

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SANGAMON

JOHN HOWARD MEIXNER,
SHANNON CHRISTINE FEHRHOLZ,
MONTE A. NEWLIN,
BRIAN PAUL GUTHRIE,
JENNIFER BERTINO-TARRANT,
BONNIE L. HARRIS, On Behalf of
Themselves and All Others Similarly
Situated,

Plaintiffs,

v.

PAT QUINN, Governor of the State of Illinois,
CHRISTOPHER A. KOCH, State
Superintendent of Education; GERY J. CHICO,
Chair of the State Board of Education;
CHRISTOPHER J. WARD, Member of the
State Board of Education; VINNI M. HALL,
Member of the State Board of Education;
JAMES W. BAUMAN, Member of the State
Board of Education; ANDREA S. BROWN,
Member of the State Board of Education;
DAVID L. FIELDS, Member of the State Board
of Education; STEVEN R. GILFORD, Member
of the State Board of Education; MELINDA A.
LABARRE, Member of the State Board of
Education; LANITA J. KOSTER, Member of
the State Board of Education; DAVID
VAUGHT, Director of the Governor's Office of
Management and Budget; and JUDY BAAR
TOPINKA, Comptroller of the State of Illinois,

Defendants.

FILED

AUG 19 2011 CTR.-1

Anthony P. Culbertson Clerk of the
Circuit Court

No. 2011CH01080

**VERIFIED CLASS ACTION COMPLAINT FOR
DECLARATORY, INJUNCTIVE, AND MANDAMUS RELIEF**

Plaintiffs, John Howard Meixner, Shannon Christine Fehrholz, Monte A. Newlin, Brian Paul Guthrie, Jennifer Bertino-Tarrant, Bonnie L. Harris, on behalf of themselves and all others similarly situated, by their attorneys, Hinshaw & Culbertson LLP, for their Complaint for Declaratory, Injunctive, and Mandamus Relief against Defendants, allege and state as follows:

NATURE OF CASE

1. This suit concerns the unlawful and unfair actions of Defendants in refusing to pay the Regional Superintendents of Schools and Assistant Regional Superintendents of Schools (collectively the "Superintendents") the salaries set by law for those positions in accordance with the statutory terms for payment of those salaries from funds available for that purpose. Defendants have duties imposed by law to pay the Superintendents and have failed and refused to perform those duties resulting, in some cases, in unconscionable hardship for the Superintendents. Each Plaintiff is a currently serving Regional Superintendent of Schools or Assistant Regional Superintendent of Schools, and they bring this claim on behalf of a class consisting of all persons holding the position of Regional Superintendent of Schools or Assistant Regional Superintendent of Schools since July 1, 2011.

JURISDICTION AND VENUE

2. Plaintiffs' claims arise under the laws of the State of Illinois and involve ongoing violations thereof by Defendants, failure of Defendants to perform their statutory duties, and actions by Defendants in excess of their duties imposed by law. This Court has subject matter jurisdiction over this matter pursuant to Section 9 of the Article VI of the Illinois Constitution. The State Lawsuit Immunity Act, 735 ILCS 5/0.01 *et seq.*, does not apply hereto and does not deprive this Court of jurisdiction in that this suit seeks prospective relief designed to prevent Defendants from violating Illinois law and from taking action in excess of their lawful authority. This Court also has jurisdiction over this controversy pursuant to the declaratory judgment statute, 735 ILCS 5/2-701, the Injunction Article of the Code of Civil Procedure, 735 ILCS 5/11-101 *et seq.*, and the Mandamus Article of the Code of Civil Procedure, 735 ILCS 5/14-101 *et seq.*

3. Venue is proper in Sangamon County under Sections 2-101 and 2-103 of the Code of Civil Procedure, 735 ILCS 5/2-101, 2-103, in that the causes of action alleged herein arose out of activities which, in whole or in part, occurred in Sangamon County. Additionally, Defendants maintain offices in Sangamon County.

THE PLAINTIFFS

4. Plaintiff John Howard Meixner is the duly qualified Regional Superintendent of Schools for Regional Office of Education No. 26, an educational service region consisting of Hancock and McDonough Counties.

5. Plaintiff Shannon Christine Fehrholz is the duly qualified Assistant Regional Superintendent of Schools for Regional Office of Education No. 51, an educational service region consisting of Sangamon County.

6. Plaintiff Monte E. Newlin is the duly qualified Regional Superintendent of Schools for Regional Office of Education No. 12, an educational service region consisting of Clay, Crawford, Jasper, Lawrence, and Richland Counties.

7. Plaintiff Brian Paul Guthrie is the duly qualified Assistant Regional Superintendent of Schools for Regional Office of Education No. 13, an educational service region consisting of Clinton, Marion, and Washington Counties.

8. Plaintiff Jennifer Bertino-Tarrant is the duly qualified Regional Superintendent of Schools for Regional Office of Education No. 56, an educational service region consisting of Will County.

9. Plaintiff Bonnie L. Harris is the duly qualified Regional Superintendent of Schools for Regional Office of Education No. 33, an educational service region consisting of Knox County.

10. The named Plaintiffs represent all geographic sections of the State of Illinois and include members of both the Democrat and Republican political parties.

11. Pursuant to Section 2-801 of the Code of Civil Procedure, 735 ILCS 5/2-801, this claim is brought on behalf of a class consisting of all persons who hold or who have held the position of Regional Superintendents of Schools or Assistant Regional Superintendent of Schools in any Regional Office of Education in the State of Illinois since July 1, 2011.

12. There are approximately 80 persons presently holding the position of Regional Superintendent or Assistant Regional Superintendent of Schools.

13. The class is so numerous that joinder of all members is impracticable.

14. There are questions of law and fact common to the class, and those questions predominate over any questions affecting individual members. The common questions include whether the members of the class are entitled to be paid salaries as provided by law, whether Defendants have a legal duty to undertake the necessary steps to pay the class members, and whether there are funds available to pay the class members the statutorily prescribed salaries.

15. The named Plaintiffs will fairly and adequately represent the interests of the class members. Each named Plaintiff has suffered injury and sustained harm as a result of Defendants' actions. The named Plaintiffs have retained experienced counsel to prosecute this action. Neither the named Plaintiffs nor their counsel have any interest that would lead them not to vigorously prosecute this action.

16. A class action is an appropriate means for the fair and efficient prosecution of this litigation. Individual litigation is not economically feasible for either the class members or the Defendants. At the same time, in the absence of a class action, a serious wrong perpetrated by State officers will go unredressed with respect to all class members.

THE DEFENDANTS

17. Defendant Pat Quinn is the Governor of the State of Illinois and is joined herein in that capacity.

18. Defendant Christopher A. Koch is the State Superintendent of Education for the State of Illinois and is joined herein in that capacity.

19. Defendant Gery J. Chico is the Chairman of the State Board of Education and is joined herein in that capacity.

20. Defendants Christopher J. Ward, Vinni M. Hall, James W. Bauman, Andrea S. Brown, David L. Fields, Steven R. Gilford, Lanita Koster, and Melinda A. LaBarre are members of the State Board of Education and are joined herein in that capacity. (Defendants Chico, Ward, Hall, Bauman, Brown, Fields, Gilford, Koster, and LaBarre are collectively referred to herein as the "State Board of Education.")

21. Defendant David Vaught is the Director of the Governor's Office of Management and Budget and is joined herein in that capacity.

22. Defendant Judy Baar Topinka is the Comptroller of the State of Illinois and is joined herein in that capacity.

REGIONAL SUPERINTENDENTS, AND ASSISTANT SUPERINTENDENTS

23. The Office of Regional Superintendent of Schools, known until 1975 as the "County Superintendent of Schools," was created by the General Assembly to serve as the chief administrative officer of an "educational service region" or "regional office of education." See 105 ILCS 5/3-0.01, 3A-2.

24. An educational service region or regional office of education consists of a county, a portion of a county, or two or more counties consolidated into one region. See 105 ILCS 5/3A-1, 3A-3, 3A-4.

25. As set forth in Section 3-15.10 of the School Code, 105 ILCS 5/3-15.10, Regional Superintendents of Schools are authorized to employ Assistant Regional Superintendents of Schools.

26. The Superintendents have the powers conferred upon and duties assigned to them by the General Assembly (*see* 105 ILCS 5/3-0.01 *et seq.*), including the duty to present information to the State Board of Education (105 ILCS 5/2-3.17, 5/3-15.8), the duty to allow the State Auditor General to inspect all financial statements, books, vouchers and other records required by Section 2-3.17a of the School Code, 105 ILCS 5/2-3.17a (*see also* 105 ILCS 5/3-6.1), and the duty to conduct certain financial audits of school districts to the satisfaction of the State Board of Education. 105 ILCS 5/3-7.

27. If the Superintendents fail to provide the information, reports, or statements to the State Board of Education as required by law, the State Board is authorized to withhold the compensation for Superintendents. 105 ILCS 5/2-3.22.

SALARIES OF REGIONAL SUPERINTENDENTS AND ASSISTANT SUPERINTENDENTS

28. Since July 23, 1999, the salaries for the Regional Superintendents of Schools or the method of calculating those salaries have been legislatively fixed with a base amount, determined by the population of the educational service region, plus an annual adjustment in the amount of the increase in the Consumer Price Index to a maximum increase of 2.9%. *See* Public Act 91-276, effective July 23, 1999, a copy of which is attached as Exhibit A.

29. Section 3-2.5 of the School Code, 105 ILCS 5/3-2.5, establishes the annual salary of Regional Superintendents of Schools as follows:

Except as otherwise provided in this Section, the Regional Superintendents of Schools shall receive for their services an annual salary according to the population, as determined by the last

preceding federal census, of the region they serve, as set out in the following schedule:

SALARIES OF REGIONAL
SUPERINTENDENT OF SCHOOLS

POPULATION OF REGION	ANNUAL SALARY
Less than 48,000	\$73,500
48,000 to 99,999	\$78,000
100,000 to 999,999	\$81,500
1,000,000 and over	\$83,500

* * *

Beginning July 1, 2000, the salary that the Regional Superintendent of Schools receives for his or her services shall be adjusted annually to reflect the percentage increase, if any, in the most recent Consumer Price Index, as defined and officially reported by the United States Department of Labor, Bureau of Labor Statistics, except that no annual increment may exceed 2.9%. If the percentage of change in the Consumer Price Index is a percentage decrease, the salary that the Regional Superintendent of Schools receives shall not be adjusted for that year.

* * *

30. On July 1, 2010, the most recent Consumer Price Index was 1.1%, but the salaries of the Regional Superintendents of Schools was not adjusted for Fiscal Year 2011 as mandated by Section 3-2.5.

31. On July 1, 2011, the most recent Consumer Price Index was 3.6% (before seasonal adjustment).

32. Section 3-2.5 of the School Code also establishes the annual salary of Assistant Superintendents as follows:

When regional superintendents are authorized by the School Code to appoint assistant regional superintendents, the assistant regional superintendent shall receive an annual salary based on his or her qualifications and computed as a percentage of the salary of the regional superintendent to whom he or she is assistant, as set out in the following schedule:

SALARIES OF ASSISTANT REGIONAL
SUPERINTENDENTS

QUALIFICATIONS OF ASSISTANT REGIONAL SUPERINTENDENT	PERCENTAGE OF SALARY OF REGIONAL SUPERINTENDENT
No Bachelor's degree, but State certificate valid for teaching and supervising.	70%
Bachelor's degree plus State certificate valid for supervising.	75%
Master's degree plus State certificate valid for supervising.	90%

However, in any region in which the appointment of more than one assistant regional superintendent is authorized, whether by Section 3-15.10 of this Code or otherwise, not more than one assistant may be compensated at the 90% rate and any other assistant shall be paid at not exceeding the 75% rate, in each case depending on the qualifications of the assistant.

33. Prior to July 16, 2010, Section 3-2.5 of the School Code specified that the salaries for the Superintendents was "payable monthly from the Common School Fund." Public Act 96-1086, effective July 10, 2010, amended Section 3-2.5 by deleting the reference to the Common School Fund so that Section 3-2.5 now reads, in part, as follows:

* * *

The salaries provided in this Section for regional superintendents and assistant superintendents are payable monthly.

* * *

* * *

34. Section 18-5 of the School Code, 105 ILCS 5/18-5, requires the State Board of Education 1) to request an appropriation from the Common School Fund for the salaries of the Superintendents and 2) to undertake the administrative action for the payment of Superintendents' salaries:

The State Board of Education shall request an appropriation payable from the common school fund as and for compensation for regional superintendents of schools and the assistant regional superintendents of schools authorized by Section 3-15.10 of this Act, and as provided in "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto," approved March 29, 1872 as amended, and *shall present vouchers to the Comptroller monthly for the payment to the several regional superintendents and such assistant regional superintendents of their compensation as fixed by law.* Such payments shall be made either (1) monthly, at the close of the month, or (2) semimonthly on or around the 15th of the month and at the close of the month, at the option of the regional superintendent or assistant regional superintendent.

(Emphasis added.)

35. Section 8.2 of the State Finance Act, 30 ILCS 105/8.2, further addresses the salaries for the Superintendents:

Appropriations * * * for the payment of salaries and expenses of county superintendents of schools * * * are payable from the common school fund.

THE LEGISLATIVE APPROPRIATION AND THE GOVERNOR'S VETO

36. With the enactment of House Bill 327, a copy of which is attached as Exhibit B, the General Assembly appropriated the sum of \$9,100,000 from the Common School Fund to the State Board of Education for the salaries of the Superintendents for Fiscal Year 2012 (July 1, 2011, through June 30, 2012). *See* Section 65 of HB 327.

37. In addition, House Bill 327 appropriated to the State Board of Education the sum of \$16,036,300 from the State's General Revenue Fund "For Personal Services" for Fiscal Year 2012. *See* Section 5 of HB 327.

38. On June 30, 2011, the Governor vetoed the line item in House Bill 327 (*see* Ill.Const. Art. IV, §9(d)) for the salaries of the Superintendents. A copy of the Governor's veto message is attached as Exhibit C.

39. The line item in House Bill 327 to the State Board of Education for personal services was approved and became law. See Public Act 97-60, effective July 1, 2011, a copy of which is attached as Exhibit D.

40. As of August 18, 2011, the Common School Fund had a balance of \$12,466,318.15. See Exhibit E.

AVAILABILITY OF FUNDS TO PAY SUPERINTENDENTS' SALARIES

41. Notwithstanding the Governor's item veto of House Bill 327, funds are available and may properly be used to pay the Superintendents' salaries.

42. The law is well established that "where a statute categorically commands the performance of an act, so much money as is necessary to pay the command may be disbursed without explicit appropriation." *Antle v. Tuchbrieter*, 414 Ill. 571, 579, 111 N.E. 2d 836, 840 (1953); see also *People ex rel. Millner v. Russell*, 311 Ill. 96, 111, 142 N.E. 2d 537, 542 (1924) (although not present therein, a statute that fixes a salary for an office, provides that the salary shall be paid in monthly installments, and specifies the money or fund from which the payments should be made may be a basis to construe an act as an appropriation for salary).

43. The law fixes the salaries of the Superintendents, provides for the time of the payment of their salaries, and provides for the use of the Common School Fund to pay those salaries.

44. By law, money for the salaries for the Superintendents has been set aside and has been commanded to be paid and may be disbursed from the Common School Fund without further legislative action.

45. In the alternative, with the enactment of Public Act 96-1086, the General Assembly has provided that the salaries for the Superintendents may be paid from other State funds.

46. Section 14 of the State Finance Act, 30 ILCS 105/14, authorizes the use of an appropriation for personal services to pay salaries of "an officer or employee of the State."

47. For purposes of the payment of their salaries by the State, the Superintendents are officers or employees of the State.

48. The Fiscal Year 2012 appropriation to the State Board of Education for personal services is available to recompense the Superintendents.

REFUSAL TO PAY SALARIES AND RESULTING HARDSHIPS

49. Notwithstanding that the salaries of the Superintendents have been fixed by law, that the terms of payment are specified by law, that the State Board of Education has a statutory duty to present vouchers on a monthly basis to the Comptroller for the payment of the salaries, and that the Comptroller has a statutory duty to issue warrants to pay the salaries to the Superintendents, the salaries have not been paid to the Superintendents since July 1, 2011.

50. Defendants have failed and refused and continue to fail and refuse to perform the duties they are required by statute to perform in undertaking the necessary steps to pay the Superintendents the salaries due them as fixed by law. As such, Defendants are acting in excess of their powers.

51. As a result of the actions of the Governor and the other Defendants, Plaintiffs and the class members have suffered and are continuing to suffer severe economic hardship, including, but not limited to, difficulty in meeting mortgage or other housing expenses, difficulty in meeting the expenses of everyday life, reduced social security and pension benefits, and confusion and questions regarding State provided health insurance coverage.

52. As an example, one of the Superintendents was compelled by economic circumstances resulting from no payment of salary to apply for and receive public financial assistance.

53. As another example, Plaintiff Shannon Fehrholz, the mother of a four-year old child and the spouse of a member of the United States armed forces serving in the military deployed in combat in Afghanistan, has been performing her duties as Assistant Superintendent in Sangamon County without pay. Because Defendants refuse to pay her the salary fixed by law for her position, she has been unable to provide needed repairs to her home. A true and correct copy of an op-ed piece written by Ms. Fehrholz and published in the State Journal Register on August 16, 2011, is attached as Exhibit F.

COUNT I
(Declaratory Judgment)

54. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 53 as though fully set forth herein.

55. Plaintiffs have a right to receive the salaries fixed by law for their respective positions in the manner specified by law.

56. Defendants have a duty to pay Plaintiffs the salaries fixed by law for their respective positions in the manner specified by law, but Defendants refuse to do so in violation of the statutes described above.

57. The salaries can lawfully be paid either from the Common School Fund or from the Personal Services line item appropriation for the State Board of Education for Fiscal Year 2012.

58. An actual controversy exists between Plaintiffs and Defendants, and the Court is vested with the power to declare the rights and duties of the parties as well as grant such other relief as it deems just and proper.

WHEREFORE, Plaintiffs pray that this Court enter judgment in their favor and against Defendants, and declare that:

a) Governor Quinn, the State Board of Education, the State Superintendent of Education, and the other Defendants have a duty to pay the salaries of the Superintendents in the amount and manner specified by law;

b) The Superintendents have the right to receive and shall receive the fully full salaries for Fiscal Year 2012 as determined under Section 3-2.5 of the School Code, including all authorized increases based upon the Consumer Price Index;

c) Either the Common School Fund or the Fiscal Year 2012 Appropriation to the State Board of Education for Personal Service may lawfully be used to pay the salaries, and;

d) Plaintiffs shall receive other and further relief to which they are entitled.

**COUNT II
(Injunctive Relief)**

59. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 58 as though fully set forth herein.

60. Plaintiffs have no adequate remedy at law and will be irreparably injured absent the entry of an injunction requiring Defendants to comply with their statutory duties as described herein, including but not limited to the loss of income and a reduction in pension benefits.

WHEREFORE, Plaintiffs pray that this Court:

a) Temporarily restrain and preliminarily and permanently enjoin Defendants and all persons acting in concert with them from violating their duties under the School Code by refusing to pay the Superintendents as provided therein;

b) Enter mandatory, temporary, preliminary, and permanent injunctive relief requiring Defendant and all persons acting in concert with them to pay the Superintendents the salaries for Fiscal Year 2012 as determined under Section 3-2.5 of

the School Code, including the authorized increases based upon the Consumer Price Index, from either the Common School Fund or the Fiscal Year 2012 appropriation to the State Board of Education for Personal Services or any other fund, account, or line item which Defendants control; and;

- c) Grant such other and further relief as to which Plaintiffs are entitled.

**COUNT III
(Mandamus)**

61. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 60 as though fully set forth herein.

62. By virtue of the statutes of the State of Illinois as described above and in accordance with the appropriations of the General Assembly, it became and is the duty of Defendants to pay to the Superintendents in Fiscal Year 2012 the salaries as provided in Section 3-2.5 of the School Code.

63. The Superintendents have complied with and performed all legal conditions precedent to the performance of the duty of Defendants.

64. Defendants have refused to perform that duty.

65. By reason of the refusal of Defendants to perform that duty, Plaintiffs have been injured by a loss of income and a reduction in pension benefits.

WHEREFORE, Plaintiffs pray that a judgment of mandamus be entered, directed to each Defendant, commanding him or her to undertake all action necessary to pay the Superintendents the salaries as determined by Section 3-2.5 of the School Code for Fiscal Year 2012, including the authorized increases based upon the Consumer Price Index, and for such other and further relief as to which Plaintiffs are entitled.

Dated: August 19, 2011

Attorneys for Plaintiffs JOHN HOWARD
MEIXNER, SHANNON CHRISTINE
FEHRHOLZ, MONTE A. NEWLIN, BRIAN
PAUL GUTHRIE, JENNIFER BERTINO-
TARRANT, BONNIE L. HARRIS, On Behalf of
Themselves and All Others Similarly Situated,

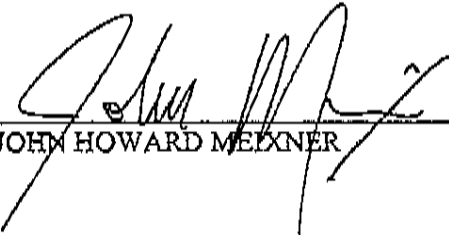
By: HINSHAW & CULBERTSON LLP

By: 
One of Their Attorneys

J. William Roberts (#2351714)
Charles R. Schmadeke (#2489813)
HINSHAW & CULBERTSON LLP
400 South Ninth Street, Suite 200
Springfield, IL 62701
217/528-7375 (phone)
217/528-0075 (fax)

VERIFICATION

Under penalties as provided by law pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure, I, JOHN HOWARD MELXNER, Plaintiff in the above-captioned matter, hereby certify that the statements as forth in this instrument are true and correct.



JOHN HOWARD MELXNER


VERIFICATION

Under penalties as provided by law pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure, I, SHANNON CHRISTINE FEHRHOLZ, Plaintiff in the above-captioned matter, hereby certify that the statements as forth in this instrument are true and correct.


SHANNON CHRISTINE FEHRHOLZ

VERIFICATION

Under penalties as provided by law pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure, I, MONTE A. NEWLIN, Plaintiff in the above-captioned matter, hereby certify that the statements as forth in this instrument are true and correct.



MONTE A. NEWLIN

VERIFICATION

Under penalties as provided by law pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure, I, BRIAN PAUL GUTHRIE, Plaintiff in the above-captioned matter, hereby certify that the statements as forth in this instrument are true and correct.


BRIAN PAUL GUTHRIE

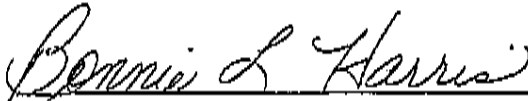
08-19-'11 12:32 FROM-Knox County ROE

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VERIFICATION

Under penalties as provided by law pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure, I, BONNIE L. HARRIS, Plaintiff in the above-captioned matter, hereby certify that the statements as forth in this instrument are true and correct.



BONNIE L. HARRIS

State of Illinois
91st General Assembly
Public Acts

[[Home](#)] [[ILCS](#)] [[Search](#)] [[Bottom](#)]
[[Other General Assemblies](#)]

Public Act 91-0276

SB995 Enrolled

LRB9104200NTgc

AN ACT concerning regional superintendents of schools.

Be it enacted by the People of the State of Illinois,
represented in the General Assembly:

Section 5. The School Code is amended by changing
Section 3-2.5 as follows:

(105 ILCS 5/3-2.5)

Sec. 3-2.5. Salaries.

(a) Except as otherwise provided in this Section
~~subsection (b)~~, the regional superintendents of schools shall
receive for their services an annual salary according to the
population, as determined by the last preceding federal
census, of the region they serve, as set out in the following
schedule:

SALARIES OF REGIONAL SUPERINTENDENTS OF
SCHOOLS

POPULATION OF REGION	ANNUAL SALARY
Less than 48,000	\$73,500 \$66,000
48,000 to 99,999	\$78,000 \$70,500
100,000 to 999,999	\$81,500 \$74,000
1,000,000 and over	\$83,500 \$76,000

The changes made by Public Act 86-98 in the annual salary
that the regional superintendents of schools shall receive
for their services shall apply to the annual salary received
by the regional superintendents of schools during each of
their elected terms of office that commence after July 26,
1989 and before the first Monday of August, 1995.

The changes made by Public Act 89-225 in the annual
salary that regional superintendents of schools shall receive
for their services shall apply to the annual salary received
by the regional superintendents of schools during ~~each of~~
their elected terms of office that commence after August 4,
1995 and end on August 1, 1999.

The changes made by this amendatory Act of the 91st
General Assembly in the annual salary that the regional
superintendents of schools shall receive for their services
shall apply to the annual salary received by the regional
superintendents of schools during each of their elected terms
of office that commence on or after August 2, 1999.

Beginning July 1, 2000, the salary that the regional
superintendent of schools receives for his or her services

EXHIBIT A

shall be adjusted annually to reflect the percentage increase, if any, in the most recent Consumer Price Index, as defined and officially reported by the United States Department of Labor, Bureau of Labor Statistics, except that no annual increment may exceed 2.9%. If the percentage of change in the Consumer Price Index is a percentage decrease, the salary that the regional superintendent of schools receives shall not be adjusted for that year.

When regional superintendents are authorized by the School Code to appoint assistant regional superintendents, the assistant regional superintendent shall receive an annual salary based on his or her qualifications and computed as a percentage of the salary of the regional superintendent to whom he or she is assistant, as set out in the following schedule:

SALARIES OF ASSISTANT REGIONAL SUPERINTENDENTS

QUALIFICATIONS OF ASSISTANT REGIONAL SUPERINTENDENT	PERCENTAGE OF SALARY OF REGIONAL SUPERINTENDENT
No Bachelor's degree, but State certificate valid for teaching and supervising.	70%
Bachelor's degree plus State certificate valid for supervising.	75%
Master's degree plus State certificate valid for supervising.	90%

However, in any region in which the appointment of more than one assistant regional superintendent is authorized, whether by Section 3-15.10 of this Code or otherwise, not more than one assistant may be compensated at the 90% rate and any other assistant shall be paid at not exceeding the 75% rate, in each case depending on the qualifications of the assistant.

The salaries provided in this Section for regional superintendents and assistant regional superintendents are payable monthly from the Common School Fund. The State Comptroller in making his or her warrant to any county for the amount due it from the Common School Fund shall deduct from it the several amounts for which warrants have been issued to the regional superintendent, and any assistant regional superintendent, of the educational service region encompassing the county since the preceding apportionment of the Common School Fund.

County boards may provide for additional compensation for the regional superintendent or the assistant regional superintendents, or for each of them, to be paid quarterly from the county treasury.

(b) Upon abolition on July 1, 1994, of the office of regional superintendent of schools in educational service regions containing 2,000,000 or more inhabitants as provided in Section 3-0.01 of this Code, the provisions of subsection (a) of this Section shall no longer apply in any educational service region in which the office of regional superintendent of schools is so abolished, and no salary or other compensation shall be payable under that subsection (a) or under any other provision of this Section with respect to the office so abolished or with respect to any assistant position

to the office so abolished.

(c) If the State pays all or any portion of the employee contributions required under Section 16-152 of the Illinois Pension Code for employees of the State Board of Education, it shall also pay the employee contributions required of regional superintendents of schools and assistant regional superintendents of schools on the same basis, but excluding any contributions based on compensation that is paid by the county rather than the State.

This subsection (c) applies to contributions based on payments of salary earned after the effective date of this amendatory Act of the 91st General Assembly, except that in the case of an elected regional superintendent of schools, this subsection does not apply to contributions based on payments of salary earned during a term of office that commenced before the effective date of this amendatory Act.

(Source: P.A. 89-233, eff. 1-1-96; incorporates 89-225, eff. 8-4-95; 89-626, eff. 8-9-96.)

Section 99. Effective date. This Act takes effect upon becoming law.

[Top]



Rep. William Davis

Filed: 5/9/2011

09700HB0327ham001

HDS097 00009 CIN 40009 a

1

AMENDMENT TO HOUSE BILL 327

2

AMENDMENT NO. _____. Amend House Bill 327, by deleting

3

everything after the enacting clause and inserting the

4

following:

5

"ARTICLE 1

6

Section 5. The following amounts, or so much of those

7

amounts as may be necessary, respectively, for the objects

8

and purposes named, are appropriated to the Illinois State

9

Board of Education for the fiscal year beginning July 1,

10

2011:

11

ALL DIVISIONS

12

From the General Revenue Fund:

13

For Personal Services16,036,300

14

For Employee Retirement Contributions

09700HB0327ham001

-2-

HDS097 00009 CIN 40009 a

1	Paid by Employer	191,800
2	For Social Security Contributions	517,600
3	For Contractual Services	4,500,000
4	For Travel	166,250
5	For Commodities	71,300
6	For Printing	64,700
7	For Equipment	132,200
8	For Telecommunications	450,000
9	For Operation of Auto Equipment	<u>23,800</u>
10	Total	\$22,153,950

11 Section 10. The following amounts or so much thereof as
 12 may be necessary, which shall be used by the Illinois State
 13 Board of Education exclusively for the foregoing purposes and
 14 not, under any circumstances, for personal services
 15 expenditures or other operational or administrative costs,
 16 are appropriated to the Illinois State Board of Education for
 17 the fiscal year beginning July 1, 2011

18 From the General Revenue Fund:

19	For General State Aid	309,631,375
20	For Blind/Dyslexic Persons	816,600
21	For Disabled Student Personnel	
22	Reimbursement	465,700,000
23	For Disabled Student Transportation	
24	Reimbursement	436,800,000

09700HB0327ham001

-3-

HDS097 00009 CIN 40009 a

1 For Disabled Student Tuition,
2 Private Tuition177,743,700
3 For District Consolidation Costs/
4 Supplemental Payments to School Districts,
5 18-8.2, 18-18.3, 18-8.5, 18-8.05(1) of
6 the School Code1,800,000
7 For Extraordinary Funding for Children Requiring
8 Special Education, 14-7.02b
9 of the School Code343,375,700
10 For Arts and Foreign Language1,000,000
11 For the Philip J. Rock Center
12 and School3,577,800
13 For Reimbursement for the Free Breakfast/
14 Lunch Program26,300,000
15 For Tax-Equivalent Grants, 18-4.4222,600
16 For Teachers and Administrators
17 Mentoring Program1
18 For Principal Mentoring Program1
19 For Summer School Payments, 18-4.3
20 of the School Code11,200,000
21 For Transportation-Regular/Vocational
22 Common School Transportation
23 Reimbursement, 29-5 of the School Code294,808,850
24 For Visually Impaired/Educational
25 Materials Coordinating Unit, 14-11.01

09700HB0327ham001

-4-

HDS097 00009 CIN 40009 a

1	of the School Code	1,421,100
2	For Regular Education Reimbursement	
3	Per 18-3 of the School Code	13,000,000
4	For Special Education Reimbursement	
5	Per 14-7.03 of the School Code	101,700,000
6	For all costs associated with Alternative	
7	Education/Regional Safe Schools	9,341,900
8	For Truant Alternative and Optional	
9	Education Program.....	14,059,000
10	For costs associated with Teach for America	1,225,000
11	For grants to Local Education Agencies	
12	to conduct Agriculture Education Programs	1,800,000
13	For Career and Technical Education	38,562,100
14	For National Board Certified Teachers	<u>1,000,000</u>
15	Total	\$6,368,759,716
16	From the Education Assistance Fund:	
17	For General State Aid.....	309,631,376
18	From the Common School Fund:	
19	For General State Aid.....	3,828,841,763

20 Section 15. The following amounts, or so much thereof as
 21 may be necessary, are appropriated to the Illinois State
 22 Board of Education for the fiscal year beginning July 1,
 23 2011:
 24 From the General Revenue Fund:

09700HB0327ham001

-5-

HDS097 00009 CIN 40009 a

1	For Autism Training and Technical	
2	Assistance	100,000
3	For the Children's Mental Health	
4	Partnership	1,620,000
5	For Standards, Assessments and	
6	Accountability	1
7	For Lowest Performing Schools	1,002,800
8	For Technology for Success	3,000,000
9	For Advanced Placement Classes	1
10	For Growth Model Assessments	1
11	For Early Childhood Education	<u>325,123,535</u>
12	Total	\$330,846,338

13 Section 20. The amount of \$592,300, or so much thereof
 14 as may be necessary, is appropriated from the General Revenue
 15 Fund to the Illinois State Board of Education for all costs
 16 associated with the Community Residential Services Authority.

17 Section 25. The amount of \$1,400,000, or so much thereof
 18 as may be necessary, is appropriated from the Temporary
 19 Relocation Expenses Revolving Grant Fund for use by the State
 20 Board of Education as provided in Section 2-3.77 of the
 21 School Code.

22 Section 30. The amount of \$100,000, or so much thereof

09700HB0327ham001

-6-

HDS097 00009 CIN 40009 a

1 as may be necessary, is appropriated from the General Revenue
 2 Fund to the Illinois State Board of Education for all costs
 3 associated with implementation of the State Board of
 4 Education Strategic Plan.

5 Section 35. The following named amounts, or so much
 6 thereof as may be necessary, are appropriated to the Illinois
 7 State Board of Education for the fiscal year beginning July
 8 1, 2011:

9 From the General Revenue Fund:

10 For Bilingual Education63,381,200

11 Section 40. The amount of \$24,000,000, or so much
 12 thereof as may be necessary, is appropriated from the General
 13 Revenue Fund to the Illinois State Board of Education for
 14 Student Assessments, including Bilingual Assessments.

15 Section 45. The amount of \$2,000,000, or so much thereof
 16 as may be necessary, is appropriated from the General Revenue
 17 Fund to the Illinois State Board of Education for all costs
 18 associated with Standards, Materials, and Training for
 19 Teachers

20 Section 50. The amount of \$2,500,000, or so much thereof
 21 as may be necessary, is appropriated from the General Revenue

09700HB0327ham001

-7-

HDS097 00009 CIN 40009 a

1 Fund to the Illinois State Board of Education for all costs
2 associated with After School Matters.

3 Section 55. The amount of \$1, or so much thereof as may
4 be necessary, is appropriated from the General Revenue Fund
5 to the Illinois State Board of Education for all costs
6 associated with the Response to Intervention Initiative.

7 Section 60. The amount of \$184,000, or so much thereof
8 as may be necessary, is appropriated from the General Revenue
9 Fund to the Illinois State Board of Education for all costs
10 associated with Educator Misconduct Investigations.

11 Section 65. The amount of \$9,100,000, or so much thereof
12 s may be necessary, is appropriated from the Common School
13 Fund to he Illinois State Board of Education for Regional
14 Superintendents' and Assistants' Compensation.

15 Section 70. The following named amounts, or so much
16 thereof as may be necessary, are appropriated to the Illinois
17 State Board of Education for the fiscal year beginning July
18 1, 2011:

19 From the General Revenue Fund:

20 For Regional Superintendents' Services2,225,050

21 For Regional Superintendents' Services -

09700HB0327ham001

-8-

HDS097 00009 CIN 40009 a

1 Bus Driver Training70,000

2 ARTICLE 2

3 Section 5. The sum of \$3,000,000, or so much thereof as
4 may be necessary, is appropriated from the General Revenue
5 Fund to the Illinois Community College Board for costs
6 associated with the Re-Enrollment Student Program.

7 Section 999. Effective date. This Act takes effect
8 July 1, 2011."

Illinois General Assembly - Full Text of HB0327

Page 1 of 2

June 30, 2011

To the Honorable Members of
The Illinois House of Representatives,
97th General Assembly:

House Bill 327 appropriates money for the operation of state government for fiscal year 2012. As public servants, we have the unique opportunity to revive our economy while enacting reforms that will create jobs, educate our youth, protect our most vulnerable and keep our communities safe. Implementing the budget is not a one-day event, but rather, like budgeting, a year-round process, filled with robust debate and difficult decisions. Indeed, while budgets are often viewed in the context of a single fiscal year, budgetary decisions made in any given fiscal year can have long-term consequences that impact and often limit budgetary options and decision-making in future fiscal years. With this in mind, and after carefully reviewing the budget passed by the General Assembly, I have identified areas for further development, improvement and reduction.

Today I am enacting a \$32.987 billion fiscal year 2012 general revenue funds budget. Overall, I am reducing the budget passed by the General Assembly by \$376,438,750 in general funds and \$336,158,900 in other state funds, for a total overall budget reduction of \$712,597,650. We need to come together to reduce our growing Medicaid liabilities to address the fact that the General Assembly shifted \$1.2 billion of fiscal year 2012 Medicaid costs into fiscal year 2013. Neglecting our bills today only creates bigger problems for tomorrow—an ill-advised strategy that, together with the poor fiscal discipline exercised by previous administrations, has created and will exacerbate the staggering backlog of unpaid bills we face today. With these reductions, I am implementing smart efficiencies and reforms that will support Illinois on its continuing path to fiscal and economic recovery.

Illinois leads the Midwest in job creation, creating more than 100,000 jobs since January 2010. Also in 2010, Illinois exports, which support more than half a million Illinois jobs, increased by 20 percent. We need to invest in education by reducing high administrative costs and reallocating those funds to the classroom, particularly in early childhood education and general state aid. I have also emphasized the need to protect our most vulnerable, our veterans, and those who put their lives on the line to keep our communities safe.

I look forward to continued work with all four caucuses to discuss the serious challenges of stabilizing our budget and creating jobs, as well as the important and ongoing issues surrounding payment of Illinois' overdue bills.

With respect to House Bill 327, I have vetoed the line item appropriations for Regional Superintendents Services in the amount of \$2,225,050 and Regional Superintendents and Assistants Compensation in the amount of \$9,100,000, which in each case should be funded by other state funds. I have reduced the line item appropriation for MCAT- Transportation - Regular by \$89,000,000.

Therefore, pursuant to Article IV, Section 9(d) of the Illinois Constitution of 1970, I hereby return House Bill 327, entitled "AN ACT making appropriations" with reduction and item vetoes in appropriations totaling \$100,325,050.

Item Vetoes

I hereby veto the appropriations items listed below:

Article	Section	Page	Line(s)	Amount Enacted
1	65	7	4 - 7	9,100,000
1	70	7	13	2,225,050

Reduction

I hereby reduce the appropriation item listed below and approve each item in the amount set forth in the "Reduced Amount" column below:

EXHIBIT C

<http://www.ilga.gov/legislation/fulltext.asp?DocName=09700HB0327gms&...> 8/18/2011

Illinois General Assembly - Full Text of HB0327

Page 2 of 2

Article	Section	Page	Line(s)	Amount Enacted	Reduced Amount
1	10	3	14	294,808,850	205,808,850

In addition to these specific item vetoes and reduction, I hereby approve all other appropriation items in House Bill 327.

Sincerely,

Pat Quinn
Governor

Public Act 097-0060
HB0327 Enrolled

LRB097 03890 AMC 43929 b

AN ACT making appropriations.

**Be it enacted by the People of the State of Illinois, represented
in the General Assembly:**

ARTICLE 1

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2011:

ALL DIVISIONS

From the General Revenue Fund:

For Personal Services	16,036,300
For Employee Retirement Contributions	
Paid by Employer	191,800
For Social Security Contributions	517,600
For Contractual Services	4,500,000
For Travel	166,250
For Commodities	71,300
For Printing	64,700
For Equipment	132,200
For Telecommunications	450,000
For Operation of Auto Equipment	<u>23,800</u>

EXHIBIT D

Public Act 097-0060
HB0327 Enrolled

LRB097 03890 AMC 43929 b

Total \$22,153,950

Section 10. The following amounts or so much thereof as may be necessary, which shall be used by the Illinois State Board of Education exclusively for the foregoing purposes and not, under any circumstances, for personal services expenditures or other operational or administrative costs, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2011:

From the General Revenue Fund:

For General State Aid	309,631,375
For Blind/Dyslexic Persons	816,600
For Disabled Student Personnel	
Reimbursement	465,700,000
For Disabled Student Transportation	
Reimbursement	436,800,000
For Disabled Student Tuition,	
Private Tuition	177,743,700
For District Consolidation Costs/	
Supplemental Payments to School Districts,	
18-8.2, 18-18.3, 18-8.5, 18-8.05(1) of	
the School Code	1,800,000
For Extraordinary Funding for Children Requiring	
Special Education, 14-7.02b	
of the School Code	343,375,700

Information Warehouse

Home » Financial Inquiries » Cash Balance






Cash Balance

Here you can find the beginning and ending daily balance in each of the state's various fund accounts.

SORT BY NUMBER

[URL: /tw/?LinkServID=3A1AEED-E0C7-3CE9-04B0FDB419895BBD&OrderBy=Number&cbFund=0001](http://www.wh1.ioc.state.il.us/?LinkServID=3A1AEED-E0C7-3CE9-04B0FDB419895BBD&OrderBy=Number&cbFund=0001)

The application is currently Sorting by fund name. To access any fund you may start typing in the fund name.

ABANDONED MINED LANDS RECLAM - 0991	
ABANDONED RES PROP MUN REL PRG - 0892	
ACADEMIC QUALITY ASSURANCE - 0660	
ACCESSIBLE ELECTRONIC INFO SER - 0106	
ADELINE JAY GEO-KARIS IL BEACH - 0982	

Get Fund Details

Get Fund Balance

<i>COMMON SCHOOL - 0412</i>	
Begin Daily Amount:	\$5,319,945.62
Receipt Amount:	\$252.53
Transfers In:	\$7,146,120.00
Transfers Out:	\$0.00
Net Warrants Issued:	\$0.00
End Daily Amount:	\$12,466,318.15

Specific transfers in and transfers out and their effect on the cash balances may have not been recorded by the State Treasurer.

EXHIBIT E

Tuesday, August 16, 2011

OPINI



SHANNON
FEERHOLT

Restore pay of regional school chiefs, assistants

I am writing today to tell you my personal story of struggle in light of the recent decision by Gov. Pat Quinn to wipe out my salary, and to urge for a reversal of this move immediately. I have written the governor so he knows one personal horror story from his perplexing decision.

I left a secure job as a special education teacher in 2010 with the Springfield Public School District because I thought I could advocate for a greater number of students through the Sangamon County Regional Office of Education.

I have a husband deployed to Afghanistan. Gov. Quinn shook my husband's hand, thanked him for his service and gave him a business card when they met at the Illinois State Fair. He promised then we would be taken care of, as a member of the armed services. A year later, my husband is fighting for our country overseas and I'm without a paycheck. Is this really taking care of our soldiers?

My husband's morale has been affected. He's trying to be strong for me, when I should be strong for him. He wants to be home to ease my burden yet knows his work to

Instead, his heart is heavy for us. The financial and emotional strain from our struggles is an awful distraction. He watches me cry as I struggle to cope with his absence, raising our daughter and trying to pay the bills. He sees his 4-year-old daughter cry in fear because she can't understand why Mommy is so upset.

As the wife of a deployed soldier, I should be consoling my daughter as she cries nightly for Daddy, and focusing on being the best parent possible. But I am worried about making the house and car payment and putting food on the table. Clearly, we need rain in central Illinois. I pray we do not get anything significant because our home needs a new roof, and I worry about the leaks when the downpour comes. The roof repair funds are now going to pay more pressing bills.

I do not know how to better cope with this mess. I cannot receive unemployment benefits because I am still employed — I am just not getting a paycheck. I cannot get a part-time job, as I already spend too much time away from my daughter and cannot afford additional day-care. She needs me now more than ever with her father serving overseas. I will not let her cry for me at night the way she cries for him.

I believe in the work our office does. Just like my husband is dutifully serving our country, I will continue dutifully serving our schools. I would invite the governor to visit our office to see all that we do. Please watch us do a compliance visit to a school district, or a health and life safety inspection of one of 75 buildings we inspect. Watch how we perform fingerprints and background checks for those wanting to work in Sangamon County.

I do not understand how Gov. Quinn can so proudly stand for veterans and their families and then do something like this to my family. Clearly, he has shown no compassion or regard for how we cope with having no husband and father and no paycheck.

I beg him and our lawmakers to find a way to restore the salary money for the regional superintendents and assistants in the budget so I can get back to focusing on what really matters: my daughter, my deployed husband and my job.

EXHIBIT F

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SANGAMON

JOHN HOWARD MEDCNER,
SHANNON CHRISTINE FEHRHOLZ,
MONTE A. NEWLIN,
BRIAN PAUL GUTHRIE,
JENNIFER BERTINO-TARRANT,
BONNIE L. HARRIS, On Behalf of
Themselves and All Others Similarly
Situating,

Plaintiffs,

v.

PAT QUINN, Governor of the State of Illinois,
CHRISTOPHER A. KOCH, State
Superintendent of Education; GERY J. CHICO,
Chair of the State Board of Education;
CHRISTOPHER J. WARD, Member of the
State Board of Education; VINNI M. HALL,
Member of the State Board of Education;
JAMES W. BAUMAN, Member of the State
Board of Education; ANDREA S. BROWN,
Member of the State Board of Education;
DAVID L. FIELDS, Member of the State Board
of Education; STEVEN R. GILFORD, Member
of the State Board of Education; MELINDA A.
LABARRE, Member of the State Board of
Education; LANITA J. KOSTER, Member of
the State Board of Education; DAVID
VAUGHT, Director of the Governor's Office of
Management and Budget; and JUDY BAAR
TOPINKA, Comptroller of the State of Illinois,

Defendants.

No. 2011CH01080

FILED

AUG 19 2011 CIV.-1

Anthony P. Schuch Clerk of the
Circuit Court

**NOTICE OF HEARING ON MOTION FOR TEMPORARY
RESTRAINING ORDER AND SUPREME COURT RULE 19 NOTICE**

TO: All Defendants and Attorney General Lisa Madigan
c/o Karen McNaught
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706

TAKE NOTICE PLEASE that on the 23 day of August, 2011 at 9:45 a.m., I
shall appear before the Honorable John Schmidt, or any judge sitting in his stead, in the

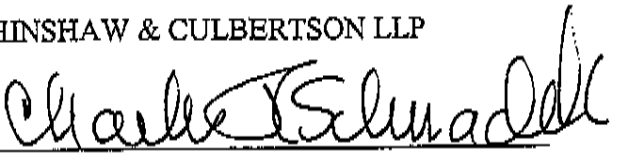
Sangamon County Complex, 200 South Ninth Street, Springfield, Illinois, and thereupon be heard upon the Motion for Temporary Restraining Order filed in this case.

Dated: August 19, 2011

Attorneys for Plaintiffs JOHN HOWARD
MEIXNER, SHANNON CHRISTINE
FEHRHOLZ, MONTE A. NEWLIN, BRIAN
PAUL GUTHRIE, JENNIFER BERTINO-
TARRANT, BONNIE L. HARRIS, On Behalf of
Themselves and All Others Similarly Situated,

By: HINSHAW & CULBERTSON LLP

By:


One of Their Attorneys

J. William Roberts (#2351714)
Charles R. Schmadeke (#2489813)
HINSHAW & CULBERTSON LLP
400 South Ninth Street, Suite 200
Springfield, IL 62701
217/528-7375 (phone)
217/528-0075 (fax)

Public Act 097-0060
HB0327 Enrolled

LRB097 03890 AMC 43929 b

as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for all costs associated with Educator Misconduct Investigations.

Section 65. The amount of \$9,100,000, or so much thereof as may be necessary, is appropriated from the Common School Fund to the Illinois State Board of Education for Regional Superintendents' and Assistants' Compensation.

Section 70. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2011:

From the General Revenue Fund:

For Regional Superintendents' Services	2,225,050
For Regional Superintendents' Services -	
Bus Driver Training	70,000

ARTICLE 2

Section 5. The sum of \$3,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for costs associated with the Re-Enrollment Student Program.

Public Act 097-0060
HB0327 Enrolled

LRB097 03890 AMC 43929 b

Section 999. Effective date. This Act takes effect July 1,
2011.

Public Act 097-0060
HB0327 Enrolled

LRB097 03890 AMC 43929 b

For costs associated with Teach for America	1,225,000
For grants to Local Education Agencies	
to conduct Agriculture Education Programs	1,800,000
For Career and Technical Education	38,562,100
For National Board Certified Teachers	<u>1,000,000</u>
Total	\$6,368,759,716

From the Education Assistance Fund:

For General State Aid.....309,631,376

From the Common School Fund:

For General State Aid.....3,828,841,763

Section 15. The following amounts, or so much thereof as may be necessary, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2011:

From the General Revenue Fund:

For Autism Training and Technical Assistance	100,000
For the Children's Mental Health Partnership	1,620,000
For Standards, Assessments and Accountability	1
For Lowest Performing Schools	1,002,800
For Technology for Success	3,000,000
For Advanced Placement Classes	1

Public Act 097-0060

HB0327 Enrolled

LRB097 03890 AMC 43929 b

For Arts and Foreign Language1,000,000

For the Philip J. Rock Center
and School3,577,800

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For Regular Education Reimbursement
Per 18-3 of the School Code13,000,000

For Special Education Reimbursement
Per 14-7.03 of the School Code101,700,000

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LRB097 03890 AMC 43929 b

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Section 50. The amount of \$2,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for all costs associated with After School Matters.

Section 55. The amount of \$1, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for all costs associated with the Response to Intervention Initiative.

Section 60. The amount of \$184,000, or so much thereof

Public Act 097-0060
HB0327 Enrolled

LRB097 03890 AMC 43929 b

For Growth Model Assessments	1
For Early Childhood Education	<u>325,123,535</u>
Total	\$330,846,338

Section 20. The amount of \$592,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for all costs associated with the Community Residential Services Authority.

Section 25. The amount of \$1,400,000, or so much thereof as may be necessary, is appropriated from the Temporary Relocation Expenses Revolving Grant Fund for use by the State Board of Education as provided in Section 2-3.77 of the School Code.

Section 30. The amount of \$100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for all costs associated with implementation of the State Board of Education Strategic Plan.

Section 35. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2011:

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SANGAMON

JOHN HOWARD MEIXNER,
SHANNON CHRISTINE FEHRHOLZ,
MONTE A. NEWLIN,
BRIAN PAUL GUTHRIE,
JENNIFER BERTINO-TARRANT,
BONNIE L. HARRIS, On Behalf of
Themselves and All Others Similarly
Situating,

Plaintiffs,

v.

PAT QUINN, Governor of the State of Illinois,
CHRISTOPHER A. KOCH, State
Superintendent of Education; GERY J. CHICO,
Chair of the State Board of Education;
CHRISTOPHER J. WARD, Member of the
State Board of Education; VINNI M. HALL,
Member of the State Board of Education;
JAMES W. BAUMAN, Member of the State
Board of Education; ANDREA S. BROWN,
Member of the State Board of Education;
DAVID L. FIELDS, Member of the State Board
of Education; STEVEN R. GILFORD, Member
of the State Board of Education; MELINDA A.
LABARRE, Member of the State Board of
Education; LANITA J. KOSTER, Member of
the State Board of Education; DAVID
VAUGHT, Director of the Governor's Office of
Management and Budget; and JUDY BAAR
TOPINKA, Comptroller of the State of Illinois,

Defendants.

FILED

AUG 19 2011 CTR.-1

Anthony P. Culbertson Clerk of the
Circuit Court

No. 2011CH01080

MOTION FOR TEMPORARY RESTRAINING ORDER

Pursuant to Section 11-101 of the code of Civil Procedure, 735 ILCS 5/11-101, Plaintiffs, by their attorneys, Hinshaw & Culbertson LLP, respectfully move this Court to issue a Temporary Restraining Order without bond enjoining and restraining Defendants and all persons acting in concert with them to pay the Regional Superintendents of Schools and the Assistant Regional Superintendent of Schools the salaries for Fiscal Year 2012 as determined under Section 3-2.5 of the School Code, including the authorized increases based upon the Consumer

Price Index, from either the Common School Fund or the Fiscal Year 2012 appropriation to the State Board of Education for Personal Services or any other fund, account or line item which Defendants control, as described in the Verified Complaint filed herein.

1. Plaintiffs rely upon and hereby incorporate by reference the allegations contained in the Verified Complaint for Declaratory, Injunctive, and Mandamus Relief.

2. The Court should not require a bond from Plaintiffs for the issuance of a Temporary Restraining Order. Any harm that Defendants may suffer is greatly outweighed by the harm to Plaintiffs in requiring the expenditure of money for the acquisition of a bond. Moreover, in the event that Defendants do suffer damages, they can seek relief under Section 11-110 of the Code of Civil Procedure, 735 ILCS 5/11-110.

3. Defendants have received or will receive notice of this motion.

4. Said Temporary Restraining Order should be effective until a hearing is held on Plaintiffs' application for a preliminary injunction.

WHEREFORE, Plaintiffs pray that this Court enter a Temporary Restraining Order as aforesaid.

Dated: August 19, 2011

Attorneys for Plaintiffs JOHN HOWARD
MEIXNER, SHANNON CHRISTINE
FEHRHOLZ, MONTE A. NEWLIN, BRIAN
PAUL GUTHRIE, JENNIFER BERTINO-
TARRANT, BONNIE L. HARRIS, On Behalf of
Themselves and All Others Similarly Situated,

By: HINSHAW & CULBERTSON LLP

By: 
One of Their Attorneys

J. William Roberts (#2351714)
Charles R. Schmadeke (#2489813)
HINSHAW & CULBERTSON LLP
400 South Ninth Street, Suite 200
Springfield, IL 62701
217/528-7375 (phone)
217/528-0075 (fax)

