

Illinois SCHOOL BOARD Newsbulletin

July 2014 / Issue No. 745



The Delegate Assembly meets every November at the Joint Annual Conference to vote on resolutions from member districts that establish policies for IASB.

Past president George Wirth passes at age 90

Former IASB Past President George H. Wirth, of New Athens, Illinois, passed away on Tuesday, Jun. 24, 2014, at New Athens. He was 90 years old.



George Wirth

Wirth served two years as IASB President, from 1970 to 1971, and later as Secretary-Treasurer for the National School Boards Association, from 1974 to 1976. He served on the former New Athens High School Board of Education from 1951 to 1954, and then on the **New Athens CUSD 60** board from 1954 to 1976, holding the position of board president for a number of years.

At the time of his death, Wirth was the oldest living IASB past pres-

See **WIRTH** on page 10



Boosting school's image
Public relations expert John Draper led a symposium on public schools' image. See story on page 3.

22 local district resolutions cover wide range of major school concerns

The IASB Delegate Assembly is held at the Joint Annual Conference to consider and vote on resolutions submitted by member districts. If passed, the resolutions are adopted as part of the Association's official Position Statements. A total of 22 policy-setting resolutions were submitted this year by local school boards for this purpose.

The deadline to submit resolutions was June 25. The Delegate Assembly will vote on these resolutions on Saturday, Nov. 22.

A resolutions committee consisting of one elected member from each of the 21 IASB divisions will meet Friday, Aug. 1 at the Hilton in Lisle to review resolution proposals. The panel, chaired by IASB Vice President Phil Pritzker, will take testimony from the submitting districts, deliberate on each proposal, and then make rec-

ommendations to adopt or not adopt each measure.

A "Report to the Membership" will be prepared from that committee and distributed to all member districts. The report is intended to help districts decide how they will vote on each resolution that will be presented at the Delegate Assembly.

The resolutions submitted are listed below by subject, sponsoring district and division:

- Charter Schools Funding, submitted by: **Woodland CCSD 50** (Lake Division): Be it resolved that the Illinois Association of School Boards shall "urge adoption of legislation which would create a new methodology for the funding of State Authorized Charter Schools which would not have a negative financial impact on the host district."

See **RESOLUTIONS** on page 4

Waiver deadline nears

State waiver applications intended to be decided this fall must be postmarked by Aug. 15 to be included in the Fall 2014 Waiver Report being submitted to the legislature by Oct. 1. Waivers can be sought to modify mandates and regulations where the district demonstrates it can meet the intent in a better way, but are not allowed on NCLB, special education, eligibility of voters in school elections, teacher tenure, or certification or seniority. Applications are available at <http://www.isbe.state.il.us/isbe-waivers/html/application.htm>. Questions can be directed to the Rules and Waivers Division at (217) 782-5270 or email waivers@isbe.net.

Drinking water toolkit

A new tool kit, "Increasing Access to Drinking Water in Schools," is designed to help schools ensure access to free drinking water. The kit includes needs assessment tools, implementation strategies and evaluation guidance.

The toolkit is available at <http://www.cdc.gov/healthy-outh/npaowateraccess.htm>.

Core testing rushed

The Gates Foundation announced in June its support for the idea that the new Common Core aligned assessments should not be used for teacher evaluations for two years. "This reaffirms Illinois' timeline for implementation of the new evaluation systems," according to State Superintendent Chris Koch.

Koch added that the timeline was carefully chosen after working collaboratively toward implementation with stakeholders "to ensure we get it right: this is why we resisted federal pressure to change our timeline and why we did not receive a waiver from some aspects of No Child Left Behind until just a few weeks ago."

State honors 29 educators with teaching specialty recognition awards

The Illinois State Board of Education recently hosted an Exemplary Teacher Recognition Award Luncheon, the fourth year the agency has partnered with teachers organizations to host this awards luncheon at the governor's mansion in Springfield.

Each of 29 educators were honored as the best in their field of expertise and earned awards for teaching a specific subject, from mathematics to physical education.

"With Illinois implementing new learning standards to prepare students for a global workforce, the expertise and skills of these outstanding teachers is invaluable," said State Superintendent of Education Christopher A. Koch.

"Their knowledge and passion

for teaching in a variety of curriculum areas is an integral component of student success. We are pleased to have the opportunity to extend our thanks and appreciation for their commitment to Illinois' students and education."

Each fall, ISBE names one teacher of the year and recognizes more than 150 educators nominated by their own district or members of their communities for outstanding service through the Those Who Excel program.

Second grade teacher Pam Riley, who teaches at Woodbury Elementary School in **Sandwich CUSD 430**, was named the 2014 Illinois Teacher of the Year.

The annual Exemplary Teacher Recognition Award Luncheon provides an opportunity to honor many other award winning teachers from across the state through a separate event unrelated to the Those Who Excel program.

The 29 content-area experts recognized by their teacher peers June 11 are listed online at: <http://www.isbe.net/news/2014/jun11.htm>.

New law mandates CPR instruction, raises cost concerns

School districts are scrambling to figure out how to comply with a new law that will require them to teach students how to perform cardiopulmonary resuscitation and how to use a defibrillator.

Gov. Pat Quinn signed the bill (HB 3724, sponsored by Daniel J. Burke, D-Chicago) June 6 that requires Illinois high school students to get trained on how to operate mobile defibrillators and to learn to perform cardiopulmonary resuscitation.

The law requires that all secondary schools in Illinois train students on how to properly administer CPR and how to use a defibrillator.

IASB was opposed to the legislation, saying the well-intentioned measure would amount to "yet another unfunded mandate," in the face of the state's precarious financial situation.

"Even small new costs are a big

See CPR on page 6

Illinois
SCHOOL BOARD
Newsbulletin

**Illinois Association
of School Boards**

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

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


**ILLINOIS ASSOCIATION
OF SCHOOL BOARDS**

Academy symposium leaders urged to share stories of schooling

The Talk, the Truth and Crucial Conversations about America's Schools was the topic at the Sixth Biennial LeaderShop Academy Symposium. Throughout the day, John Draper explained how sharing anecdotes can improve the image of public schools.

Nearly 120 people registered for the event, held on June 21 at the Westin in Itasca. The symposium was open both to school board members who have achieved membership in the School Board LeaderShop Academy as well as to their superintendents. The event is one of the benefits of Academy membership, designed to promote and recognize board member efforts toward continuous learning and professional development.

The keynoter was 30-year veteran educator and education researcher John Draper, now a consultant for the National School Public Relations Association. He called on school leaders to get ready to refute any false negative perceptions about public education that may pop up around them and to do so primarily by relating genuine local school stories that illustrate the truth about the public schools.

Draper, who was CEO of the Educational Research Service prior to joining NSPRA, said countless positive truths are obscured by persistent myths that blame national problems upon schools. In leading a round-table discussion, Draper asked every table of symposium attendees to come up with three reasons why it is easy to blame public schools for national problems; and to name three ways in which school employees, and even board members, contribute to negative perceptions of public schools.

A participant from each table was encouraged to list their group's responses to these questions. The results were perhaps not unexpected, but the answers were many and unsettling.

In answer to why it is easy to blame public schools for problems, suggestions included: schools are a big target, the nation's schools are a faceless



John Draper, a consultant for the National School Public Relations Association, called for holding "Crucial Conversations" about public schools to boost their image.

entity, they are perceived to lack accountability, negative news travels but good news stays home, a lack of public understanding about schooling, there's no strong messenger or defender for public schools, the public has unrealistically high expectations, schools sometimes can't change fast enough, negativity is a part of our culture, diversity in public schools is wrongly seen as a negative not a positive, and commonly held perceptions are often accepted as reality.

Ways in which school employees and board members contribute to negative beliefs about public schools were said to include: communications failures, the effect of disgruntled or misinformed employees who disseminate misinformation, a failure of schools to toot their own horns, a lack of emphasis on educational accomplishments, comparisons to other districts that may have inherent advantages, schools not being proactive in doing things needed for good public relations, false accusations being made about a lack of transparency growing from the public's failure to attend board meetings, critics who don't do their homework, specific agendas harbored by some school board members and employees, rumor mills, infighting in school districts that hits the news media, the innate problem of school boards defending closed-session action that can't lawfully be discussed, and lack of data to present their schools' case.

Draper recommended that school



Anita Hanna, president of the Waukegan CUSD 60 Board of Education, was among the table presenters.

leaders use what he calls the "TLC" formula, to counter these myths of failing public schools: "Talk about what you believe and why you believe it; Learn to use language that reframes the discussion; and Connect your community to your students using stories."

Finally, he asked school board members and school administrators to commit to doing four positive things, adapted from a book called *Schools Cannot Do It Alone* by Jamie Vollmer, to change negative perceptions of public schools:

1. Shift your attention to the positive
2. Don't bad-mouth one another in public
3. Share one positive story per week with your personal network
4. Monitor your progress.

"Miracles happen every day in public schools: tell the stories," said Draper, who will be a keynoter at IASB's Joint Annual Conference in November.

RESOLUTIONS *from page 1*

- Open Meetings Act-Building Safety and Security, submitted by: **Bourbonnais Elementary SD 53** (Three Rivers Division): Be it resolved that the Illinois Association of School Boards shall advocate to the state legislature for an Open Meetings Act exception for the discussion of building safety and security.
- Special Education Student Transportation Cost, submitted by: **Harvey SD 152** (South Cook Division); with co-sponsor **Lincoln SD 156** (South Cook Division): Be it resolved that the Illinois Association of School Boards shall support Harvey SD 152 and Lincoln SD 156 in their collective effort to limit and equalize cost for special education student transportation.
- Board Vacancy Filings, submitted by: **School District U-46**, Elgin (Kishwaukee Division): Be it resolved that the Illinois Association of School Boards shall support SD U-46's position in seeking an amendment to 105 ILCS 5/10-10 of the Illinois School Code, which, in relevant part, dictates the timeline associated with filling Board vacancies. Whereas, said section allows for the Board in certain instances to fill a vacancy within 45 days from when the vacancy occurs. School District U-46 seeks to increase the timeline from 45 days to 60 days... .
- Concealed Carry Changes, submitted by: **Tremont CUSD 702** (Central Illinois Valley Division): Be it resolved that the Illinois Association of School Boards shall support legislation to amend 430 ILCS 66/65 to include the following: (a-15) Nothing in this Act shall prohibit a public or private elementary or secondary school from:
 1. developing resolutions, regulations, or policies to permit one or more classes of individuals to carry firearms on school grounds under the control of a local Board of Education:
 2. prohibiting persons from carrying a firearm within a vehicle owned, leased, or controlled by the school:
- 3. developing resolutions, regulations, or policies regarding student, employee, or visitor misconduct and discipline, including suspension and expulsion; and,
- 4. developing resolutions, regulations, or policies regarding the storage or maintenance of firearms, which must include designated areas where persons can park vehicles that carry firearms.
- Local Control 6.01 (Amendment to Position), submitted by: **Tremont CUSD 702** (Central Illinois Valley Division): The Illinois Association of School Boards shall take all appropriate action to encourage members of the U.S. Congress, the Illinois General Assembly, related administrative agencies, and state and federal courts to refrain from introducing, supporting or promulgating rules, regulations and legislation which deprive local school districts of decision-making powers on matters in which there is not a clear and compelling state or national interest... . (Adopted 1976; reaffirmed 2006, 2012)
- Tax Increment Financing Changes, submitted by: **THSD 214**, Arlington Heights (North Cook Division): Be it resolved that the Illinois Association of School Boards shall support changes to the Tax Increment Financing statute to include the following: a municipality cannot reset a TIF district, which would extend the life of the TIF beyond the 23 years.
- Student Discipline Practices, submitted by **THSD 211**, Palatine (North Cook Division): Be it resolved that the Illinois Association of School Boards shall support a legislative agenda to develop sound discipline practices which will ensure a safe, responsive and effective instructional environment; strive to meet the social, emotional and behavioral needs of all Illinois students; and that will also provide effective interventions to meet the needs of at-risk students who require disciplinary consequences... .
- Truancy Issues, submitted by: **Palestine CUSD 3** (Wabash Valley Division): Be it resolved that the Illinois Association of School Boards shall support legislation that would restrict students who are under local Truancy Board actions or restrictions from being withdrawn by parent or guardian for the purpose of home schooling the student until all truancy issues have been resolved.
- School Facility Occupation Tax, submitted by: **Canton Union SD 66** (Western Division): Be it resolved that the Illinois Association of School Boards shall support an amendment to State statute 55ILCS 5/5-1006.7 School Facility Occupation Tax, to include the purpose to purchase or lease technology to aid instruction, education, or efficiency of the school district.
- Local School Funding, submitted by: **Westchester Public Schools 92 ½** (West Cook Division): Be it resolved that the Illinois Association of School Boards shall strongly urge the Illinois General Assembly to approve legislation that prioritizes education spending and identifies stable, reliable, and predictable revenue sources for public education; and be it further resolved that the Illinois Association of School Boards shall strongly urge the Illinois General Assembly to refrain from placing additional unfunded mandates on school districts and to allow for flexibility and relief from current unfunded mandates.
- Local Control 6.01 (Reaffirmation), submitted by: **Fieldcrest CUSD 6** (Central Illinois Valley Division): Be it resolved that the Illinois Association of School Boards shall take all appropriate action to encourage members of the U.S. Congress, the

See **RESOLUTIONS** on page 5

RESOLUTIONS *from page 4*

Illinois General Assembly, related administrative agencies, and state and federal courts to refrain from introducing, supporting or promulgating rules, regulations and legislation which deprive local school districts of decision-making powers on matters in which there is not a clear and compelling state or national interest.

- Funding Mandated Program 2.03 (Reaffirmation), submitted by: **Fieldcrest CUSD 6** (Central Illinois Valley Division): Be it resolved that the Illinois Association of School Boards believes that legislation encroaching upon local and lay control of the public schools should be curtailed, and, therefore:

1. shall oppose programs or services mandated by the Illinois General Assembly, the State Board of Education, or any other State agency, unless there is clear evidence of need for the mandate and the Illinois General Assembly provides non-local revenues to fully fund the additional costs of those programs;
2. shall urge the members of the General Assembly to strictly comply with the State Mandates Act, including specifying and labeling in the descriptions of legislation containing unfunded mandates that such mandates occur, and to refrain from passing any legislation which contains an exemption from the Act, and urge the Governor to veto any such legislation that may reach the Governor's desk;
3. shall urge State agencies and commissions that adopt regulations accompanying legislative mandates to specify required outcomes and criteria for determining compliance, and allow local districts to determine the specific methods and procedures by which required outcomes will be accomplished. Required time lines for accomplishment should reflect consideration of the human

and material resources and amount of deliberation and development necessary to accomplish the mandate;

4. shall support legislation that causes all statutory and regulatory educational mandates to sunset if sufficient funding is not provided to implement such mandates and requirements. Local school districts may choose to continue to implement the mandated programs voluntarily until such time that the General Assembly appropriates the funding necessary to cover the costs of the required programs.
- Mandate Cost & Periodic Review 6.23 (Reaffirmation), submitted by: **Fieldcrest CUSD 6** (Central Illinois Valley Division): Be it resolved that the Illinois Association of School Boards shall support modifications to the Illinois State Mandates Act (30 ILCS 805) that will strengthen the ability of the Illinois State Board of Education (ISBE) to accurately and sufficiently provide timely information on the costs of mandates including input from local elected boards of education. In addition, the mandates report required for other local governments shall be required of ISBE to provide timely, updated information on the impact of new mandates as they are enacted.
 - Education Funding, submitted by: **Oak Lawn-Hometown SD 123** (South Cook Division) and co-sponsor: **North Palos SD 117** (South Cook Division): Be it resolved that the Illinois Association of School Boards shall support the mandate set forth in Section 1 of the Illinois State Constitution establishing the State's primary responsibility for financing the system of public education and recognizes that legislative action is required to improve the Illinois state education funding formula and strengthen the State's ability to fulfill this mandate. Therefore, IASB shall act to support public education funding formula legislation,

which both improves access to the adequate constitutionally mandated State funding for all school districts and does not broaden the disparity of funding for all school districts. Additionally, the IASB will support the need for transparency and dissemination of information, regarding the impact of proposed education funding formulas, as they are developed, formally proposed, considered, and enacted.

- Tax Increment Financing, submitted by: **Wheeling CCSD 21** (North Cook): Be it resolved that the Illinois Association of School Boards shall support changes in the Tax Increment Financing statute to include the following: a municipality cannot reset a TIF district, which would extend the life of the TIF beyond the 23 years.
- School District Wellness Plans-Tax Holiday, submitted by: **Lockport SD 91** (Three Rivers Division): Be it resolved that the Illinois Association of School Boards shall seek legislation that promotes school district wellness plans by implementing a tax holiday for items on the list of approved foods. The tax holidays will be the first and third Sunday of each month.
- Data Equity, submitted by: **Oak Park Elementary SD 97** (West Cook Division): Be it resolved that the Illinois Association of School Boards shall support legislation allowing non-unit districts to enter into agreements to share student data to the same extent and with the same ease as unit districts.
- Local Longitudinal Data Systems, submitted by: **Oak Park Elementary SD 97** (West Cook Division): Be it resolved that the Illinois Association of School Boards shall support legislation allowing local districts to enter into the necessary student data sharing agreements to build, maintain, and utilize local longitudinal data systems in order to

See **RESOLUTIONS** on page 6

Six full-day, three half-day pre-conference workshops set Nov.21

The 2014 Joint Annual Conference in Chicago will offer school board members the choice of six full-day and three half-day workshops. Registration is now open for all of these pre-conference workshops, which will be offered on Friday, Nov. 21, before the conference's first general session.

The nine workshops are open to those who have already registered for the conference. The cost is \$230 for full-day workshops and \$145 for half-day workshops; advance registration is required.

All of the training sessions qualify participants for School Board LeaderShop credit, with some workshops listed as "core" courses and others as "elective" courses.

These workshops, as described online, include:

- The Basics of Governance



Board members can choose from pre-conference workshop topics covering a wide array of key concerns.

- Connecting with the Community: The Board's Role in Community Engagement
- Making Meetings Matter
- Leading Leaders: The Job of Board Presidents
- Introduction to Collective Bargaining for School Board Members and Administrators
- Professional Development Leadership Training (PDLT) & Perform-

ance Evaluation Reform Act (PERA) Training for School Board Members

- The Trust Edge *AM/PM sessions*
- Media Interest or Media Circus: How School Board Members Can Manage their Message in a Big, New Media World *Half Day AM*
- The Board & Its Superintendent: Developing and Maintaining an Effective Relationship *Half Day PM*

All pre-conference workshops will be held at the Sheraton Chicago Hotel (one level above the main lobby).

A brochure providing information about the Pre-Conference Workshops is available online at: <http://www.iasb.com/jac14/pdfs/Pre-ConWorkshops14.pdf>. To register for any of the workshops, visit online at: https://www.iasb.com/jac14/pre-con_reg.cfm. Participants must be registered for conference prior to workshop registration.

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improve their student outcomes including college and career success.

- School Board Member Election, submitted by: **Lyons Elementary SD 103** (West Cook Division): Be it resolved that the Illinois Association of School Boards shall ensure that individuals who stand for election to the board are not holding other elected or appointed positions which have been declared by statute to be incompatible with the office of school board member. *Section 1.* The board of education requires any sitting board member to vacate their seat upon being sworn in as a trustee in a village with greater than 2,500 inhabitants. *Section 2.* The board of education will not swear in as a board member any current trustee in a village with greater than 2,500 inhabitants.
- General State Aid Funding, submitted by: **Streator Elementary SD 44** (Starved Rock Division): Be it resolved that the Illinois Association of School Boards shall ask the State of Illinois General Assembly

to reinstate General State Aid funding at 100% for the coming year and future years. We also ask that the State make their categorical payments on time.

- School Construction Grants, submitted by: **Community Unit SD 300**, Carpentersville (Kishwaukee Division): Be it resolved that the Illinois Association of School Boards shall adopt an IASB resolution which asks the State of Illinois' General Assembly to do the following:
 1. Approve bond authorization to fully fund the 2004 CDB entitlements.
 2. Ensure that the funds are not diverted from the School Construction Grant Program.
 3. Require the Illinois State Board of Education to priority rank the 2004 applicants
 4. Require the Illinois State Board of Education to distribute the 2004 approved entitlements.

Existing IASB Position Statements are listed at: <http://www.iasb.com/gov-rel/positions.cfm>.

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burden on schools that already don't receive the funding they need," said Zach Messersmith, assistant director of governmental relations for IASB.

O'Fallon School District 203 Superintendent Darcy Benway is concerned with the cost.

The law stipulates the training must be in accordance with standards of the American Red Cross, the American Heart Association or another nationally-recognized certifying organization.

Superintendent Benway estimates four to six class periods will be lost as a result of the required CPR/AED training, time that could be spent on other classroom instruction.

Some state lawmakers also questioned why the law did not mandate that teachers learn CPR and how to operate an AED.

But some advocates, including the House sponsor, countered that local fire departments could provide lifesaving lessons for free, as organizations like the Red Cross and American Heart Association already do.

The bill is now Public Act 98-632.

Wide assortment of panel discussions on tap in 'Carousel'

Board members and superintendents attending the 2014 Joint Annual Conference can benefit from a wide assortment of panel discussions at this year's "Carousel of Panels" scheduled for Saturday, Nov. 22, featuring presentations from many local districts.

In large adjoining rooms, at least 29 different presentations will be offered at one time. Over a one hour and 45 minute time block, visitors can pick and choose to participate in three different panels of 30 minutes each. The event will be held from 1:30 to 3:15 p.m., at the Sheraton Hotel and Towers.

Chosen topics to date (which are not the official panel titles in some cases), and the primary applicant to present on each subject chosen, are:

- Administrator Evaluations: Painless, Powerful & tied to Compensation — **Wheaton Warrenville CUSD 200**
- A Journey Toward 1:1 – The Success, The Challenges & The Outcomes — **Downers Grove GSD 58**
- Full STEAM Ahead – How community Partnerships can Bring STEAM to Life — **Olympia CUSD 16**
- Principal Preparation: What's In It for You? — Southern IL University – Edwardsville
- Beyond the Interview: Selecting Excellent Principals — **Community Unit School District 300, Carpentersville**
- College & Career Readiness: Happy Students Achieve at High Levels — **Wheaton Warrenville CUSD 200**
- Superintendent Search Using a Model of Transparency — **Macomb CUSD 185**
- Your 21st Century Referendum: Using Technology & Social Media — **Grant CCSD 110**
- Professional Learning Community, Having a Positive Impact on Learning — **Hillside SD 93**
- Superintendent Evaluations: One Key to Student Achievement — **Morris SD 54**



A broad list of topics is covered in roundtable discussions at the Conference's Carousel of Panels.

- Effective Models of PARCC Common Core Assessments — Facilitating Coordination in Agricultural Education
- Building Information Modeling: Case Studies in School Construction — Lend Lease US Construction, Inc. & Perkins + Will Architects
- FUEL for Learning: Creating Results-Oriented School Cultures — Laugh Out Loud Learning
- Beyond the AFR: Finding Money in Internal Controls — **Hinsdale THSD 86**
- Instituting a High Quality Induction/Mentoring Program — Illinois New Teacher Collaborative
- Visibility Matters! Strategies for Contributing to a Positive Climate — **Manteno CUSD 5**
- 21st Century Practices: Digital Writing Portfolios — **Community HSD 117, Antioch**
- Rethinking RtI: How to Sustain Implementation for Student Success — **Manteno CUSD 5**
- Leading School change: An Effective Strategy to Maximize Resources — Concordia University
- Student First Amendment Speech Update — Eastern Illinois University Educational Leadership
- Strategic Planning Made Waaay Easier: Chainsaw Planning — **Jasper Co. CUSD 1**
- How Safe are Your Children? Yours Schools? — Honeywell Building Solutions
- Teacher Leader: Core Competencies & Strategies for Leadership — Concordia University

- The Status of School Improvement in Illinois Schools — Illinois State University
- Vision 20/20: Leading with Clarity of Purpose — **Farmington Central CUSD 265**
- SAMS: Helping Principals Make Time for Instructional Leadership — Western IL University
- So You Voted for PTELL – HUH — Aurora University & University of St. Francis
- Why Adopt a District Facilities Master Plan — Healy, Bender & Associates, Inc.
- For Each & Every Child: Strategies for Excellence & Equity from the National Equity & Excellence Advisory Commission with Implications for School Districts — Eastern IL University

School design award winners will display work at 2014 conference

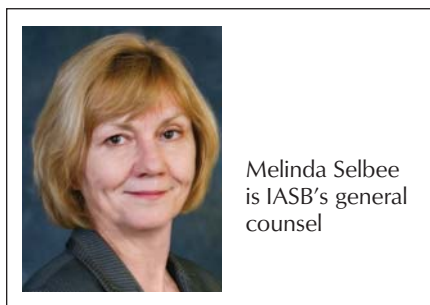
The Exhibition of Educational Environments will be held at the 2014 Joint Annual Conference in November. This annual school design awards program is sponsored by IASB Service Associates, an arm of the Association comprised of private firms that have demonstrated an exemplary record of providing quality products and services to schools.

Entries are due in IASB offices by July 21. There is a \$300 fee for each entry (maximum of two entries).

Plans call for preliminary materials to be submitted by Sep. 8 and evaluated on Sep. 11. The judging will be done in Springfield on a blind basis by a jury of three school board members or administrators and three architects, all appointed by IASB and experienced in school facilities or design.

Entry flyers for the competition were mailed in May. For more information, contact IASB's Dana Heckrodt, ext. 1131.

Court upholds the right to subcontract for non-instructional services



If your district is considering subcontracting non-instructional services, you will be interested in a recent decision from the Illinois Court of Appeals. This case arose out of the McLean County Unit District No. 5's decision to subcontract its entire transportation program and dismiss transportation employees. School districts, like private companies, seek benefits ranging from cost savings to improved operations by subcontracting non-core services to contractors. The Illinois Educational Labor Relations Board (IELRB) found that the district's decision was a failure to bargain in good faith. On June 5, the Court of Appeals reversed and held for the district.

IASB filed an *Amicus Curiae* brief in support of the district. An *Amicus* brief is filed in a case by a non-party to present its position on a legal issue having public policy implications. IASB's brief warned that if the IELRB decision was upheld, school boards throughout the state would be precluded from subcontracting non-instructional services as an option to reduce spending and balance budgets.

As in all cases in which the failure to bargain in good faith is alleged, the facts in this case were important. McLean County Unit District No. 5 serves approximately 13,500 students. Since 2003, the district has considered subcontracting its transportation services. In October 2011, the union was certified as the exclusive bargaining representative of the approximately 215 bus drivers and bus monitors.

When the district began to seri-

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ously consider subcontracting its transportation services, it informed the union of its operational concerns. In December 2011, the board decided to solicit bids for third party transportation services to address operational issues and determine any cost savings. The bid from First Student showed a cost savings of approximately \$1.5 million over a three-year period. During negotiation sessions held over the next six months, the district explained

trict presented evidence of a legitimate business reason for the adverse employment decision.

The court also rejected the IELRB's claim that the district failed to bargain in good faith by improperly and unfairly using First Student's bid to gain bargaining power over the union. The court stated that the district was not obligated to compromise its position and quoted with approval the following standard:

'...if the IELRB decision was upheld, school boards throughout the state would be precluded from subcontracting non-instructional services...'

its reasons for exploring subcontracting transportation services and considered the union's proposals.

After the district honorably dismissed all transportation employees, the union filed an unfair practice claim. The IELRB held that the district violated the Illinois Educational Labor Relations Act by: (1) retaliating against employees for their union activity, and (2) failing to bargain the decision to subcontract the transportation services. There were no allegations that the district violated the statute that allows districts to subcontract non-instructional services provided that certain preconditions are followed.

The Court of Appeals found that the evidence did not support IELRB's conclusion that the district acted with anti-union animas. Moreover, the court specifically rejected the IELRB's characterization of subcontracting as "inherently destructive." The evidence showed that the district administrators responded to a growing problem by meeting with the union and taking other steps to solve operational problems. In addition, the dis-

In the subcontracting context, the requirements for good faith bargaining on the decision to subcontract are notice of the consideration of the subcontract, before it is finalized; meeting with the union to provide an opportunity to discuss and explain the decision; providing information to the union; and giving consideration to any counterproposal reunion makes.

Here, had the IELRB decision been sustained, the ability of school boards to subcontract services would have been lost. The district did nothing wrong. The IELRB's decision was contrary to state statute and longstanding judicial precedent. IASB's *Amicus* brief was written by Stan Eisenhammer and John DiJohn Jr., Hodges, Loizzi, Eisenhammer, Rodick & Kohn LLP. The case is McLean County Unit District No. 5 v. AFSCME and IELRB, 2014 Ill.App. (4th), No. 4-13-0294 (6-4-2014). The **PRESS** sample procedure covering the statutory requirements for subcontracting non-instructional services are in 4:60-AP2, *Third Party Non-Instructional Contracts*.

Constitutional challenges to pension benefit cuts get mixed results

By David T. Zafiratos and Ashley Folk, Ottosen Britz Kelly Cooper Gilbert & DiNolfo, Ltd.

Reprinted with permission from Legal Insights for Pension Boards (Spring 2014)

Although, it had traditionally been assumed that public pensions enjoyed a heightened protection from reduction, suspension or elimination for current public employees and retirees, recent cuts by many state legislatures have tested that assumption. Two recent cases from the New Mexico and Arizona Supreme Courts have rendered opposite conclusions.

In *Bartlett v. Cameron*, 316 P.3d 889 (2013), the Supreme Court of New Mexico held that the cost-of-living adjustment (COLA) paid out to retirees is not a vested property right. The case arose after New Mexico faced threats to the fiscal stability of the New Mexico Education Retirement Board retirement plan and subsequently passed a bill which amended the New Mexico statute governing COLA amounts, reducing COLAs to

retirees. Several public education retirees sued, arguing that the legislature could not reduce their COLA benefits because they have a vested property right in the COLA calculation method that was in effect at the

value of the entire retirement benefit, which is the same as if the legislature expressly cut their underlying retirement benefit. The State argued that COLA is not part of their retirement benefit, but instead is a sepa-

Sangamon Circuit Court halts Illinois pension reform litigation

The Honorable John W. Belz entered an order *staying* P.A. 98-599 in its entirety. That means the State of Illinois cannot implement the new law until the Illinois courts decide whether the law violates the Pension Protection Clause of the Illinois Constitution. The accompanying article provides analysis of other states facing pension reform issues and how their courts have decided these issues.

time that they retired.

The New Mexico Constitution provides that public employees acquire vested property rights with due process protections in their retirement plans. The retirees argued that the COLA payment is inseparably tied to their pension benefits, and is thus included as a vested property right. They claimed that reducing the amount of their COLA payment decreases the

rate amount that a retiree may receive, depending on certain economic conditions. The court ultimately determined that COLA was not part of the retirement benefit and was distinctively separate. The court labeled COLA as a legislative tool used to implement current public policy, as opposed to a vested property right. COLA is provided independently from

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School board candidate nominating petitions face upcoming deadlines for April 2015 election

Starting in late September, a series of deadlines will mark progress toward the April 7, 2015, school board elections.

The first day that prospective school board candidates may circulate nominating petitions for signatures should be Tuesday, Sep. 23. Signed petitions should be turned in to the county clerk's office or the county board of election commissioners between Dec. 15 and Dec. 22, [as stated in law, the deadline is no more than 113 days nor less than 106 days before the date of the election], according to the Illinois State Board of Elections.

Because of major changes made in state law, school board candidate nomination papers are no longer filed with the school district but must be filed, instead, with the county clerk

or county board of election commissioners of the county in which the principal office of the school district is located. That's because local school districts are no longer the election authority directed to carry out these duties.

The local school board election authority still is responsible for receiving and certifying petitions and resolutions for referenda. (10-10, PA 98-0115, 10 ILCS 5/28-2 and 28-5).

IASB has prepared and posted online a frequently-asked questions document to help explain these changes to election procedures, as prepared by Melinda Selbee, IASB general counsel, and Alan Mullins, Scariano, Himes & Petrarca, Chtd. This can be found online at: <http://www.iasb.com/elections/ElectionFAQ2014.pdf>.

November referenda deadlines coming up on August 15 and 28

The next election for which boards of education can place tax and bond referenda on the ballot is the Nov. 4, 2014 general election. Aug. 15 is the last day for a school board to adopt a resolution placing such public policy questions on the ballot for that election (10 ILCS 5/28-2).

The last day for the school board secretary to certify public policy questions to the election authority for referendum at that Nov. 4 election is Aug. 28 (10 ILCS 5/28-5).

**JOINT ANNUAL
CONFERENCE
November 21, 22, 23**

Top news coverage of school boards earns 2015 Cole Awards

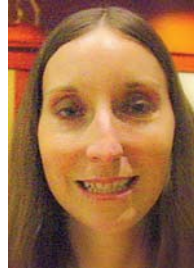
Sixteen newspapers received awards in the annual Robert M. Cole Awards competition for 2014, including first-place winners in five divisions, based on size of newspaper circulation.

The Cole Awards are sponsored by the Illinois Association of School Boards and conducted by the Illinois Press Association. There were 19 entries in this, the 34th year for the Cole Awards program.

First-place award winners were: *Belleville News-Democrat*, large daily division; *Effingham Daily News*, mid-size daily division; *The Doings*, Hinsdale, large weekly division; *Kendall County Record*, Yorkville, mid-size weekly division; and *Coal City Courant*, small weekly division.

Here is a list of reporters, subjects and judges' comments for each of the first place awards:

- **Jamie Forsythe**, *Belleville News-Democrat*, on technology in education: "This series of articles does a good job of telling the 'why' and 'how' behind the decision to expand technology in the classroom.
- **Bill Grimes**, *Effingham Daily News*, on school cuts: "What elevates this



Jamie Forsythe



Bill Grimes



Kimberly Fornek



Chuck Fieldman

coverage about one district's financial plight is the effort to explain what could happen, and why, and the interaction between the community and school board throughout the process."

- **Kimberly Fornek, Chuck Fieldman**, *The Doings*, Hinsdale, on general school board coverage: "The best."
- **Kathy Farren**, *Kendall County Record*, Yorkville, on a number of different school board issues: "Good coverage... [and] comments from board members earns this entry top spot."
- **Ann Gill**, *Coal City Courant*, on general school board coverage: "Ann Gill has a way of explaining complex school issues that boards face so that they can be understood by community members."



Kathy Farren



Ann Gill

Named in memory of the first full-time executive director of IASB, the Robert M. Cole Award recognizes outstanding coverage of education issues that emphasizes the community's connection with its local public school district.

Winners were announced Friday, June 13, at the annual convention of the Illinois Press Association in Springfield. Gary Adkins, IASB director/communications, handed out the awards.

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ident. His time as president saw Illinois voters approve a new state constitution that included an article calling for the creation of a state board of education.

"George Wirth epitomized the best in school board governance," said former IASB Executive Director Hal Seamon. "He provided visionary and inspirational leadership for his local school board, the Illinois Association of School Boards, and the National School Boards Association.

"Above all, he was a true gentleman in the best sense of the word. It was a privilege to have worked with him."

During his 25-year tenure on the local school board in New Athens, Wirth credited his success to always keeping an open mind, constantly

looking to improve, and learning from the successful experiences of his predecessors.

"It is hard to define in words the man named George Wirth," said longtime friend and IASB Assistant to the Executive Director Pat Culler. "He was larger than life. He was a leader not only in his professional pursuits, but in every endeavor in which he was involved. The children of his community and this state will continue to benefit from his life-long interest and dedication to them."

"For all his accomplishments, George remained a common man who delighted in visiting and getting to know people wherever he was. I deem myself fortunate to call him a friend and mentor," Culler added.

Topics from community engagement to 2014 NSBA covered in Journal

The intent of the July / August issue of The Journal is to lighten the load of required summer reading for school board members and superintendents.

Ranging from community engagement to the 2014 NSBA Conference, and from superintendent retirement to school board election changes, a wide variety of subjects are covered to be consumed in smaller bites of time. The goal: read what you can now and hopefully save one or two articles for later.



Holly Jack board secretary award seeking nominations now for 2014

The Illinois Association of School Boards is seeking nominations for the “Holly Jack Outstanding Service Award,” and school districts are strongly encouraged to nominate board secretaries who excel in their post.

The award was created five years ago to honor the memory of Holly Jack, a long-time employee of the Association who served as an IASB field services administrative assistant and was instrumental in promoting and developing the secretaries’ program that is offered at the Joint Annual Conference.

The award’s purpose is to honor Jack’s contribution and memory and to recognize the extraordinary work and service provided by secretaries who serve and assist their local boards of education. The award will be presented at the IASB/IASA/ ASBO annual conference in Chicago on Friday, Nov. 21.

Each year IASB invites school board presidents and superintendents to nominate their local district employee (superintendent’s secretary, superintendent’s administrative assistant, school board recording secretary, etc.) who does the work required

of the school board secretary by *The School Code* of Illinois.

To be eligible for the award an individual must be a district employee, and have been employed in that position, either by their school district or another, for a minimum of five years.

While it is not necessary to address each of the award criteria, the nominee should demonstrate characteristics similar to those shown by Holly Jack in her work with school districts.

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 these must be limited to a total of five. The deadline for submitting all nomination documents is Sep. 29.

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.

More information is available from Judy Williams, ext. 1103; email jwilliams@iasb.com, or Anna Lovern, ext. 1125, email alovern@iasb.com.

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the obligation to pay retirement benefits. Thus, reducing the COLA does not also reduce the retirees’ underlying substantive retirement benefits.

Conversely, in the case of *Fields v. The Elected Officials’ Retirement Plan*, 680 Ariz. Adv. Rep. 15 (2014), the Arizona Supreme Court held that modification of a statutory formula for calculating pension benefit increases violated the Pension Clause of the Arizona Constitution. The Arizona Constitution states that pension benefits shall not be diminished or impaired. Under the Arizona statute governing pension plans for elected officials, the benefit increase formu-

la is similar to a COLA. The only difference is that the benefit increase is tied to the plan’s return on investment, as opposed to economic conditions. Under the Arizona statute, the benefit increase was also subject to a 4% increase cap. However, in 2011 the Arizona legislature enacted a bill that altered this formula. Subsequently, a class of retired judges and beneficiaries of the plan challenged this bill, claiming that it was unconstitutional.

The Supreme Court of Arizona came out opposite on this issue than the Supreme Court of New Mexico

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NEWS FROM IASB

New superintendents invited

Invitations are going out soon for an August new superintendent luncheon event. The aim is to welcome these new top administrators and explain about IASB’s resources, services and training. The luncheon will be held Aug. 13 at IASB offices in Lombard. New superintendents register by contacting Brenda Watkins, ext. 1116, and at bwatkins@iasb.com. Online registration is also available at: <http://www.iasb.com/calendar/calendar.cfm>.

Digest of legislation prepared

Descriptions of bills now on the governor’s desk are contained in the 2014 edition of IASB’s *Digest of Bills Passed*, compiled by the Illinois Statewide School Management Alliance. It will be sent to member school districts, but it will also be found on the Association’s website at: <http://www.iasb.com/govrel/digestofbillspassed2014.pdf>.

Governance exemplars sought

Applications are due by Aug. 1 from boards meeting the requirements for IASB’s School Board Governance Recognition program. Forms are on IASB’s Members-Only website at <https://members.iasb.com/login.cfm> under the “IASB involvement” tab. A related checklist is available at <http://www.iasb.com/training/governancechecklist.pdf>. For details see an online tutorial video at: <http://www.youtube.com/watch?v=5za076po3D8&feature=youtu.be>. Qualifying boards will be awarded at fall division meetings and acknowledged at Conference.

New member district

Lisbon CCSD 90, Newark, is IASB’s newest member district. It is located in Kendall County in the association’s Three Rivers Division, served by Division Director Perry Hill IV.

Board members can get honors for efforts by keeping track of the Master Board points

IASB recently mailed out a form to board members to track their “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.

Points are assigned to professional development programs. 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 over 300 members who had earned or maintained Master Board Member status.

The point total for the year must be reported to IASB each year by the individual board member.

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 31.

The Master Board Member materials and records are available under the “Your IASB Involvement” tab at the top of the Members-Only home page.

Forms are available for each school year going back to 1999-2000 and are provided in portable document format (PDF).

Members may go to <https://members.iasb.com/involvement/MBM2013-2014.pdf> to complete the form. It may be mailed, faxed or saved and emailed as an attachment.

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.

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had in *Bartlett*. In *Fields* the court held that the term “benefit” encompasses benefit increases under the Pension Clause. The court relied on the history of the statute and Arizona precedent to reach this conclusion. Second, the court determined that changing the benefit increase formula diminished and impaired the benefits.

Recently, Illinois implemented a reform for its statewide pension systems relating to retirement benefits and COLA calculations (Public Act 98-0599) which have already been challenged. Illinois courts are not bound by or required to find either the Arizona or New Mexico decisions persuasive. However, in *Fields*, the Arizona Supreme Court specifically stated that Illinois had previously determined that benefit calculation formulas are entitled to constitutional protection. This could indicate that Illinois may hold itself in the minority with Arizona when the recent chal-

lenges are decided, and strike down the reform.

Of the seventeen states that have changed their COLAs, twelve have been challenged in court. In the nine states where the courts have ruled, eight have upheld the cut to COLAs. As the *Bartlett* court pointed out, the recent wave of COLA legislation can be attributed to the economic downturn that is affecting the fiscal viability of public funds. Illinois courts are being faced with identical arguments relating to the current reform—specifically that there is a constitutionally protected contractual right to the COLA calculation. Illinois has traditionally been considered one of the states with the greatest constitutional protection of public pension benefits. If Illinois courts decide to consider the current judicial thinking on the matter, it will be interesting to see if the reform is upheld in light of this strong constitutional protection.

CALENDAR OF EVENTS

July 24 – Board Book Webinar, online

August 6 – Board Book Webinar, online

August 16 – Basics of Governance Workshop, IASB, Springfield

August 16 – Basics of Governance Workshop, Lombard

August 22-23 – IASB Board of Directors’ Meeting, Bloomington

September 11 – Starved Rock Division Fall Dinner Meeting, Seneca

September 16 – IASB/IASA Professional Advancement Seminar, Downers Grove

September 23 – Shawnee Division Fall Dinner Meeting, Vienna

September 23 – IASB/IASA Professional Advancement Seminar, IASB, Springfield

September 23 – Corn Belt Division Fall Dinner Meeting, Stanford

September 25 – Wabash Valley Division Fall Dinner Meeting, Robinson

September 30 – Illini Division Fall Dinner Meeting, Mahomet-Seymour

October 1 – Southwestern Division Fall Dinner Meeting, tba

October 1 – Kishwaukee Division Fall Dinner Meeting, South Beloit

October 1 – Central Illinois Valley Division Fall Dinner Meeting, Morton

October 2 – Egyptian Division Fall Dinner Meeting, Fairfield

October 2 – Abe Lincoln Division Fall Dinner Meeting, tba

October 2 – Western Division Fall Dinner Meeting, Augusta

October 6 – Northwest Division Fall Dinner Meeting, Polo

October 21 – Kaskaskia Division Fall Dinner Meeting, Ramsey

October 23 – Two Rivers Division Fall Dinner Meeting, Virginia

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