

Illinois SCHOOL BOARD

Newsbulletin

July 2011 / Issue No. 709



Five buses burned

A fire at St. Joseph-Ogden CHSD 305 on June 16 did more than \$1 million in damage. To find what the district is doing about it, see p. 8.

Veto cuts transportation funds from \$6.8 billion education budget bill

The Illinois Senate on May 30 approved the House version of the Fiscal Year 2012 state budget that maintains the current foundation level and fully funds the mandated categorical grant programs at current levels. The final budget does not provide any state funding for teacher or administrator mentoring, principal mentoring, standards and assessments, advanced placement, growth model assessments, and Response to Intervention.

HB 327 appropriates \$6.85 billion to the Illinois State Board of Education (ISBE) – or \$171 million less than the FY '11 ISBE budget. The budget plan would maintain the current foundation level, \$6,119 per pupil. Some provisions of the budget include:

- a \$152 million cut to General State Aid with a plan to keep the foundation level flat (\$6,119) with a possible proration
- full funding of mandated categorical grants – including regular transportation, which the governor had slated for the chopping block
- the elimination of funding for

Broad package of education reforms targets teacher hiring, firing, promotion

On June 13, Gov. Pat Quinn signed SB 7, a collection of education reforms focused on changing how teachers are hired, fired and promoted. The bill, which was passed unanimously by the Illinois Senate in April, and was granted House approval on May 12, became law with the governor's signature.

The package of reforms builds on the Performance Evaluation Reform Act (PERA), passed last year, which ties teacher and principal evaluations

Also see *Mandatory training for board members*, page 4

to student growth.

Keys to the bill are new requirements related to the attainment of tenure, revisions to the dismissal process for tenured teachers, a basic rewrite of provisions concerning how teachers can be reduced in force (RIF procedures), and new requirements

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Piloting free meals program

Illinois is one of three states selected to pilot a federal universal option that promises to expand access to free meals to all students in schools that have high percentages of low-income children. More than 1,200 public schools in Illinois could be eligible to participate and provide free meals to more than 500,000 students at the start of the 2011-12 school year. "This option eliminates some of the paperwork for schools with a high percentage of students from low-income families," said State Superintendent of Education Christopher A. Koch. The program announced in June will eliminate the use of applications and parental income verification in high-poverty schools under the National School Lunch and School Breakfast Programs. Schools will use preexisting data to determine the amount of reimbursement they can claim from USDA. To participate, a district must have at least one school with 40 percent or more of students "directly certified" for federal free meals programs. For more information, including a recorded webinar and CEO worksheets, visit: http://www.isbe.net/nutrition/htmls/hunger_free.htm

Caution on audits

The ISBE is urging caution when accepting bids from a certified public accounting firm for the required Local Education Agencies (LEA) audit. It is suggested that school districts request the most current review and acceptance/ completion letter from the audit firm; and obtain the firm's license number and review the expiration date. Information regarding the status of the license is available from the Illinois Division of Professional Regulation (<http://www.idfpr.com/dpr/default.asp>).

Senate withholds consent on Chico appointment to chair state board

An Illinois Senate Committee met on June 22 and held up Gov. Pat Quinn's recent appointment of Gery Chico to chair the State Board of Education. The governor's office predicted Chico, an unsuccessful candidate for Chicago mayor earlier this year, would have no problem being confirmed later. His term will expire in January 2015.



Gery Chico

Since April 2004, Chico has been a senior partner at the Chicago law firm of Chico & Nunes, P.C. He has practiced law for over 25 years and has held a number of public service posts.

Chico served as chief of staff to Chicago Mayor Richard M. Daley from 1992 through 1995. Prior to that, he was deputy chief of staff. In 1995, Daley appointed Chico President of the board of trustees of Chicago District 299, the nation's third largest school system. Daley reappointed him for a second term in 1999.

In March 2010, Mayor Daley appointed Chico to the board of the City Colleges of Chicago, and he was elected as its chairman.

Sen. Tim Bivins, R-Dixon, said he

asked that Chico's appointment be held so that he could be asked whether he participated as a board member in the now-defunct Save A Life Foundation, a charitable organization that has faced media scrutiny over whether it trained as many children in first-aid as it said it did.

Bivins said he was not accusing Chico of wrongdoing. "There's millions of dollars that went to this foundation from not only the state, but from federal funds also. ... I'd just like a clarification."

Quinn spokeswoman Annie Thompson predicted Chico would be confirmed when the Senate meets for its fall veto session.

"We feel that his experience does meet the requirements, and we stand behind his appointment," Thompson said.

Senators said Chico's appointment will be held so that questions may be asked both in committee and prior to a confirmation vote on the Senate floor, with approval requiring a majority of elected members. Any nomination not acted on within 60 session days after the receipt thereof is deemed approved.

Deadline looms for state mandate waivers under School Code

The deadline is approaching to apply for waivers from mandates of the Illinois School Code – such as modifications to school calendar mandates or administrative rules. For requests to be decided this fall, they must be postmarked and mailed to the state by Aug. 14.

Applications must be sent to the Illinois State Board of Education in order to be included in the Fall 2010 Waiver Report. The report will be sub-

See **WAIVERS** on page 10


Illinois
SCHOOL BOARD
Newsbulletin

**Illinois Association
of School Boards**

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

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**ILLINOIS ASSOCIATION
OF SCHOOL BOARDS**

New civil union law compliance addressed in online guide

School districts seeking advice on how to implement the provisions of the new Religious Freedom Protection and Civil Union Act, which permits same-sex and opposite-sex couples to enter into a civil union in Illinois, can access a new online publication.

The document – *One Minute Memo: Civil Union Act Requires Insurance Policies to Conform Immediately* – is available on IASB’s website, at <http://iasb.com/law/CivilUnion-Act0611.pdf>. The information was prepared by the law firm of Seyfarth Shaw LLP.

It coincides with the release of new information from the Illinois Department of Insurance addressing key concerns that arose with passage

of the Civil Union Act. Prior to the state insurance department’s guidance, many legal experts assumed that the Civil Union Act would require group health plans that are fully insured to offer coverage to the partners in a civil union. But what was unclear was whether this new requirement would become effective immediately or only upon a policy renewal.

The department of insurance’s FAQs answer this question, stating that any insurance policy issued on or after June 1, 2011 must conform to the new Civil Union Act. All policies then in force, in fact, “are deemed to be automatically amended to conform,” the law firms said. That is true generally, except for self-funded group health plans, which are not impact-

ed by the Civil Union Act, according to the law firm.

Coverage for civil union partners is not required to become effective until the beginning of the next month following enrollment, the guidance document also states.

“There is a wealth of informational guidance provided by the document, and IASB is extremely grateful that Seyfarth Shaw has generously agreed to share an excerpt from it. It makes a good starting place for districts and school district cooperatives who wish to develop their own procedures. Districts should definitely review their plans and procedures, however, with their own school attorneys,” said IASB General Counsel Melinda L. Selbee.

BUDGET *from page 1*

teacher/administrator mentoring, principal mentoring, standards and assessments, advanced placement, growth model assessments, and Response to Intervention

- restored funding for Regional Offices of Education salaries

Before press time it was learned, however, that Gov. Pat Quinn had cut the education budget through the use of his veto pen. He removed all funding for salaries of regional superintendents of schools and their assistants, and reduced the transportation reimbursement line item by \$89 million.

As for the cuts in the transportation line item, the Governor’s office went on record stating that “getting kids to school is a local responsibility” and he had earlier said that the transportation costs can be borne out of a school district’s general state aid (GSA).

School management advocates criticized that reasoning. “Apparently lost in this theory is the fact that any shift of GSA to cover transporta-

tion costs will result in less funding available for classroom instruction and student achievement,” said Ben Schwarm, IASB’s associate executive director of governmental relations.

Schwarm added: “Ironically, throughout the spring legislative session the governor had advocated for additional state spending for education. His action last week, then, surprised many when he made budget cuts at the expense of public education...” according to Schwarm.

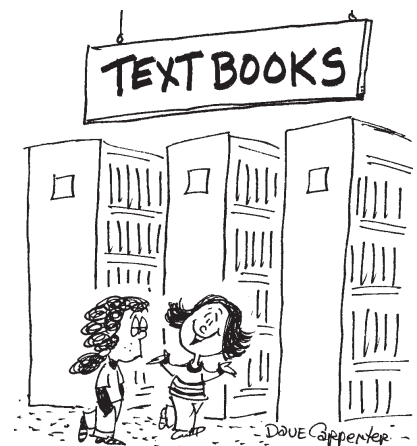
During the spring session House members, in a rare show of agreement between Democrats and Republicans, set \$33.2 billion as the maximum budget they would support. That was roughly \$1 billion less than Senate Democrats had planned for the budget.

Senators had sent to the House an appropriations bill that added an additional \$216 million for K-12 education, attempting to shore up General State Aid funding by \$152 million and add funding to other education budget line items. But the House did not concur in the Senate budget amend-

ment and it did not become part of the budget.

At session’s end, then, senators had to retreat from their spending plan, at least temporarily. They could not, for example, convince the House to provide higher funding for educational programs and human services.

The legislature will take up the governor’s budget vetoes when it returns to Springfield in October.



“I had no idea they had written so many books on texting.”

New state law requires board members to get leadership training

Minimum mandate signed into law June 13

School reform legislation, SB 7, signed by Gov. Pat Quinn and effective on June 13, 2011, requires a minimum of four hours of professional development leadership training for school board members. The requirement is applicable to only those board members who are elected after SB 7's effective date – which would be in April 2013 – or who are appointed to fill a vacancy of at least one year's duration after the bill's effective date.

Key provisions of the law are as follows:

Training requirements

A minimum of four hours of professional development is required in leadership training, including:

- Education and labor law,
- Financial oversight and accountability, and
- Fiduciary responsibilities

It is also required that school districts post on their websites the names of all board members who have successfully completed the training.

A training program is mandated, as well, on Performance Evaluation Reform Act (PERA) evaluations. The previously enacted PERA statute requires school districts to incorporate student growth as a significant factor in principal and teacher evaluations. Senate Bill 7, will allow school officials to incorporate performance into personnel decisions, including tenure, RIFs, tenured teacher dismissal, and so forth.

Who must receive training

As mentioned, the four-hour mandatory training is required for every school board member elected for a term beginning after the bill's effective date, and every school board member appointed to fill a vacancy of at least one year's duration after the bill's effective date. SB 7 also requires additional training on PERA evaluations for school board members who

participate in a vote on a dismissal based upon an "optional alternative evaluative dismissal process for PERA evaluations."

IASB staunchly opposed the provision imposing four hours of mandatory training for board members, according to Ben Schwarm, IASB's associate executive director of governmental relations. Schwarm said the bill was worked out over five

"The new law means school board members elected after the June 13 effective date will have to get professional development credits totaling four hours ..."

— Angela Peifer

months of intense negotiations. From the start, the mandatory training provision was adamantly opposed by IASB and the other members of the Illinois Statewide School Management Alliance, but the provision could not be kept out of the final bill without killing the entire reform package, according to Schwarm.

In addition to the training provisions of SB 7, there are also modest requirements for training contained in the Open Meetings Act (H.B. 1670), which will be effective upon its signing by the governor. Requirements of that bill call for training for every school board member about the general applicability of the OMA, plus its procedures and legal requirements. Such training must be completed within one year of the law's effective date.

Professional development opportunities

The mandatory four-hour training may be provided by the Illinois Association of School Boards or by another provider approved by the ISBE

in consultation with IASB.

The Illinois Association of School Boards will provide school board members with professional development opportunities designed to enable them to meet the statutory requirements and more.

"The new law means school board members elected after the June 13 effective date will have to get professional development credits totaling four hours, which means IASB has been gearing up to provide the needed training," said Angela Peifer, IASB's associate executive director of board development. Current plans are to make this four-hour training available online early in 2012. Peifer said additional training to meet the separate PERA requirements will be developed after the Illinois State Board of Education publishes its implementing rules.

In the meantime, IASB is offering board members two options to meet the new OMA training requirements. Board members can choose from two options, or attend both of the following applicable training sessions:

1. Basics of Law on Board Meetings and Practices, a LeaderShop workshop, offered regionally during summer 2011 and again after January 1, 2012. See www.iasb.com and click on Events Calendar.
2. Joint Annual Conference panel: Board Member Professional Development Leadership Training will be offered on Saturday, Nov. 19, Sheraton, Chicago. More information about this panel will be available in future *Newsbulletin* publications and in the Joint Annual Conference program.

For more information contact either IASB office at 217/528-9688 or 630/629-3776. For available training dates or registration processes, contact Judy Williams, ext. 1103. For other questions, contact: Bridget Trojan, ext. 1236.

EDUCATION REFORMS *from page 1*

teacher organizations must meet before going on strike.

The new law will attempt to:

- Make performance a key criteria in layoffs, transfers and teaching assignments
- Reform tenure to reward a strong record of effective performance
- Streamline cumbersome and long-standing dismissal procedures
- Increase transparency in contract negotiations
- Give Chicago Public Schools more authority to lengthen the school day and year

A broad coalition of education stakeholders including the Illinois State Board of Education, business leaders such as the Illinois Business Roundtable, school management leaders such as IASB, and teacher unions came together to negotiate the reforms. Stakeholders met for over three months with legislators to hammer out the package of changes.

“The big winners here are obviously the kids,” said Robin Steans, executive director of Advance Illinois, one of the advocates of the bill at the negotiating table.



Robin Steans

“This legislation makes teacher performance—not just seniority—a driver in key personnel decisions.” Steans made that statement in an Advance Illinois press release on passage of the bill.

Secretary of Education Arne Duncan issued a statement after the Illinois House voted final passage of SB 7 saying, “Illinois has done something truly remarkable and every state committed to education reform should take notice. Business, unions, educators, advocates and elected officials all came together around a plan that puts children ahead of adults and paves the way for meaningful education reform.

Although the teachers unions were

present throughout the negotiations, the Chicago Teachers Union pulled its support from the bill after it passed the Senate, with the Illinois Federation of Teachers joining them over concerns that were later addressed in a follow-up bill, known as a “trailer bill.” The law preserves teachers’ right to strike but requires that before teachers walk out, there must be a mediation process and, in Chicago, a strike vote must pass with a 75 percent majority.

The legislation was sponsored by the Speaker of the Illinois House, Michael Madigan (D-Chicago).

“Today, Illinois takes a step toward making the hiring and promotion of the best teachers possible the rule and not the exception,” Madigan said on April 14, according to the Advance Illinois press release.

Support for SB 7 also came from school district superintendents, including CHSD 128, Vernon Hills, Superintendent Prentiss Lea, who said the bill will help strengthen public education in Illinois.



Prentiss Lea

“The legislation provides for a streamlined process for removing under-performing teachers and for the retention of high-performing teachers. In addition, the legislation also provides greater public transparency in the final stages of the collective bargaining process,” Lea told the online publication the *Libertyville Patch* on May 17. “Taken together, those are win-wins for students, excellent teachers, and taxpayers.”

Lea said the education reform legislation will be helpful to public school educators and ensure students achieve at higher levels. He said the bill also will help “ensure that taxpayer resources are used wisely in providing and supporting the best possible teaching and learning experiences for students.

“The Illinois Statewide School Management Alliance supported the bill because it contains provisions

meeting the goals of a number of the Alliance organizations’ official position statements,” said Ben Schwarm, IASB’s associate executive director of governmental relations. Schwarm listed favorable provisions on board rights, teacher tenure and dismissal, and strike limitations.

Schwarm said the bill was worked out over five months of intense negotiations. And although it also contained one provision adamantly opposed by IASB—imposing four hours of mandatory training for board mem-

“There are many positives in the bill, especially those provisions giving local school boards more authority and flexibility in hiring teachers.”

—Ben Schwarm

bers—the provision, unfortunately, could not be kept out of the final bill without killing the entire reform package, he noted.

“The final position was made in the context of the delicate balance between the IASB and the other Alliance partners, as well as between the Alliance and the other stakeholders in the negotiations,” Schwarm explained. “There are many positives in the bill, especially those provisions giving local school boards more authority and flexibility in hiring teachers.”

A summary of SB 7 can be found online at: <http://www.iasb.com/gov-rel/sb7analysis.pdf>.

For a detailed summary of recent legislation, refer to the Alliance “Digest of Bills Passed 2010” on the IASB website at: <http://www.iasb.com/gov-rel/digestofbillspassed2011.pdf>.

Offerings at Carousel of Panels will benefit many at Conference

Board members and superintendents can join their colleagues to benefit from a wide assortment of panels at this year's Carousel of Panels on Nov. 19 that will feature many local districts.

In two large adjoining rooms, 31 different presentations will be offered at one time. Over a one hour and 45 minute time block, visitors can participate in three panels of 30 minutes each. The event will be held from 1:30 to 3:15 p.m., Saturday, Nov. 19, in Sheraton 4 & 5, Ballroom Level IV.

Chosen topics, and the primary applicant on each, for the Carousel:

- **Western Illinois University** – Digital Abuse and Keeping Kids Safe
- **Lyons ESD 103** – Positive Behavior Support Strategies for Classrooms and Schools
- **Dolton West SD 148** – Driving Instruction with a Book of Knowledge
- **Harrison SD 36** – Board Leadership + Digital Innovation + Collaboration = Student Success
- **Western Illinois University** – Running & Serving on Illinois School Boards: Motivations & Barriers
- **Rockridge CUSD 300** – Enhancing Best Practices to Improve Student Achievement
- **Northeastern Illinois University** - Successful Strategies for Slowing down the Leadership Revolving Door
- **Hillside School District 93** – Implementing RtI through a Successful Problem Solving Team
- **Southern Illinois University, Edwardsville** – Cyber-Harassment: Real Scars from the Virtual World for Board members and School Administrators
- **Indian Creek CUSD 425** – Perceived Critical Competencies for K-12 Superintendent Success
- **Calumet PSD 132** – From the Boardroom to the Classroom...High Expectations Produce Positive Results
- **Aurora University** – Effective Student Activity Account Management Practices
- **Libertyville SD 70** – Creating a Student-centered 21st Century Commitment
- **Glenbard THSD 87** – Transitioning from a Traditional to a College/Career Ready Curriculum



This year's Carousel will feature 31 different panel presentations in a one hour and 45 minute time block.

- **Lake Villa CCSD 41** – It's Just Not RtI
- **Northern Suburban Special Education District & JJ's List** – Internet Safety & Students with Disabilities
- **Chicago State University** – Growing Trends: Academic Partnerships Promoting Educational Reform
- **Governor's State University** – Highlights of the New Teacher Evaluation Law
- **Hononegah CHSD 207** – Effective Interventions for Struggling High School Students
- **Alden-Hebron SD 19** – Motivation in the Classroom: Yes it happens!
- **Adlai E. Stevenson HSD 123** – Moving Your District Ahead by Developing Your Foundation
- **Williamsfield CUSD 210** – Enhancing the Ability to Read and Comprehend for all Students
- **University of Illinois, Springfield** – Collective Bargaining in a Data-Driven Era
- **Farmington Central CUSD 265** – School Improvement Days that WORK
- **Wheaton Warrenville CUSD 200** – The Key to Improved Student Achievement: Hire the Right Principal
- **Lansing SD 158** – Introducing Behaviors into the RtI Triangle
- **Barrington CUSD 220** – What to Do? Nobody Wants a Capital Referendum
- **Delavan CUSD 703** – Rural Partnerships Across Distance & Time
- **Oakwood CUSD 76** – Linking a Literacy Room to Student Achievement
- **Freeport SD 145** – Developing a Comprehensive Approach to Address Early Chronic Absence
- **Eastern Illinois University** – Conducting School Facility Audits

Conference registration and housing forms posted online for downloading and mailing

The conference registration and housing forms for the 2011 Joint Annual Conference are posted online and available to download at: <http://www.iasb.com/jac11/registrationforms.cfm>. The registration fee is \$360 per person and must be received in the Springfield office by 4 p.m., Oct. 17. After that, the registration fee is \$385.

To register, districts must submit two copies of the completed registra-

tion form and four copies of the completed housing form, with a check or credit card to cover the appropriate fees.

In addition to the registration fee there is a nonrefundable \$200 per room hotel deposit fee for each individual listed on each of the forms. Forward these required items to: IASB Conference Housing/Registration, 2921 Baker Drive, Springfield, Illinois 62703-5929.

Forms help members keep count of Master Board Member points

IASB recently mailed out a form for board members to use so they can be recognized for their efforts in "Master Board Member" activities. Directions on the form include a list of programs and activities of the past year that qualify for credits toward Master Board Member status.

IASB recognizes and honors board members for the time and effort they devote to self-improvement and leadership activities. Master Board Member activities are a means to achieving the Association's mission of excellence in local school governance.

Points are assigned to professional development programs, including conference attendance, IASB workshop attendance, and NSBA 2011 attendance. Points are also assigned for participation in IASB division programs and activities, board development activities, legislative work, and IASB/NSBA leadership activities. Points range from 5 to 30. Credits are awarded through June 30 of each year and awards are presented at the IASB fall division dinner meetings.

Awards were handed out last fall to hundreds of school board members who had earned or maintained Master Board Member status.

There are three levels available: 60 to 129 points earns Level I status; 130 to 199 earns Level II status; and 200-plus points earns Master Board Member distinction. Once so designated, Master Board Members can maintain that status by acquiring 50 credits each year. But in every case the point total for the year must be

reported to IASB.

Board members are urged to make a copy for their own records prior to completing and returning the activities summary document to the IASB offices. Deadline for receiving the updated forms is July 29, 2011.

To help with the record-keeping process, board members can access Master Board Member application forms and find their personal service and participation records in their own online database at IASB's Members-Only website. This password-protected site is available at: <http://members.iasb.com>.

The Members-Only site is a free one, but registration is required. This requires the member's seven-digit Member ID number and last name. This ID number appears on the mailing label of all materials sent to IASB members, and begins with "2." After completing this step, members need to set up an account with an email address and a password of their choosing.

The Master Board Member materials and records are available under the "Your IASB Involvement" tab at the top of the home page.

Forms are available for each school year going back to 1999-2000 and are provided in portable document format (PDF). Questions about the program or forms should be directed to Judy Williams at 217/528-9688, ext. 1103, or e-mail at jwilliams@iasb.com.

For questions about the Members-Only website, phone Jennifer Nelson at 217/528-9688, ext. 1105, or e-mail at jnelson@iasb.com.

School board secretary awards deadline drawing near

Time is growing short to nominate local district employees who do the work of the school board secretary for the 2011 Holly Jack Outstanding Service Award.

This award was created to honor the memory of Holly Jack, a long-time employee of the association who served

as an IASB administrative assistant and was instrumental in promoting and developing the secretaries' program that is offered at the annual conference.

The purpose of the award is to both honor Holly's contribution and

See **AWARDS** on page 8

NEWS FROM IASB

Board of directors meeting

The IASB Board of Directors' next quarterly meeting, Aug. 28, at the Oak Brook Hills Marriott Resort, is expected to include the board review and assessments of current-year activity reports, monitoring reports, and a look at reports from the president and the executive director. The nominating committee will meet that same day.

The agenda had not been set at press time, but topics typically include the audit committee and nominating committee reports.

The board meeting will be preceded by the board's annual retreat. It is to be held Aug. 26 and 27, and will continue the board's review of its governance policies with consultants Linda J. Dawson and Randy Quinn of the Aspen Group. The board's next meetings after this one will take place at the Joint Annual Conference at the Hyatt Regency in downtown Chicago, on Nov. 18 and 21, respectively.

IASB membership grows

Buncombe CSD 43, located in the Shawnee Division, has joined IASB. Patrick Rice is the field services director for the division and is working with the new member district. The Association currently has 853 members, leaving 13 districts of the state's 866 public school districts as non-members.

Newsbulletin reminder

Beginning with this issue, the *Illinois School Board Newsbulletin* becomes an online-only publication.

In addition to being available online in text or PDF format, anyone who provides IASB with a valid e-mail address can receive regular notifications when the next issue is available online. For questions about the change, call Dana Heckrodt at ext. 1131.

School fire results in more than \$1 million in damage

Superintendent Jim Acklin has already obtained a replacement car for driver's education, after the one in regular use was destroyed in a fire on June 16 at the St. Joseph-Ogden CHSD 305 bus barn. The blaze resulted in more than \$1 million damage to the metal pole building and its contents. Fire investigators suspect an electrical problem touched off the conflagration.



Jim Acklin

Acklin said the Impala automobile that burned was the only driver's ed car and was used daily during the school year and summer. So driver's ed was cancelled briefly.

Bob Oltean, general manager of Toyota of Danville, lent the district a car so drivers' education classes could continue. "We only lost one day of instruction," Acklin said.

Acklin also said he would like to have a building back up before the start of school in late August.

"Even if we had all the (insurance) money (right away), you can't go out and buy it because we have nowhere



Five school buses were completely destroyed and one band trailer, plus a sixth bus sustained 'light damage' in the June 16 fire at St. Joseph-Ogden CHSD 305.

to put it where we can secure it," he said.

Acklin said he is thankful that firefighters were able to keep the fire from spreading to the school. Meanwhile, a sixth bus and a band trailer had "light damage," but the equipment and instruments in the trailer were okay.

Midwest Transit has offered to release the district from leases on the destroyed buses. They would then lease the district 2012 models with the same lease payment, for five years.

Acklin said this was possible due to lower interest rates. Acklin said the buses will be released before the start of school in August.

Acklin said the vehicles and maintenance equipment will be replaced at a depreciated value. The building and the rest of the contents will be replaced at a replacement value.

Also destroyed were the down markers and equipment to mark the football field and possibly up to \$10,000 in booster club inventory.

AWARDS *from page 7*

memory and to recognize the extraordinary work and service provided by secretaries who serve and assist their local boards of education. The award is presented annually at the annual conference in November.

To be eligible for this service award an individual must be:

- A district employee who does the work of the school board secretary, and
- Have been employed in that position, either by their district or another, for a minimum of five years.

The criteria to be considered:

- Excellent Performance – Works "above and beyond" expectations, always going the extra mile to serve.
- Initiative – Displays independence.

- Innovation – Demonstrates imagination in the work environment.
- Staff Development – Strives to empower, embrace, and equip colleagues with the knowledge and resources to achieve their goals.
- Self-Improvement – Demonstrates a desire to enhance self-value and excellence.
- Passion – Demonstrates a passion for work and public education.
- Dedication – Devotes time and energy to improve life for others in the educational community and the quality of education in the district.

The nomination form must be signed by the Superintendent and the board president. Additional pages may

be added. Letters of support from individuals, either inside or outside the district, may be submitted with the form, but please limit those to a total of five. The deadline each year for submitting the documents is Oct. 3.

The winner will be selected by a panel of impartial judges. The selected nominee and the nominating district will be notified immediately of the judges' decision.

Previous winners are Janet Miller, **Mt Vernon SD 80** (2009), and Mary Ellen McElligott, **Marquardt SD 15**, Glendale Heights (2010).

Nomination forms are available on the IASB website, www.iasb.com or contact Anna Lovern, at 217-528-9688, ext 1125, email address alovern@iasb.com.

Confidential speech not always protected by privacy assurances



Nicole Cudiamat is an extern in IASB's office of general counsel.

DEVELOPMENTS IN SCHOOL LAW

grandniece was expressed “for a limited purpose and with the expectation that it would be kept secret.”

The court of appeals held that the Malleus’s statements were not speech protected under the Fourteenth Amendment.

The Fourteenth Amendment protects two kinds of privacy rights. First, it protects an individual’s interest in avoiding disclosure of his or her *own* personal information. This includes information about “intimate facts of a personal nature,” such as sexual information (*Sterling v. Borough of Minersville*, 232 F.3d 190, 196 (3d Cir. 2000)), medical records (*Doe v. Southeastern Pennsylvania Trans. Auth.*, 72 F.3d 1133, 1139 (3d Cir. 1995)), or financial information (*Paul P. v. Verniero*, 170 F.3d 396, 402 (3d Cir. 1999)). Courts have found that this type of information is protected because such topics are at the heart of fundamental personal interests derived from the Constitution. There are some things that are so personal that they merit protection from public scrutiny.

The second type of privacy right is the protection of independent, personal decision-making regarding marriage, procreation, contraception, family relationships, child-rearing and education. Courts have found that these categories of decision-making are of the utmost importance and merit the greatest protection, and have declined to extend protection to matters beyond these categories.

Malleus argued the information was sensitive enough to cause controversy in her family and therefore merited protection under privacy. The Court found that her statements did not fall under any of the previously listed categories of intimate information. Further, the information Malleus sought to protect was not about herself, but about her grandniece. As such,

the Court found that Malleus’s opinion about her grandniece was not protected under the first privacy right. The Court also held that Malleus’s decision to participate in an investigation, though important, does not invoke the second type of privacy right. Her opinions regarding her grandniece were not comparable to the life-altering decisions that are protected under the Fourteenth Amendment.

School officials should be cognizant that privacy of their statements is limited. Even though Malleus expected her opinion to remain confidential, the constitutional right to privacy did not apply to such information. Only two types of information are subject to protection under the Fourteenth Amendment: intimate information about oneself, and information regarding autonomous, fundamental decision making. Even if information seems important to the official, it may still not merit protection under the Constitution.

Not all statements made by school officials are subject to full disclosure. When information is not protected under the constitutional right to privacy, it may still be protected under privileges recognized by Illinois statute. Such protection depends on the nature of the relationship between the school official and the party he or she is communicating with. Illinois offers the attorney-client privilege, physician-patient privilege, and spousal privilege, among others. Had Malleus’ statements been made to her lawyer during the course of representation, or to her husband, the information would be protected from being revealed. Because they were not made during the course of the previously mentioned relationships, her statements were protected by neither the Constitution, nor state law.

See **SCHOOL LAW** on page 10

The Fourteenth Amendment protects only a finite amount of privacy rights, as one school board member in Pennsylvania discovered this past May. Dr. Karen Malleus, a board member of the Warwick school district in Pennsylvania, filed suit against various parties to protect statements she made regarding a school board matter. The Third Circuit of U.S. Court of Appeals, in its decision in *Malleus v. George*, - F.3d -, 2011 WL 2044166 (C.A.3. (Pa.)) found that these statements were not protected under the Fourteenth Amendment because they did not regard private personal information.

In 2006, Malleus’s grandniece reported an incident where a teacher was seen hugging a minor student. In the course of the district’s subsequent investigation, Malleus expressed concerns regarding the credibility of her grandniece’s statements, citing her tendency to exaggerate her observations of others’ conduct. The teacher and minor student denied the allegations and the teacher was simply given a warning. Two years later, the teacher and minor student were discovered engaging in sexual activity and the teacher was arrested. The district opened up another investigation into the 2006 incident and the final report included Malleus’s opinion regarding her grandniece’s tendency to embellish.

The final report, including Malleus’s statements, was eventually made public by other members of the school board. Malleus filed suit against the other school board members for violating her right to privacy, maintaining that her opinion regarding her

Seven reporters on school board beats chosen to win Robert M. Cole Awards

A total of 50 entries in the 30th annual Robert M. Cole Awards competition saw 19 newspapers earn awards from the Illinois Press Association.

The Cole Awards are sponsored by IASB and conducted by the IPA to recognize newspapers that are doing an outstanding job of covering local school boards and emphasizing the community's connection with local public school districts.

First-place winners (reporters and their newspapers) included the following:

- **Cheryl Wolfe** — *Woodford County Journal*, Eureka, (Weekly under 3,000 circulation)
- **Will Brumleve & Jeremy Werner** — *Paxton Record* (Weekly 3001-10,000 circulation)
- **Elena Grimm** — *Daily Chronicle*, DeKalb (Daily under 10,000 circulation)
- **Holly Wagner** — *Quincy Herald-Whig* (Daily 10,001-40,000 circulation)
- **George Pawlaczyk & Maria Baran** — *Belleville News-Democrat* (Daily more than 40,000 circulation)

Winners were announced June



Will Brumleve



Jeremy Werner



Holly Wagner



George Pawlaczyk



Cheryl Wolfe



Maria Baran

13. Members of the IASB communications staff judged the contest.

CALENDAR OF EVENTS

August 6 – Basics of School District Finance, NIU, Naperville

August 10 – New Superintendents Luncheon, IASB Lombard

August 11-13 – Boot Camp 3 - Basics of Governance, Law & Finance, Crowne Plaza, Springfield

August 13 – Comprehensive Workshop for Board Presidents, Crowne Plaza, Springfield

August 28 – IASB Board of Directors' Meeting, Oak Brook Hills Marriott Resort

August 31 – New Superintendents Luncheon, Mt. Vernon

September 8 – Starved Rock Division Fall Dinner Meeting, LaSalle

September 9 – New Superintendents Luncheon, Candlelight Inn, Rock Falls

September 10 – Basics of School District Finance, IASB Springfield

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

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Despite privacy rights being limited, school officials should not be discouraged from being open and thoughtful in an investigation. The

results of investigations often greatly impact the lives of those subject to the inquiry. Consequently, school officials should instead strive to be hon-

est and accurate in providing statements so that an investigation can be concluded with the most reliable and factually sound information.

WAIVERS from page 2

mitted to the legislature by Oct. 1.

A school district may request a waiver or modification of the mandates of state laws or regulations if the district demonstrates it can meet the intent in a "more effective, efficient, or economical manner or when necessary to stimulate or improve student performance." If the state board fails to disapprove a request, that request is deemed granted. But even waiver requests that are turned down may be appealed to the legislature,

which sometimes reverses the ruling.

By law, waivers cannot be allowed from laws, rules, and regulations regarding special education, eligibility of voters in school elections, or teacher tenure, certification or seniority. Nor can waivers be granted pertaining to requirements of the No Child Left Behind Act.

If school leaders are applying for a modification of School Code mandates (such as legal school holidays), or a waiver or a modification of admin-

istrative rules, there is no postmark deadline. But approval is required.

Before beginning the waiver process, ISBE suggests that each applicant carefully review requirements outlined in the "Overview for Waiver Process" found online at <http://www.isbe.net/isbe-waivers/html/overview.htm>.

Application forms and instructions for waivers and modifications are provided by the state board and can be downloaded at <http://www.isbe.net/isbe-waivers/html/application.htm>.