

Illinois SCHOOL BOARD *Newsbulletin*

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Schools face up to rising prices of food, gas

Increase causes some to weigh cutbacks, add fees

Schools across Illinois are taking a hit from the rising cost of just about everything, particularly food and fuel. That is causing some school administrators to consider service cuts or price or fee increases or other alternatives to help offset the burgeoning cost of providing student meals and transportation. And many school officials say it's only going to get worse.

"One-third of the nation's school districts increased meal prices in 2007, and I think it's going to be a lot more this year," said Erik Peterson, director of public awareness at the School Nutrition Association (SNA) a non-profit national organization that provides low-cost meals to students.

Champaign CUSD 4, for example, increased the school lunch price by 25 cents on May 19. The increase will take effect next fall, and will bring in more than \$69,000. The district expects food prices to increase by 10 percent next year, or \$130,000.

School superintendents said in early May they were able to make it through this school year without being forced to cut back on school bus routes



Oil barrels of the future may hold vegetable oil rather than petro fuel, according to biofuels advocates.

or limit field trips and other travel already planned. Most have faced cost increases in their fuel-related transportation budgets on the year totaling from 15 to 20 percent, and many have dipped into other funds to cover the cost. Some expressed much deeper concern, however, about the coming academic school year.

"We have not made any cuts," said **Waltonville CUSD 1** Superintendent Craig Kujawa. "But I'm sure somewhere down the line that talk may take place."

Kujawa said the district's schools

are concluding a one-year bus contract that cost the district \$129,757 to run five regular bus routes, and Waltonville schools already are looking ahead to next year.

"Obviously [the fuel cost] is an issue," said Kujawa. "We're looking at what would be the fairest thing for all parties involved." He explained that the district's bus contractor has requested a fuel charge to cover the rising costs next year.

Mt. Vernon District 80 has a fuel escalator clause in its transportation contract that calls for the district to pay for any cost above \$2 per gallon.

"We'll absorb 100 percent of that," Superintendent Kevin Settle explained. "There are also side costs related to the maintenance on our fleet of buses."

Also contributing to rising costs is the federal government, which has not kept pace in its reimbursement rate to schools for providing free and reduced-price meals. The U.S. Department of Agriculture recently released a meal cost study that indicated the total cost to produce national school lunch program lunches, for example, "generally exceeded the free lunch

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Science and math teachers in limelight at Capitol Showcase

The Illinois State Board of Education and the Illinois Board of Higher Education joined dozens of classroom teachers, scientists, mathematicians, engineers, and experts from higher education from throughout Illinois at the April 29 Capitol Showcase for the Illinois Mathematics and Science Partnerships program. The annual event at the State Capitol features the professional development efforts by research partnerships statewide that work to help teachers grow and improve student achievement.

The IMSP program was created as part of the No Child Left Behind Act (NCLB). It creates partnerships designed to meet the growing needs of students by providing ongoing professional development and unique opportunities for teachers that focus on new trends in Science-Technology-Engineering-Mathematics.

State Board honors grads of bilingual teaching program

ISBE recently honored 12 graduates of the federally-funded Bilingual Transition to Teaching Project with a board resolution. These mid-career professionals and recent college graduates began work this year with bilingual and English as Second Language (ESL) students as full-time teachers in several Chicago and suburban classrooms.

"I applaud the commitment of these individuals for embarking on their new and rewarding career path," said State Superintendent of Education Christopher A. Koch.

The teaching project offers a unique avenue to certification for people who want to change careers and become highly-qualified certified bilingual/ESL teachers. The program allows future teachers to get on-the-job training.

Classroom video monitoring focused to address local concerns in Freeport

Charting its own unique path in response to local concerns, the **Freeport District 145** Board of Education has begun to operate video recording devices in 10 district classrooms.

The special education classrooms are now being monitored by the cameras, said Patrick McDermott, Freeport's assistant superintendent for business.

One of the camera systems was previously installed at Center Elementary School, but it has not yet been turned on, McDermott said. The camera was installed by Audio Engineering Inc., a Loves Park based company offering sales, service, and installation of low-voltage electronic systems.

McDermott said nine other classrooms received wide-angle lens cameras, which will record the actions of students and teachers onto a DVR disc. The discs would then be collected and stored for a period of five years after each student in the classroom left the district.

Due to a pending legal matter between the school board and four teachers who claimed the rare move by the district was a violation of their rights, audio will not be immediately recorded onto the discs.

"When and if the state court approves the audio, we will act accordingly," McDermott said.

Challenge still in court

State court Magistrate Judge P. Michael Mahoney ruled in favor of the district for video in December, saying the teachers' alleged Fourth Amendment violation was an "unreasonable expectation of privacy in a public setting."

The judge remanded a second portion of the complaint concerning the audio recording, which the four teachers' had alleged was a violation of the Illinois Eavesdropping Act, back to Stephenson County Court.

Kelly Everding, president of the Freeport Education Association, said she felt the decision to install the cam-

eras was justified, and that the teachers' union was primarily concerned with how, and by whom, the video would be viewed.

"We just wanted to make sure we had language regarding their use and who would see the film and why," Everding said.

An agreement between the Freeport School Board and teachers says a school district staff member would have to either receive a complaint or observe "visual or physical evidence of questionable behavior," and complete a "complaint form" before the video could be viewed by the school district's Assistant Superintendent for Business.

For district personnel to look at a recording from a particular date, it would have to be the subject of an investigation launched on a complaint from either a staff member or parent.

A "viewing log" would need to be forwarded to the school district's bargaining units on a monthly basis.


The Illinois State Board of Education does not track how many schools in the state use cameras in the classroom, mainly because it's a local issue for school districts to decide how to use cameras.

Illinois
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Newsbulletin

**Illinois Association
of School Boards**

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**ILLINOIS ASSOCIATION
OF SCHOOL BOARDS**

Districts increasingly pursue residency challenges under state rules as a response to financial concerns

With wide disparities in educational spending from one district to the next, particularly in wealthy school districts located near less affluent areas, student residency challenges have become increasingly common.

State Superintendent Christopher Koch made student residency issues one of the top items in his May 6 weekly newsletter, noting he had engaged in information-gathering talks with superintendents at a South Cooperative Organization for Public Education meeting in the south suburbs in late April. He did not elaborate on how his findings from this inquiry might impact state board policy, or his thinking or recommendations on laws and regulations, etc.

Koch stated: "Residency issues have generated controversy in districts for many years. It's a delicate balancing act between the rights of local taxpayers and a student's right to attend school."

As a result of a recent student residency incident, **Riverside District 96** recently announced that it is planning to expand its efforts to have families prove residency by newly requiring them to provide documentation prior to children beginning third and sixth grades. Presently, this Cook County district asks for proof of residency just once, when a child registers for kindergarten or when a new student moves in from out of town.

"This case brought [the new requirement] forward," Superintendent Jonathan Lamberson said. "We need to do this."

The board of education has not voted to institute the new policy yet, but it is expected to act on the proposal at its May meeting.

"It's a financial issue, but the biggest problem is that it hurts the kids. If they are found [to be violating residency], the child has got to be yanked out of school. It's a terrible conse-

quence," Lamberson says.

Lamberson said he deals with a handful of residency cases each year. Typically, families from outside the district are found to have enrolled a child. The effort is sometimes found out fairly early in the school year, and the applicants are then asked to leave the district and are directed to their local school district.

"Most times it's caught mid-year," Lamberson said, most often making the effort to collect back tuition more expensive than the amount owed.

In Illinois, the main entrance requirement for a public school is residency in the school district. School districts can require that a family produce documentation of residency before allowing a child to enroll. But under federal laws governing the educational rights of homeless children and youth, homeless families can gain entry without proving residency.

State Superintendent Koch admits that concerns about homeless students are a key component of his anxiety about residency issues. According to Koch, "The state board has made it very clear that the education of our homeless children is a priority. Regardless of why or where students may be homeless, they have a right to go to school."

Koch maintains that school districts have an affirmative duty to identify families who are homeless, as required in federal law under 42 U.S.C. § 11432(g)(6)(A)(i). State board policy on the education of homeless children also takes this approach. Meanwhile, IASB's sample policy on resident students (PRESS Policy 7:60) suggests that school districts immediately admit any homeless child, "even if the child or child's parent/guardian is unable to produce records normally required to establish residency."

Schools also have an obligation — under the McKinney Act as well as

state board policy — to try to keep an attending homeless student in school.

Another major component of the state board's concerns over residency pertain to immigrant students.

According to Koch, state board policy is that the immigration status of the parent or child "has no bearing on the rights of students to enroll." Districts must not inquire about the immigration status of a student or parent, he said, and they must not require parents or adult care-takers to provide any information concerning their or their children's immigration status. Note: some school attorneys disagree with the legal basis for this state board policy.

When implementing student residency policies, Koch said, care must be taken to ensure that parents or adult caretakers can establish residency within the district by means which will not force them to, albeit indirectly, reveal their immigration status.

School districts should continue to determine whether a student resides in the district, but do not have a right to delve into a child's immigration status, Koch said.

"Residence in the school district is sufficient to entitle school-age immigrant children, including foreign exchange students, to attend school on a tuition free basis," according to Koch.

He said funds may be available for districts with a large influx of immigrant students. Districts heavily affected by an increase of immigrant students may qualify for Immigrant Education Program funds through the state board. Districts may also be eligible for funding through the State Transitional Bilingual Education Program for limited English speakers or the federal Title III program. Phone 312/814-3850 to inquire about the availability of funds under these programs or visit http://www.isbe.net/bilingual/htmls/consolidated_application.htm.

Mobile classrooms can foster air quality concerns

Prevention action urged via EPA guide

With many schools nearing capacity across the state, thousands of students annually are educated at least during part of the year in mobile homes that serve as portable classrooms. In the suburban collar counties near Chicago alone there are 298 such portable classroom buildings, as reported by the regional offices of education.

But the federal Centers for Disease Control warned in February some mobile homes could contain potentially dangerous levels of formaldehyde. The study was released on Feb. 14.

For years, studies from California to the east coast have warned that portable classrooms could carry hidden concerns, particularly in terms of air quality.

Illinois does not require testing of air quality in mobile classrooms, so most schools don't conduct such testing. But some say state officials may just be delaying the inevitable, meanwhile holding off the introduction of simple, low-cost improvements, such as improved ventilation, which could alleviate concerns in most cases.

School District U-46, Elgin said it would test its portable classrooms last month after a district parent petitioned the board of education to check the classrooms for noxious fumes. In petitioning the board, Beverly Jaszczurowski, mother of a U-46 kindergarten student, cited the CDC study.

Causes of concern

Because all school buildings employ similar construction and use similar furnishing materials, the kinds of chemicals found in the air differ very little in portable classrooms versus others. But amounts may vary a great deal. Pressed-wood products like wood paneling and plywood that can contain higher concentrations of formaldehyde are used more frequently in factory-built mobile classrooms than in buildings constructed on-site.



Portable classrooms like this one may raise air quality concerns without proper ventilation and maintenance.

Experts at the U.S. EPA say that, as a result, concentrations of some airborne chemicals may be much higher in portable classrooms, especially if ventilation is inadequate or commonly turned off.

Thus, the experts add, the most common concerns with portable classrooms include:

- Poorly functioning ventilation systems that limit fresh air flow;
- Chemical gases derived from pressed wood and other materials, which may be of concern largely because of rapid occupancy after construction and/or poor ventilation;
- Water entry and mold growth; and
- Pollution from nearby parking lots.

Recommendations for schools

Although portable classrooms are often a low-cost option for housing students, they range in quality. The U.S. EPA's *Indoor Air Quality Reference Guide* contains an appendix on portable classrooms, which states: "care should be taken during selection to ensure that air quality is not compromised through inexpensive, low-quality designs." When districts specify a portable design, the EPA guide says, they typically create a term contract that other districts can use to purchase the same design or a slightly different one. This sort of "piggy-backing" can save a school district

valuable time and money on specifications and approvals, "but it can also compound problems overlooked in the original procurement," according to the EPA guide, which is available online at: <http://www.epa.gov/iaq/schools/tfs/guidej.html>.

Like all school facilities, portable classrooms should contain appropriate building materials and properly designed ventilation systems to minimize the presence of indoor air pollutants. Commissioning and regular maintenance are also important to maintain the quality of the indoor environment.

According to the U.S. EPA guide, the following steps can help schools maintain a healthy indoor environment in portable classrooms:

- Specify the appropriate vapor barrier location for exterior wall construction, consistent with the climate where the classroom will be used.
- When specifying a new portable classroom, ensure that the heating, ventilation, and air-conditioning (HVAC) system can:
 1. provide a minimum input of 450 cubic feet per minute (cfm) of outside air (based on 30 occupants at 15 cfm/occupant); and
 2. heat and cool this air appropriately.

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- Order an additional “outdoor air kit,” because manufacturers do not include outdoor air intakes in their standard classroom models. Outdoor air intakes should not be located under portable units; these areas are typically not well ventilated and are prone to moisture, biological contaminants, and other pollutants.
- Outdoor air should be supplied continuously when a classroom is occupied. In order to provide a continuous outdoor air supply, it is important to ensure that the HVAC thermostat fan switch is set in the “on” or continuous mode when occupied.
- Air filters are needed for protection of HVAC components and reduction of airborne dust, pollens, and micro-organisms from recirculated and outdoor air streams. Air filters should have a spot rating between 35 and 80 percent or a Minimum Efficiency Rating Value (MERV) of between 8 and 13.
- If carpets are specified, use carpets that have been tested under the Carpet and Rug Institute’s Green Label Carpet Testing Program. Do not use carpet in entryways to classrooms with direct outdoor access. Supply waterproof mats and walk-off mats over carpeted entryways and other areas used for drying clothing and umbrellas.
- Locate classroom away from areas where vehicles idle or water accumulates after rains.
- Ensure that at least one supply air register and return air grille are located in each enclosed area. Also, make sure air intakes are located away from any exhaust outlet(s) or other contaminant sources.
- Specify operable windows to provide user-controlled ventilation when needed.
- Locate HVAC and air handler units as far away as possible from teaching areas to reduce noise.
- Specify minimal use of VOC emitting building materials.
- Install an awning over the portable’s entrance to help prevent rain and

snow from blowing directly into classrooms.

- Specify complete documentation of operation and maintenance.

Commissioning

- Prior to occupancy of any new portable units, operate HVAC systems at maximum outdoor air intake rate continuously for several days. Start the “flush out” as soon as the HVAC system is operational, and continue after furniture installation. During this, do not re-circulate return air. In humid climates, avoid introducing significant moisture during flush out.
- Measure total outdoor air entering the outdoor air intake of the HVAC unit to ensure it meets or exceeds amount specified or 15 cfm per person, whichever is greater.
- Do not “bake out” the unit. “Bake out” is defined as increasing temperatures up to 100°F to “artificially age” building materials. Its effectiveness has not been proven and it may damage parts of the HVAC system or building components.
- Establish and implement an Integrated Pest Management plan.

Operation and maintenance

- Train appropriate staff on operation and maintenance of new HVAC equipment. Instruct teachers and staff on the use and settings of thermostat and ventilation controls.
- Train teachers how to minimize potential toxic emissions from the decorations and cleaning materials used in their classrooms. Develop and implement a “list of things to do before starting the class,” including ensuring that the ventilation system is operating at least one hour before the class starts and watching for rust spots, wet spots, and other signs of deterioration of infrastructure. Teachers should also be educated about the potential risks of turning off HVAC systems.
- Establish a regular and timely plan for testing, inspecting, and per-

forming specific maintenance tasks: Inspect roofs, ceilings, walls, floor, and carpet for evidence of water leakage (e.g., stains), and for mold growth or odor. Replace water-damaged materials promptly and fix leaks as soon as possible.

Air not the only concern

Air quality aside, portable classrooms can pose other safety issues, several experts say. “My main concern with portable classrooms is that typically they are not very well constructed,” said Ronald Stephens, director of the National School Safety Center in Westlake Village, CA.

Portables give intruders more access points than a main building explained Kenneth Trump, president of National School Safety and Security Services, a Cleveland-based national consulting firm.

“All of those additional access points ... it creates a higher-risk situation,” Trump said. “Not to try to be alarmist, but it is a higher risk than if you didn’t have them.”

But schools can use technology to secure portables, he said. He recently visited a school here in Illinois where security cameras and extra outdoor lighting had been installed.

No technology makes up, however, for what he called “the human element” of safety. “The main line of defense,” he said, is “a well-trained, highly alert staff and student body.”

In addition, for school districts across the country what begins as a short-term classroom space solution often becomes a long-term concern. That’s because building new facilities often requires passing a bond issue or otherwise finding funds.

Further resources

For more information about portable classrooms and recommendations for designing, constructing, and renovating school facilities to maintain good indoor air quality see EPA’s *IAQ Design Tools for Schools* at http://www.epa.gov/iaq/school_design.

Schools aim to fix 'broken system' of NCLB law

In the past six years as districts painstakingly met the requirements set out by the No Child Left Behind Act (NCLB), educators, school board members and administrators have had the opportunity to review, track and assess the law's effects. Many have seen the need for change.

Some say the law reflects contradictory urges regarding education policy. On the one hand, some want Congress to act to improve education, and on the other hand, some wish to preserve and further the tradition of state and local control of schools.

School leaders have been able to identify the shortfalls to NCLB. Equipped with this knowledge, educational advocates across the nation have been able to provide federal lawmakers with specific amendments and changes that can significantly improve the law.

One promising "fix" to NCLB that has emerged in Congress is House Bill 648, sponsored by a 21-member bipartisan coalition. The bill has been endorsed by the National School Boards Association and educational advocates across the country. It would maintain the accountability aspects of NCLB, advocates say, while correcting the inequities that are unfairly impacting the less affluent, special education students, English language learners, and the gifted or highly capable students.

While H.R. 648 could address some of the most controversial aspects of NCLB, the act itself would still need to be reauthorized – and advocates of H.R. 648 say that as a priority step, this must occur as soon as possible during the current congressional session.

"If NCLB is not reauthorized in 2008, the existing provisions of the law will likely be congressionally extended until the next session," according to NSBA Executive Director Anne L. Bryant.

"In this scenario, it is likely that a new administration entering the White House in January would find

other priorities before beginning to address the reauthorization of NCLB. Students should not be told to wait it out until after the presidential election. Waiting for a new administration and Congress to act would most likely result in the nation's schools suffering under a broken system for another three school years," Bryant said.

"Accordingly, under this outcome, more schools will be identified as failures even though they may be making significant progress in raising student achievement," Bryant said.

Some boards have passed a declaration in support of the NSBA-supported bill in the U.S. House of Representatives, which would require more than 50 changes to NCLB. More than 700 boards of education across the country have passed such a resolution, including 21 Illinois school boards.

Where NCLB reform stands

According to NSBA, recent meet-

ings with Congressional committee staffs indicate that both House and Senate committee bills to reauthorize NCLB could be introduced before the spring recess. NSBA adds that Congressional support for its recommendations on NCLB continues to grow.

To track reauthorization of the NCLB Act, visit <http://www.house.gov> or <http://www.senate.gov>.

Should reauthorization fail to materialize, school districts might be asked to live with new NCLB regulations. The Bush administration has long promised new regulations.

NCLB regulations proposed

In late April, U.S. Education Secretary Margaret Spellings announced the administration's proposed new regulations to NCLB. The state is currently reviewing these regulations, according to ISBE, and is looking into their potential impact on Illinois. Offi-

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ED posts NCLB rules proposal focusing on accountability, clarity

On April 22, U.S. Education Secretary Margaret Spellings proposed new regulations to "clarify and strengthen" Title I of the No Child Left Behind Act. The regulations focus on improved accountability and transparency, graduation rates, and improved implementation of public school choice and supplemental educational services (SES).

- **Assessments and Multiple Measures.** There is a misunderstanding that accountability must be based on a single measure or form of assessment. The new rule clarifies states may use one or several tests (e.g., reading and writing assessments to measure reading/language arts) and may use one or multiple formats (e.g., multiple choice, extended response, etc.).

- **Strengthening State Assessment and Accountability Systems.** The proposed regulation requires a National Technical Advisory Council (NTAC) to focus on technically complex issues for a number of states.
- **Minimum Subgroup Size and Including Students in Accountability.** On Adequate Yearly Progress (AYP), the proposed regulation requires states to explain how the minimum subgroup size (N-size) and other components of their AYP definition (e.g., confidence intervals, performance indexes, definitions of "full academic year," etc.) combine to supply statistically reliable information.
- **Including NAEP Data on Report Cards.** The proposed regulation requires states and school districts

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Proposed changes to NCLB corrective action, restructuring

ELEMENT	CURRENT STATUTE AND REGULATIONS	PROPOSED REGULATION
School restructuring	Require schools identified for restructuring to choose one of five options, including offering an “other” proposal, that the school will implement until it meets adequate yearly progress for two consecutive years.	Requires such schools to produce a restructuring plan that addresses the reasons they were identified and is “significantly more rigorous” than the corrective action plan. While a restructuring plan that removes a majority of school staff may also remove a principal, simply removing a principal is not sufficient to count as restructuring.
Supplemental educational services/choice Web reporting	Require districts to notify parents about schools identified for improvement.	Requires districts to publicly report on their Web sites: 1) The number of students eligible for and participating in choice and supplemental educational services (SES); 2) A list of SES state-approved providers and their service locations; 3) Schools available for choice transfer.
Funding for SES parent outreach	Allow districts to use Title I funds to administer and implement parent outreach for SES and choice, but this cannot be counted toward the 20 percent Title I set-aside.	Allows districts to count costs for providing outreach and assistance to parents on choice and SES toward meeting the 20 percent Title I obligation. This is capped at .2 percent of the district’s Title I, <u>Part A, subpart 2</u> allocation.
Timeline for choice	Require districts to provide notice to parents of their public school choice options. Also requires a district to offer parents in schools identified for improvement the option to transfer before the first day of the next school year.	Requires districts to inform parents of the available school choices sufficiently in advance of, but no later than 14 calendar days before, the start of school.
SES provider notice	Require districts to provide notice to parents of their SES tutoring options.	Requires districts to provide annual notice of SES availability that includes state-approved providers, brief description of them, their qualifications and demonstrated effectiveness.
Reallocating unused SES/choice money from the 20 percent Title I set-aside	Allows districts to redirect funds left over from the 20 percent set-aside for Title I SES and choice.	Requires districts to demonstrate, before reallocating unused choice and SES funds from Title I, that they had done everything possible to provide SES and choice, including taking specific actions listed.

Source: *ED Review*, Apr. 25.

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to report the most recent results from National Assessment of Educational Progress (NAEP) reading and math tests.

- **Including Individual Student Growth in AYP.** The proposed regulation sets the key criteria that states must meet in order to receive authority (under a flexibility agreement) to incorporate individual student academic progress in their definitions of AYP.
- **Identifying Schools for Improvement.** The proposed regulation codifies current policy that districts may identify schools and districts in need of improvement on the basis of not meeting annual measurable objectives (AMOs) in the same subject over consecutive years. On the other

hand, districts may not limit identification to those schools that do not meet AMOs.

- **Restructuring.** Preliminary analysis of federal education department data from 36 states indicates that only 18 percent of schools that were identified for restructuring in 2004-05 or 2005-06 have exited restructuring.
- **School Choice Notification.** In 2006-07, participation in public school choice was only 2.2 percent of eligible students. The proposed regulation clarifies districts must alert parents about their option to transfer their child and their available schools choices sufficiently in advance of – but no later than 14 days before – the start of the school year.

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cial publication of the proposed rules appeared in the *Federal Register* on April 23.

Anyone can submit comments to these proposed regulations, but they are due on or before June 23. The process for submitting comments is outlined in the Federal Register announcement from April 23. The U.S. Department of Education expects to issue final regulations this fall.

An excerpt from a summary of the proposed regulations provided on April 25 in *ED Review* is provided at the top of p. 7. For a complete summary see the Web site at: <http://www.ed.gov/news/newsletters/edreview/2008/0425.html>.

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subsidy” provided schools to prepare them.

The study also reported that its 2005-06 school year data matches findings by SNA in 2007, which combined the labor, food and indirect costs necessary to provide school lunch. The SNA study concluded the combined costs are greater than the federal reimbursement, commodity entitlement and average price paid by students who don’t qualify for a free or reduced school lunch.

The state does attempt to help out by distributing food deliveries received through the U.S. Department of Agriculture in order to provide bulk food commodities to schools around the state. But because of price constraints, many of those deliveries have been canceled or delayed, and school leaders were told in May to use up the federal commodities on hand.

It is increasingly difficult to obtain certain commodities because when prices go up, the expected cost is exceeded, and the USDA is unable to make those purchases. The rising costs are an issue around the state, and school nutrition directors point to such common and necessary foods as fruit, eggs, milk, cheese, wheat products and bread as becoming less common, and ever-increasing in price. The cost of wheat and wheat flour, for instance, have more than tripled this year. The cost of a 50-pound bag of wheat flour that was \$12 last year now costs \$40.

USDA chief economist Joe Glauber said food prices overall have risen by 5 percent this year, the highest rate since the 5.8 percent rise in 1990. Food prices usually rise by modest amounts, roughly 2.5 percent, and below the overall U.S. inflation rate. Prices rose by more than 4 percent in 2007.

While the costs of labor and benefits also are rising, the exploding price of fuel provides the greatest additional pressure on school budgets. Some schools have begun looking at alternative fuel, such as bio fuels. Many gasoline-dependent buses are running

on an ethanol mix, using corn-derived fuel.

A lesser-known source of biofuel results from the fact that Rudolf Diesel planned his engines to be powered by plant-derived oils. At the 1900 World’s Fair, for example, he ran his engines on peanut oil. According to some mechanics, vegetable oil still can be used to power diesel engines and the machines generally will run just as well, except that in cold weather they will not start on such fuels. (For more information, visit the Web site at: <http://moneycentral.msn.com/content/Savinganddebt/Saveonacar/P115218.asp>, for a serious but humor-filled look at the subject.)

Of course many Illinois school buses run on diesel, and some say bio fuels can be substituted for petroleum-based diesel fuel. Web sites have advocated this course of action for years, including http://journeytoforever.org/biodiesel_make.html (which contains some important caveats about the use of just any old vegetable oil), and <http://www.greasecar.com/>.

While few are ready to take such drastic measures just yet, the average price for a gallon of diesel fuel was \$4.13 on April 29, according to the state of Illinois’ Gas Price Monitoring Web site. That price compares to an average of \$3.30 in late February. And just a year ago, the average was \$2.97. Some experts say the price of a barrel of oil could even double within a year or two, driving gasoline and diesel prices up with them.

Each school district is responding differently to such price outlooks. Some are raising transportation fees,

and others are looking into co-ops. Of course cooperative buying groups enable schools to order products such as fuel or services or even foods jointly in order to get price breaks by buying in bulk.

Most say they are pleased with coop results, as coop membership makes it possible to wait out fluctuations in the federal commodities food supply system, for example.

While the rising costs of food and fuel are a concern, almost everyone is adamant they won’t go back on the changes they’ve made to make school lunches more healthful. Schools will strive to not compromise the nutritional integrity of their meals programs.

To offset some of the high costs of fresh fruits and vegetables, however, some districts are now buying canned foods, which hold the same nutritional value as fresh food. Food service directors and transportation directors are also commonly participating in workshops and conferences to exchange ideas about the difficulties they face in maintaining school meals programs in these interesting times.

Food service directors say cut-backs aren’t likely in terms of portion sizes or ingredients. If anything, schools can cut back on the number of items they make available. The ham and cheese on wheat or on rye? Such choice-making could be where the line is drawn, thanks to rising gas prices. So what students are used to having at the school cafeteria is not necessarily what they’ll get when school starts next fall.



NEWS HEADLINES

Berwyn (April 30, *Chicago Sun-Times*) A bus driver and bus aide were suspended recently after a tape caught them taunting special needs kids. The incident happened in a suburban district that had hired First Student Inc. to transport eight disabled children to a special-needs school in Chicago. Parents who worried that something was wrong on the bus that took two of their three special-needs children to school slipped a tape recorder in their 13-year-old daughter's backpack that led to the investigation.

Bloomington (April 29, *The Pantagraph*) A community forum was held at the Normal Community High School on making schools safe for lesbian and gay students. Among the points that emerged in this two-hour-plus discussion: 1) harassment came as early as the fourth grade for some; 2) school safety planning needs to include quelling stormy situations between students; and 3) school administrators, staff and teachers need more training to be better able to support all of their students, who need to be able to confide in them.

Champaign (April 28, *Champaign News-Gazette*) Champaign CUSD 4 is looking for senior citizens with skills in business, German language, and physical education or art, to share their knowledge with high school students. The project would pair them with high school teachers in certain classrooms, helping instructors to teach a particular lesson or skill. Planners say it will benefit students, who can learn from someone with real-life experience in an area; seniors, who can get to know young people and become involved in the schools; and teachers, who will sometimes have a volunteer to help with lessons.

Chicago (April 16, *Chicago Tribune*) In an effort to better prepare pupils for a high-tech world, Chicago

District 299 will open five new magnet elementary schools focused on technology this fall. School officials said they plan to replicate three existing schools, two with a technology focus and one emphasizing literature.

Elgin (April 22, *The Daily Herald*) A class action lawyer has been enlisted to join a discrimination lawsuit against School District U-46, Elgin. Attorney James Bradtke is experienced with a wide range of class-action cases. He worked on the 1989 Rockford school district desegregation case, which lasted more than 10 years and cost \$250 million in taxpayer funds.

Elgin (May 3, *The Daily Herald*) A peace group has asked School District U-46, Elgin, for equal access to Elgin High School on the same basis as military recruiters. The Fox Valley group aims to educate students about other options besides enlisting in the military. The group chose Elgin High because of its high military recruitment rate.

Elgin (April 23, *The Daily Herald*) Formaldehyde levels in School District U-46 portable classrooms are within a normal range, officials said. A Park Ridge-based Environ International Corp. found formaldehyde concentrations between 1 and 7.5 parts per billion in the district's 64 trailers. Such concentration levels are considered acceptable, testing experts said. The federal Agency for Toxic Substances and Disease Registry has set a chronic minimal risk level of 8 parts per billion.

Freeport (May 14, *Journal Standard*) At least one Freeport District 145 board member is studying proposed changes to school start times and a plan that could have elementary students starting earlier and high schoolers starting later. Board Member Jim Rhyne confirmed he has been looking at the issue. Many Freeport area schools have adopted new sched-

ules.

Glen Ellyn (April 29, *The Daily Herald*) A Glenbard East High School senior, who was nearly barred from attending prom with her 21-year-old Marine boyfriend, nonetheless was allowed to squeeze in a 10-minute appearance. School officials had initially told the Glendale Heights teen she would not be allowed to bring her date, Francisco Velasco of Addison. School rules forbid anyone of drinking age from attending proms, though high school officials have acknowledged that rule was a bit ambiguous. Velasco, a Marine stationed in Virginia, received permission from his superiors to fly to Chicago for the weekend just for the dance.

Lockport (April 24, *Joliet Herald News*) A Lockport company's tax abatement request has been denied in regard to the proposed expansion of Panduit Corporation's manufacturing plant in the school district. The high school board voted 6-0 to reject the firm's request for a tax abatement. The company sought a five-year, 50 percent abatement solely on the increase in property taxes to be generated from expansion.

Nauvoo (April 28, *Quincy Herald-Whig*) The Nauvoo-Colusa and Warsaw districts are adding classes for the 2008-09 school year, the first under a joint deactivation plan approved by voters in February. "We're bucking the trend," Nauvoo-Colusa Superintendent Kent Young said. New classes at the high school level include digital photography, hotel/restaurant management and heavy equipment operation offering national certification for students.

Palatine, Schaumburg (May 5, *The Daily Herald*) Satisfied by the results of its own investigation of lead in artificial turf, Palatine-Schaumburg High School District 211 is moving ahead with plans to install it at its five high school football fields.

Restricting student speech not always justified



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

Schools can – and often must – protect students from the invasion of their legal rights by other students. A three-judge panel of the Seventh Circuit Court of Appeals acknowledged this while also citing several U.S. Supreme Court cases holding that people do not have a legal right to prevent criticism of their beliefs or way of life. The Court held in *Nuxoll v. Indian Prairie School Dist. #204*, — F.3d —, 2008 WL 1813137, that a high school student has a limited constitutional right to express negative comments against other students' beliefs or ways of life within a school.

The plaintiff, a sophomore in a very large Illinois high school, brought suit contending that the school district and its school officials violated his right to free speech. He claimed the school improperly forbid him to make negative comments (the plaintiff agreed for the court record that his comment was meant as negative) at school about homosexuality by wearing a T-shirt stating “Be Happy, Not Gay.” School administrators banned the phrase, citing the district’s policy prohibiting “derogatory comments oral or written that refers to race, ethnicity, religion, gender, sexual orientation or disability.” In compromise, school officials suggested deletion of “Not Gay” so the slogan would read in the positive, “Be Happy, Be Straight.”

The plaintiff asked a federal district court for a preliminary injunction so that he could wear the T-shirt; that request was denied. The plaintiff then appealed to the Seventh Circuit Court of Appeals and a panel reversed the district court’s order with direc-

DEVELOPMENTS IN SCHOOL LAW

tions to allow the student to wear his T-shirt because the T-shirt’s original slogan did not violate the district’s policy forbidding derogatory comments.

The panel first addressed the contested constitutional validity of the district’s policy forbidding certain derogatory comments. The panel upheld that policy and then discussed whether “Be Happy, Not Gay” was derogatory under the district’s policy.

To determine whether the comment was derogatory, the majority opinion focused on more traditionally recognized, viewpoint-neutral, concerns about the disruption of the educational process (i.e. *Tinker* considerations). The majority opined that under *Tinker* and *Morse v. Frederick*, school officials have broad rights to restrict speech that is sufficiently derogatory of various groups, “[when] there is reason to think that a particular type of student speech will lead to a decline in students’ test scores, an upsurge in truancy, or other symptoms of a sick school – symptoms therefore of substantial disruption.”

Two panel members opined that the message “Be Happy, Not Gay” was not a derogatory comment prohibited by the district’s policy; they characterized it as a “play on words.” They concluded that the comment is only tepidly negative because “derogatory” or “demeaning” seemed too strong a characterization. The third panel member’s opinion disagreed, saying “the statement is clearly intended to derogate homosexuals.”

All panel members agreed, however, that whether derogatory or not, the statement came nowhere near a substantial disruption — the majority opinion stating that on the current record, speculation that the statement might poison the educational atmosphere is not enough to

justify prohibiting the speech. Thus, the panel decided that forcing the student to delete “Not Gay” from his T-shirt stretched the district’s policy too far.

The case now goes back to the federal district court judge who “will be required to strike a careful balance between the limited constitutional right of a high school student to campaign inside the school against the sexual orientation of other students and the school’s interest in maintaining an atmosphere in which students are not distracted” from study by debates over personal identity.

What does this mean for school officials?

School officials must still make a case-by-case and hard-to-predict evaluation of when speech is likely to be disruptive. Speculation is not enough. Tepidly negative speech is not enough. Demeaning and even derogatory statements are too strong a characterization in certain circumstances. Context is vital, and while the bright-line test that outlines what particular statements are worthy of restriction still does not exist, the panel did single out some examples of derogatory comments throughout the opinion.

Still acknowledged in that opinion is the deference owed to school authorities on issues of how to run schools in a way that will preserve an atmosphere conducive to learning; at one point the majority opinion states that those not working in schools are “outsiders.” For that, school officials can remain confident that their training and experience in conjunction with consultations with their board attorneys will assist them in making those frequently split-second, and often litigated, decisions.

See **STUDENT SPEECH** on page 11

Benefit from acting quickly on Joint Annual Conference mailing

June 6 was the mailing date for IASB's Joint Annual Conference registration packet, which includes valuable information about housing accommodations. Demand for housing is always high, thus conference planners recommend that reservations be made as soon as possible.

Conference planners also advise looking over the conference packet as soon as it arrives in the mail. There are ample benefits to be had from dealing with it promptly, insiders say, including getting the lowest registration rate and securing the accommodations desired.

Now is the time to begin thinking up resolutions for the IASB Delegate Assembly. Local boards must adopt and submit resolutions, and board members may need time to deliberate over the ideas to be proposed. Resolutions adopted by the delegates at the Joint Annual Conference become official policy of the Association, guiding IASB in the coming year.

Housing for the conference goes fast. Participating hotels this year include: Hyatt Regency Chicago (Headquarters), Sheraton Chicago (Headquarters), Chicago City Centre, Chicago Marriott, Embassy Suites, Fairmont Hotel, Intercontinental Hotel, the Palmer House, and Swissotel. Conference housing rates range from \$147 to \$167 per night.

Conference goers must register for the event by Oct. 14 in order to get the lowest registration rate of \$330

per person; after that the cost is \$355 per person.

The yearly conference, sponsored by the Illinois Association of School Boards, Illinois Association of School Administrators, and Illinois Association of School Business Officials, will be held this year from Nov. 21-23 in Chicago.

Conference General Session Speakers listed

The following information about Joint Annual Conference Speakers was contained in the conference mailing sent to superintendents and publicly released on June 6.

1st General Session: Alan Blankstein

Blankstein is founder and president of the HOPE Foundation, a not-for-profit organization whose Honorary Chair is Nobel Prize winner Archbishop Desmond Tutu.

2nd General Session: David Zach

Zach is one of the few professionally trained futurists in the United States, with a Master's Degree in studies of the future. Through his company he works with businesses, schools and associations each year to help them think about the future.

3rd General Session: Joe Martin

Martin is founder and president of Real/World University. He is also a speaker, professor, author and consultant.

STUDENT SPEECH *from page 10*

Note: IASB and the Illinois Association of School Administrators jointly filed an amicus (friend of the court) brief urging that school officials act consistently with the First Amendment principles of Tinker when they restrict student speech that "interferes with the rights of other students to be secure and to be let alone." The

brief also suggested that the "special characteristics of the school environment" create an "important governmental interest" in preventing physical and psychological harm to children in public schools – especially in light of Illinois' recent legislation regarding bullying and bullying prevention education.

NEWS FROM IASB

IASB officer nominations open for the coming year

The nominating committee of the Illinois Association of School Boards is seeking candidates for the offices of president and vice president.

The following criteria will be used by the committee in considering nominees:

- leadership experience and participation in IASB activities
- leadership on a local school board
- involvement with other education related organizations
- other leadership experiences
- special talent or interests of benefit to IASB as now constituted

Nominating forms are due to be submitted by early August, and candidates will be interviewed that same month. A slate of candidates will be presented to the Delegate Assembly meeting in Chicago at the 2008 Joint Annual Conference in November.

To request necessary forms, interested candidates should write: IASB, 2921 Baker Drive, Springfield, IL 62703 or phone 217/528-9688, ext. 1102.

May/June Journal focuses on half-day versus all-day 'K'

Learn how three pairs of neighboring school districts came to their decisions on half-day versus all-day kindergarten based on different reasoning and different needs in the May/June cover story, "A tale of two kindergartens," in the latest issue of *The Illinois School Board Journal*.

In addition, hear one reform-minded high school principal explain why the U.S. needs to provide all students with a globally competitive education, in "Global competitiveness demands better education."

Annual summit focuses on helping bilingual parents, educators succeed

More than 500 parents and education professionals focused on ways to help parents and districts better serve bilingual students at the Third Annual Statewide Summit for Bilingual Parents. The May 17 summit in Oak Brook drew together members of the Bilingual Parent Advisory Councils (BPAC) and other parents of students in language support programs to learn ways to form partnerships between schools and community organizations to become advocates on behalf of the state's English Language Learners (ELL).

"The summit provides practical information and resources for bilingual parents on a variety of important topics that will better equip them to help their children succeed in school," said Jesse Ruiz, chairman of the Illinois State Board of Education.

The summit was focused on four major topics: Pre-K-12 education, higher education opportunities, parental leadership and advocacy, and community outreach and family support.

"The summit is a great resource for parents. It teaches you a lot of things and allows you to network with your groups and organizations," said Adriana Carpio De Palma, president of the PAC for **School District U-46**, Elgin. She explained that the summit informs parents where resources are, the services

available and more.

The resources and services are increasingly in demand. The number of Limited-English Proficient (LEP) students in Illinois has expanded from 90,000 in 1990 to 186,484 in 2006-2007. LEP students include those eligible for bilingual education services.

Districts that receive state money for Transitional Bilingual Education (TBE) programs are required to have a BPAC that meets four times a year. There are more than 200 BPACs in Illinois. More than 50 public school districts from across the state were represented at the one-day conference.

The deadline for school districts to apply to serve ELL students is June 30. Information about ELLs and how to apply is available online at <http://www.isbe.net/bilingual/default.htm>. The Web site includes a link to the consolidated application site.

Note: The rules have changed for those who downloaded the FY09 Consolidated Application to Serve English Language Learners (long version) prior to May 7. Specifically, a correction was made to the FY09 funding ceiling calculator. To make sure FY09 funding ceiling calculations are accurate, applicants must replace their existing ceiling calculator with the one now online at http://www.isbe.net/bilingual/htmls/ceiling_calc.htm.

CALENDAR OF EVENTS

- August 22-23 — IASB Board of Director Retreat**, Pheasant Run, St. Charles
- August 23 — IASB Board of Directors' Meeting**, Pheasant Run Resort, St. Charles
- August 26 — Diversity and Inclusion Awareness Workshop**, SIU Touch of Nature, Carbondale, 5:30 - 9:30 p.m.
- September 4 — Diversity and Inclusion Awareness Workshop**, IASB, Springfield, 5:30 p.m. - 9:30 p.m.
- September 10 — Diversity and Inclusion Awareness Workshop**, IASB, Lombard, 5:30 p.m. - 9:30 p.m.
- September 16 — Professional Advancement Seminar: Seeking the Superintendency**, IASB Springfield Office, 9 a.m. - 3 p.m.
- September 18 — Professional Advancement Seminar: Seeking the Superintendency**, IASB Lombard Office, 9 a.m. - 3 p.m.
- September 25 — Southwestern Division Fall Dinner Meeting**, Millstadt CCSD 160, 6 p.m.
- October 2 — Abe Lincoln Division Fall Dinner Meeting**, Sangamon Valley CUSD 9, 6 p.m.
- October 5-7 — Illinois Principals Association Annual Conference**, Peoria
- October 14 — Corn Belt Division Fall Dinner Meeting**, Pontiac CCSD 429



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