

# Robbins Schwartz

## Wading Through the Waters of the Spring 2021 Legislative Session

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# Wading Through the Waters of the Spring 2021 Legislative Session

Presented by: Scott L. Ginsburg, Catherine R. Locallo, and Matthew M. Swift

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## Fishing Out Relevant Bills

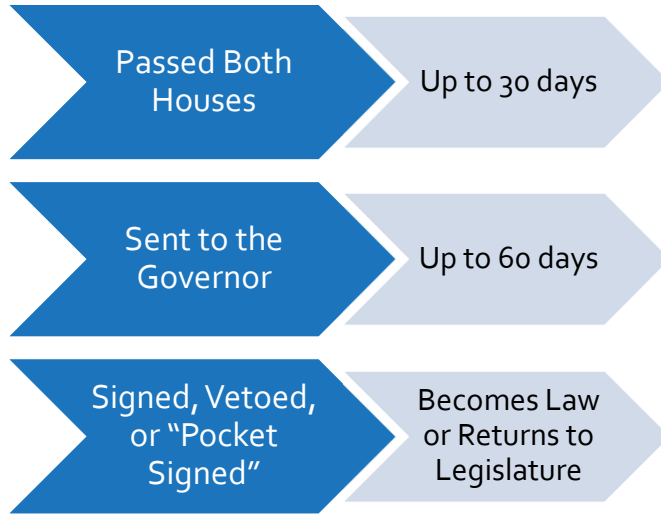


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Although the information contained herein is considered accurate, it is not, nor should it be construed to be legal advice. If you have an individual problem or incident that involves a topic covered in this document, please seek a legal opinion that is based upon the facts of your particular case.

# "I'm Just a Bill"



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# School Finance & Revenue Legislation



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## SB 0508: PTELL

Effective Date:  
Immediately upon  
Signing

Bill Status as of 7/26:  
Sent to the Governor

- Beginning in levy year 2021;
- A taxing district levy “shall be increased”
- By a “prior year adjustment”
- Certified by the County Treasurer on or before November 15 of each year

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## SB 0508: PTELL cont'd.

- PTAB and Circuit Court Assessment Objections and Certificates of Error.
- Excluded from next year's aggregate extension base.
- Governor action (or inaction) by August 29, 2021.

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## SB 0508: PTELL cont'd.

### Bill could set up wave of property tax hikes

Legislation headed to Pritzker addresses over-assessment errors

By Rick Pearson  
Chicago Tribune

Legislation headed to Gov. J.B. Pritzker's desk could set the stage for a wave of annual real estate tax increases across Illinois by giving local taxing bodies the ability to make up for refunds they've issued due to erroneous prop-

erty over-assessments by shifting those costs onto the rest of their taxpayers.

In Cook County alone, refunds issued by local taxing bodies during the 2020 calendar year in categories covered by the legislation total \$176.3 million — an amount roughly in line with annual refunds issued since 2015, based on statistics obtained through a Freedom of Information Act request from the county treasurer's office.

Under the measure, starting

with next year's property tax bills, a taxing district levy shall be increased to reflect refunds through rulings of the Property Tax Appeals Board, a court-ordered assessment correction or a certificate of error. Because such appeals can often take years, and due to annual assessment errors, the recapture provision means likely annual future increases in property tax bills regardless of current limits in state law.

Turn to Legislation, Page 2

#### Legislation

The legislation points to the power of the education lobby in Springfield, from local school districts and administrators to teachers' unions, amid Illinois' overly dependent system of using schools at the local level through property taxes other than through state aid.

Property taxes for schools additionally make up the biggest line item on real estate tax bills and propo-



The Illinois State Capitol on Jan. 13 in Springfield. BRIAN CASSELLA/CHICAGO TRIBUNE

erty assessment." DeWine said he believed the legislation would put more pressure on assessors to deliver more accurate assessments to avoid constant property tax increases driven by miscalculations. "That definitely was one of the byproducts of this legislation," he said.

Cook County Assessor Fritz Kaegi's office said he took no position on the bill when it was being considered in the General Assembly and had no comment on its passage — though the



Scott Stantis  
@ScottStantis

A bill heading to #Illinois @GovPritzker's desk allows local taxing bodies to make up refunds given for over-assessing property by shifting the cost to the rest of the taxpayers.

Read the story at [bit.ly/3x5Jl1N](https://bit.ly/3x5Jl1N)

@chicagotribune cartoons at [bit.ly/2VNMYL5](https://bit.ly/2VNMYL5)



7:13 PM - Jun 29, 2021 - Twitter Web App

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## SB 0813: Evidence Based Funding

Effective Date:  
June 25, 2021

Bill Status: Signed by  
the Governor, now P.A.  
102-0033

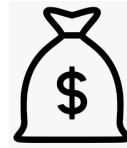
- "Average Student Enrollment" is used to determine Full Time Equivalent Positions needed for Core Positions, Student Investments and Additional Investments including special education, low-income and English Learner support.
- Adjustment made "In recognition of Covid-19."
- "For fiscal years 2022 through 2024, the enrollment used in the calculation of ASE representing the 2020-2021 school year shall be the greater of the enrollment for the 2020-2021 school year or the 2019-2020 school year."

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SB 0813:  
Evidence Based  
Funding  
cont'd.

- For the Following Fiscal Years:
  - FY2021-22
  - FY 2022-23; and
  - FY2023-24
- Enrollment representing FY 2020-21 shall be the greater of:
  - FY 2019-20 or
  - FY 2020-21



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Interfund  
Transfer  
Sunset -  
105 ILCS 5/17-2A

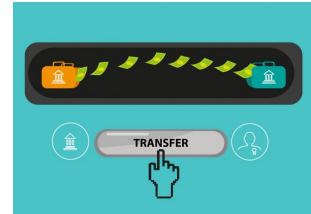
- Published Notice in Newspaper
  - At least 7 days prior to hearing but not more than 30 days prior to hearing
  - Setting forth time, date, place and subject matter of hearing
- Posted Notice
  - School District Office or meeting location
  - At least 48 hours prior to hearing
  - Setting forth time, date, place and subject matter of hearing

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## Interfund Transfer Sunset - 105 ILCS 5/17-2A

- Permissible Transfers Under 17-2A
  - Educational to Operations and Maintenance (O&M")
  - Educational to Transportation
  - O&M to Educational
  - O&M to Transportation
  - Transportation to Educational
  - Transportation to O&M
  - Tort to O&M
- Sunset – After June 30, 2021 transfer must be to meet one-time, non-recurring expense.



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## Legislation About Leaves



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## HB 0012: FMLA Expansion

Effective Date:  
January 1, 2022

Bill Status as of 7/26:  
Sent to the Governor

- New School Code Section 24-6.4
- Reduces the minimum number of hours worked to be eligible for FMLA leave
  - 1,000 (IL law) vs. 1,250 (federal law)
- No change to other eligibility requirements


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## HB 3582: VESSA Expansion

Effective Date:  
January 1, 2022

Bill Status as of 7/26:  
Sent to the Governor

- *Reminder:* Length of unpaid leave for qualifying VESSA reason 
- At least 50 employees = up to 12 workweeks of leave in 12-month period
- 15-49 employees = 8 workweeks of leave in 12-month period
- At least 1 but not more than 14 employees = 4 workweeks of leave

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HB 3582:  
VESSA  
Expansion  
cont'd.

- *Reasons for leave expanded:*
  - experiencing an incident of domestic violence, sexual violence, or gender violence **or other crime of violence**
    - **Homicide, sex offenses, bodily harm (assault/battery), harassing and obscene communications, armed violence**
  - is recovering from the violence;
  - is seeking or receiving medical help, legal assistance (including participation in legal proceedings), counseling, safety planning, or other assistance;
  - temporarily or permanently relocating; or
  - to take other actions to increase the safety of the victim from future domestic, sexual, or gender violence, or to ensure economic security.

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HB 3582:  
VESSA  
Expansion  
cont'd.

- *Definition of "family or household member" expanded:*
  - Spouse **or a party to a civil union**, parent, **grandparent, child, grandchild, sibling**, or any other person related by blood or by present or prior marriage **or civil union**, other person who shares a relationship through a **child, or any other individual whose close association with the employee is the equivalent of a family relationship as determined by the employee**, and persons jointly residing in the same household.

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## HB 3582: VESSA Expansion cont'd.

- Clarifies:
  - "Sexual violence" means sexual assault.
  - Leave may be taken consecutively, in addition to intermittently or on a reduced work schedule.
  - Employee certification of the need for leave:
    - Can be in the form of a sworn statement and one of the following documents (but only if the employee has possession of the document):
      - Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing the qualifying reason for leave; a police or court records; or other corroborating evidence
    - The employee chooses the document to submit.
    - Statement and documentation shall be maintained in strictest confidence and only disclosed if requested or consented to in writing by the employee or as otherwise required by law.



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## HB 0816: Sick Leave for Birth of Child

Effective Date:  
Immediately upon  
Signing

Bill Status as of 7/26:  
Sent to the Governor

- Clarifies use of paid sick leave because of birth of a child Still limited to 30 working school days, but:
  - Not dependent on the need to recover from birth
  - May be used any time within the 12-month period following birth
  - May not be diminished as a result of any break period (summer, winter or spring break, or holidays)

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## Legislative Intent of HB0816

- **House Debate:**
  - Clarifies that it is the intention of the School Code to mean that if a school employee has earned up to 30 days of paid sick leave that they may use such days at any time in the 12 months following the birth or adoption of your child.
  - This bill does not expand the way an employee can use their earned sick time, just clarifies it.
  - The legislature is not giving any additional time.
- **Senate Debate:**
  - This is a clarification of use of paid sick leave for birth of a child to give teachers flexibility to take the leave for birth later rather than immediately after the birth.
  - There was no indication that this bill was meant to increase the amount of paid sick leave beyond 30 days.



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## Considerations for HB0816

- *The 30 days are school working days, not calendar days.*
- *Use of paid sick leave days is no longer connected to the normal disability period following birth of a child.*
  - *For example, if a teacher gives birth in June 2021, she could still use up to 30 accrued and unused paid sick leave days at the start of the 2021-2022 school year or anytime up within the 12-month period following birth.*
- *Use of paid sick leave days for birth of a child applies to both the mother and the father.*
- *At least one union's position: The 30 school working days is in addition to any use of paid sick leave first to cover the disability period following birth or for the illness/injury of the child.*
  - *Legislative history does not tend to support the Union's position.*
  - *Moreover, FMLA allows an employer to run accrued and unused sick leave concurrent with FMLA leave*
  - *Do not concede Union's position.*
- *Check policies and CBAs for language updates.*

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Public Act  
102-0014:  
Juneteenth  
Holiday

Effective Date:  
January 1, 2022

- Recognizes the 19<sup>th</sup> day of June as a state holiday (amends School Code)
- Known as “Juneteenth National Freedom Day”
- When June 19<sup>th</sup> falls on a Saturday or Sunday, neither the preceding Friday nor the following Monday shall be held or considered as a paid holiday.
  - For 2022, June 19 falls on a Sunday.

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Labor &  
Employment  
Legislation



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## HB 0018: Tenured Teacher Evaluation

Effective Date: January 1,  
2022

Bill Status as of 7/26:  
Sent to the Governor

- By no later than September 1, 2022, requires changes to a school district's evaluation plan for tenured teachers rated as "excellent" or "proficient":
  - Evaluated at least once every 3 school years after receipt of the rating; and
  - Implement an informal teacher observation plan established by agency rule and by agreement of the joint committee that ensures the same teachers are informally observed at least once every 2 school years after receipt of the rating.
- Example:
  - 2022-2023 = Excellent
  - 2023-2024 = Off cycle
  - 2024-2025 = Informal observation
  - 2025-2026 = Evaluation year

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## HB 0121: New Protected Category Under IHRA

Effective Date:  
Immediately upon  
Signing

Bill Status as of 7/26:  
Sent to the Governor

- "Work Authorization Status"
  - The status of being a person born outside of the United States, and not a U.S. citizen, who is authorized by the federal government to work in the United States.
  - No discrimination, harassment, retaliation or adverse employment action, etc.
  - Not intended to require an employer to sponsor, either monetarily or otherwise, any applicant or employee to obtain or modify work authorization status, unless otherwise required by federal law.



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## SB 2357: Educator Misconduct & Resignation Mid-Year

Effective Date:  
January 1, 2022

Bill Status as of 7/26:  
Sent to the Governor

- *Teacher Resignation Mid-Year*

- No teacher may resign during the school year to accept another teaching assignment without the approval of the Board of Education. If they do, the Board may refer them to the State Superintendent of Education for an informal evidentiary hearing and, if warranted, suspension of their license for one (1) year.
- SB2357 provides that the referral must include:
  - Dated copy of the teacher's resignation letter;
  - Copy of the reporting district's current school year calendar;
  - Proof of employment for the school year at issue;
  - Documentation showing that the Board did not accept the teacher's resignation, and
  - Evidence that the teacher left the district in order to accept another teacher assignment.



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## SB 2357: Educator Misconduct & Resignation Mid-Year cont'd.

- *Educator Misconduct*

- *Reminder:* Statutory obligation for superintendent to notify the State Superintendent and the applicable regional superintendent of any license holder whom he/she has reasonable cause to believe has committed an intentional act of abuse or neglect of a child and that act resulted in the license holder's dismissal or resignation.
- The notice must be submitted within 30 days after the dismissal or resignation, with a copy to the license holder, and now must include the IEIN of the license holder and a brief description of the misconduct alleged.

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## HB 2521: Petitions, Elections and ULPs

Effective Date:  
Immediately upon  
Signing

Bill Status as of 7/26:  
Sent to the Governor

- Changes to Majority Interest Petitions
  - Showing of interest in support of a petition may be evidenced by electronic communications, and such writing/communication may be evidenced by the electronic signature of the employee.
  - Valid only if signed within 12 months prior to the filing of the petition
- Changes to Secret Ballot Election
  - May be conducted electronically, using an electronic voting system, in addition to paper ballot voting systems.

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## Public Act 102-0026: Extension of Unemployment Benefits

Effective Date:  
June 25, 2021

- For the second year in a row, opens the door for educational support personnel to receive unemployment insurance benefits during the 2021 summer break.
- Last summer, Governor Pritzker signed House Bill 2455 enabling non-professional academic employees to receive unemployment insurance benefits during the 2020 summer break, even if the employees had a reasonable assurance of continued employment for the 2020-2021 academic year.
- Prior to House Bill 2455, Illinois applied the "between terms" denial provision of the Unemployment Insurance Act to non-professional employees. Effectively, House Bill 2455 temporarily carved out the "between terms" denial for the period of March 15, 2020 through December 31, 2020.
- Now, Public Act 102-0026 extends the temporary suspension of the "between terms" ineligibility rules for non-professional academic employees through September 3, 2021. The legislation therefore permits educational support personnel to claim and receive unemployment insurance benefits during the 2021 summer break, even when the employees receive reasonable assurance of continued employment for the 2021-2022 academic year.
- Public Act 102-0026 did not extend the provision that taxable districts will not be charged for the benefits and reimbursable districts will be charged 50% with the ability to seek reimbursement through CARES funds.

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## HB 2521: Petitions, Elections and ULPs cont'd.

- New Category of ULP Related to Strikes
  - Promising, threatening, or taking any action to permanently replace an employee who participates in a lawful strike;
  - Discriminating against an employee who is working or has unconditionally offered to return to work for the employer because the employee supported or participated in a lawful strike;
  - Lockout, suspend, or otherwise withhold from employment employees in order to influence the position of such employees or the representatives of such employees in collective bargaining prior to a lawful strike.



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## HB 0814: Changes to New Principal and New Teacher Mentoring Programs

Effective Date:  
Immediately upon  
Signing

Bill Status as of 7/26:  
Sent to the Governor

- Changes to Principal Mentoring Program (PMP)
  - Subject to funding, provides for ISBE to establish a competitive grant program to support the PMP and to approve one or more eligible entities to provide services to new principals under the PMP.
    - “Eligible entities” include ROEs, ISCs, Illinois higher education institutions, statewide organizations representing principals and school districts.
    - Eligible entities are responsible for mentor training, pairing mentors and new principals, and all other administrative aspects.
  - For assignment purposes, replaces “geographic proximity” with “accessibility”.
  - Clarifies that mentors shall not provide input into a principal’s performance evaluation.

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HB 0814:  
Changes to New  
Principal and  
New Teacher  
Mentoring  
Programs cont'd.

- Changes to Principal Mentoring Program (PMP) cont'd.
  - If funding is not sufficient to serve all anticipated 1<sup>st</sup> year principals in any given year, then the PMP shall be voluntary and priority access given those in the highest need schools, as determined by the State Superintendent.
  - The PMP shall only be available to 2<sup>nd</sup> year principals if there is sufficient funding for all anticipated 1<sup>st</sup> year principals.
  - The State Superintendent determines the number of mentoring hours required for 1<sup>st</sup> year principals, the compensation to be paid to mentors and approved entities.
  - Contract hours for mentoring may be in-person, online or by any other mechanism allowing for synchronous communication between the mentor and principal.



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HB 0814:  
Changes to New  
Principal and  
New Teacher  
Mentoring  
Programs cont'd.

- Changes to New Teacher Induction and Mentoring Program (NTIMP)
  - Provides for ISBE to establish a competitive grant program to support NTIMPs.
    - Subject to appropriation, the program shall be available to eligible entities not less than 3 years.
    - Funding shall be prioritized based on the needs of students and school districts as it relates to teacher retention.
  - NTIMP standards are set by ISBE. ISBE to create a Teaching Induction and Mentoring Advisory Group. ISBE to evaluate programs.
  - "Eligible applicant" or "eligible entity" for purposes of the amended legislation include ROEs, ISCs, an Illinois institution of higher education, a statewide organization representing teachers, a local education agency, or a public or private not-for-profit entity with experience providing professional learning, including mentoring, to early childhood educators.

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HB 0814:  
Changes to New  
Principal and  
New Teacher  
Mentoring  
Programs cont'd.

- Development of a NTIMP Required:
  - Subject to funding, each "eligible applicant" shall develop a NTIMP for 1<sup>st</sup> and 2<sup>nd</sup> year teachers that meets the requirements of School Code Section 21A-10.
  - A school district that has a NTIMP in place before the effective date of HB0814 may modify the program to meet the requirements of School Code Section 21A-10, and may receive funding for doing so, if available.
  - Each school district in conjunction with its teachers' union may decide whether to forego modifications to a NTIMP in place before the effective date of HB0814.
  - If a school district does not have a NTIMP in place before the effective date of HB0814, OR if the district and the teachers' union agree that an eligible entity would better serve the district's needs, the district and the teachers' union shall jointly decide which eligible entity offers the most suitable program.

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HB 0814:  
Changes to New  
Principal and  
New Teacher  
Mentoring  
Programs cont'd.

- Timeline to Develop a NTIMP:
  - No later than the beginning of the 2022-2023 school year; or
  - No later than the beginning of the 2023-2024 school year for eligible applicants who have been given an extension of time to develop a program.
  - An eligible entity can develop a program on its OR with 2 or more eligible entities acting jointly.



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## HB 0814: Changes to New Principal and New Teacher Mentoring Programs cont'd.

- NTIMP Requirements:

- Aligns with standards set by ISBE;
- Assigns a mentor to each new teacher for at least 2 years;
- Aligns with the Illinois Culturally Responsive Teaching and Learning Standards
- Describes the roles of mentor teachers, the criteria and process for their selection, and how they will be trained.
- A mentor teacher may not directly or indirectly participate in the evaluation of a new teacher.
- Is designed to be available for both in-person and virtual participation.

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## HB 0814: Changes to New Principal and New Teacher Mentoring Programs cont'd.



- Funding, Etc.

- For each new teacher participating in a NTIMP that meets the requirements of School Code Section 21A-20 or in an existing program that is in the process of transition to a program that meets those requirements, ISBE shall pay the eligible entity for the duration of the grant for the purpose of providing:
  - Mentor teacher compensation and new teacher compensation; and
  - Mentor teacher professional learning or new teacher learning or both.
- If a mentor teacher receives release time to support a new teacher, the total workload of other teachers regularly employed by the school shall not increase in any substantial manner.
- **\*\*If appropriation is not included in the state budget, ISBE is not required to implement NTIMP.**

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## Retirement Legislation and FY 2022 BIMP



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## HB 2569: Return to Teaching, Job Postings

Effective Date:  
Immediately upon  
Signing

Bill Status as of 7/26:  
Sent to the Governor

- The School Code allows retired teachers to return to teaching in a subject shortage area without impairing their retirement status through June 30, 2021.
- This bill will extend the end date to June 30, 2024.
  - Impact on teachers working this summer?

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## HB 2569: Return to Teaching, Job Postings cont'd.



- Requirements for hiring retirees
  - Eliminates advertising the vacancies in a local newspaper
  - Still requires advertising “in employment bulletins published by college and university placement offices near the school”
  - Still requires searching for legally qualified candidates through the Illinois Education Job Bank
  - Adds a requirement to post vacancies on the District website and list them in an online job portal or database

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## HB 2569: Return to Teaching, Job Postings cont'd.

- Still requires offering vacancy to legally qualified teachers who were honorably dismissed in the prior year
- For 90 days in the six months before the term:
  - Eliminates advertising the vacancies in a local newspaper
  - Still requires advertising “in employment bulletins published by college and university placement offices near the school”
  - Still requires searching for legally qualified candidates through the Illinois Education Job Bank
  - Adds a requirement to post vacancies on the District website and list them in an online job portal or database

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## HB 2569: Return to Teaching, Job Postings cont'd.

- Provides a new, narrow exemption from 90-day posting/advertising requirements
- Exempts a District for 90 days if replacing a retiree who could not continue due to a documented illness, injury, or disability that occurred after being hired to return in a subject shortage area

**EXEMPT**

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## SB 1989: Extend Retiree Teacher Provisions

Effective Date:  
Immediately upon  
Signing

Bill Status as of 7/26:  
Sent to the Governor

- The School Code currently sets June 30, 2021 as the date when the limits on returning retirees drop from 120 paid days/600 paid hours in each school year to 100 paid days/500 paid hours.
- This bill will extend the limits of 120 paid days/600 paid hours to June 30, 2023.
  - Impact on teachers working this summer?

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## SB 2103: Updates to TRS SSP

Effective Date:  
Immediately upon  
Signing

Bill Status as of 7/26:  
Sent to the Governor

- Trailer bill to 2018 law that required TRS to offer an optional defined contribution benefit for any active member (P.A. 100-0769)
- TRS has contracted with Voya Financial to develop and offer the Supplemental Savings Plan (SSP), a 457(b) retirement plan.



- New language requires districts to:
  - comply with the reporting and administrative functions TRS establishes, and
  - implement the defined contribution benefit.

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## SB 2103: Updates to TRS SSP cont'd.

- The benefit "shall collect optional employee and optional employer contributions into an account."
- TRS will automatically enroll new active TRS members "as soon as is practicable on or after January 1, 2022."
  - Automatic enrollees will have 3% deductions go to their accounts by default after 30 days of employment.
  - Members may opt out of the optional benefit or the default contribution.
  - Members may withdraw within 90 days of enrollment and have the contributions refunded.

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## SB 1646: Summer School Exception to 6% Increase Cap

Effective Date:  
Immediately upon  
Signing

Bill Status as of 7/26:  
Sent to the Governor

- The Pension Code imposes penalty contributions on employers for annual salary increases exceeding 6% for any year used in the calculation of the “final average salary” that determines pension benefits.
- This bill excludes salary increases “resulting from teaching summer school on or after May 1, 2021 and before September 15, 2022” from the calculation of any penalty for exceeding the 6% cap.
  - Does not exclude these increases from calculation of final average salary
  - Does not require paying salary increases above 6%
  - Potential impacts of existing CBA language and/or bargaining implications

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## SB 1646: Summer School Exception to 6% Increase Cap cont'd.

- Districts can dispute TRS bills on the ground that the new exemption applies to the penalty calculation.
- This bill also revives optional credit for up to two years of private school teaching (previously allowed between August 2009 and July 2012).



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SB 2017:  
FY 2022 BIMP

Effective Date:  
June 17, 2021

Bill Status: Signed  
by the Governor,  
now P.A. 102-0016

More Exceptions to TRS Salary Increase Cap

- This bill also creates exceptions to the 6% cap by excluding salary increases that result from:
  - "overload or stipend work performed in a school year subsequent to a school year in which the employer was unable to offer or allow to be conducted overload or stipend work due to an emergency declaration limiting such activities."
  - "increased instructional time that exceeded the instructional time required during the 2019-2020 school year."

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SB 2017:  
FY 2022 BIMP  
cont'd.

- No public TRS interpretations of exclusions from 6% cap yet
- Again, does not require paying salary increases above 6%
- Potential impacts of existing CBA language and/or bargaining implications



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SB 2017:  
FY 2022 BIMP  
cont'd.

### Years Included in "Final Average Salary"

- For those who retire on or after June 1, 2021 and the 2020-21 school year is part of the FAS calculation, use the higher of:
  - the normal calculation (average salary of 4 highest consecutive years in final 10 years), or
  - the average salary for the 4 highest years in final 10 years.

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SB 2017:  
FY 2022 BIMP  
cont'd.

### School Report Cards

- ISBE will have until December 31 instead of October 31 to prepare and provide its report cards this year.



### School Technology Program Reimbursements

- ISBE now may reimburse school districts for the cost of tuition they incur for approved online courses accessed through ISBE's Illinois Virtual Course Catalog Program.
- Districts will be eligible for reimbursement of each class successfully completed by their students, subject to appropriation.
- ISBE will prepare forms and a process for reimbursement.

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SB 2017:  
FY 2022 BIMP  
cont'd.

### Early Childhood Construction Grants

- School districts must provide matching funds when the Capital Development Board makes a grant for early childhood construction projects.
- Previously, all districts were required to provide funds matching 10% of the grant. Now, the required match percentage is determined by EBF funding tier:
  - 3% for Tier 1
  - 7.5% for Tier 2
  - 8.75% for Tier 3
  - 10% for Tier 4

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Legislation  
Impacting  
Board  
Members



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## SB 2109: Trauma Informed School Board

Effective Date:  
Immediately upon  
Signing

Bill Status as of 7/26:  
Sent to the Governor

- Beginning with the 2023-2024 school year, the required school board member leadership training must include the topic of trauma-informed practices for students and staff.
- The training may include, but is not limited to:
  - The recognition of and care for trauma in students and staff;
  - The relationship between staff wellness and student learning;
  - The effect of trauma on student behavior;
  - The prevalence of trauma among student populations at higher risk for experiencing trauma;
  - The effects of implicit or explicit bias on recognizing trauma among various student groups in connection with race, ethnicity, gender identity, sexual orientation, socioeconomic status, and other relevant factors; and
  - Effective district and school practices that are shown to prevent and mitigate the negative effect of trauma on student behavior and learning and support the emotional wellness of staff.



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## SB 0539: Amendments to Governmental Ethics Act

Effective Date:  
January 1, 2022

Bill Status as of 7/26:  
Sent to the Governor

- The Governmental Ethics Act requires each school board member and certain employees to annually file a verified Statement of Economic Interests. A school board candidate must also file a Statement of Economic Interests.
- Changes the questions asked on the Statement of Economic Interests:
  - List any single asset worth more than \$10,000 as of the end of the preceding calendar year.
  - List the source of any income in excess of \$7,500 required to be reported during the preceding calendar year, including but not limited to the sale of an asset that produced more than \$7,500 in capital gains in the preceding calendar year, but excluding current position which requires that the form be completed.
  - List creditor for any single debt in the preceding calendar year in excess of \$10,000 (excluding mortgages, student loans, and credit card debts).
  - List the name of each unit of government of which you or your spouse were an employee, contractor, or office holder during the preceding calendar year; include title and nature of services (exclude current position which requires that the form be completed).

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## SB 0539: Amendments to Governmental Ethics Act cont'd.

- Changes the questions asked on the Statement of Economic Interests:
  - List the name of the lobbyist and nature of the relationship if you maintain an economic relationship with a lobbyist or if a member of your family is known to you to be a lobbyist registered with any unit of government in Illinois.
  - List the name of each person, organization, or entity that was the source of a gift or gifts, or honoraria, valued singly or in the aggregate in excess of \$500 received during the preceding calendar year and the type of such gift, etc. (exclude gifts from family members not known to be a lobbyist registered with any unit of government in Illinois.
- Includes definitions for "asset", "creditor", "debt"; "diversified funds", "economic relationship", "family", "filer" and "income".
- Includes an updated Verification with increased fine for willfully filing a false or incomplete statement and new requires for certification of review by Ethics Officer.

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## Buildings, Operations & Maintenance Legislation



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## HB 1785: School Closures

Effective Date:  
Immediately upon  
Signing

Bill Status as of 7/26:  
Sent to the Governor

- Prior School District Power:
- “To decide when a site or building has become unnecessary, unsuitable, or inconvenient for a school.”



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## HB 1785: School Closures cont'd.

- **HB 1785 Notice and Hearing Requirement:**
- School Board must hold at least 3 public hearings, the sole purpose of which shall be to discuss the decision to close a school building;
- Receive input from the community;
- Notice setting forth time, date, place and name of school building considered for closing
- Notice posted on school board's internet website at least 10 days prior to the hearing.

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HB 1785:  
School Closures  
cont'd.

- **HB 1785 Exception to Notice and Hearing:**
- Unless a school building is unsafe, unsanitary or unfit for occupancy; and
- Has been served under Section 3-14.22 of the School Code; or
- Has been served notice by a licensed entity able to determine the safety of a school district



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SB 1767:  
Prevailing Wage  
Act

Effective Date:  
Immediately upon  
Signing

Bill Status as of 7/26:  
Sent to the Governor

- New Department of Labor (“DOL”) electronic database requires contractors to file payrolls directly with DOL.
- By January 2, 2022, DOL shall make searchable database accessible to the public.
- Searchable database shall include details such as classification, skill level, wage rate and gross wages paid
- Database shall be searchable by contractor name, project name, county and contracting public body.

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## SB 0692: Coal Tar Sealant Disclosure Act

Effective Date:  
January 1, 2023


Bill Status as of 7/26:  
Sent to the Governor

- Coal tar sealants generally used to protect the surface of underlying asphalt, thereby extending its useful life
- Sealants break down over time and eventually wash away from rain water into stormwater drainage systems, then into lakes, rivers and streams
- Found to be harmful to aquatic life
- American Medical Association found certain sealants increase chances of developing certain kinds of cancer by 38 times.

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## SB 0692: Coal Tar Sealant Disclosure Act cont'd.

- Coal Tar-Based Sealant or 
- High Polycyclic aromatic hydrocarbon sealant product
- Defined as "pavement sealant material containing coal tar or a high polycyclic aromatic hydrocarbon content greater than .1% by weight.
- Commonly used as sealant on asphalt driveways, parking lots and playgrounds

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SB 0692:  
Coal Tar Sealant  
Disclosure Act  
cont'd.

- Public school, public school district or day care must provide written or telephonic notification to parents and guardians of students and employees
- May be included in newsletters, bulletins, calendars or other correspondence currently published by school district or day care center
- Notice must be given at least 10 business days before application
- Notice must identify date and location of application
- Notice must provide name and phone number of responsible school personnel
- Notice must include health hazards as provide by a corresponding "safety data sheet"

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SB 0692:  
Coal Tar Sealant  
Disclosure Act  
cont'd.

- A school district who bids a pavement engineering project using a coal tar-based sealant product or high polycyclic aromatic hydrocarbon sealant product for pavement engineering-related use;
- Shall request a bid with an alternative for asphalt-based or latex-based sealant product
- School District shall consider costs and life cycle costs that regard preserving pavements, product warranties, and the benefits to public health and safety.



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## SB 2245: Illinois Pesticide Act

Effective Date:  
January 1, 2022

Bill Status as of 7/26:  
Sent to the Governor

- Unlawful to apply a “restricted use pesticide” within 500 feet of school property during “normal school hours”
  - Restricted Use – Classified by United States EPA
  - 7 a.m. – 4 p.m. on school days
- Except for whole structure fumigation
- Class A Misdemeanor
- Department of Agriculture to adopt rules

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Questions?



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# Robbins Schwartz

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Scott focuses his practice in the area of real property taxation and assessment appeals, where he has tried several cases before the State of Illinois Property Tax Appeal Board, and he litigates cases in the circuit court on valuation and tax rate objections.

Scott also practices in the area of commercial transactions and local government, including contract drafting and review, litigation and alternative dispute resolution. He has experience in representing general contractors, local governments and business owners in all aspects of civil litigation.

Prior to joining Robbins Schwartz, Scott concentrated his practice on litigation, in the areas of commercial disputes, construction defects and labor and employment issues. Scott is also a former judicial extern to the Honorable Michael J. Reagan, United States District Judge, Southern District of Illinois.

### **RECENT PUBLICATIONS**

Author, "*PTAB Clarifies Uniformity Standards for Income Properties*," Illinois State Bar Association's *Tax Trends* (2015)

Author, "*Chicago Bears Football Club v. The Cook County Department of Revenue*, 2014 IL App (1st) 122892," *Tax Trends*, Illinois State Bar Association (2014)

Contributing author, "Illinois Supreme Court Clarifies Standard Review for Zoning Decisions," *Illinois Municipal Review* (2008)

### **RECENT PRESENTATIONS**

*Property Tax Assessment Challenges and How to Defend Your Tax Base*, PMA Financial Network, LLC (June 2020)



### **PRACTICE AREAS**

Commercial Law  
Construction Law  
Education Law  
Energy Law  
Litigation  
Municipal Law  
Public Finance & Taxation  
Real Estate Development  
Zoning, Planning & Land Use

### **EDUCATION**

J.D., Washington  
University School of Law  
  
B.A., DePauw University

### **ADMITTED TO PRACTICE**

U.S. District Court for the  
Northern District of Illinois

Supreme Court of Illinois

### **ORGANIZATIONS**

Illinois State Bar  
Association, State and  
Local Taxation Section  
Council, Member

# Robbins Schwartz

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PARTNER, CHICAGO

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Catherine Locallo's practice focuses on labor and employment law and board governance matters. She counsels employers in all aspects of employment law including hiring, employment contracts, employee discipline issues, terminations and reductions in force, collective bargaining and labor relations, nonimmigrant worker visas and employment discrimination matters. She also counsels public bodies on compliance with Illinois' Freedom of Information Act and Open Meetings Act. Catherine has extensive experience representing clients in court and administrative agency proceedings involving discrimination, retaliation, and harassment claims.

Catherine is approved by the Illinois State Board of Education to provide school board member training.

### AWARDS

Illinois "Rising Star," Employment & Labor Law (2015-2018)

### RECENT PUBLICATIONS

"Plaintiff's Cat's Paw Theory of Liability Failed To Scratch Surface," *Employment and Labor Law Flashpoints*, IICLE (2021)

"Walmart Need Not Change Shift Rotation Practice To Accommodate Religious Beliefs" *Employment and Labor Law Flashpoints*, IICLE (2021)

"CBA Provision Clearly Rebutted At-Will Employment Presumption for IT Employee," *Employment and Labor Law Flashpoints*, IICLE (2021)

"Employer's Judgment and Job Description Defeat Failure To Accommodate Claim," *Employment and Labor Law Flashpoints*, IICLE (2021)

"Recent Department of Labor Opinion Letters: Pay for Training and Travel," *Employment and Labor Law Flashpoints*, IICLE (2021)

"Sexual Harassment Prevention Training Compliance Required Before New Year," *Employment and Labor Law Flashpoints*, IICLE (2020)

"Will 'Scabby the Rat' Live To Fight Another Day?" *Employment and Labor Law Flashpoints*, IICLE (2020)

"Superintendent's Police Report is Protected Speech" *Employment and Labor Law Flashpoints*, IICLE (2020)



### PRACTICE AREAS

Education Law  
Labor & Employment  
Litigation

### EDUCATION

J.D., *cum laude*, The John  
Marshall Law School,  
Order of John Marshall

B.S., Southern Illinois  
University

### ADMITTED TO PRACTICE

U.S. Court of Appeals for  
the Seventh Circuit

U.S. District Court for the  
Central District of Illinois

U.S. District Court for the  
Northern District of Illinois

Supreme Court of Illinois

“Changing the Landscape: Abusive Conduct Not Protected Under NLRA”  
*Employment and Labor Law Flashpoints*, IICLE (2020)

“COVID-19 Changes to Claims for Unemployment Benefits in Illinois”  
*Employment and Labor Law Flashpoints*, IICLE (2020)

“Seventh Circuit: Jury, Not Judges, Must Decide Coach’s Sex Discrimination Claim”  
*Employment and Labor Law Flashpoints*, IICLE (2020)

“Examining DOL Rule on New Employee Leave Rights”  
*Employment and Labor Law Flashpoints*, IICLE (2020)

“Better Safe Than Sued – Issuing Timely FMLA Notices”  
*Employment and Labor Law Flashpoints*, IICLE (2020)

“Unions Strike Back Through Amendments to Illinois Public Labor Acts”  
*Employment and Labor Law Flashpoints*, IICLE (2020)

“First Amendment Protections Get Broader for Government Employees,”  
*Chicago Daily Law Bulletin* (2016)

"Regulatory Changes to the Illinois Wage Payment and Collection Act,"  
*Justinian Society Newsletter* (2015)

"New FOIA Amendments to Ease Burden on Public Bodies,"  
*Justinian Society Newsletter* (2015)

“Illinois Supreme Court Determines Arbitration Award Ordering Reinstatement of a Paraprofessional was Binding Because the Award ‘Drew Its Essence’ from the CBA,”  
*Justinian Society Newsletter* (2014)

“When the Music Stops, Why Not Require Certain Title VII Plaintiffs to Find a Chair on Which to Rest Their Complaint,”  
*The John Marshall Law Review*, (2009)

#### **RECENT PRESENTATIONS**

*Is PERA Dead?? Implementation of a Local Appeals Process for Unsatisfactory Ratings*, IASPA Annual Conference (January 2020)

*A Workshop on Compliance with the Open Meetings Act and Illinois Freedom of Information Act*, LUDA Annual Conference (October 2019)

*Community College Trustees Training Session*, ICCTA (June 2019)

#### **ORGANIZATIONS**

Chicago Bar Association

Illinois Council of School Attorneys

Illinois State Bar Association

National Council of School Attorneys

Treasurer, Justinian Society of Lawyers

Co-Chair, Justinian Society of Lawyers Endowment Fund Scholarship Committee

Member, Oakton Community College Paralegal Advisory Committee

Member, Triton College School of Business Advisory Legal Committee

Member, Board of Directors, Glenview Stars Hockey Association

UNICO National

# Robbins Schwartz

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Matthew is a member of the labor and employment practice group. He counsels employers in various aspects of labor and employment law, such as employee discipline, labor relations, wage and hour, and employment discrimination matters under both federal and state laws such as the Americans with Disabilities Act, Family and Medical Leave Act, Age Discrimination in Employment Act, Title VII of the Civil Rights Act, and Illinois Human Rights Act. He also represents clients in state and federal courts and advises on Illinois Freedom of Information Act and Open Meetings Act matters.

Before he joined Robbins Schwartz, Matthew served as in-house counsel and FOIA Officer for the Illinois Office of the Governor. In that role, he counseled dozens of agencies on compliance with sensitive FOIA requests, advised on current and potential litigation issues, and served as a legal liaison to the Illinois Department of Human Rights and the Illinois Human Rights Commission.

### **RECENT PUBLICATIONS**

“All Together Now – Employment Law Issues in the New Title IX Rules,”  
*Chicago Daily Law Bulletin* (2020)

“Life After Leave: Bringing Employees Back in a COVID-19 Age” *Best Practices Magazine*, American Association of School Personnel Administrators (2020)



### **PRACTICE AREAS**

Labor & Employment

### **EDUCATION**

J.D., University of Chicago  
Law School

M.P.P., University of  
Chicago, Harris School of  
Public Policy

B.B.A., *summa cum laude*,  
Baylor University

### **ADMITTED TO PRACTICE**

U.S. District Court for the  
Northern District of Illinois

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### **ORGANIZATIONS**

Chicago Bar Association