

Illinois SCHOOL BOARD Newsbulletin

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ISAT delays cause AYP concerns for schools

Scores and AYP findings were due in early August

State Superintendent of Education Christopher Koch recently ordered nearly a million reading and math tests to be re-equated and rescored, “using a more appropriate process,” he said. “This process will delay the release of scores for several weeks,” he added.

A spokesman for Koch said the final scores should be released by mid-September at the latest. Scores and AYP determinations had been scheduled to be posted the first week of August.

Annual school report cards will still be available for release to the public by Oct. 31 as scheduled, state officials said.

The foul-up was discovered after Illinois students graded out so much better, in some cases and worse in others, on state tests this year that the Illinois State Board of Education (ISBE) was compelled to pay for an independent review to help explain the fluctuations. The board hired the Center for Educational Testing and Evaluation to review the situation. Working with test developer Pearson Education, it found an insufficient scientific



State test scoring problems led to delays in AYP determinations and concerns for school leaders.

method was used to ensure different questions between the two years carried the same scoring weight.

The swings in scoring followed the state’s decision to use Form F of a national exam after using Form B for the two previous years, ISBE said. At least six forms exist.

A standard equating method, used to ensure that each year’s test is as difficult as those in previous years,

did not adequately adjust for the new form, ISBE explained, thus a new equating method is being substituted.

The fluctuations in scores bolstered criticism that a single test should not be used to measure students, evaluate teachers or penalize schools. Some experts have also raised questions about the reliability of all three

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2008 Burroughs Award nominations are sought

There is still time to nominate local school board presidents for the Thomas Lay Burroughs Award, which is given annually to the state's outstanding school board president. The deadline for the Illinois State Board of Education to receive nominations is Oct. 17.

Created in 1991 in memory of the late ISBE chairman, the award is presented each November at the Joint Annual Conference. This year's conference will be held on Nov. 21-23, and the award will be presented on Sunday, Nov. 23.

Last year's winner was Mark C. Metzger, school board president for Indian Prairie Community Unit District 204, and President of IASB.

For more information, phone ISBE's Marsha Moffett or Jean Ladage at 217/557-6626. Nominations may be sent via e-mail to Ladage at jladage@isbe.net. Please indicate in the subject line: Burroughs Nomination. For nomination information and format go to: http://www.isbe.net/pdf/burroughs_award.pdf.

Health, eye exams required for students to return to class

In addition to immunizations, all students enrolling in kindergarten and any student enrolling for the first time in Illinois, whether in private or public school, must have an eye examination. The eye exam must be performed by a licensed optometrist or medical doctor who performs eye exams and is licensed by the IDPH. Proof of eye exams must be presented by Oct. 15.

A new law states that a student who had a health exam for fifth grade last year is not required to get another one for sixth grade this year.

But all students enrolling in sixth grade next year and beyond will be required to have the health exam.

Election workshop set for school board secretaries serving as officials

IASB will be presenting a workshop at five selected dates and locations this fall for district employees who serve as the board secretary and/or superintendent secretary and elected board secretaries. The workshop is intended to assist these board secretaries in their role as the "local election official" for the April 2009 school board elections.

Under Illinois law, the "local election official" for school districts is the board secretary or another person(s) designated by the board to receive nominating papers. That would include:

- The elected board secretary
- The superintendent's secretary who serves as the board secretary
- Another district employee who serves as the board secretary
- A district employee who is the "designated representative" of the school board secretary for purposes of the election

Topics addressed will include:

- Election procedures: a countdown to the big day
- Procedures for conducting the organizational meeting
- Election of new officers

The workshop, which costs \$50 per person, and will be held from 9:30 a.m. to noon, will be held at these dates and locations:

Friday, Sep. 19

Illinois Association of School Boards
Springfield

Friday, Sep. 26

Mt. Vernon SD 80
Mt. Vernon

Wednesday, Oct. 1

Freedom Hall
Park Forest

Thursday, Oct. 2

ARAMARK
Downers Grove

Friday, Oct. 3

Morrison CUSD 6
Morrison

The presenter at the Mt Vernon, Springfield, and Morrison locations will be Anna Lovern, director of policy services, IASB. She has presented regional workshops and educational panel sessions designed to meet the needs of school district secretaries for 12 years.

Presenting at the Park Forest and Downers Grove Locations is Alan M. Mullins, an attorney with Scariano, Himes and Petrarca. He has represented school districts for 26 years, and has advised superintendents or their secretaries about the day-to-day election requirements for 23 years.

Interested participants may register on the IASB web site at <http://www.iasb.com>. Additional election information is also available online.

Note: attendance at this event earns elected board members five credits in IASB's Master Board Member Program.

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Illinois Association of School Boards

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James Russell, *Director of Communications*

Gary Adkins, *Editor*

2921 Baker Drive
Springfield, Illinois 62703-5929
(217) 528-9688

One Imperial Place
1 East 22nd Street, Suite 20
Lombard, Illinois 60148-6120
(630) 629-3776

www.iasb.com



Carousel of Panels to add value at conference

Attendees can take in three of 27 panels on tap

Imagine having 27 panel presentations on school leadership topics to choose from, all offered at one time and then repeated. That describes the “Carousel of Panels” event planned for the 2008 Joint Annual Conference. Over a one hour and 45 minute time block, you can pick and choose to participate in three different panels of 30 minutes each.

Hop aboard the Carousel on Saturday Nov. 22, 1:30-3:15 p.m., Sheraton 5, Ballroom Level IV at the 2008 Conference. It’s exhilarating, but it won’t make your head spin. The presentations, and the presenters, will include:

- Effective Advocacy and Communication With Your U.S. Senators and Members of Congress, **FED ED**
- A Dashboard That Drives Your District to Higher Student Achievement, **Brookfield-LaGrange Park SD 95**
- Strategic Planning 101, **Northbrook SD 27**
- Embracing “Response to Intervention”: How One District is Closing the Gap, **O’Fallon THSD 90**
- Instructional Coaches: Embedded Professional Development That Supports Teacher Growth, **Wood Dale SD 7**
- Effective and Economical Technology, **Troy CCSD 30-C**
- Creating a Bridge From the Board Room to the Classroom by Utilizing Student Performance Data, **River Trails SD 26**
- A School District’s Success With Interest-Based Contract Bargaining, **Salt Creek SD 48**
- RtI Our Way, **Waukegan CUSD 60**
- Charting a Course for Ethical Decision-Making, Chicago State University
- Principal Evaluation for School Improvement, **Peoria SD 150**/Western Illinois University



The Carousel of Panels on Saturday at the Joint Annual Conference offers dozens of short to-the-point panel presentations. This year’s event will be held on Nov. 22 at the Sheraton and will feature 27 discussions led by school leaders from throughout the state.

- A Model Induction and Mentoring Program, **Belvidere CUSD 100**
- Implementing Response to Intervention in a Small Rural School, **Gardner CCSD 72C**
- From Hannah Montana to Sweeny Todd: Hiring, Evaluating & Possibly Firing Your Principal, **Macomb CUSD 185**/Southern IL University-Edwardsville/Hodges, Loizzi, Eisenhammer, Rodick & Kohn
- A 360-Degree Turnaround, **Calumet Public SD 132**
- Attracting and Retaining Quality Staff, **Benjamin SD 25**
- Miss School...Miss Out, **Decatur SD 61**
- Strengthening the Ties Between Curriculum, Assessment and Instruction, **Plainfield CCSD 202**
- Strategic Planning: The Future is Now, **Hononegah CHSD 207**
- How to Develop, Implement & Monitor a Successful District Strategic Plan, Southern Illinois University-Edwardsville
- Collective Bargaining: Getting Started-Staying Started, University of Illinois-Springfield
- Project Lead the Way: Engineering Success, **Warren THSD 121**
- Declining Enrollments & Dwindling EAV: A Potential Recourse, **Iroquois West CUSD 10**
- IL Network of Charter Schools – A Success District/Charter Public School Partnership: **Springfield SD 186** and Springfield Ball Charter School
- Property Taxes 101: Taking the Mystery Out of the Process, Aurora University
- Designing & Building a School: You Have the Need, You Have the Funding, You Have the Ideas...What’s Next?, Wm. B. Ittner, Inc.
- Quality Tools for Beginners, **Jacksonville SD 117**

IASB resolutions get 'do adopt' recommendation

Twelve ideas cover wide range of hot topics

IASB's resolutions committee, chaired by IASB Vice President Joe Alesandrini, recently recommended the adoption of 12 resolutions on topics ranging from outlawing public school strikes to abating all state and local taxes on gas and electric usage.

The committee met on Aug. 1 in Oak Brook to review resolution proposals submitted by member districts for possible adoption at the IASB Delegate Assembly during the Joint Annual Conference in November. Resolutions adopted there will set policy for IASB for the coming year.

Each year IASB's 21 divisions vote to choose a resolutions committee chairman, who appoints a committee of at least seven individuals (24 were appointed this year) from IASB membership. The committee is empowered to recommend the approval or disapproval of proposed resolutions, and to determine which resolutions are presented to the assembly.

This year three resolutions were withdrawn by the sponsoring district, and seven received a recommendation of "do not adopt."

Committee decisions may be appealed, but appeals must be submitted by member districts in writing to the committee at least eight days before the assembly's meeting. The list of resolutions that received a "do adopt" recommendation follows:

- Bilingual Education Options, Lake County Division, **Diamond Lake SD 76**, calls for legislation that would allow other methods to teach bilingual students besides Transitional Bilingual Education.
- Board Member-Travel Reimbursement, Wabash Valley Division, **Jasper County CUSD 1**, calls for a change in law to allow elected school board members to receive reimbursement for traveling to certain school-related functions.
- Abatements for Home Builders, Corn Belt Division, **Iroquois West CUSD 10**, calls for legislation that would allow local boards to develop criteria for awarding property tax abatements to individual homebuilders similar to abatements that are already allowed for commercial properties.
- Utility Tax Abatement for Schools, Kishwaukee Division, **Indian Creek CUSD 425**, calls for legislation that would abate all state and local taxes on gas and electric usage.
- Property Tax Cap-GSA Calculation, Kishwaukee Division, **Consolidated SD 158, Huntley**, calls for legislation that would fix the General State Aid calculation for school districts under the Property Tax Extension Limitation Law (PTELL) that have adopted a property tax rate increase for the operating fund.
- Strike Prohibition, Kishwaukee Division, **Consolidated SD 158, Huntley**, recommends amending IASB Position Statement 5.12 to prohibit public school employees from striking.
- Standardized Test Procedures, DuPage Division, **Wheaton Warrenville CUSD 200**, calls for amending a current IASB Position Statement to address the standardized test for English Language Learners, adding, "expedite and fully fund test development and implementation of an appropriate assessment instrument for English Language Learners."
- Student Assessment, DuPage Division, **Wheaton Warrenville CUSD 200**, is the third resolution in a package of four resolutions sponsored by the submitting district regarding English Language Learners (ELL). It calls for amending a current IASB Position Statement to address the standardized test for ELL, adding, "fairly test students who are ELL so that their academic progress can be accurately assessed regardless of their fluency."
- No Child Left Behind, DuPage Division, **Wheaton Warrenville CUSD 200**, is the fourth resolution in a package of four resolutions sponsored by the submitting district regarding ELL. It calls for amending a current IASB Position Statement to address the standardized test for ELL. It would add a provision to the Position Statement to seek to: "amend the act to permit alternate assessments and other appropriate measures for ELL, including but not limited to providing directions and question content in their most fluent language, or to allow removal of individual ELL from the subgroup when no appropriate test at their language level exists."
- School Board Member Training, DuPage Division, **Wheaton Warrenville CUSD 200**, calls for the adoption of a new IASB Position Statement regarding mandatory school board member training. This resolution was amended in committee to refer to an IASB "Position" Statement, rather than a "Belief" Statement.
- School Finance Reform, DuPage Division, **Wheaton Warrenville CUSD 200**, specifically addresses the school board member training requirement as part of a school funding reform bill. This resolution was adopted in committee to state the following: "Funding should not be tied to mandated training of local boards of education."
- Non-Resident Student Tuition, Southwestern Division, **Freeburg CCSD 70**, calls for the reaffirmation of a resolution adopted last year, Position Statement 2.25, regarding charging tuition for non-resident students.

For more information, contact your division representative to the resolutions committee or phone IASB governmental relations at ext. 1132.

Myriad school management topics featured at IASB's fall dinner meetings

Want to learn more about strategic planning or some other special topic or issue of central importance to school leaders? Or do you want to catch up with what your neighboring school boards are doing and meet your IASB leadership?

You can do all of this and then some by attending one or more of this year's fall division dinner meetings. These IASB division events are close by, reasonably priced, and well worth your time.

Beginning on Sep. 9, and concluding Oct. 30, IASB's fall division dinner meetings are a great place to catch up on school leadership developments, and share ideas and solutions with fellow school leaders and your IASB leadership. The complete schedule is available at IASB's online Events Calendar, which is at <http://www.iasb.com/calendar/>. You can search the entire calendar or select from the drop-down menu by division, area, event type, subject or keyword.

Whether you are a veteran board member, recently elected or appointed, the division dinner meeting is the perfect opportunity to learn more about school board service. For example, the topic of strategic planning is on the agenda for the Sep. 23 fall meeting of the DuPage Division, assembling at Spring Wood Middle School, **Keeneyville SD 20**, in Hanover Park.

That session will cover every board's dream: moving purposefully forward, with the assurance you have support from all your stakeholders. It will examine how this is accomplished, and the board's role.

Specifically, a former superintendent and former board president will discuss best communication practices and how school leaders must be advocates and cultivate credibility among their stakeholders.

Communications practices to be discussed include: developing a strate-

gic communications plan aligned with district goals, getting feedback, telling the whole story, admitting mistakes, and taking advantage of new technologies.

On hand at that session, and other division meetings, will be IASB field service directors, division officers, and other IASB staff and guests, there to present information, field questions, and to greet local school representatives.

The fall division dinner meeting is also when you can learn more about school board training opportunities, the upcoming Joint Annual Conference and Delegate Assembly resolutions, hear reports from IASB's board of directors and division officers, and recognize those board members receiving Master Board Member and School Board LeaderShop awards.

Many meetings also will offer a variety of breakout panel sessions similar to the one on strategic planning described above. These presentations will range from school law and finance to state funding and legislative proposals, and many other school management issues.

The division dinner meetings are designed to create a relaxed social setting where school board members and superintendents can network. These informal conversations are often the best way school leaders can discuss how their districts are faring in the common challenges and opportunities that face public education.

Information about division dinner meetings is mailed to every school board member and district office. Watch your mail in the coming weeks for a brochure that will explain where and when your division event is scheduled and how to register.

For more information about this and other IASB division events and activities, contact your field service staff member (see the full list of staff at <http://www.iasb.com/training/field-staff.cfm>).

NEWS FROM IASB

Annual calendar of legal dates to be posted soon

IASB's Annual School Calendar of legal dates and deadlines for 2008-2009 is expected to be available on the IASB Web site in early September. It will include a PDF version that can easily be downloaded, and it will appear on the IASB Web site: <http://www.iasb.com/>.

Subscribers to IASB's Online Update will be notified when the calendar is published, and as any revisions are made.

Does your board qualify for free TAG training?

If your local schools or your entire district did not make Adequate Yearly Progress according to NCLB guidelines, your board qualifies for IASB's *Targeting Achievement through Governance* (TAG) program.

Over an 18-month time frame, participating districts will receive such services as Board Governance Reviews, Targeting Student Learning workshop and coaching and the information on the board's role in approving school/district improvement plans. Not only are these services free, but IASB staff will come to your district for the workshop. This also qualifies board members for free attendance at a School Board Leadership workshop.

In Phase II of the program, for boards who wish to go beyond the 18-month curriculum, IASB offers added resources according to the district's specific needs. Available training options are policy monitoring, district planning, superintendent evaluation process, effective board processes and more.

For more information on the TAG program, contact Steve Clark, 630/629-3776, ext. 1210, or Deb Larson, 217/528-9688, ext. 1149.

Constitutional Convention idea supported by IASB

The Illinois Association of School Boards shall actively participate in promoting a Constitutional Convention for the State of Illinois when the question is submitted to the voters in 2008 (or earlier, if submitted before) and shall begin planning strategy and marshalling resources for the promotion of a vote in favor of conducting the Constitutional Convention. — IASB Position Statement 6.19

The Illinois Association of School Boards member districts resolved in November 2006 to push for a statewide constitutional convention to obtain long-sought school funding reform.

More than 300 local school board representatives in a vote taken at the Joint Annual Conference's Delegate Assembly favored a resolution submitted by Indian Prairie CUSD 204, Naperville.

The question of whether to convene a constitutional convention must go before Illinois voters at least every 20 years, according to terms of the 1970 Constitution. The last such vote was taken in 1988, and voters rejected, by a 3 to 1 margin, the idea of calling for a constitutional convention.

The issue will appear on the Nov.



The 1818 Illinois Constitution was a product of the state's first 'Con-Con.'

4 general election ballot in Illinois.

The rationale behind the adopted resolution stated that school funding is in "dire need" of reform and suggested that a constitutional convention represents the best opportunity to make majority funding of education at the state level a requirement, rather

than a mere goal, as the courts have interpreted provisions under the present state constitution.

As the November 2008 balloting on the question draws closer, advocates now say that the need for a constitutional convention has become increasingly clear. Political infighting has dominated Springfield for the past several years, going so far that Gov. Rod Blagojevich sued House Speaker Michael Madigan over the power to call the legislature into special session. The legislature and governor were also months late in agreeing on a budget in 2007. Some lawmakers have gone so far as to calling for the governor's resignation or impeachment.

Also at stake in a constitutional convention could be the state's flat income tax rate, election of judges, and almost any other issue that participants wanted to bring up. If voters in November approve the idea of having a constitutional convention, a separate election would be held for delegates, who would meet in 2010 to work on the document.

In fact, as of May 2008, there have been 889 resolutions introduced in the

See **CONVENTION** on page 7

Online sources tell rich story of 'Con-Con' events past and future

What is a constitutional convention and what role does it have in Illinois state governance? A good resource for information about the state constitution and constitutional conventions can be found online at: <http://www.ilga.gov/commission/lru/ConConRef.html>.

A product of the Illinois General Assembly's legislative research unit (LRU), some of the key points – listed chronologically – from the site's documents, explanations, and offerings include:

- In 1824, southern counties called for a pro-slavery constitution, but that call was defeated.

- Another call for a convention failed in 1842, but was accepted in 1846.
- That constitution was ratified on March 6, 1848. It included so many details to correct past abuses that it soon "became inadequate."
- Another convention was assembled and adopted what became the 1870 constitution. It created a multi-district House and a stronger veto for the governor, and it added a new public education article.
- The 1920-1922 convention, "highly polarized by a partisan state reapportionment issue," was submitted and overwhelmingly rejected.
- The 1969-70 constitutional con-

vention was the state's sixth such convention.

- Governor Richard Ogilvie ordered 12 position papers to be prepared as background research for the 1969-70 constitutional convention's delegates. These are listed on the main Con-Con page at the legislative research unit site.
- Thirty-eight percent of registered voters participated in a special election in December 1970 that resulted in a new constitution for the state. The following PDF document has an outline of the events leading up to

See **HISTORY** on page 7

CONVENTION *from page 6*

Illinois General Assembly to amend the 1970 Constitution. The legislature has sent 16 to the voters who approved nine of these amendments to the state constitution. A listing of those resolutions as well as a table listing all the articles and the number proposed, adopted, etc. are available online at: <http://www.ilga.gov/commission/lru/11-077.pdf>.

Former candidate for governor and longtime state senator Dawn Clark Netsch, who also served as state comptroller, cautioned against holding a convention, saying she fears hot-button social issues like abortion or stem cell research would monopolize the debate because special interests are frustrated that the issues are not being debated by the legislature. She argues that ineffectual lawmakers, not the Constitution, stop the state from addressing important social issues.

But Netsch, who served as a delegate at the 1969-1970 convention, agreed that voter frustration with Springfield lawmakers may work in favor of reformers, such as Lt. Gov. Pat Quinn, who favors a convention.

Quinn was among activists who pushed unsuccessfully for a convention in 1988, seeking fundamental reforms in the state's property tax system, education funding, ethics rules and a new recall-election system.

If voters do approve the call for the convention, then the General Assembly at the next legislative session must provide for electing two delegates from each legislative (Senate) district. Qualifications to be a delegate are the same as those to be a legislator. The General Assembly is also to designate the time and place of the convention's first meeting, which must be within three months after the election of delegates. Election of delegates apparently could occur on either regular or special election dates as determined by the General Assembly.

IASB member districts have long favored major school funding reform, provided the reforms enacted meet the criteria outlined in IASB position statement 2.34, adopted in 1990, last updated

in 1998, and reaffirmed in 2001. It calls for the state "to provide a stable, reliable and predictable commitment of school revenue." And it stipulates that "state funding levels for public education should be a function of the actual cost of providing an appropriate education."

The full text of this position statement, and other related statements, are available from IASB online at: <http://www.iasb.com/govrel/positions.cfm#2>.

IASB and other school management groups say state funding reform is needed in part because of the inequity in revenue available to school districts under the current funding system, and in part to improve the adequacy of funding. Because school funding is largely left up to property taxes, and property values vary so much from one place to the next, some Illinois school districts receive more than \$13,000 per pupil per year while others receive less than \$5,000. Of course, costs also vary somewhat from one location to the next, and programs differ, as well, along with the level of services desired.

Taken together, however, these differences in school needs may not justify such a wide disparity in school district income. In fact, some schools can provide nearly all of the programs desired by parents and students while others cannot afford all of the basics needed.

"Clearly the problem of inadequate and inequitable school funding represents a major hurdle for many Illinois school districts. Most school leaders agree there are structural issues within the current funding system that need to be corrected," said IASB Executive Director Michael D. Johnson.

He notes, however, that some who voted against IASB's Con-Con resolution in 2006 were concerned that the outcome of a convention might make things worse. "We likely can make the language stronger to support the state funding of schools," Johnson said. "But some said we might get other issues arising that we really haven't prepared for that could be worse."

HISTORY *from page 6*

this election: <http://www.ilga.gov/commission/lru/7-803.pdf>.

- A committee was formed to study whether a 1990 convention should be convened. It was estimated at the time that convening a new constitutional convention would cost the taxpayers over \$31 million. There is a chart laying out the costs in this article: <http://www.ilga.gov/commission/lru/ICICestimate.pdf>.
- There are also more scholarly papers about issues surrounding a potential constitutional convention in 1990 online at: <http://www.ilga.gov/commission/lru/Sevener.pdf> (under part II-1988 Referendum).
- Part III—current issues—of the LRU website is the most helpful. This section talks about the steps of the most recent process including the house resolution to convene a Joint Committee for the Constitutional Convention Proposal and the committee's arguments in favor and against holding the convention. These arguments are printed by the Secretary of State and will be distributed to voters in pamphlet form before the election in November.
- The LRU created a report estimating the costs for a 2010 constitutional convention: from \$14 million to \$23 million at the minimum. This report also outlines a general timeline for the whole process: <http://www.ilga.gov/commission/lru/Costs.pdf>.

A fuller timeline of the events leading up to the adoption of the 1970 Constitution now in effect is available online at: <http://www.ilga.gov/commission/lru/Chronology.pdf>. The LRU also has posted all of the transcripts of the 1970 constitutional convention on their site.

Another research source, written in April by attorney David Miller, assistant director of LRU, highlights the reasons for the 20-year provision in the 1970 Constitution. Access this report at: <http://www.ilga.gov/commission/lru/11-075.pdf>.

School funding sessions falls flat with lawmakers

Governor's 'reform' call proves too uncertain

The legislature all but blew off a special session in August that had been called by the governor to discuss education funding. Gov. Rod Blagojevich called state lawmakers back to the Capitol for what proved to be an unproductive day to deal with education funding reform as the Illinois House adjourned after just 21 minutes.

The governor had ordered legislators to consider "increasing school funding, improving the school funding structure and eliminating any current inequities."

But he offered neither specific ideas nor any new bill, and, what is more, he said he remains opposed to raising income taxes as a means to increase education spending. Also, he did not suggest any other funding source. So, with no viable funding at hand, the legislature simply did not tackle any substantive legislation during the special session.

According to a spokesman the governor chose to call the special session on education funding after being urged to do so by some lawmakers who have complained about inequities in school aid. State Sen. James Meeks (D-Chicago), a leading voice for school funding reform, has long supported legislation that would raise the state income tax rate to better fund public schools, while offering property tax relief. Meeks had recently begun talking again about running for governor.

He and other school funding critics say that because public schools in Illinois are so dependent on local property tax funds, the disparity between the funds available to property-poor school districts and wealthy ones continues to increase. Some say the quality of education a student receives should not be dependent upon where that student resides.

Meeks has said he plans to introduce a bill that would "sunset" (lawmakers' term for permitting a law to

expire by a certain date unless action is taken) local property taxes for schools by 2010.

The concept, based on the Michigan legislature's enactment of just such an act, is to create a "doomsday" deadline in order to prompt a legislative solution. Michigan sunsetted its property tax several years ago and finally settled on the sales tax as a replacement.

Although education received a modest increase in state aid under the state budget this year, Illinois continues to pick up a dwindling share of the cost of public schools, and to pay much less of the overall cost of K-12 schooling than comparable states in

The governor previously has supported selling or leasing the state lottery and expanding gambling to accomplish that. But the lottery sale now is being advanced to fund the governor's capital program instead of public schools, and he has dropped his gambling expansion idea to fund schools...

the Midwest. Indiana pays 49.1 percent of the cost of its public education system, Iowa pays 45.6 percent, Michigan pays 57.3 percent and Wisconsin 44.1 percent – all in stark contrast to Illinois' 29.6 percent.

The recently adopted state education budget allows for an increase in the foundation level over last year of \$225 per student (3.9 percent), and districts saw this change reflected at the beginning of the General State Aid cycle, with their first payment in August. The new foundation level is \$5,959 per student, and the budget also contains the funding to continue the 100 percent hold harmless payment for poverty.

But the foundation level falls far short of the "adequate funding" amount recommended just a few years ago by the state's blue-ribbon panel of experts, the Education Funding Advisory Board (EFAB). The panel was created in 1997 to recommend the minimum amount needed to provide an adequate education to youngsters, based on actual outlays in high-achieving, low-spending districts.

EFAB recommended a foundation level of \$6,405 for FY 2006 three years ago.

The governor wanted lawmakers to consider some plan to significantly increase school funding. But he refused to support a plan for cutting property taxes and increasing income taxes to create greater equality in how schools are funded. That plan is backed by Sen. Meeks. The governor opposes one key aspect of that plan, namely an income tax increase to provide billions of extra dollars for schools and other funding purposes. The governor instead wants lawmakers to look at other ways to pay for the increased spending.

The governor previously has supported selling or leasing the state lottery and expanding gambling to accomplish that. But the lottery sale now is being advanced to fund the governor's capital program instead of public schools, and he has dropped his gambling expansion idea to fund schools, apparently because of legislative opposition.

Blagojevich had also directed lawmakers to spend Aug. 13 dealing with his stalled statewide construction proposal, which had been reduced from \$34 billion to \$25 billion to try to appease lawmakers who are opposed to using an expansion of gambling as a revenue source.

"Now that they have had time to review our proposal, I will convene a special session so that they can pass a plan this summer that will repair and rebuild our states infrastructure and put Illinoisans to work," Blagojevich stated.

years of the new ISAT because it is unclear whether it was this year's test that was skewed or the tests from the previous two years.

Scores on the ISAT taken in March by students in third through eighth grades showed steeper-than-normal increases or decreases, depending on the grade tested. The changes were most clear cut in reading in third, fourth, sixth and eighth grades, but math scores also were impacted, according to ISBE. In some cases, the change in the passing rates was 10 percent or more.

ISAT is a standardized test that measures individual student achievement in third through eighth grades, relative to state learning standards.

Schools are waiting for ISAT scores both to make data-driven decisions about curriculum, and also to learn if they have reached the 62.5 percent passing rate required for all groups of students under the Adequate Yearly Progress provisions of the federal No Child Left Behind Act. Under the law, schools that repeatedly fall short of their targets, even for a single subgroup, must offer school choice or after-school tutoring.

Koch has offered some state guidance about AYP concerns to school administrators. "We are working to get these scores to you as soon as possible. In the past when these determinations have been late, the advice given to districts was to err on the side of caution and begin making plans to provide school choice and/or supplemental education services in situations where there was a chance that the test scores would trigger these actions," he said.

Statewide trends are seen

Koch informed local districts earlier this summer that scoring swings "are not limited to a single district or set of districts; nor are they confined to a specific subgroup. Instead, we are seeing statewide trends."

The ISBE contracted with the Kansas-based Center for Educational Testing and Evaluation, a firm with

substantial testing experience, to review the scoring, logistical processes and the testing methods to find out the reasons for the fluctuations. The state also had asked its test contractor, Pearson Education, to review how it scored students' longer, written answers, and the weighting factors assigned to questions based on ease or difficulty.

"The fact that these issues were identified early in the scoring process shows that the safeguards we have in place are working to ensure the most accurate scores possible," said Koch, in a message to school districts in late July.

The delay is not unprecedented. In fact, last year was one of the few instances when the state provided the assessments on schedule and on time for the beginning of the school year.

Results were delayed the year before last (2006-07) because of late exam document delivery and error-riddled test booklets provided in the spring of 2006. Ever since testing was first ramped up by NCLB in 2002, testing results have typically been rife with errors, late, or have shown significant or unexpected shifts in scores.

Such problems have caused difficulties for many schools and districts, particularly those required by the NCLB Act to communicate the option of school choice and supplemental education services to parents.

Many educators say they have been anticipating a downturn in passing rates for non-native speakers because such students were newly required to take the regular ISAT test this year with accommodations, rather than a test designed just for them. The 2008 aberrations, however, were not limited to English Language Learners.

The score fluctuations this time raised some concerns among local school officials about the reliability of the testing system itself.

Champaign CUSD 4 school officials, for example, were taken aback by the preliminary scores they received from ISBE in June. They were immediately sure something was wrong,

especially with regard to reading scores.

"I didn't feel the scores were an adequate reflection of the work of our students and teachers for this school year," Deputy Superintendent Dorland Norris told Robin Scholz of the *The News-Gazette*, Champaign.

"Despite the problems, I've had faith in the testing system—until this year," Carpentersville school official Carole Cooper told the *Chicago Tribune*. Cooper is the director of assessment and accountability for **Community Unit School District 300**, Carpentersville, where reading scores suddenly dipped in 26 of 27 schools after increasing in previous years. "I don't think this problem will be worked out until two to three years from now, and by then, we will have moved on to another assessment," Cooper was quoted.

When district officials began talking with the state board of education, they learned the board was hearing similar concerns from across the state.

Officials said the questions about reading scores mean many district administrators will be more cautious in their analysis of how students performed.

Although getting the scores back earlier is better, this is not the longest delay. In some years the state scores have not come back until December.

High school test scores do not appear to be raising the same red flags as the ISAT scores. The PSAE measures whether a high school is meeting or exceeding standards of the No Child Left Behind Act.

The PSAE scores were posted in the "Assessment Correction" files on the Student Information System in early August. Districts were given until Aug. 18 to make final corrections or to request a rescore.

School leaders say they expect to go over the final test results carefully to make sure the scores are accurate. Many will wait to make any announcements until after a review is completed.

When state exam scoring information is released, it will be posted online at: www.isbe.net/assessment.

Rulings point way to handling disgruntled citizens, parents



Melinda Selbee is IASB's general counsel

DEVELOPMENTS IN SCHOOL LAW

Disgruntled parents and unhappy citizens sometimes resort to litigation to validate and resolve their complaints and, occasionally, to punish perceived wrongdoers. When these individuals believe they are being unjustifiably silenced or subjected to retaliation, they often contend the public body violated their First Amendment free speech rights.

What can school leaders learn from the following recent decisions? Here are several scenarios and what legal recourse was available:

I. An outspoken critic of county government collected information from public records and news sources for use on his website and blog. He regularly attended county board meetings and spoke during public comment portions. The county installed a switch on the public microphone to limit the length of comments or to quiet rude outbursts. He contends it was used to silence his comments, violating the First Amendment.

Result: Using a cutoff switch to enforce time limits does not constitute an unreasonable restriction on speech unless the governmental entity employs the switch to silence a viewpoint. *Zinna v. County of Jefferson*, 2008 WL 2185907 (D.Colo., 2008).

II. A local reporter photographed a board member dropping his child off at school in another district. A week later, he published an article critical of the board member's decision to enroll his child in a non-district school and included the photograph. The board passed a resolution barring the reporter, under threat of prosecution for trespass, from school property open to the public. He contends this was in retaliation for his articles crit-

ical of the board and its members. The individual board members believe they are entitled to qualified immunity and thus seek a summary dismissal.

Result: The reporter sufficiently showed a constitutional violation. Observed the court: "The First Amendment right of free speech includes not only the affirmative right to speak, but also the right to be free from retaliation by a public official for the exercise of that right."

Whether the individual board members should be dismissed from the lawsuit depended on whether they were entitled to qualified immunity. Qualified immunity is denied public officials if they violate a clearly established constitutional right. Here, the court found that a reasonable school board member would have known it was unlawful to bar a reporter from school grounds in retaliation for publishing critical articles. The board members thus failed to demonstrate their entitlement to qualified immunity. *Cole v. Buchanan Co. School Bd.*, 2007 WL 4613039 (W.D.Va., 2007).

III. Parents requested to be placed on the agenda for the school board meeting – they wanted to discuss their sons' dismissal from the high school varsity football team. The executive committee responsible for developing agendas denied their request, believing this was not the type of matter the board handled. The board did not hire or fire coaches, nor did it make decisions regarding who plays. The parents contend that school officials engaged in an unconstitutional prior restraint of plaintiffs' rights under the First Amendment by refusing to put this matter on the agenda.

Result: Governmental action constitutes a prior restraint when it suppresses speech for its content before it is communicated; regulations are unconstitutional prior restraints on

speech when they give "public officials the power to deny use of a forum in advance of actual expression."

Here, however, the board did not ban the parents' communication or grant the executive committee the discretion to suppress their speech based upon its content. The parents were not prevented from expressing their message in any one of several ways; they were simply denied a place on the agenda. *Lowery v. Jefferson Co. Bd. of Educ.*, 522 F.Supp.2d 983 (E.D.Tenn., 2007).

IV. During the public comments portion of a planning commission's meeting, the citizen at the microphone accused a commissioner of not paying attention. The commissioner interrupted to express his resentment and the citizen began shouting. The chairman asked the citizen to be seated but, ultimately, had to ask a police officer to remove him. The citizen contends his expulsion was an unconstitutional restraint of his speech.

Result: The court found the public meeting was a limited public forum, and that a government entity may impose reasonable restrictions to preserve the civility and decorum necessary to further the forum's purpose of conducting public business. The citizen was excluded because of his disruptive behavior – not because of any viewpoint he expressed. The commission and its members did not violate the citizen's First Amendment rights. *Steinburg v. Chesterfield County Planning Comm'n*, No. 07-1181 (4th Cir., 2008).

How this applies to you: Courts will not tolerate viewpoint-based restrictions on citizens or parents during the public comments portion of a board meeting, absent a compelling reason. Likewise, courts will not permit retaliation against citizens or parents

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because of their complaints. Courts will, however, uphold content-neutral restrictions on speech during the public comments portion of a board meeting that are narrowly tailored to serve a significant governmental interest and leave open other channels for communication. A significant governmental interest that justifies content-neutral restrictions is conducting orderly, efficient, effective, and dignified meetings. Courts recognize that presiding officers must have discretion to cut off disruptive speech.

These are just examples of recent decisions, and only a board's attorney can provide legal advice or a legal opinion on a specific situation or practice.

CPDU's offered teacher/board members attending Joint Annual Conference

Certified Illinois teachers who also serve as board members can now receive Continuing Professional Development Units (CPDU) for their participation in the Joint Annual Conference. The State Teacher Certification Board has approved the Illinois Association of School Boards as a professional development provider. Any certified Illinois teacher who serves on a local board of education and is registered for the conference may receive 12 CPDU credits for attendance at the full conference.

Evidence of Completion (ISBE form 77-21B) and Evaluation (ISBE form 77-21 A) will be available at the conference registration desk in the Hyatt during regular registration hours. Evaluation forms must be dropped off at the designated area of the Registration Desk prior to the conclusion of the conference.

NEWS HEADLINES

Belleville (July 31, *Belleville News-Democrat*) Although a technical violation of a Belleville District 201 policy occurred when a district employee appeared in a campaign ad for a board member running for a judicial seat, there will be no disciplinary action based on findings from the district's ethics committee's investigation. "The ad did not violate the Illinois Ethics Act," explained Jim Rosborg, the district's ethics committee chairman.

Carpentersville (July 11, *Elgin Courier News*) CUSD 300 was the only taxing body, of four on hand, to vote against the village's proposed tax increment financing (TIF) district at a July 10 joint review board hearing. The vote only serves as a suggestion for the village, which could have approved the TIF even if all of the taxing bodies rejected it.

Clinton (July 14, *The Pantagraph*) Clinton CUSD 15 schools will review options from a DeWitt County energy company to develop a renewable energy source fueled by landfill gas to heat and cool the district's buildings. Edwin Ingalls, general manager of Greenfield Energy, met with the school board and said he hopes to help develop a system where the landfill gas at the Clinton Landfill can be converted to use in the district's heating system. "The technology is not complex," Ingalls said. "The methane gases from the landfill are consumed in an engine at our plant. The heat energy from that is transferred to the destination." About 450 landfills nationwide capture such energy for some use, he added.

Fox River Grove (July 29, *Northwest Herald*) A former Fox River Grove District 3 art teacher recently lost an appeal of his September firing. An Illinois State Board of Education hearing officer sided with the school board's unanimous decision to dismiss the teacher after eight

years with the district. "I don't feel vindication, but I'm glad for our administrators," board vice president Steve Knar said. Knar said he was pleased with how then-principal Tim Mahaffy, now the superintendent, dealt with the situation at a middle school. Officials said the teacher had begun teaching veganism and animal rights without informing the school.

Manlius (Aug. 1, *Peoria Journal Star*) Textbooks will be provided free for the second straight year in Bureau Valley CUSD 340. Superintendent Terry Gutshall said the board unanimously voted to waive textbook fees, even though it will cost the district \$65,000. "A lot of parents are paying hefty property taxes and we want to help them out, especially with the economy not being so great right now," he said.

Naperville (Aug. 1, *Chicago Tribune*) A special education teacher is suing Indian Prairie District 204 for a student's attack, claiming district officials are liable for not keeping a reportedly dangerous student out of her classroom. The teacher claims the student has continually shown a "propensity for violence" and school officials ignored staff recommendations that the student be placed in a special school better able to deal with his issues. The district is declining to comment at this time because the litigation is pending.

Normal (July 10, *Peoria Journal Star*) McLean County Unit District 5 and a local youth organization recently joined forces to create the area's only charter school. Called YouthBuild McLean County Charter School, the high school would serve low-income students ages 17 to 21 who have had educational problems and are not enrolled in school. "This is an excellent opportunity to re-engage students who aren't attending classes," said Unit 5 Superintendent Gary Niehaus.

Key deadlines are approaching for '08 Joint Annual Conference

A preview booklet for the 2008 Joint Annual Conference is being mailed soon to all districts and will include a master schedule of all Conference events; descriptions and time slots for 108 panel sessions; descriptions of six full-day pre-conference workshops and two half-day sessions, and much more.

This year's event will be the 76th Joint Annual Conference of the Illinois Association of School Boards, Illinois Association of School Administrators and Illinois Association of School Business Officials in Chicago. This is an important event for Illinois school leaders, the nation's largest state education conference, presenting an unmatched opportunity to learn and share information among colleagues.

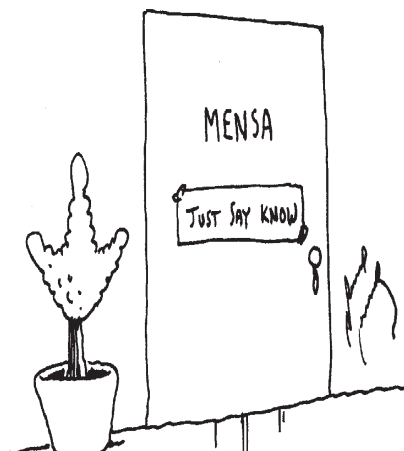
As mentioned, 108 panel sessions are to be offered over the course of the three-day conference, plus eight pre-conference workshops on Friday, Nov. 21. The conference will also include: a tour of some Chicago Public Schools on Friday, Nov. 21; a Carousel of Panels on Saturday, Nov. 22; workshops for board and district secretaries on Friday, Nov. 21 and Saturday, Nov. 22; coffee and conversation sessions on Sunday, Nov. 23, plus three inspiring general-session speakers, and much more.

Oct. 14 is the deadline for IASB to

receive completed registration forms from those who wish to take part in the conference. The cost for member district registrants is \$330 until Oct. 14; after that date the cost is \$355 each.

Housing not already secured will be the responsibility of registrants. That's because, despite contracting for hundreds of additional rooms for this year's event, the participating conference hotels ran out of available rooms several weeks ago, with the exception of the Palmer House.

Conference registration packets and badges will be mailed on Nov. 7 for all registrations received prior to the Oct. 14 deadline.



CALENDAR OF EVENTS

September 23 – DuPage Fall Dinner Meeting, Spring Wood Middle School, 6 p.m.

September 25 – Kishwaukee Division Dinner Meeting, Belvidere CUSD 200, 6 p.m.

September 25 – Southwestern Division Fall Dinner Meeting, Millstadt CCSD 160, 6 p.m.

September 25 – Illini Division Fall Dinner Meeting, Mattoon CUSD 2, Mattoon, 6 p.m.

September 26 – Board Secretary Workshop-The 2009 School Board Election, Mt. Vernon SD 80, 9:30 am – Noon

September 29 – West Cook Fall Dinner Meeting, The Elmcrest, 5:30 p.m. Registration

October 1 – Board Secretary Workshop-The 2009 School Board Election, Freedom Hall, Park Forest, 9:30 a.m. – Noon

October 1 – South Cook Fall Dinner Meeting, - Oak Lawn Hilton, 5:30 p.m. Registration

For more current information on coming events, see the IASB web site at www.iasb.com/calendar/



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