

65 East Wacker Place • Suite 1620
Chicago, Illinois 60601
(312) 368-1066
FAX (312) 368-1090



108 East Cook Street
Springfield, Illinois 62704
(217) 528-9200
FAX (217) 528-7214

Catholic Conference of Illinois 2010 Legislative Report

June 30, 2010

State budget issues continue to be of critical importance. Before the Illinois General Assembly adjourned in May, a budget for Fiscal Year 2011 was passed. No major tax increase was passed, however. The budget is still awaiting consideration by the Governor for final approval. As with the budget passed last year, most funding was appropriated in lump-sum amounts of funding. This means the Governor and state agencies (rather than legislators) will again make the final decisions about funding to individual programs and services. In addition, the Emergency Budget Act was passed, which gives the Governor broad authority in making decisions about the budget, including holding back \$2 billion in state spending as reserves. The budget will also be funded by a tax amnesty program, borrowing against the state's portion of the national tobacco settlement, taking revenue from restricted state funds, and requiring some top state officials and agency employees to take furlough days and forgo cost of living pay increases. In addition, at the time of this writing, the State is still trying to address a significant piece of the budget that deals with borrowing related to state pensions.

Along with budget issues, the 2010 Spring Legislative session included consideration of a number of bills affecting families, children, the elderly and the poor. Some of these issues were part of our legislative agenda for the *Catholics at the Capitol* day held on March 3, 2010 in Springfield. Approximately 1,000 Catholics, including clergy and laity, joined Cardinal George and the Illinois Bishops to speak to legislators about these issues based on our gospel values. The following report provides an update on these and other important bills.

Catholics for Life

House Bill 6205 (Reproductive Health and Access Act) – Passed House Human Services Committee but was not called for a vote in the House. The Catholic Conference of Illinois (CCI) opposes this legislation, which represented a **radical** departure from current federal and Illinois law regarding abortion. In contrast to the will of the people, this legislation embraced abortion-on-demand, required taxpayer funding of abortion and other reproductive medical treatments and mandated “comprehensive” sex education in every public school in the state. HB 6205 passed the House Human Services Committee on March 26 with the support of the Governor's office.

However, the supporters of the legislation were unable to convince nearly as many members to sign on as co-sponsors, and we were able to ensure the bill lacked the requisite support.

House Bill 5743 (Ultrasound) – *Did not receive hearing in House committee.* CCI supports HB 5743, which requires abortion facilities to offer a woman seeking an abortion the opportunity to view her baby in a quality ultrasound. The facility would also be required to document the woman's response to the offer. This year, legislators seemed more open to signing on as co-sponsors to this legislation. In fact, the bill enjoys 18 co-sponsors. However, the bill was again assigned to the House Human Services Committee and was not considered.

House Bill 5687 & Senate Bill 3569 (Death Penalty Abolition) – *Was not assigned to House or Senate committee. (See Community Affairs report below.)*

Senate Bill 1716 (Civil Unions) – *Was not called for a vote by end of spring session but received extended deadline and remains on 3rd Reading in the House.* CCI opposes this legislation. In 2009, after first introducing and then abandoning legislation to codify same-sex marriage (House Bill 178), Representative Harris introduced House Bill 2234 – The Illinois Religious Freedom Protection and Civil Union Act. Later in the 2009 session, in an effort to secure a surprise vote and overcome significant opposition, the exact text of House Bill 2234 was amended onto Senate Bill 1716. However, in spite of a big push by a number of highly paid contract lobbyists, we effectively participated in the opposition, and the maneuver was unsuccessful in bringing about a quick vote. Senate Bill 1716 has remained on the order of third reading in the House of Representatives for over a year. This status allows for the bill to be called for a vote at any time. Representative Harris has indicated he fully intends to call the bill to a vote before the expiration of the current General Assembly, probably in January of 2011.

Community Affairs

House Bill 5687 and Senate Bill 3569 (Death Penalty Abolition) – *Did not receive committee hearings in either the House or Senate.* CCI supports HB 5687 and SB 3569 to abolish the death penalty and replace death penalty sentences with terms of natural life imprisonment. Although neither bill received a committee hearing this spring, work towards abolition of the death penalty will continue. The Community Affairs and Catholics for Life Departments are discussing ways to support these efforts. It is hoped that the bills could be brought up for a vote in the fall veto session, or otherwise will be reintroduced next year.

House Bill 537 (Payday Loans/Small Consumer Installment Loans) – *Passed both the House & Senate and signed into law by the Governor on June 21, 2010.* House Bill 537, which CCI supported, improves upon the Payday Loan Reform Act of 2005 and caps interest rates on most short-term loan products in Illinois. The bill contains numerous provisions to help limit the length of time someone remains in debt from these loans as well as requiring more reasonable monthly payments based on one's income. Also, important data on these loans will be collected to help the State better analyze and regulate these loan products. The new law becomes effective on March 21, 2011.

Funding for English and adult education – CCI supports maintenance of state funding for English and adult education. English language skills and adult education help immigrants to

better integrate and participate in their communities and parishes. At the time of this writing, although the state budget for FY 2011 has passed, it is still being determined how much funding will be specifically allocated to English and adult education. We will continue to support a maintenance level of last year's state funding at minimum.

Education

Budget Impact – The Illinois State Board of Education's (ISBE) budget was not immune from budget cuts this year. Mandated categorical programs – which are basically federally mandated special education provisions – were reduced by \$327 million. There is legislation to restore these cuts with an increased cigarette tax, but it has not moved forward. The lump sum appropriation for grant programs, some of which serve Catholic schools and their families, was reduced by approximately \$150 million to \$370.7 million. And although the Governor added almost \$200 million to the Preschool for All and Bilingual Education line items, ISBE's budget will still total some \$300 million less than last fiscal year

All of this ensures significant impact on Catholic schools. As you know, CCI has been working hard all year to restore funding to the Textbook Loan, School Safety Block Grant and Transportation Reimbursement Programs. In addition to seemingly countless testimonies and meetings, we asked Representative Chapa LaVia (D-Aurora) and Senator Ira Silverstein (D-Chicago) to introduce legislation in the House and Senate respectively to restore funding to the Textbook Loan Program: **House Bill 6096** and **Senate Bill 3530**. In a showing of strong support, we currently have 33 co-sponsors in the House and 16 in the Senate. However, due to the General Assembly's insistence on lump sum appropriations, no line item appropriations bills like these were allowed for a vote.

Our advocacy efforts to date tell us the state bureaucrats at ISBE will not fund textbook loan or transportation reimbursement on their own. ISBE's continued opposition to any funding for these programs is difficult to understand and not in keeping with the Board's strategic goals, which call for service to ALL schools and ALL students. On June 24th, 2010, ISBE approved allocations of their lump sum appropriations. These allocations did not fund Textbook Loan, Transportation Reimbursement, or the Educational Improvement and School Safety Block Grant. In response to our and other groups advocacy, ISBE will send a letter to the Governor asking that he utilize his authority under the Emergency Budget Act to provide funding for these and additional programs. We will continue to lobby the Governor to keep these programs alive, but the situation is very difficult.

At some point in the future, the state's fiscal condition will stabilize, the General Assembly will return to line item budgeting, and the support in the legislature we have built up for these programs will see them restored. Until then, we will continue to do our best to persevere.

Senate Bill 2494 (Senator James Meeks' Voucher Initiative) – *Passed the Senate, held on Postponed Consideration in the House.* State Senator James Meeks (D-Chicago), also the pastor of Chicago's Salem Baptist Church (the largest African-American Church in the state), came out in December 2009 for a school voucher system, embodied in Senate Bill 2494, which will allow families enrolled in the lowest performing and most over-crowded Chicago public schools access to a voucher to pay tuition at local state recognized nonpublic schools. Frustration with Chicago

public school's failing test scores, dropout rates and persistent violence led him to conclude a different approach was necessary.

In March, extensive testimony on the proposal was heard in the Senate Executive Committee's Subcommittee on Education. CCI, the Illinois Policy Institute and Agudath Israel testified in support. On Wednesday, March 24th, the bill passed the Executive Committee by a vote of 8-2-2. The next day, the bill passed the full Senate by a vote of 33-20-3. Our advocacy continued and several weeks later the bill was passed by the House Executive Committee by a vote of 10 to 1. Unfortunately, on Wednesday, May 5, 2010, the Illinois House of Representatives added another failure to the already dysfunctional record of state government in recent years. After extended debate, the voucher bill failed to achieve the requisite 60 votes for passage. However, the bill received enough support to allow the sponsor to move the bill to postponed consideration. This maneuver allows for the bill to be called for another vote. We will continue to work in support of the legislation and hope to gain enough support to call another vote during the legislature's November veto session.

Senate Bill 226 (Principal Certification) – *Passed the House and Senate and signed into law on June 1, 2010.* In the last weeks of session, the Illinois State Board of Education and the Illinois Board of Higher Education introduced legislation to establish a new program for a principal endorsement of administrative certificates for institutes of higher education and approved non-profit training organizations. The principal endorsement will take the place of the current general administrative endorsement.

The current general administrative endorsements will remain available until June 1, 2014. Subsequently, the new programs of principal endorsements will be available to those who successfully complete a principal preparation program at an institution of higher education or approved non-profit; has at least 4 years of teaching experience (however, the State Board of Education shall allow, by rules, for fewer than 4 years of experience based on meeting standards to be set, including without limitation a review of performance evaluations or other evidence of demonstrated qualifications); and having a master's degree.

Anyone holding a general administrative endorsement will remain eligible to be a principal in public schools (and presumably Catholic Schools). However a holder of the general administrative endorsement may convert to a principal endorsement. Individuals who hold a valid and registered administrative certificate with a general administrative endorsement prior to July 1, 2014 and who have served for at least one full year during the 5 years prior in a position requiring a general administrative endorsement shall, upon request to the State Board of Education and through July 1, 2015, have their respective general administrative endorsement converted to a principal endorsement. All other individuals holding a valid and registered administrative certificate with a general administrative endorsement prior to July 1, 2014 shall have such general administrative endorsement converted to a principal endorsement upon request to the State Board of Education and by completing one of the following pathways:

- (1) Take and pass a State principal assessment developed by the State Board of Education.
- (2) Through July 1, 2019, complete an Illinois Administrators' Academy course designated by the State Superintendent of Education.
- (3) Complete a principal preparation program established and approved pursuant to this Section and applicable rules.

Also, the original version of this bill allowed institutions of higher education and approved non-profit training organizations to partner only with public school districts in their principal preparation programs. However, CCI sought and attained an amendment to the legislation which allows state-recognized nonpublic schools that require a certified administrator and have a majority of its employed teachers certified to also join these partnerships.

House Bill 4711 (Unfunded Mandates) – *Passed the House and Senate and awaits the Governor's signature.* This bill, introduced in January by Representative Roger Eddy (R-Huntonsville), stipulates that school districts do not have to comply with any future unfunded state mandates. The bill exempts certain requirements – such as safety codes and graduation requirements – but is otherwise designed to give school districts more financial flexibility. Upon request of CCI, Representative Eddy amended his bill to include nonpublic schools. CCI supports the legislation, and the bill passed the House on March 18 and the Senate on May 7.

Senate Bill 3460 (Preschool Capitol Grants) – *Passed the House and Senate and awaits the Governor's signature.* This legislation authorizes the Capital Development Board to make grants to public school districts and not-for-profit entities (including Catholic schools) for early childhood construction projects. These grants will be paid out of money appropriated for that purpose from the School Construction Fund. A public school district or other eligible entity must provide local matching funds in an amount equal to 10% the amount of the grant.

House Bill 5838 (Outdoor AED Mandate) – *Passed the House and Senate and awaits the Governor's signature.* This bill rescinds the requirement that schools ensure AEDs are present at outdoor athletic activities. CCI supports the bill.

Senate Bill 3547 (Electronic Textbooks) – *Passed the House and Senate and awaits the Governor's signature.* State Senator James Clayborne (D-Belleville) introduced this legislation to allow Textbook Loan funds to be used to purchase electronic textbooks and equipment necessary to access and use electronic textbooks. CCI supports this legislation as it will be an important step forward once funding for the program is restored.

House Bill 3982 (Transport Students) – Passed by the legislature last spring, this legislation will eliminate the use of 11-15 passenger vans, as of July 1, 2010, for interscholastic or other school sponsored non-curriculum related activities. The new law brings Illinois schools into compliance with federal standards for transporting students by eliminating vans that have been deemed unsafe. Students grade 12 and below will be required to be transported in a school bus, multifunction school-activity bus (MFSAB), or First Division Vehicle (vehicles designed by the manufacturer to transport 10 or fewer persons) for these events.

The legislation also prohibited the use of MFSABs for transporting students to and from school as they are not regulated as school buses. CCI has since learned that a handful of Catholic high schools in Illinois would consider using MFSABs to transport students to school, picking up and dropping off these students on private property. CCI worked with Senator Dan Cronin (R-Elmhurst), ranking minority member of the Senate Education Committee, to introduce **Senate Bill 2879** which would authorize this practice. The bill passed the Senate unanimously on March 18; however, the Secretary of State's office then expressed their strong opposition, and the bill remained in the House Rules Committee.

Preschool for All – Although funding was cut by 10%, the Preschool for All program’s ability to survive at such a high level in difficult budget circumstances proves the programs viability. All current Catholic schools participating in the program have been able to continue. However, no new programs, public or private, are being accepted until funding is increased, and the additional budget cuts of this fiscal year could have additional impact. In the meantime, ISBE's primer, including applications and deadlines, can be found here: http://www.isbe.state.il.us/earlychi/preschool/preschool_for_all.pdf

Federal Title and IDEA Funding Distribution – Working with Notre Dame’s Alliance for Catholic Education (ACE) program, CCI has proposed to ISBE the possibility of establishing an alternative model for determining and distributing federal grant dollars for services entitled to Catholic schools and their students. ISBE’s initial response has been to include the issue, via **Senate Bill 1882**, in the Streamlining Illinois' Educational Delivery Systems Task Force.

Unfortunately, the funding issues statewide, and particularly in Chicago and the suburbs, continues to worsen. Accordingly, the administration of the Archdiocese of Chicago’s Office of Catholic Schools, and their consultants from Notre Dame ACE, recently joined CCI in a productive meeting with State Superintendent Chris Koch. We discussed our hope for establishing an alternative method for consulting on and distributing IDEA and Title services. We also discussed important issues under current law concerning Title I and IDEA, and we hope changes in how both programs are handled at the district level will be coming soon. Expanded guidance from the state on IDEA, its child find provisions and Response to Intervention, should be forthcoming.

Social Services

House Bill 5428 (Access to Original Birth Certificates) – *Passed both the House & Senate and signed into law by the Governor on May 21, 2010.* CCI was neutral on HB 5428, which will allow for adult adopted persons to have greater access to their original birth certificates. Upon filing a request with the State, an adult adopted person born before 1948 will have unrestricted access to receive a copy of his/her birth certificate. For adult adopted persons born after 1948, he/she may also be able to receive a copy of his/her original birth certificate if the birth parents have not filed a contact preference form indicating that they wish the birth certificate to remain confidential. A year-long public information campaign will be conducted to let the public know about the new law and the option for birth parents to complete a contact preference form. CCI took a neutral position on this legislation, as we recognize the desire for adopted persons to know their identity and family origin, but we also have concerns about the expectations of confidentiality that birth parents, especially in older cases, had during the adoption process with Catholic Charities and other adoption agencies. We will monitor the impact of this new law.

House Bill 5905 (DCFS Residential Capital Grants) – *Passed both the House & Senate and awaits the Governor’s signature.* CCI supported HB 5905, which creates the DCFS Residential Services Construction Grant Program. Subject to appropriation, this grant program will be available to providers of DCFS residential services for capital needs, such as constructing new residential services facilities, renovating existing facilities, etc.

Senate Bill 3420 (DCFS Children Services Fund) – *Passed both the House & Senate and awaits the Governor's signature.* CCI supported SB 3420, which provides that federal moneys paid to the State for mental health services for child welfare provided by community mental health providers (that are certified and paid as Medicaid providers), will be deposited into the DCFS Children Services Fund, rather than into the General Revenue Fund. This will help ensure that Medicaid funds being reimbursed to the state are reinvested in child welfare services.

Human Services Funding – The FY 2011 budget passed as mainly lump-sum appropriations to the Department on Aging, Department of Children & Family Services, and Department of Human Services. As noted previously, this means the Governor and each state agency will determine exact funding levels for each individual program. The appropriations for grants/contracts through these agencies were made at the same levels as the lump-sum appropriations as last year. However, also as previously mentioned, under the Emergency Budget Act, the Governor has the authority to make budget cuts as he deems necessary. At this time, we continue to monitor the decisions that will be made as to exact funding to human services programs.