grow their school district in today's troubled economy.

The AASA said these difficult economic times represent a unique opportunity to assess existing programs, establish benchmarks and increase efficiencies. IASB members attended to learn from these programs, and association staff members shared information about IASB services and publications.

IASB staff representatives on hand and contributing to the AASA conference included Dr. Michael Johnson, Executive Director, and Field Services Directors Jeffery Cohn, and Barbara Toney.

Cohn and Toney led a Thursday panel session on "How to establish a healthy board/superintendent relationship." The presentation illustrated how IASB uses its "Foundational Principles of Effective Governance" as a framework for assisting boards of education to focus their governance work, to establish clarity of purpose, and to use policy as a means to govern the school district and increase student achievement.

IASB member districts were represented on the program as well, including one Saturday session led by Superintendent David Schuler, **Township High School District 214, Arlington Heights**. Schuler discussed "Using research to transform a high-performing district into an elite school organization."

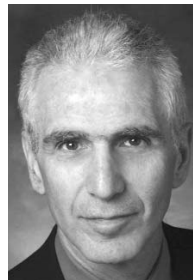
Another Saturday panel featured Superintendent Mark Friedman, **Libertyville District 70**, who gave conference attendees a glimpse "Behind the scenes of the superintendent selection process."

At the 2009 National Conference on Education, AASA also offered more than 14 hours of economic-impact related sessions designed to help school

administrators operate the best public school system possible under strained economic circumstances.

"With an education stimulus package imminent, be the first to learn how to capture this federal education funding and how to maximize limited resources, without sacrificing the quality of the work your school provides in facilitating student learning," said an AASA conference promotional publication.

General session speakers included Robert Marzano, founder and president, Marzano & Associates. Marzano discussed "Supervising the Art and Science of Teaching."



Robert Marzano

In his book, *The Art and Science of Teaching*, 10 critical areas of instructional practice were outlined along with specific strategies for each area. Marzano's session thus addressed how administrators might supervise the art and science of teaching in a way that keeps the focus of attention on student learning, as opposed to use of specific instructional strategies. He said this allows individual teachers flexibility and creativity in their teaching practices.

Another keynote was shared by Goldie Hawn, award winning actress, and Dan Siegel, author of *The Mindful Brain*. Moderated by Dan Domenech, Executive Director, AASA, Hawn and Siegel talked about the work of the Hawn Foundation—the organization founded in 2003 to support children by advancing mindfulness training in educational and community-based settings.

Mindful-focused awareness essentially means being aware of one's own mind. When children practice mindfulness, they cultivate more awareness and insight into each day, moment by moment.

Online video tutorial explains IASB's PRESS policy updating service

IASB's Policy Services department has added a video tutorial produced by Association policy consultants Nancy Bohl and Laurel DiPrima on how to use the Policy Reference Educational Subscription Service (PRESS). The eight-minute self-guided video describes PRESS, reviews the elements of the PRESS packet, and shows how the updating process works to keep the board policy manual up to date.

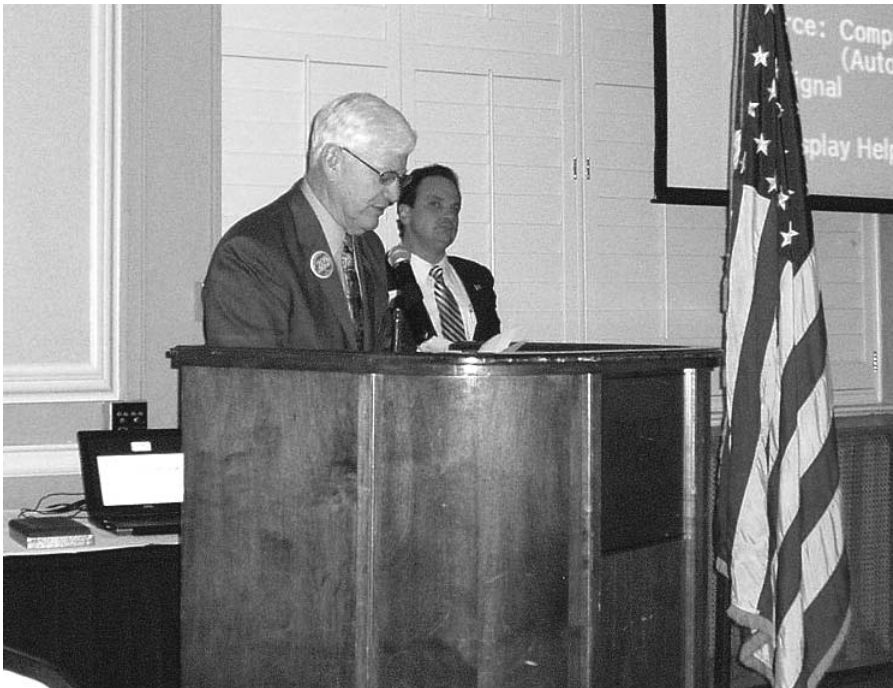
The video will be useful to district staff using PRESS services and to anyone seeking information about the service. The tutorial can be accessed in the policy section on the IASB website at <http://www.iasb.com/policy>, and also on the PRESS main menu page after subscribers log in.

IASB's Policy Reference Educational Subscription Service is a resource for school administrators, school boards, school attorneys, or anyone looking for sample policies and procedures plus the legal references and rationale supporting them. PRESS Subscribers can:

- Access current policy information anytime on any day.
- Download sample policies and procedures.
- Jump to most legal references, footnotes, and cross referenced policies.
- Keep the board policy manual up to date using PRESS updates three or four times per year.

PRESS subscriptions give board members sample policies with accompanying information that can help them focus on their leadership role while complying with state and federal law.

To use the PRESS tutorial, visit the website at <http://www.iasb.com/policy/tutorial/Press%20Project8.html> and the tutorial will launch automatically.



The February 3 Three Rivers Division dinner meeting, led by Director Dale Hansen, **Grant Park CUSD 6** board president, included a discussion on provisions of county sales tax law that can benefit schools.

Many division meetings offer orientation for board candidates

Discussion sessions at IASB division dinner meetings this spring – which began this month and conclude on April 30 – include helpful discussions on many current issues of interest to school board members. The spring meetings will also offer an opportunity to view and sign up for IASB’s new Members-Only website.

The Members-Only site provides access to database information and supplements other member services with new interactive tools and features. The secured site is password-protected and is available to board members, superintendents and board secretaries.

Many of the spring meetings will also feature an orientation for prospective school board candidates who are running for office in the April 7 election. The purpose is to give potential new board members an overview of their roles and responsibilities and an idea about what to expect if they are successful in the April election. Boards are encouraged to invite all candidates to these meetings.

“School board members will find these discussions really helpful,” said IASB Field Services Director Larry Dirks. He adds that such important discussions are being held at more than one spring division meeting this year.

Other spring division meeting discussions will cover: legislative issues, long-term school district financial planning, collective bargaining, Response to Intervention (RtI) theory and practices, the 1% sales tax, and other topics.

IASB President Mark C. Metzger will be presenting, for example, at the March 12 Kishwaukee Division spring meeting on “Why We Serve (and Other Board Member Secrets Revealed).” Metzger has served on the Indian Prairie 204 Board of Education for 19 years. He will describe how his board involvement has changed his life.

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

NEWS FROM IASB

Looking for student talent for 2009 annual conference

The IASB/IASA/IASBO Joint Annual Conference is looking for schools that want to showcase their fine arts students in music, art, drama or a compilation of programs.

Submissions from one high school and one middle school will be selected for the 2009 conference in November and can be either a single performance or an overview of the arts program in a DVD to be shown prior to the opening of the first general session. DVDs should be no longer than 15 minutes.

Selection will be based on both the performance and production quality of the DVD.

Districts should submit their entries to IASB, 2921 Baker Drive, Springfield, IL 62703, ATT: Dawson/Arts DVD no later than June 5, 2009. Districts will be notified by Sep. 15 if they have been selected. All decisions will be final and the DVDs will not be returned.

Once a district is showcased, it will not be eligible for four years to give all districts a chance.

More information will be listed on the IASB website, <http://www.iasb.com>.

New board secretary award to honor the late Holly Jack

Beginning with the 2009 Joint Annual Conference, IASB will be presenting the “Holly Jack Outstanding Service Award” to a school district employee who does the work of the board secretary. Long-time IASB employee Holly Jack, who passed away in October 2008, was instrumental in promoting and developing the secretaries’ program that is offered at the annual conference.

Watch for information in the mail and on the IASB website this spring. Nominations will be due into IASB’s offices by Aug. 1.

New Illinois governor may try to resuscitate funding

Quinn once proposed tax increase for schools

While school leaders say they believe Gov. Patrick Quinn may try to provide the substantial annual increases in school funding seen during the Blagojevich years, supporters of the new governor add that Quinn was the originator in 2004 of a non-binding advisory referendum to boost school funding through a tax increase.



Gov. Patrick Quinn

In late January, then-Lt. Gov. Patrick Quinn discussed some of his plans should he become governor. He had already tapped several potential top aides to join him in a new administration.

Upon assuming the office of governor on Jan. 29, he said he was ready to help the state recuperate from a huge budget deficit and deep recession in ways the former governor could not accomplish. He suggested it is vital that he begin to work with lawmakers to pass both ethics legislation and a construction plan to build bridges, schools and roads.

In order to have time to plan for all this, Quinn sought to move the annual gubernatorial State of the State speech and budget address from mid-February to March. On Feb. 11, the Illinois legislature approved a bill, HB 308 (Madigan, D-Chicago), which allows the governor to give his annual Budget Address on March 18th instead of February 18th this year.

Before he became governor, Quinn had been best known for his action in 1980 in leading the successful charge for a statewide Cutback Amendment, which reduced the size of the Illinois House from 177 to 118 rep-

resentatives.

Quinn has considerable background in dealing with finances. He holds a degree in economics and was elected state treasurer in Illinois in 1990, serving in that office until 1995 when he ran for secretary of state. He lost the race to incumbent George H. Ryan, but he then ran successfully for Lt. Governor in 2002 and 2006.

Gov. Quinn has not discussed how the state might generate revenue, but — in contrast to the ousted former governor, Rod Blagojevich — Quinn has not ruled out an income tax increase.

His 2004 tax increase plan called for boosting school funding and providing property tax relief by increasing the state income tax rate on those

“When we find out what the facts are, we...will come up with a rescue plan.”

earning more than a quarter million dollars per year. The idea was that individuals with an “adjusted gross income” of \$250,000 would be taxed 6 percent on every dollar earned above that amount. Money earned below that income level would continue to be taxed at the standard 3 percent rate.

The proposal won overwhelming support from Illinois voters. The “Taxpayer Action Amendment,” which appeared on the ballots of 377 Illinois communities in the March 16, 2004 primary election, was merely advisory, but it sought ultimately to pressure lawmakers to amend the Education Article of the Illinois Constitution. More than 80 percent of voters approved the idea in the advisory vote.

Based on primary voter support, state Sen. Maggie Crotty, D-19th, of Oak Forest, sponsored legislation

that sought to place the amendment on the November 2004 election ballot. But the legislature chose not to place the idea on the general election ballot, so the idea died.

Had it been put on the ballot, it would have required approval by 60 percent of the voters in the November 2, 2004 election in order to amend the Education Article of the Illinois Constitution. Similar proposals failed to advance in the legislature in 2008 in SJRCA 92 and HJRCA 42.

The Illinois Constitution currently only allows for a flat-rate income tax. To enact a change in that particular constitutional provision, the Illinois General Assembly would have had to approve the proposal by a super majority, or 60 percent.

Quinn’s staff back then estimated the surcharge, which would have affected fewer than 2 percent of all Illinois taxpayers, would generate an additional \$1.1 billion in annual revenue. The money would have been deposited into an “Education and Permanent Property Tax Relief Trust Fund, and half would have been distributed in equal amounts to the state’s 2.7 million homeowners who reside in an owner-occupied, single-family residences. The other half of the tax relief money — roughly \$575 million — would have gone toward Illinois’ elementary and secondary school districts on a per pupil basis.

After his appointment as governor, Quinn compared the structural budget deficit to a diner skipping out on a restaurant bill. The state treasurer estimated the deficit at \$9 billion in a report released on Feb. 4. Quinn had previously suggested that the former governor may have been hiding information about “fiscal calamities” confronting the state.

“When we find out what the facts are, we will tell the people of Illinois and we will come up with a rescue plan,” Quinn said. “It may involve sacrifice from all of us, but that’s what Illinois is about.”

NEWS HEADLINES

Belleville (Jan. 9, *Belleville News-Democrat*) Educators say placing tax caps on St. Clair County property revenue would harm the schools. One big drawback to the Property Tax Extension Limitation Law, or PTELL, is that it exempts new construction in districts where it applies, said Bill Phillips, a former Belle Valley SD 119 superintendent. Any increase in enrollment is nowhere taken into account with tax caps, Phillips told fellow members of the Property Tax Analysis Committee. The committee is a 25-member citizen panel appointed by St. Clair County Board Chairman Mark Kern to examine ways of slowing property tax growth.

Champaign (Jan. 9, *Champaign News-Gazette*) Starting soon, experts say, race will no longer be a factor in assignment of students to elementary schools in Champaign CUSD 4. Instead of using race as a factor while aiming to achieve racial balance, the district will begin using income as a factor, beginning with the 2009-10 school year. The change will come about because of the expiration of a federal consent decree, set to end in June. In 2007 the U.S. Supreme Court declared use of race in determining school assignments unconstitutional.

Chicago (Jan. 9, *Chicago Sun-Times*) Students at various schools in Chicago District 299 may be reassigned next fall. The proposal calls for hundreds of students to be shifted to other schools, but no details have been announced.

Collinsville (Jan. 12, *Belleville News-Democrat*) Elimination of a state test for English-as-a-second-language students has caused some NCLB test-score problems for at least one Collinsville school. The school is one of 66 schools, along with 18 districts, in Illinois that did not qualify as making "adequate yearly progress" because students who speak English as a second language were not allowed to take

the IMAGE test for non-English speakers, state officials say. The state stopped offering the IMAGE test. Instead, many students were required to take the English-language ISAT, and it has had a catastrophic effect on many schools' results, according to State Superintendent Christopher Koch.

Huntley (Jan. 20, *The Daily Herald*) A former Huntley District 158 bus driver faces up to a year in jail after a judge ruled her guilty of intentionally slamming on her vehicle's brakes to toss dozens of students from their seats. The driver, allegedly upset about unruly behavior on the bus, was found guilty of reckless conduct and endangering the life or health of a child. Nineteen students received minor injuries in the incident, police said.

Naperville (Jan. 8, *The Daily Herald*) The former treasurer of a Naperville nonprofit group is facing criminal charges after being accused of lining her own pockets with \$8,500 raised in an elementary school's fundraising events. A four-count indictment alleged felony forgery and theft for actions the individual committed while serving as treasurer of the fundraising arm for Scott Elementary School in Naperville CUSD 203. No tax dollars were involved. A routine internal audit uncovered the discrepancies, and tighter accounting procedures have been imposed as a result of the fundraiser thefts, according to the school's principal.

Nokomis (Jan. 15, *State Journal-Register*, Springfield) A custodian's cigarette may have accidentally touched off a Dec. 16 fire at an elementary school in Nokomis CUSD 22, officials say. The 250 to 260 students of North Elementary School were in class at the time, but the fire that started in a downstairs storage room was extinguished quickly and contained to that room. Students were moved to the nearby high school before being sent home with their parents. The

custodian's alleged admission to smoking inside the building led to a six-week unpaid suspension rather than termination from his position after a disciplinary hearing in December. An outside company was brought in to assess the cost of the fire damage for the school's insurance company.

Peoria (Jan. 13, *Peoria Journal Star*) Peoria District 150 is rethinking its worker compensation approach after spending more than \$6 million on claims over a five-year period. While the average amount paid per claim is about average, the number of claims filed by employees for injuries just last year was more than 220, and totaled nearly 1,200 over five years. District 150 Treasurer Guy Cahill said the school board likely will be voting soon on a plan to lower the number of injuries. The plan will not only look to reduce injuries but also put in place a series of guidelines to return employees to meaningful work sooner and save the district money.

Statewide (Jan. 16, *The Daily Herald*) State Superintendent of Education Christopher Koch urged the Illinois General Assembly on Jan. 14 to maintain the financial commitment the state has made to public schools. "Despite the issuance of \$1.4 billion in bonds in December 2008 to help pay down the backlog of bills, the Comptroller's office still had more than 9,000 vouchers for Illinois schools totaling more than \$550 million," he told legislators. While Koch noted that general state aid claims are still being paid on time, some grant funds on which districts rely for daily operations are up to three months behind.

Statewide (Jan. 19, *Aurora Beacon News*) The IHSA recently announced it will add a policy to its handbook for every sport and activity "that prohibits prayer over the public address system at IHSA state series events." It would only apply at championship events.

Open Meetings Act ruling urges better board practices



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

DEVELOPMENTS IN SCHOOL LAW

Many Open Meetings Act (OMA) questions and much litigation involve questions about legal requirements and best practices. Legal requirements are permissive or prohibitive whereas best practices often are not required but when used, they provide clarity of compliance with legal requirements. School boards and other public bodies that have an interest in reducing allegations of OMA violations may want to incorporate more best practices into their meetings.

Wyman v. Schweighart, No. 4-08-0117 (Ill.App. 4th 10/9/08), while only binding in Fourth Illinois Appellate District, presents a wonderful discussion about the OMA's legal requirements and corresponding best practices.

A member of the public filed an action in the circuit court alleging that the mayor and city council in Champaign violated the OMA. The trial court judge accepted the facts from the deputy city clerk's affidavit. [Note: This is the equivalent of a school board secretary.] Her affidavit stated that on Nov. 21, 2006: (1) she attended the city council meeting; (2) the meeting was open to the public and televised on cable television as well as rebroadcast 18 times the following week; (3) the city manager reminded the city council during the meeting of the need to go into "Executive Session" (closed session) for "pending litigation" and "land acquisition" after the meeting; (4) a council member announced the city council was adjourning to "executive session" and motioned to go into closed session to discuss "property acquisition" and "litigation"; (5) another council mem-

ber seconded the motion and the entire council took a voice vote and all voted "yes." Lastly, several individuals who were not members of the city council attended the closed session.

The trial court judge ruled that the above set of facts did not violate the OMA, and the plaintiff appealed. The appellate court held that the city council followed the OMA's legal requirements but also mentioned that some alternate better practices may have been even better. Each issue follows:

Was the motion to go into closed session to discuss "litigation" (did not identify "pending" or "imminent") made with enough specificity?

Appellate Court's ruling/legal requirement: Yes. The city council properly announced the term "pending litigation" earlier in the meeting. The council member's failure to reiterate "pending" when she made the motion stating only "litigation" did not violate the OMA because "pending litigation" was clearly communicated earlier in the meeting.

Best practice: The court stated that "an additional citation [in the motion] to the [OMA] may be helpful..." For school officials, this clarifies that it is best practice to explicitly state the reason for closing the meeting and cite the statute. Courts appreciate this clarity. See PRESS sample 2:220 E-2, *Exhibit - Motion to Adjourn to Closed Meeting*, for ideas about incorporating a statutory citation practice into a board's motion to enter closed session.

Does the OMA require that each member vote individually and the vote be recorded individually (i.e. roll call vote) to enter into closed session?

Appellate Court's ruling/legal requirement: No. The OMA does not require a roll call vote. As long as the public knows each member's vote, the requirement of the statute is met.

Best practice: A roll call vote leaves

no question during litigation that the public knew each member's vote. School officials who practice roll call votes before entering closed session can create very clear facts for judges to review in case of an alleged OMA violation. IASB's PRESS sample policy, 2:220 *School Board Meeting Procedure*, incorporates this practice.

Must a motion to go into closed session to discuss "land acquisition" refer to a specific OMA citation?

Appellate Court's ruling/legal requirement: No. During the meeting, the city council generally called attention to the "property acquisition" exception in the OMA; that met the requirement to state the "specific exemption contained in the OMA that authorizes the closing of the meeting to the public."

Best practice: The court again stated it would have been better if the [council] had explicitly cited to [a] specific OMA subsection. This shows school officials that courts appreciate the clarity of this practice; see the *Pending Litigation* issue above for the corresponding sample PRESS exhibit.

Must the published agenda disclose that the council will enter into "closed session"?

Appellate Court's ruling/legal requirement: No. The plain language of the OMA allows a public body to decide during a properly noticed open meeting to go into closed session without any additional notice; a published agenda does not need to contain the public body's intention to go into a closed meeting or the topics to be discussed during a closed meeting.

Best practice: To foster transparency and public trust in line with the intent of the OMA, school officials may want to consider publishing the board's intent to enter closed session as an agenda item. While school offi-

See **OPEN MEETINGS** on page 11

NSBA Conference aims to help attendees add resources, resolve

The National School Boards Association's 69th Annual Conference in San Diego on April 4-7 will feature fresh speakers, sessions and networking events. Sponsors say building boardmanship skills is what it is all about.

Conference planners say that whether you are a new board member or a veteran, a board support professional or a superintendent, you will take home the resources and the resolve to better face district challenges.

IASB staff participants will include: Field Services Directors Jeffery Cohn, and Barbara Toney, Board Development Consultants Sandra Kwasa, and Nesa Brauer, TAG Program Consultants Deb Larson and Steve Clark, and Associate Executive Director Angie Peifer. They will present sessions on topics that include: Science, Mathematics and Technology Education; Targeting Student Learning; The School Board's Role in Approving School and District Improvement Plans; School Board Accountability: Using Dashboards and Agenda Calendars to Monitor School District Performance; A Deeper Look at...Using the Appreciative Inquiry Model to Clarify Your District's Purpose and Connect with your Community; and The Top Ten Questions Board Members Ask: Things No One Warned You About!

Illinois school district representatives participating in the NSBA Conference, include: David Schuler, **Township High School District 214**; Allison Smith, **Carpentersville CUSD 300**; Lisa Harrod, **Steger District 194**; Barbara Banker, **Woodstock CUSD 200**; David Kroeze, **Northbrook District 27**; Katharine Olson, **Northbrook District 27**, and IASB President Mark C. Metzger, **Indian Prairie CUSD 204, Naperville**.

NSBA offers topical program tracks to make it easier to identify the programs most relevant to board mem-

bers and other school leaders. For 2009, NSBA tracks will cover accountability, alignment, climate, collaboration, community engagement, continuous improvement, school law, standards and assessment, technology, and timely debate.

Attendees can start planning their conference schedule now. An online planner allows anyone who wants to attend to search workshops, sessions, events, and vendors by name, subject area, and date/time.

The planner is available online at: <http://www.nsba2.org/acccg2009/>.

General session speakers

There is valuable programming at every turn. For example, there will be four keynote speakers, including Secretary of Education Arne Duncan.

NSBA will also offer programs for board members from urban as well as rural districts, members with an interest in technology, school attorneys, and guests. Plus there's an Executive Job Fair on Saturday, along with a 5K run/walk on Sunday.

Details regarding registration, housing, speakers, seminars, and tours and attractions are available from the NSBA Annual Conference home page at <http://www.nsba.org/conference/>.

Illinois reception at NSBA

A highlight for Illinois school leaders at NSBA's 2009 Conference will be the Illinois Reception, scheduled from 6 to 8 p.m. on April 3. The reception is to be held at the Sapphire Ballroom A/B, Hilton San Diego Bayfront, One Park Boulevard.

The theme of this year's reception will be built around the Old Point Loma Lighthouse, which is a part of the Cabrillo National Monument honoring Juan Rodríguez Cabrillo, who first discovered San Diego Bay and charted the coast of California. All Illinois attendees, their family/guest are invited to participate.

Written notices a must in meeting RIF targets

School 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 Reduction-in-Force (RIF) or discontinuance of teaching service. Thus, there is no single fixed deadline date for all schools statewide; the date of the end of the school term is the determining factor.

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.

OPEN MEETINGS *from page 10*

Officials may not know or anticipate every closed session, the public may be more trusting of its school board when the board must enter a closed session that was not previously published. IASB has a sample agenda available.

Does the OMA bar those who are not members of the "public body" from attending a closed session meeting?

Appellate Court's ruling/legal requirement: No. The OMA is silent about inviting nonmembers.

Best practice: School officials should discuss when to allow nonmembers of the school board to attend closed meetings.

As always, school officials should consult the board attorney regarding the OMA's legal requirements and best practices for meetings.

April 7 school board election deadlines remain to be met

All school board candidates have now filed their nominating papers for the next school board election. But there are a few dates for school boards, board secretaries, and board candidates still to keep in mind regarding the April 7, 2009 school board election.

Key 2009 election dates upcoming include:

- **Tuesday, March 24** — Last day for election authority to have poll watchers' credentials available for distribution. (Election Code 17-23)
- **Friday, April 3** — Last day for the election authority to have ballots printed and available for inspection by candidates and their agents for the April 7 election. (Election Code 5/16-5)
- **Tuesday, April 28** — Last day for the election authority (county clerk or elections commission) to canvass election results and proclaim winners. (School Code 9-18 and Election Code 22-17, et seq.)
- **Tuesday, May 5** — 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)

For more information about these and other key election deadlines, down-

load a complete list, including legal citations to pertinent Illinois laws, at: <http://www.iasb.com/pdf/09ElectionCalendar.pdf>.

Additional information about school board elections can be found at: <http://www.iasb.com/elections/>.

Consolidated primary election

The Illinois State Board of Elections' website lists just one school finance issue on the ballot in the consolidated primary election to be held on Feb. 24, a building bond issue in **Lockport Township High School District 205** that, if passed, would finance construction of a new high school.

The project is estimated to cost \$141 million. The district has fallen short four times since 2006 in efforts to pass a referendum to build a new high school for some of the 3,951 students enrolled in District 205. Supporters of the referendum say the effects of overcrowding are everywhere, with large class sizes, jammed hallways, numerous mid-year graduations, and packed classrooms meeting in converted closets.

The deadline to place finance and bond issues on the April 7 ballot was Jan. 31. A complete list of the results will be reported in the *Newsbulletin* after the election.

CALENDAR OF EVENTS

March 4 – Central IL Valley Division Spring Dinner Meeting, IL Valley Central USD 321, 6 p.m. Dinner

March 4 – Southwestern Division Spring Dinner Meeting, Triad CUSD 2, 5:30 p.m.

March 5 – Egyptian Division Spring Dinner Meeting, Rome CCSD 2, Dix, 6 p.m.

March 5 – Northwest Division Dinner Meeting, Eastland CUSD 308, 6 p.m.

March 5 – Abe Lincoln Division Spring Dinner Meeting, Warrensburg-Latham CUSD 11, 6 p.m.

March 5 – Corn Belt Division Spring Dinner Meeting, Paxton-Buckley-Loda CUSD 10, 6 p.m. – Dinner

March 7 – 14th Annual IASB Job Fair for Teachers, Administrators and Education Majors, Shannon Center at St. Xavier University, 9 a.m. to 2 p.m.

March 10 – Starved Rock Division Winter Dinner Meeting, LaSalle, 6 p.m.

March 11 – Blackhawk Division Spring Dinner Meeting, East Moline SD 37, Dinner – 6 p.m.

March 12 – Kishwaukee Division Dinner Meeting, Woodstock CUSD 200, 6 p.m.

March 19 – Western Division Spring Dinner Meeting, Bushnell-Prairie City CUSD 170, 6 p.m. - Dinner



*Lighting The Way To Excellence
In School Governance*

2921 Baker Drive
Springfield, Illinois 62703-5929

Return Service Requested

NON-PROFIT ORG.
U.S. POSTAGE
PAID
ILLINOIS ASSOCIATION
OF SCHOOL BOARDS