

Illinois SCHOOL BOARD Newsbulletin

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Trend toward school consolidation has slowed, not stopped

Count of districts fell by just one in FY 2010

Although school consolidation has been a long-term trend in Illinois, the count of school districts changed very little in Fiscal Year 2010, ending on June 30, 2010. From Fiscal Year 2000 to Fiscal Year 2009, the number of Illinois school districts fell from 897 to 869, a reduction of more than 3 percent, but the number dropped by just one this past school year. (See the list of the consolidations each year from 1999-2009, on p. 5)

The one school consolidation that occurred in FY 2010 involved the for-



mer **Aledo CUSD 201** and **Westmer CUSD 203**, which voted in early 2009 to consolidate to form **Mercer County District 404**. District 404 is located in northwestern Illinois and covers an area of 370 square miles, making it the fifth-largest district, geograph-

ically, in the state. The new district, which just completed its first year in operation, serves approximately 1,500 students from pre-kindergarten through 12th grade in five buildings.

The state of Illinois is approaching the \$1 million mark in money owed the new district, according to Superintendent Alan Boucher. Among the payments due from the state is more than \$100,000 in consolidation incentive money.

“Earlier this school year, we were concerned with the state and were hoping it was just a matter with them being 60 to 90 days late, but it’s well

See **CONSOLIDATION** on page 4

Recession, state deficits creating staff cutbacks, unemployment claim concerns

The state of Illinois and the economy have taken quite a toll on school districts this past year. Feeling the crunch, school districts have been forced to make significant cutbacks up to and including staff.

But what can a school district in Illinois expect to pay when a layoff occurs and an unemployment claim is filed?

First, Illinois charges one employ-

er for the entire unemployment claim. That is the last party to employ the claimant for 30 working days. It is possible for more than one organization to fall in this category so the Illinois Department of Employment Security (IDES) will determine the most recent employer to be liable for the claim.

The next question is what the unemployment claim will cost the school district. This can be difficult to determine accurately since there

can be a number of unknown factors making up the weekly benefit amount.

When a claim is filed, IDES establishes a benefit year and determines the base period for the claimant. The chargeable base period is the first four of the last five completed calendar quarters for the claimant. The wages paid to the claimant in those four quar-

See **RIF** on page 3

On the inside

‘Last-hired, first-fired’	Page 2
New staff member	Page 7
School law column	Page 10

**School Code
Service now
available**

Page 11

New federal race, ethnicity data standards to be employed

ISBE will implement the new federal race and ethnicity data standards starting with data to be reported for the 2010-11 school year. Information is posted on the ISBE website at <http://www.isbe.net/research/default.htm>.

For 2010-11 reporting, race and ethnicity must be re-identified for all students and staff. Parents and guardians should identify for students, unless a student is 18 years of age or older or emancipated. Respondents must answer a two-part question to indicate ethnicity and one or more of five races.

If a parent or guardian declines to respond, schools must use observer identification to provide the missing information. The process for reporting collected data is different than the process for the collection of data from individuals.

For answers to questions, contact the Data Analysis and Progress Reporting Division of ISBE at 217/782-3950.

Federal AYP status reports to be released soon

The 2010 Annual Yearly Progress (AYP) status reports for high schools are scheduled to be released on July 13, 2010, under the No Child Left Behind Act (NCLB). These status reports should be considered final unless schools request rescoring or make further corrections related to AYP data. Schools choosing to check their AYP reports early are encouraged to recheck later.

Investigations of alleged testing irregularity may result in changes even after the deadline for corrections. The status report will be generated on a daily basis as schools complete their electronic report card data. For information visit: <http://www.isbe.net/assessment>.

Report suggests schools heavily weigh teacher performance in making layoffs

With 300,000 education layoffs expected nationally (and up to 17,000 in Illinois alone), students could be the ones who will suffer the most, some experts say. Schools could see more crowded classrooms, shortened school days and weeks; and less individual attention and reduced help for students from teachers and support staff.

How can our schools continue to succeed when some students are getting less time in the classroom, fewer instructors and fewer supports?

One answer may be to rethink schools' "last-hired, first-fired" seniority policies, according to a recent research study by the National Council on Teacher Quality (NCTQ). The Council tapped its TR3 (Teacher Rules, Roles and Rights; www.nctq.org/tr3) database to examine district policies, some mandated by state law, for making layoff decisions. TR3 holds data from 100 school districts across all 50 states, including the 75 largest districts in the nation, as well as the 25 largest districts in the states that would not be otherwise represented. These 100 districts represent 20 percent of all public school students in the United States.

The NCTQ research study found not only that "the factory model approach of last-hired, first-fired is unusual among white collar professions," according to the report, but also that it is not the best approach.

As a March 5 *Chicago Tribune* editorial said in describing the study, "Most schools across the country make personnel decisions largely or entirely based on seniority. Last in, first out. Illinois law requires that teacher layoffs be based on seniority unless a school district and its local union negotiate different rules. Result: seniority is the deciding factor everywhere, according to the Illinois State Board of Education. So law and custom protect older teachers — whether they're good teachers or bad teachers."

Proponents of basing teacher layoffs on seniority alone say the process is more objective and thus fairer. No judgment or discretion is needed. Seniority-based layoffs also protect the best teachers who are those with the most experience, proponents add.

"However, this last assumption has proven not to be, on average, true," said the NCTQ report. "A conclusive body of research finds that teachers in their third year of teaching are generally about as effective as long-tenured teachers," it added.

"Furthermore, seniority-based layoffs lead to more jobs lost. Newer teachers cost less than more senior ones, which means that districts have to lay off a larger number of newer teachers to fill budget holes. Accordingly, classroom sizes must increase," the report stated.

The study argued that, because student academic progress hinges most on the quality of their teachers, teacher performance should be made a factor in any layoff. "Student needs should be paramount when considering how best to handle employment


See **TEACHER** on page 3

Illinois
SCHOOL BOARD
Newsbulletin

**Illinois Association
of School Boards**

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**ILLINOIS ASSOCIATION
OF SCHOOL BOARDS**

decisions. The academic costs of laying off teachers without attention to classroom performance are too onerous," said the study.

NCTQ recommendations

1. Eliminate the use of seniority as the primary or exclusive determinant in layoffs and rely far more on teacher evaluations. The quality of a school's staff is most likely to be strengthened when performance is an important factor in layoffs. Performance needs to be determined by a reliable teacher evaluation system, meaning that: 1) all teachers are routinely evaluated; 2) teacher performance is the preponderant criteria of the evaluation instrument; 3) principals are held accountable by the superintendent for the quality of their evaluations; 4) third party verifiers validate principal ratings; and 5) the evaluation system is capable of distinguishing multiple levels (not just two) of performance. Further, evaluations need to be transparent and systematic, two features that cannot be achieved in an ad hoc process, when principals are asked to rank teachers only immediately before a layoff.

Within the areas targeted for a layoff, teachers with overall unsatisfactory evaluations should be laid off first, regardless of experience. Teachers whose performance in some areas is less than satisfactory should follow.

2. Remove at least some of the seniority preferences. For districts that are unable to make performance a determining factor in layoffs across the board, NCTQ offers several compromises that remove at least some of the preference for seniority:

- Lay off first-year teachers first. Research shows that teachers who have been teaching only for a year are not likely to be a match for other teachers in terms of effectiveness. Targeting first-year teachers is preferable to treating all nontenured teachers as the same, as policy dictates in many districts. Second- and third-year teachers (who would still be nontenured in most states) are like-

ly more effective.

- Lay off nontenured teachers on the basis of performance, so that at least some of the lowest performers go first. This policy can be coupled with one that preserves seniority as the final determinant of layoffs for tenured teachers or one that makes some modifications to that seniority system. The point is that tenured and nontenured teachers can be treated differently and that latitude to do so may be in the contract.
 - Lay off teachers on the basis of a weighted system that gives points to performance and a few to seniority.
3. Allow a teacher's exceptional performance to exempt him or her from layoffs. This special needs clause can be in contract, policy or law. District and school officials need to be able

to argue that star teachers and those who fill important roles should not be laid off. Schools should be able to protect teachers, for example, who have a uniquely strong understanding of student data or who serve as strong mentors to others or who serve as strong incentives to others. At the very least, school systems should give principals the power to argue to a higher authority (a panel, the superintendent) for keeping an individual excellent or pivotal teacher during a layoff.

4. Don't use layoffs as an easy way to get rid of a teacher who should be fired.

For more information, see the study: *Teacher Layoffs: Rethinking "Last-Hired, First-Fired" Policies*, which can be found online at the National Council on Teacher Quality website at http://www.nctq.org/p/docs/nctq_dc_layoffs.pdf.

RIF from page 1

ters will determine the weekly benefit amount available for the claim. It may be difficult to determine those wages depending on how long the district employed the claimant.

A claimant can receive a minimum of \$1,326 to a maximum of \$13,806 in benefits if they were to collect the full 26 weeks available to them in Illinois. This does not include extended benefits, which currently are not charged back to the employer.

At the end of each calendar quarter, IDES notifies employers of the benefits paid to former employees against their account. If the employer is reimbursing (most school districts in Illinois have elected this option), then a check needs to be mailed to IDES to

cover the benefits paid for the quarter within a specified time period. For the taxpaying employers the benefits will impact the following year's unemployment tax rate that is normally mailed out Dec. 1 of each year.

If school district personnel have been given a reduction in force notification, they will be eligible to begin collecting unemployment benefits during the summer break, provided all other qualifications have been met. Claimants will continue to be eligible until they return to full employment.

Questions regarding a specific district can be directed to Marty Nagle at NSN Employer Services, 708/478-8051, or email him at: mnagle@nsnemployerserv.com.

Sponsored program on unemployment may control costs

The Illinois Association of School Boards has long sponsored an unemployment cost control program. It is currently handled through NSN Employer Services, a management firm based in Chicago that administers this program for IASB

member school districts.

For information about this program, call 708/478-8051 and speak with Marty Nagle or e-mail him at mnagle@nsnemployerserv.com. Or visit the NSN website at <http://www.nsnemployerserv.com>.

CONSOLIDATION *from page 1*

beyond that now,” Boucher said.

Most of the late payments are in transportation, pre-kindergarten, early childhood and special education areas.

“As of right now, the state has vouchered \$800,000 worth of payments to our school district,” Boucher said. “However, the comptroller of the state doesn’t have the money on hand, so will not give us that money.”

Another reorganization forming a new school entity – but not a new school district – came to pass when **Paris Cooperative High School [ISBE coop number 11023 8000 80]** was recently created by a referendum vote. Specifically, voters in **Paris CUSD 4** and **Paris-Union SD 95** voted in the November 2009 election to jointly operate a high school for all their students in grades 9-12. The new entity, which is similar to a special education cooperative, serves approximately 625 students in one building. It is to be operated on a tuition basis by the school boards of both participating districts.

The high school coop board does not, however, have the authority to levy taxes, and the school will operate largely under terms of a detailed intergovernmental agreement that spells out how the district pays for everything, and how responsibilities are shared between the two operating districts.

“We would like to get other nearby districts to join in, that is the goal,” explained Superintendent Connie Sutton of Paris-Union SD 95.

The new Paris Cooperative is the first such high school coop in the state. Creation of a cooperative high school is a new form of district reorganization under state law. It involves the establishment of a jointly operated high school by two or more contiguous unit or high school districts, each with an enrollment of fewer than 600 students in grades 9 through 12, while retaining the affected districts’ school boards. Such a formation requires: a board resolution by all boards affect-

ed; a successful referendum; and a cooperative agreement by the affected districts.

Voters have recently adopted one additional school consolidation, but it has not yet become effective. Supporters prevailed in passing one of two school district consolidation proposals on the ballot in April 2009. Approved was a proposal to combine **Girard CUSD 3** with **Virден CUSD 4**. The for-

“Consolidation, it’s sometimes a more efficient use of staff and facilities, but it is never easy.”

– William Phillips,
education professor

mation of the new **North Mac School District**, which so far has no district number, is expected to be completed in time for the opening of school this July.

As a result, students from Virден now will be able to take courses in accounting, French and sociology, courses that had been offered only to students at Girard. For the first time, as well, students from Girard now will be able to take courses in economics, photography, and Spanish, which had been offered only to students at Virден.

Another recently proposed consolidation — this one to combine **Meredosia-Chambersburg CUSD 11**, with **Triopia CUSD 27**, and **Virginia CUSD 64** — failed.

There are no known consolidation proposals on the ballot for the Nov. 2, 2010 elections. The deadline for districts to adopt a resolution placing such policy questions on that ballot is Aug. 27, 2010. The next available opportunity would be in the April 2011 elections.

The question of consolidating **Odin CHSD 700** and **Odin ESD 122**

may yet make it onto the Nov. 2 ballot. The two school boards split on May 17, however, on the question of bringing the consolidation to a vote of district residents. The high school board unanimously approved the resolution, but the grade school board voted four to two to table the motion until more information could be gathered.

The proposed consolidation was recommended last month by Nick Osborn, the boards’ consultant for the issue. No date has been set yet for the grade school board’s special meeting to discuss the issue further.

Why has school consolidation slowed so much in recent years?

“It’s such a complicated and emotional topic. When you start talking about changing your schools, people want to know ‘what are my taxes going to be,’” said William Phillips, a University of Illinois at Springfield (UIS) education professor, and an expert on school consolidation.

“Consolidation, it’s sometimes a more efficient use of staff and facilities, but it is never easy,” Phillips said.

2009-10 Totals

Number of Reorganizations

Consolidation	.1
Annexation	.0
Conversion	.0
Hybrid Formation	.0
Deactivation	.1
Cooperative HS	.1

Total3

Number of School Districts

Elementary	.378
Secondary	.101
Unit	.389
Cooperative HS	.1
DOC	.1

Total870

Recent School Reorganizations

Effective Date	Type of Reorganization	Annexed To or New School District Formed	School District Dissolved or Deactivated
7-1-00	Consolidation	Nippersink SD 2	Spring Grove SD 11 Richmond CSD 13
7-1-00	Annexation	DeKalb CUSD 428	Malta CUSD 433
7-1-01	Consolidation	Okaw Valley CUSD 302	Findlay CUSD 2 Bethany CUSD 301
7-1-01	Deactivation	Tuition to Navoo-Colusa CUSD 325	Dallas City CUSD 336 (HS portion)
7-1-01	Deactivation	Tuition to: Henry-Senachwine CUSD 5 Stark Stark County CUSD 100 Bureau Valley CUSD 340	Bradford CUSD 1
No Reorganizations effective with 2002-03 School Year			
7-1-03	Consolidation	West Prairie CUSD 103	Northwest CUSD 175 Colchester CUSD 180
7-1-03	Annexation	Pana CUSD 8	Tower Hill CUSD 6
7-1-03	Annexation	Waltham CCSD 185	Utica SD 135
7-1-03	Annexation	Allen Twp CCSD 65	Otter Creek-Hyatt SD 56
7-1-03	Annexation	Milford CCSD 280	Sheldon CUSD 5
	(7-2a(b) Dissolution)	Milford Twp HSD 233)	
7-1-04	Consolidation	Sangamon Valley CUSD 9	Niantic-Harristown CUSD 6 Illioplis CUSD 12
7-1-04	Consolidation	El Paso-Gridley CUSD 11	Gridley CUSD 10 Woodford El Paso CUSD 375
7-1-04	Consolidation	United CUSD 304	Alexis CUSD 400 Warren CUSD 222
7-1-04	Annexation (7-2a(b) Dissolution)	Downers Grove SD 58	Puffer Hefty SD 69
7-1-04	Annexation (7-2a(b) Dissolution)	Prairie Central CUSD 8	Chenoa CUSD 9
7-1-04	Annexation	Staunton CUSD 6	Livingston CCSD 4
7-1-04	Annexation	New Hope CCSD 6 Fairfield Public SD 112	Merriam CCSD 19
7-1-04	Deactivation	Tuition to East St Louis SD 189	Venice CUSD 3 (HS Portion)
7-1-05	Consolidation	West Carroll CUSD 314	Savanna CUSD 300 Thomson CUSD 301 Mt. Carroll CUSD 304
7-1-05	Consolidation	West Central CUSD 235	Union CUSD 115 Southern CUSD 120
7-1-05	Consolidation	Crescent-Iroquois CUSD 249	Crescent City CCSD 275 Crescent-Iroquois HSD 252
7-1-05	Consolidation	Schuyler-Industry CUSD 5	Schuyler County CUSD 1 Industry CUSD 165
7-1-05	Consolidation	Monmouth-Roseville CUSD 238	Monmouth USD 38 Roseville CUSD 200
7-1-05	Annexation	Benton CCSD 47 Thompsonville SD 62	Logan CCSD 110
7-1-05	Deactivation	Tuition to: Bismarck-Henning CUSD 1 Hoopston Area CUSD 11	Rossville-Alvin CUSD 7 (HS)
7-1-06	Consolidation	Prairieview-Ogden CCSD 197	Prairieview CCSD 192 Ogden CCSD 212
7-1-07	Consolidation	Western CUSD 12	Barry CUSD 1 West Pike CUSD 2
7-1-07	Consolidation	Thompsonville CUSD 174	Thompsonville SD 62 Thompsonville CHSD 112
7-1-07	Annexation (7-2a(b) Dissolution)	Auburn CUSD 10	Divernon CUSD 13
7-1-07	Annexation	United CUSD 304	Yorkwood CUSD 225
7-1-07	Conversion	Carthage Elementary SD 317 Dallas Elementary SD 327 LaHarpe Community SD 347 Illini West HSD 307	Carthage CUSD 338 Dallas CUSD 336 LaHarpe CUSD 335
7-1-08	Hybrid Formation	Flanagan-Cornell Unit 74	Flanagan CUSD 4 Cornell HSD 70
7-1-08	Deactivation	Tuition to Nauvoo-Colusa CUSD 325	Warsaw CUSD 316 (7-8)
7-1-08	Deactivation	Tuition to: Warsaw CUSD 316	Nauvoo-Colusa CUSD 325 (9-12)
7-1-09	Consolidation	Mercer County School District 404	Aledo CUSD 201 Westmer CUSD 203
7-1-09	Deactivation	Tuition to: Cissna Park CUSD 6 Iroquois County CUSD 9 Iroquois West CUSD 10	Crescent-Iroquois CUSD 249 (9-12)
7-1-09	Cooperative HS	Paris Cooperative High School	Paris CUSD 4 (9-12) Paris-Union SD 95 (9-12)



Journal's July/August cover story says home school claims unproven

State officials quoted in the July/August *Illinois School Board Journal* cover story say a lack of information about home schooling in Illinois could be masking truancy in some cases, but their hands are tied to address such concerns. There are essentially no restrictions or regulations on home schooling conducted in English.



Similarly, although home schooling supporters claim that their students perform better on standardized exams than public school students, all testing is voluntary for students schooled at home. "So these claims, too, ring a bit hollow," according to Ginger Wheeler, a Glen Ellyn freelance writer.

In sum, despite success stories shared by advocates of home schooling, and recounted by the author, there is no data to back up the claims. "And with no accurate numbers, the complete story of home schooling may never be known," Wheeler writes, in "Rising home schooling? Who really knows?"

The July/August *Journal* also contains articles on designing and planning for new Science, Technology, Engineering, Mathematics (STEM) labs, the legal answers to common home schooling concerns, and the community involvement process.

School breakfast program start-up grant applications sought to surmount barriers

The state recently announced the availability of School Breakfast Program Start-Up Grants totaling up to \$3,500 per school. The money may be used to assist schools in overcoming some of the barriers associated with starting a new school breakfast program.

Past recipients have used grant funding to purchase items such as point-of-service software, two-door coolers, food warmers, rolling carts, garbage cans, stack ovens, toasters, menu boards, cereal dispensers and outreach materials.

For sites to be eligible for the grant, they must not have started a school breakfast program more than 12 months prior to application, and must agree to operate a program for at least 20 serving days in the start-

up year, and three years thereafter. Priority is given through Aug. 15 to schools with 40 percent or greater free and reduced-price meals eligibility.

Funding for this grant is contingent upon approval of a fiscal year 2011 state appropriation for this program. The amount of state funds available is not yet established because ISBE has received a lump-sum budget amount and is required to allocate funds as it sees fit. Last year under somewhat similar circumstances, the total made available was \$362,500.

If a school meets the criteria and is interested in starting a School Breakfast Program, visit http://www.isbe.net/nutrition/htmls/breakfast_state.htm for the School Breakfast Program Start-Up Grant application.

Schools in 43 districts to get nearly \$1 million to improve their cafeterias

Cafeterias in many schools around the state will receive nearly \$1 million in improvements, the Illinois State Board of Education announced on June 10. Federal grant money will go to 57 schools in 43 different school districts.

The recipients are participants in the National School Lunch Program,

and all had applied for the funds to improve the quality of meals, increase energy efficiency and participation in school meal programs.

Only schools that did not receive a FY09 NSLP equipment assistance grant under the American Recovery and Reinvestment Act of 2009 (ARRA) were eligible to apply for the compet-

itive grant. Participating sites had to have at least 50 percent of students eligible for free and reduced-priced meals.

The State Board will administer \$903,000 in grants of \$500 or more.

The money may be used to purchase, renovate or replace equipment, such as purchasing an equipment alternative to a deep fryer.

Board meeting focuses on Association's mission, ends statements on governance

IASB's Board of Directors met May 22 in Springfield and reviewed budget recommendations and adopted budget assumptions for 2010-11.

President Joseph Alesandrini opened the meeting by announcing that Immediate Past President Mark C. Metzger has been elected to the NSBA Executive Committee.

On Friday evening the board spent time reviewing and discussing the comments and notes from the Leadership Conference Community Conversation held with division leadership. During this review they focused on the leadership's answers to the conversation's three questions: What do you understand the IASB to be? What does local governance mean to you and what should the IASB be doing to support it? How can the IASB better support and promote the value of public education?

Specifically, the board reviewed how those answers would impact their

own future work of re-examining and possibly revising the Association's mission and ends statements.

On Saturday the board spent additional time in preparation for its mission and ends work by identifying and discussing the Association's strengths, weaknesses, opportunities and threats.

The board also:

- Received monitoring reports on ends, executive limitations and governance process policies
- Received and approved an amended annual board planning cycle monitoring report
- Received the NSBA delegate report, the IHSA report, the legislative update, the Service Associates report and a staffing update

The Executive Committee will meet on July 16 in Springfield. The board's next meeting is set for Aug. 27-28, at the Marriott Oak Brook Hills Resort, in Oak Brook. This will be the annual retreat meeting of the board.

Rice accepts post as field services director for the Egyptian, Illini, Shawnee, Wabash divisions

Patrick Rice has accepted a position as a field services director with the Illinois Association of School Boards after four years as



Patrick Rice

principal of J.L. Buford School, in Mt. Vernon SD 80. Rice will replace Dave Love as director of field services for the Association's Egyptian, Illini, Shawnee, and Wabash Valley divisions.

Rice, who recently received his doctorate degree, will begin working with school boards on July 1.

Through IASB, school boards can have access to programs such as professional development; governmental relations; direct services ranging from on-site consulting, evaluation to workshops and policy development; and information services for research, publishing and media relations.

"I did my dissertation on school board training and evaluation," Rice explained. "So this position is right into my specialty. I will be doing things like in-service with school boards, if they need workshops or training, I will come in and do whatever they need, including self-evaluation."

NEWS FROM IASB

Conference mailing requires prompt action for housing

June 11 was the mailing date for IASB's 2010 Joint Annual Conference registration packet, containing valuable information about housing accommodations and registration. Conference planners recommend that districts make reservations as soon as possible because demand for housing is always high and the allotted number of rooms at conference rates goes quickly.

Registration fees will be \$350 if reservations are made by Oct. 15. The conference, sponsored by the Illinois Association of School Boards, Illinois Association of School Administrators, and Illinois Association of School Business Officials, will be held Nov. 19-21 in Chicago.

Change seen in distributing conference badge holders

To reduce mailing costs and still serve members in a convenient and timely fashion, badge holders need to be picked up onsite at conference. Pre-registered attendee badges/ribbons, however, will still be included in the packet mailed to district superintendents for each district's registrants on Nov. 5.

To obtain the badge holder, attendees should go to one of the following four locations and show the attendant their conference badge:

- IASB Registration Desk, Grand Ballroom Foyer, Hyatt, (Fri., 7:30 a.m.-5 p.m.; Sat., 7:30 a.m.-noon)
- IASB Information Desk, Ballroom Foyer, Sheraton, (Fri., 8 a.m.-5 p.m.; Sat., 7:30 a.m.-5 p.m.)
- School Board/District Secretary Program, Swissotel, (Fri., 9 a.m.-3 p.m.; Sat., 10:30 a.m.-4:30 p.m.; *workshop participants only.*)
- Illinois ASBO Workshop Registration Desk, Swissotel, (Fri., 7:30 a.m.-3 p.m.; *workshop only.*)

**2010 IASB-IASA-IASBO
JOINT ANNUAL CONFERENCE
NOVEMBER 19-21, 2010 · CHICAGO**

New law abolishes suburban Cook regional education office

Gov. Patrick Quinn has signed legislation that abolishes the Suburban Cook County Regional Office of Education. HB 16 (Nekritz, D-Northbrook) abolishes the Regional Office and transfers those duties and powers to the Education Service Center. The law takes effect on July 1.



Charles Flowers

The move comes after the office's superintendent was charged with theft and official misconduct in January. Charles Flowers has pleaded not guilty to charges he stole nearly \$400,000 from the office over two years. He resigned as superintendent in May.

The legislation redistributes the office's duties to three intermediate service centers — one in each of the northern, southern and western parts of Cook County.

The redistributed duties include processing teacher certifications, providing school bus driver training and performing background checks.

The office served more than 140 school districts. It was previously abolished in 1992, but resurfaced in 1994.

That means the 18-month backlog of teacher certifications — something the regional office was charged with, but failed in doing — finally will begin moving again.

Vanessa Kinder, director of the intermediate center that will serve

Southland schools, said she is working with directors of the other two centers to create a new workflow.

Kinder said it's exciting and challenging, and the offices probably have to employ some new staff, but she thinks it can work.

Kinder said every intermediate service center director and staff member knows their areas best, and should serve students and staff more efficiently. She and the other directors will have to work quickly to hammer out details of the service structure.

"We have a few weeks for sorting all this out," she said. But they are all ready to get started, and many district superintendents have called to say they are thrilled, she said.

NSBA opens registration, reveals programming for national conference on school technology Oct. 19-21

Registration opened in May for the national T+L Conference, a K-12 education technology conference designed for school district leadership teams. The event, which is one place to find ways to boost the school district's technology performance, will be held Oct. 19-21 in Phoenix.

Presented by the National School Boards Association (NSBA), T+L is designed for teams of technology directors, superintendents, school board members, district administrators, principals, and lead teachers.

2010 programming will include more than 50 district workshops sharing best practices and innovative strategies on these timely topics:

Digital Content – How digital resources can transform learning, including virtual schools and distance learning, open resources, innovative devices for access, Web 2.0 tools, etc.

Education Technology Policy & Advocacy – The latest legal issues including cyber safety, sexting, student-faculty communications, strategies for building community partnerships, and the use of data to guide leadership.

International Perspectives – Projects and tools that support international collaboration between teachers & students, global perspectives on the use of technology and examples of the changing global marketplace.

Creating & Supporting Learning Environments – Programs that highlight safe infrastructure, 24x7 access, innovative facility designs, enhanced communication channels, green technologies, and data systems.

Professional Development Communities – Strategies for content, design, or delivery of professional development, with examples that use data and support models for continuous improvement.

S.T.E.M. – Initiatives that engage students and the community, prepare teachers, or create compelling career pathways to enhance science, technology, engineering, and math.

Registration and housing for the event is now open. To register online visit: https://secure.nsba.org/register/tl/2010/tlreg_welcome.cfm. For more information or to register by phone, call NSBA at 800/950-6722.

August luncheons aim to help new superintendents network, learn the ropes

The Illinois Association of School Boards is inviting new superintendents (first-time school district superintendents and those new to Illinois) to one of two luncheons being held in August.

The Lombard office of IASB will host new superintendents on Wednesday, Aug. 11, followed by a similar luncheon event at the IASB Springfield office on Thursday, Aug. 12.

Both luncheons will run from 11 a.m. to 2:30 p.m. and registration is free for new superintendents.

The events are a great opportunity for new superintendents to learn about IASB and its services, to meet IASB staff members available to assist them in their new responsibilities, and to network with peers. Invitations will be sent in early July and those interested in attending are asked to choose which date and location is most suitable to them.

RSVP the Lombard event via Loretta Cotten at 630/629-3776, ext. 1237 (lcotten@iasb.com), or the Springfield event by contacting Holly Emery at 217/528-9688, ext. 1116 (hemery@iasb.com).

NEWS HEADLINES

Belleville (May 20, *Belleville News-Democrat*) When it comes to funding education, Jim Rosborg says, while fixing Illinois' problems will take a lot of time, local communities can help bring about a solution by putting the focus back on kids. "There are no quick fixes in education," Rosborg, McKendree University's director of graduate education, told local school, business and city leaders on May 19 at a Greater Belleville Chamber of Commerce meeting. "We are in a situation now that is going to be hard to get out of, and it's going to take a long, long time." Rosborg is a former superintendent of Belleville District 118.

Belleville (May 21, *Belleville News-Democrat*) The education gap between black and white students hurts everyone, according to a nonprofit group seeking ways to improve black students' test scores. During a May 20 committee meeting about the academic achievement gap between black and white students, there was a general consensus that the gap is an area-wide crisis. "This is not an isolated situation," said St. Clair County Circuit Judge Milton Wharton, who guided the dialogue at the meeting. "It affects every aspect of our being." Racial Harmony, a Swansea-based nonprofit group that addresses the area's race-related issues through dialogue, hosted the meeting where about 30 people discussed the factors that contribute to the gap and how to close it. The group includes municipal and county officials, residents, former educators and representatives from local school districts, businesses, churches and health-care agencies.

Chicago (May 19, *Chicago Sun-Times*) New nutrition guidelines are in place for next year in Chicago District 299, and local schools are taking steps to make healthier foods available to students. The new guidelines exceed the standards issued by

the United States Department of Agriculture, coming closer to the more ambitious National School Lunch Program of the Institute of Medicine, which was issued last October. District 299 will offer more and different vegetables, including more orange and "dark" vegetables, cut sodium by five percent annually, and require daily servings of whole grains, three grams of fiber-filled foods and a reduction in fat. Louise Esaian, CPS Logistics Officer, who oversees the district's Nutrition Support Services, said that the new standards represent a massive logistical and financial undertaking. The changes needed to be both affordable and far-reaching, she said.

Chicago (May 21, *Chicago Sun-Times*) Chicago's eighth-grade reading scores haven't really changed since 2002 on a key national test, although fourth-grade results have seen a gradual uptick, results released on May 20 show. On the National Assessment of Educational Progress, 45 percent of Chicago fourth-graders reached at least the "basic" reading level in 2009. Meanwhile 60 percent of eighth-graders hit that mark, but only 16 percent of fourth-graders and 17 percent of eighth-graders reached the higher bar of "proficient." Eighth-grade reading scores did not show any significant gains between 2002 and 2009, an era spanning most of U.S. Education Secretary Arne Duncan's tenure as Chicago schools' CEO.

Fox River Grove (May 20, *Northwest Herald*) Teachers in Fox River Grove CSD 3 will get raises next year, but they will not be tied to a salary schedule as in the past, and as used by most other school districts. The teachers union and the district reached a new three-year deal recently that goes into effect in the fall and lasts through the 2012-13 school year. Under the new contract, certified

staff will receive a \$989 flat raise the first year, a \$1,007 raise the second year, and a \$1,026 raise the third year. The salary structure stands in stark contrast to the previous contract, which used a salary schedule to give teachers step increases based on experience and education, as well as percent raises each year. "Both parties realized that was not a fiscally responsible thing in this economy," Superintendent Tim Mahaffy said.

Highland Park (May 17, *Chicago Tribune*) Big crowds were expected at a North Shore school board meeting on May 17 over a proposal to replace grass football fields with artificial turf at Highland Park High School. But that was before former Alaska Gov. Sarah Palin weighed in over a bigger district controversy. The district gained national attention recently for not allowing the high school's girls basketball team to play in an Arizona tournament next season. Township High School District 113 officials cited student safety concerns because of Arizona's new crackdown on illegal immigration, stating, "We cannot commit at this time to playing at a venue where some of our students' safety or liberty might be placed at risk because of state immigration law." The basketball team matter will not be on the next board agenda, however, which was established before the controversy began, officials said.

Naperville (May 19, *The Daily Herald*) Indian Prairie Unit District 204 has rehired the full-time equivalent of 70.5 teachers only about two months after releasing 145 non-tenured teachers. Assistant Superintendent Nancy Valenta said on May 17 that many of the rehires were made possible by staff turnover and attrition. "We're hiring back as the need arises and the specification of the position calls for," Valenta said. The district faces a \$21.4 million deficit.

Cases show need to respond to 'red flags' of sexual abuse of a student



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

Qualified immunity aims to protect public officials from the fear of litigation in performing discretionary functions that the law entrusts to them. It shields public officials from being sued for damages unless they violate a "clearly established" law that a reasonable official in the same position would have known.

The Illinois Tort Immunity Act provides immunities from and defenses to local public entities and public employees from liability arising from the operation of government on tort law claims. School officials rely upon these immunity provisions to protect them when litigation strikes, but what happens when allegations surface that a school official knew about and covered up another school official's, educator's or school employee's sexual abuse of a student?

DEVELOPMENTS IN SCHOOL LAW

Here, the discussion reviews some inadequate responses by school officials to several red flags of sexual abuse. In one case, the court denied a school official qualified immunity. In the other case, the court applied the Tort Immunity Act, but warned the school officials involved. These cases underscore the importance for school officials to be prepared and respond appropriately if complaints arise in their own school districts.

In March, the U.S. Court of Appeals for the Seventh Circuit affirmed a lower Northern District of Illinois decision denying a principal's summary judgment motion for several students' equal protection and substantive due process claims based upon sexual abuse by a teacher [See *T.E. v. Grindle*, 599 F.3d 583, (7th Cir 13/16/10)]. The principal based her summary judgment motion on qualified immunity.

The facts allege that after hearing the students' complaints about their teacher, the principal provided a watered-down version of the stu-

dents' allegations, lied to other school officials about the extent of the teacher's actions, and imposed no discipline against the teacher beyond simple warnings.

Finding that the students alleged enough facts to show that the principal likely knew and covered up the teacher's sexual abuse of them, the court upheld the district court's denial of summary judgment based on qualified immunity to the principal. The court further found that the facts provided a basis for a jury to infer that the principal "swept the incident under the rug" and "turned a blind eye" to the abuse.

In January, a judge in the Central District of Illinois reviewed a school district's motions to dismiss many counts brought by parents on behalf of their children alleging that administrators: 1) had actual knowledge of a teacher's alleged sexual abuse of female students, and 2) knew that the teacher used his position, classroom

See **SCHOOL LAW** on page 11

Office of General Counsel welcomes legal assistants to learn from staff attorneys

IASB has established an externship placement relationship with Valparaiso University School of Law, in Valparaiso, Ind., and as a result, IASB's Office of General Counsel welcomed aboard two new legal assistants: Nika Grabavoy and Brian Zumpf. Both started work on May 24.

The two law students are working on about 20 projects, doing everything from preparing annotations for the IASB website's Recent Court Decisions, to reviewing contracts, and drafting policy and administrative procedures for PRESS.

They will be working with the Association in the Lombard office until mid-August and will be attending the Illinois Council of School Attorney's

seminar at the Joint Annual Conference in November.

Both are law students at the Valparaiso University School of Law. This is the first summer IASB has partnered with Valparaiso and offered an "externship" with law students earning credit for law school.

IASB's Office of General Counsel had to apply to the law school and describe the experiences that it could provide for the externship.

Grabavoy, of Darien, who recently completed her first year of law school, made the Moot Court Society as a full member. Additionally, she earned a teaching assistant position with a first-year writing class. She graduated from Marquette University in May 2009

with a Bachelor of Arts in history and a minor in English. As an undergraduate, she had an internship with U.S. Congresswoman Judy Biggert from Illinois' 13th Congressional District. She is interested in public policy and family law.

Zumpf, of Mount Prospect, just completed his second year at Valparaiso and is a member of the School of Law Honors Program. He earned his Bachelor's and Master's in political studies at the University of Illinois at Springfield. During his Master's studies, Zumpf interned with the lobbying firm of Cook-Witter Incorporated. He is interested in public policy, education law and employment law.

School Code Service now available containing print and CD versions

The 2010-2011 Illinois School Code Service is now available. IASB offers the newest edition in a package that includes



both the "2010 Illinois School Code" and the "2011 School Code Supplement."

Both the School Code and the Supplement consist of print and CD versions of the entire publication. The Association obtains the School Codes from LexisNexis, publishers of state statutes.

Current through all of the 2009 legislative session, the "2010 Illinois School Code" also carries a large number of additional statutes pertinent to the public schools, including selected election laws and pension laws, Educational Labor Relations Act, Open Meetings Act, Freedom of Information Act, Economic Disclosure Section of the Governmental Ethics Act, Truth in Taxation Act, Local Records Act, Personnel Record Review Act, Prevailing Wage Act, Emancipation of Mature Minors Act, Local Government

and Governmental Employees Tort Immunity Act, Gift Ban Act, pertinent sections from the Juvenile Court Act, School Visitation Rights Act, and a complete index.

Each copy of the new School Code and the 2011 Supplement comes with a CD ROM version that carries the full text of the Code, plus annotations with case law and other references, all state board of education rules and the text of court cases cited in the annotations. The CD is equipped with the Folio Views search engine for easy searching, saving and printing on any PC equipped with Microsoft Windows. The CD will not run on Apple or other operating systems.

The "2010 Illinois School Code" and CD will be shipped upon receipt of the order, while the "2011 School Code Supplement" and CD will be automatically shipped in May 2011. The two publications have been combined to eliminate the need for ordering the Supplement, thus saving districts time in receiving the Supplement and saving the Association the extra cost of handling a separate order.

The 2010-2011 School Code Service may be obtained from IASB for

\$65 (IASB members pay \$55) plus \$5 per order for shipping. Bookstore and carton prices are also available. To place orders, call IASB at 217/528-9688, extension 1108; mail or fax a printed order form; or visit the IASB bookstore and order online at: <http://www.iasb.com/shop/>.

Note: IASB will also soon publish the 11th edition of its top-selling book, "Illinois School Law Survey." It was scheduled for delivery by mid-June and was not available at press time.

The book, written by school attorney Brian A. Braun, is published in a Q&A format that allows readers to find answers to the most commonly asked questions facing or posed by school superintendents, school boards and the general public. More than 1,500 answers are based on state and federal statutes and case law in force and reported as of Jan. 1, 2010, and administrative rules and regulations current as of Dec. 15, 2009.

The retail price of this book will be \$40 (IASB members pay \$30) plus \$5 per order for shipping. Watch for announcements of availability on the IASB website, its online bookstore, and in this newsletter.

SCHOOL LAW from page 10

and computers provided to him in his classroom to act out privately and publicly (*Doe 20 v. Board of Ed CUSD 5*, 680 F.Supp.2d 957, (C.D. Ill., 01/11/2010).

The school district argued that the Tort Immunity Act barred one count against the administrators for *negligent supervision* of the teacher. The court stated that the administrators violated district policies which required documenting, investigating and reporting suspected child abuse. The court agreed with the school district and dismissed the negligent supervision count. But, the court gave warning that a *willful and wanton supervision* count would not get tort immunity protection. And then, the court gave the parents leave to re-

plead the negligent supervision count as willful and wanton supervision based upon how the school officials responded to several red flags. The court added that it would likely infer willful and wanton misconduct of the administrators from the overall allegations of the lawsuit.

How can school officials be prepared and respond appropriately if complaints happen in their school districts, especially when situations are unclear as they frequently are likely to be?

The key to an adequate response is preparation. Ask the board attorney to look at policies and procedures that require documentation, investigation and reporting of suspected and known child abuse. Consider inviting

the board attorney to train staff during the required in-service from P.A. 96-431. It requires each school board to conduct in-service training on educator ethics, teacher-student conduct, and school employee-student conduct. Expect all district staff to maintain boundaries and act appropriately, professionally, and ethically with students.

Know which school officials have authority to conduct the first on-site investigations, decide whether complaints have merit, and terminate investigations (for PRESS subscribers, the "Complaint Managers"). Educate staff about the district's uniform grievance procedure and guidelines for

See **SCHOOL LAW** on page 12

School mandates relief bill approved

The House of Representatives on May 26 approved the Senate's changes to the bill designed to provide relief to school districts from unfunded state mandates. HB 4711 (Eddy, R-Hutsonville) states that no school district is obligated to comply with any future mandate that is added to the Illinois School Code unless a separate appropriation has also been enacted that provides full funding for the mandate for the school year during

which the mandate is required. Before discontinuing or modifying a new mandate, the school district must petition its regional superintendent of schools for approval. The bill now heads to the governor for his consideration.

For more information about legislative progress of various bills, see reports from the Illinois Statewide School Management Alliance. The reports are available online at: <http://www.iasb.com/govrel/alrmenu.cfm>.

SCHOOL LAW *from page 11*

investigating complaints and allegations of misconduct. Educate the community about the district's uniform grievance procedure. Create an environment that encourages students and parents/guardians to report all inappropriate behavior.

Other recent public acts that require action by school officials include: P.A. 95-461 (board members' duty to report child abuse), P.A. 95-908 (superintendents' duty to disclose a DCFS report during a reference check), P.A. 95-944 (electronic and information technology workers' duty to report discovery of child pornography).

If a complaint happens, an appropriate response starts with an immediate call to the board attorney. Follow the policy and administrative procedures when investigating complaints,

including locating any past complaints involving the same school official, educator, or school employee.

Knowing the board attorney

"The key to an adequate response is preparation. Ask the board attorney to look at policies and procedures ..."

reviewed the policy and procedures and that training for all school staff occurred can keep school officials confident that they will be referred to in the same sentence as immunity instead of the words: under, rug and swept.

CALENDAR OF EVENTS

August 11 – New Superintendents Luncheon, IASB, Lombard

August 12 – New Superintendents Luncheon, IASB, Springfield

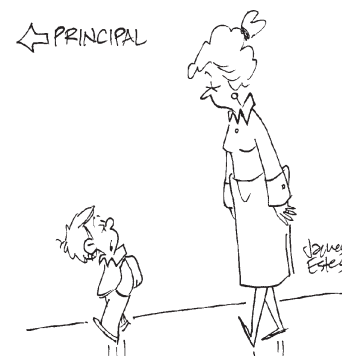
August 27-28 – IASB Board of Directors' Retreat/Meeting, Marriott Oak Brook Hills Resort, Oak Brook

September 14 – Wabash Valley Division Fall Dinner Meeting, Casey-Westfield CUSD 4C, Casey

September 21 – Professional Advancement - Seeking the Superintendency, IASB, Springfield

September 23 – Professional Advancement - Seeking the Superintendency, IASB, Lombard

For more information about coming events, see the IASB website at www.iasb.com/calendar/.



"Have I mentioned that my mom is president of the school board?"