

ILLINOIS STATE BOARD OF EDUCATION

Board Operations Committee of the Whole

March 24, 2010

10:45 a.m.

All open meetings will be audio cast on the Internet at: www.isbe.net

AGENDA (timeframes are estimated for planning purposes)

- I. Roll Call
- II. Board Member Participation by Other Means
- III. Public Participation
- IV. Minutes of the December Board Operations Committee of the Whole Meeting (**pp. 2-3**)
- V.*Review Nominations for Recognition (as needed)
- VI.*2010 Board Calendar – further review (*Jean Ladage*) (**pp. 4-6**) 10:45 – 10:55 a.m.
- VII. ISBE Board Member Liaison to IBHE (*Chris Ward*) (**p. 7**) 10:55 – 11:05 a.m.
- VIII. Board Review of Contracts and Grants (*Darren Reisberg*) (**pp. 8-25**) 11:05 – 11:15 a.m.
- IX. Revolving Door Prohibition (*Darren Reisberg*) (**pp. 26-43**) 11:15 – 11:25 a.m.
- X. Procurement Procedures (*Darren Reisberg, Linda Mitchell*) (**pp. 44-52**) 11:25 – 11:35 a.m.
- XI. Open Meetings Act Training (*Matt Vanover*) (**p. 53**) 11:35 – 11:45 a.m.
- XII. Committee Agenda Planning/Additional Items
- XIII. Adjourn

* Items listed with an asterisk (*) will be discussed in committee and action may be taken in the plenary session.

BOARD OPERATIONS COMMITTEE OF THE WHOLE
December 17, 2009
Springfield, Illinois

Members Present

Christopher Ward
Andrea Brown
David Fields
Vinni Hall
Joyce Karon
Lanita Koster

Members Absent

Jesse Ruiz

Staff Present

Superintendent Koch
Jean Ladage
Marsha Moffett
Darren Reisberg
Matt Vanover

- I. **ROLL CALL:** Dr. Ward called the meeting to order at 8:15 a.m. and asked for a Roll Call. (See roll call above.)
- II. **BOARD MEMBER PARTICIPATION BY OTHER MEANS:** None.
- III. **PUBLIC PARTICIPATION:** None.
- IV. **COMMITTEE MINUTES:** Dr. Fields moved that the minutes of the October 2009 Board Operations Committee be approved. Ms. Koster seconded the motion. The motion to approve the minutes passed on a unanimous voice vote.
- V. **REVIEW NEW NOMINATIONS FOR RESOLUTIONS OF RECOGNITION:** Dr. Hall moved that the recommended resolutions be forwarded to plenary session for adoption. The proposed resolutions recognize Fred Huddleston, the 2009 Burroughs Outstanding School Board President; Kevin Rutter, the 2009-2010 Illinois Teacher of the Year; Arthur Wachholz, the 2009 Illinois recipient of the Milken National Educator Award; and the graduates of Cohorts 3, 4, & 5 of the Bilingual Transition to Teaching Program. Dr. Fields seconded the motion and it carried with a unanimous voice vote. Ms. Ladage indicated that Mr. Rutter and Mr. Wachholz are planning to attend the plenary session on Thursday.
- VI. **RECOMMENDED ADOPTION OF 403b PLAN:** In July, 2007, the Internal Revenue Service (IRS) issued final regulations governing 403(b) tax-sheltered annuity plans which became effective on January 1, 2009. The regulations require employers to make extensive changes to their Section 403(b) plan design and operations, including adopting a written plan document. Originally required to be in place by December 31, 2008, in late 2008 the IRS extended the deadline by which employers were required to have a written plan document to December 31, 2009. As such, by December 31, 2009, ISBE must have a written plan document in place that satisfies the Section 403(b) final regulations. The Board agreed to move this item forward to the plenary session.
- VII. **2010 BOARD CALENDAR PROPOSED REVISIONS:** The Board discussed proposed changes to the 2010 Calendar of Board meetings.
- Ms. Karon suggested that the Board consider the financial situation of the state and the cost of taking Board meetings outside of the Springfield ISBE office. Since the primary expense of meetings outside of Springfield is that of human capital, she suggested that the Board use opportunities for various hearings (common core standards, etc.) in other areas of the state.
- It was also noted that most Board members attend the IASB/IASB/IASBO (Triple I) Conference in Chicago in November. Although there isn't a meeting scheduled in November, perhaps that month (as opposed to December) should be designated for a Chicago meeting.

The Board agreed to move the following changes for consideration during the December plenary session, but will bring the 2010 calendar back at the next Board Operations Committee meeting for further discussion.

- The January 2010 meeting shall be changed to January 13-14 to coincide with the Governor's State of the State address.
- The March 2010 meeting shall be changed to March 24-25 to avoid a conflict with NASBE meetings.
- The October 2010 meeting shall be changed to October 28-29 to coincide with the Annual Superintendent's Conference dates.



VIII. ADDITIONAL ITEMS AND COMMITTEE AGENDA PLANNING: None.

IX. COMMITTEE WRAP-UP: None.

X. ADJOURN: Dr. Hall moved that the Board Operations Meeting of the Whole be adjourned. Dr. Fields seconded the motion and it passed with a unanimous voice vote. The committee meeting adjourned at 8:39 a.m.

ILLINOIS STATE BOARD OF EDUCATION
March 24-25, 2010

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education 
Jean Ladage, Board Services Coordinator 

Agenda Topic: 2010 Calendar of State Board of Education Meetings

Materials: Review of 2010 Calendar of Board Meetings

Staff Contact(s): Jean Ladage, Board Services Coordinator

Purpose of Agenda Item

The purpose of this agenda item is to provide an opportunity for further Board input regarding revisions to 2010 meeting dates.

Background

The Board adopted the 2010 Calendar of meetings at the December 2009 meeting. There was consensus to bring the calendar back for further consideration of meetings held outside of the Springfield ISBE office.

April 2010 one-day meeting: Further discussion will take place regarding the likelihood of a need for a one-day meeting in April.

June 2010 meeting: Superintendent Koch has again been invited to participate in CCSSO's 3rd Annual International Education Summit on June 15-18. Those dates would conflict with our current June meeting dates. Board members have been polled and the suggested revised dates of June 23-24 appear to be acceptable.

August Retreat dates: Superintendent Koch and Andrea Brown are Commissioners on the Education Commission of the States (ECS) and Superintendent Koch is a member of the ECS Steering Committee. Our current August retreat dates conflict with the ECS Annual Policy Forum. The new dates of the retreat are proposed for August 10-12 or August 11-13. Board members should determine if a Tuesday through Thursday retreat still works for all members, or if a Wednesday through Friday works best this year.

September meeting: Due to FY11 budget constraints it is recommended that the September 2010 meeting be held in Springfield, rather than require multiple staff travel to Palatine. Board members will discuss this recommendation during this committee meeting. The retreat normally begins at noon on the first day and adjourns around noon the final day.

November 18 potential meeting: The Council of Chief State School Officer's (CCSSO) Annual Policy Forum (November 18-21) will again conflict with the IASA/IASB/IASBO Annual Conference (November 19-21).

December: Due to FY11 budget constraints it is recommended that the December 2010 meeting be held in Springfield and that Chicago-area venues be utilized for topic-specific hearings such as Budget, Common Core Standards and Assessment, etc.

Recommended Motion

A revised handout reflecting the result of today's discussion will be distributed during the March plenary session. The Superintendent recommends the following motion be adopted:

The State Board of Education hereby approves the changes to the 2010 Calendar of Board meetings as revised in the March 24 Board Operations Committee of the Whole.
(See handout.)

Next Steps

Following Board discussion and action, staff will move to secure accommodations for revised meeting locations and revise the posting of the 2010 Calendar of Meetings as required in the Illinois Open Meetings Act.

ILLINOIS STATE BOARD OF EDUCATION

NOTE: The State Board of Education plenary session will be held on the Thursday of each 2-day meeting cycle, beginning at 9:30 a.m.

State Board meetings held in Springfield are located in the 4th Floor Board Room at 100 North First Street, Springfield, Illinois.

2010 BOARD MEETING SCHEDULE FOR FURTHER DISCUSSION ON MARCH 23, 2010

Please check back to the ISBE website (www.isbe.net/calendar) for final meeting postings.

January 13-14	-----	Springfield
February 18	-----	(Meeting held via video-teleconference)
March 24-25	-----	Springfield
April 14	-----	(Hold for meeting as needed (v-tel))
May 19-20	-----	Springfield
June 16-17 23-24	-----	Springfield (Discuss recommendation to change the dates to avoid a recent conflict for the Superintendent.)
August 17-19 11-13	-----	Board Retreat (Bloomington) (Discuss recommendation to change the dates to avoid a recent conflict with the ECS Annual Policy Forum.)
September 22-23	-----	Palatine (Discuss recommendation to change location to Springfield.) McElroy Administration Center, 1750 South Roselle Road, Palatine
October 28-29	-----	Springfield
November 18	-----	(Hold for meeting as needed in v-tel) (FYI: This date conflicts with the Annual CCSSO Policy Forum.)
December 15-16	-----	Chicago, (Discuss recommendation to change location to Springfield.) James R. Thompson Center (meeting room to be determined)

ILLINOIS STATE BOARD OF EDUCATION MEETING
March 24-25, 2010

TO: Illinois State Board of Education

FROM: Christopher J. Ward, Chairman, Board Operations Committee of the Whole

Agenda Topic: ISBE Board Member Liaison to Illinois Board of Higher Education (IBHE)

Materials: None

Purpose of Agenda Item

The purpose of this agenda item is for the Board Chairman to enlist a volunteer to serve as the Illinois State Board of Education Member-Liaison to the Illinois Board of Higher Education. The member serving as liaison will attend IBHE meetings to provide the Board of Higher Education feedback from the Pre-K-12 perspective on issues they are discussing and in-turn, provide a report to their board about the challenges and issues our board is facing.

IBHE Calendar of Meetings

As you can see from the listing below, a majority of the meetings for the Illinois Board of Higher Education are held in the Chicago area.

2010 Dates 2010 Hosts and Locations

January 26	Chicago State University, Chicago
April 6	Harold Washington College, Chicago
June 1	Abraham Lincoln Hotel, Springfield
August 10	Northeastern Illinois University, Chicago
October 5	Oakton Community College, Des Plaines
December 7	Chicago-Kent College of Law, Chicago

2009 Dates 2009 Hosts and Locations


January 27	President Abraham Lincoln Hotel & Conf. Center, Springfield
April 7	President Abraham Lincoln Hotel & Conf. Center, Springfield
June 2	Governors State University, University Park
August 11	DePaul University, Lincoln Park Campus, Chicago
October 6	Loyola University, Lake Shore Campus, Chicago
December 8	University of Chicago, Chicago

Expected Outcome(s) of Agenda Item

Board members will discuss this collaborative agreement and after members have had an opportunity to consider this opportunity, Chairman Ruiz will ask for a volunteer and make an announcement during the March plenary session.

ILLINOIS STATE BOARD OF EDUCATION MEETING
March 24-25, 2010

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
Darren Reisberg, Deputy Superintendent and General Counsel 

Agenda Topic: Contracts and Grants for Board Review

Materials: Grant Processing: State and Federal Funds

Staff Contact(s): Darren Reisberg

Purpose of Agenda Item

The purpose of this agenda item is to allow members of the Board Operations Committee of the Whole to review the process by which contracts and grants of more than \$1 million are brought to them for review and approval.

Relationship to/Implications for the State Board's Strategic Plan

This agenda item incorporates all three of the Board's Strategic Goals as well as the Mission Statement.

Mission Statement:

The Illinois State Board of Education will provide leadership, assistance, resources, and advocacy so that every student is prepared to succeed in careers and postsecondary education, and share accountability for doing so with districts and schools.

Strategic Goals:

1. Every student will demonstrate academic achievement and be prepared for success after high school.
2. Every student will be supported by highly prepared and effective teachers and school leaders.
3. Every school will offer a safe and healthy learning environment for all students.

Expected Outcome(s) of Agenda Item

The Board Operations Committee of the Whole will discuss the effectiveness and efficiency of the process for managing contracts and grants with the State Superintendent and staff, and following that discussion, may recommend changes for Board consideration at the May plenary session.

Background Information

In June 2002, the State Board adopted bylaws outlining a new committee structure under which fiscal, audit, and operations issues would be handled by the Finance and Audit Committee. At that time, the Board approved the issuance of contracts and grants by accepting the Monthly Fiscal and

Administrative Reports which appear in the back of the Board packet. A subsequent policy, established under the existing Board, requires that all contracts and grants of more than \$1 million be reviewed at the Board level. Implementation of this policy has resulted in various iterations of practice.

Currently, staff are advised to procure Board approval for contracts and competitive, discretionary, or special grants during the Request for Proposals (RFP) process in instances where it is known or anticipated that one or more individual awards will exceed \$1 million. The \$1 million total can be either for the initial contract or grant year or cumulative over the term of the contract or grant. (Refer to the *Definitions* section of the attached document, *Grant Processing: State and Federal Funds*, for explanation of terms). Contracts can range from one to ten years, and grant terms typically range from two to five years, but are uniquely established for individual programs and stipulated in the RFP.

The intent of the Board's action is for it to authorize the State Superintendent to enter into a contract or a grant agreement in excess of \$1 million. For contracts, staff can seek the Board's approval before or after the contract has been competitively bid, but must have sought approval before the contract award. In the case of grants, the Board often takes action prior to staff's awarding of grants so that the entities receiving more than \$1 million are identified at the time of the Board's action.

For those occurrences when staff did not initially anticipate individual contract or competitive, discretionary, or special grant awards exceeding \$1 million when the originating RFP was released, they are advised to seek Board approval as soon as they realize that one or more awards will exceed the threshold during the upcoming contract renewal period or the grant period. In practice, this scenario typically occurs in subsequent years after the initial contract or grant period when the amount of funding available to the contractor or the grantee increases, and the cumulative amount of the award will total an amount greater than \$1 million.

The rationale for presenting select contract and grant information to the Board and for utilizing the process described above, whereby the Board's approval is requested to authorize the State Superintendent to enter into contracts or competitive, discretionary, or special grant agreements in excess of \$1 million, is to make members aware of individual awards of more than \$1 million and to expedite the agency's approval process to every extent practicable and disburse funds to school districts and other service providers at the earliest possible opportunity.

Recommendations for the award of contracts and competitive, discretionary, or special grants are reviewed and approved by the Expenditure Review Committee and the State Superintendent. The Expenditure Review Committee consists of core members listed below or their designee(s). All decisions made by the committee must include the input of the General Counsel/Deputy Superintendent and the Chief Financial Officer or their designee(s).

- General Counsel/Deputy Superintendent
- Chief Financial Officer
- Chief of Staff
- Division Administrator, Budget and Financial Management
- Division Administrator & Controller, Fiscal and Procurement

After the Expenditure Review Committee approves the recommendations competitive, discretionary, or special grant awards, those recommendations are forwarded to the State Superintendent for final approval, by the Division Administrator.

Analysis and Implications for Policy, Budget, Legislative Action and Communications

Policy Implications: The time required to procure agency approvals directly effects how quickly funds can be disbursed. Under normal circumstances, state funds must be obligated within the same fiscal year for which they are awarded; there is no *carryover* provision for state funds. Federal funds, on the other hand, are subject to a *carryover* provision whereby a given percentage of the current fiscal year's funds may be carried over to the next fiscal year. Delayed disbursement of funds to grantees and contractors can result in diminished services and/or lapse of funds.

Budget Implications: None

Legislative Action: None

Communication: If the Board takes action on this issue, the State Superintendent will communicate the details of that action to agency staff for implementation. Information on the status of contracts and grants will continue to appear in the monthly Fiscal and Administrative Reports in the Board packet.

Pros and Cons of Various Actions

Pros: Action by the Board will provide clear direction for staff and will allow this process to become more efficient.

Superintendent's Recommendation

No recommendation at this time. This agenda item is for Board discussion whereas the following questions are posed for talking points:

1. Does \$1 million continue to be the threshold for pursuing Board approval of contracts and grants?
2. What information is desired by Board members prior to and after granting approval?
3. At what points in the process does the Board want to be involved in granting approval for contracts and grant awards?

Next Steps

Based on the outcome of discussion in Committee, the Superintendent will move forward with making appropriate changes in the process of Board review of contracts and grants over \$1 million.

ILLINOIS STATE BOARD OF EDUCATION

Grant Processing: State and Federal Funds

Purpose of Guidance

The purpose of this guidance is to assist agency staff with the grants management process by providing a standardized protocol that can be applied as consistently as practicable across ISBE Divisions. This document provides a recommended chronology for administering state and federal formula grants, competitive grants, discretionary grants, and special grants.

To further the agency's mission of providing leadership, assistance, resources, and advocacy so that every student is prepared to succeed in careers and postsecondary education and share accountability for doing so with districts and schools, this guidance is offered in effort to maximize staff efficiency by standardizing processing activities and communicate expectations to all stakeholders involved in grants management activities with ISBE.

A. Definitions

- A-1. ***"Continuing application"*** means an annual grant application package provided to previously approved grantees to receive funds for each subsequent fiscal year after the first *grant period* within the *grant cycle*.
- A-2. ***"e-Grants"*** means online, electronic grants administered via eGMS.
- A-3. ***"Electronic Grants Management System (eGMS)"*** means an automated system accessed through IWAS that enables applicants to complete and submit grant applications electronically, with an automated ISBE review and approval process as well.
- A-4. ***"Financial Reimbursement Information System (FRIS)"*** means an agency accounting system that provides a variety of complex functions involving disbursement of all Federal grants and State appropriated funds to school districts and other service providers based on their budgets, payment schedules, claims, and expenditure reporting.
- A-5. ***"Grant agreement"*** means the complete compilation of documents that comprise the initial, approved and executed grant award between ISBE and the grantee within a grant cycle.
- A-6. ***"Grant agreement budget amendment"*** means the collection of documents that comprise an approved and executed amendment to a *Grant Agreement* or the *Grant Continuation Agreement*.
- A-7. ***"Grant continuation agreement"*** means the collection of documents that comprise the approved and executed grant award between ISBE and the grantee to receive funds for each subsequent fiscal year after the first *grant period* within a *grant cycle*.
- A-8. ***"Grant cycle"*** means the duration of time over multiple fiscal years between the initial project start date and the final project completion date.
- A-9. ***"Grant period"*** means the duration of time between the annual project start date and the project ending date within each fiscal year of the *grant cycle*.
- A-10. ***"ISBE Web Application Security (IWAS)"*** means the central online location for single-logout usage of the majority of ISBE web-based systems.
- A-11. ***"Proposal"*** means an application for competitive funds submitted by an eligible applicant or vendor in response to and in accordance with the provisions outlined in an RFP or an RFSP.
- A-12. ***"Request for Proposals (RFP)"*** means a document that is publicly posted to elicit proposals from eligible applicants for competitive grant funds. An RFP clearly stipulates the requirements and conditions of the funding, delineates deliverables associated with the project, and establishes a framework for project execution.

- A-13. *“Request for Sealed Proposals (RFSP)”* means a document that is publicly posted to the Illinois Procurement Bulletin to elicit competitive bids from potential vendors for products or services. An RFSP clearly stipulates the requirements and conditions of the funding, delineates deliverables associated with the project, and establishes a framework for project execution. An RFSP is a specialized RFP, but applies to contracts only. (The definition of RFSP is included in this document only for clarification between grants and contracts as this guidance applies to grants management only.)

B. Federal Funds or State Appropriation

The following actions are internal processes that occur on an annual basis for the administration of grant funds.

- B-1. Breakdowns are determined for the amounts of an appropriation to be dedicated to grants, contractual services, and/or administration (Budget & Financial Management staff in coordination with program division administrator and based on appropriation, law, or rules).
Note: Any grant transfers between fund sources should be sent via e-mail to Mary Morrison, Scott Taylor, and other appropriate staff.
- B-2. Grant amounts are loaded into the Management Information Database Accounting System (MIDAS) and the Financial Reimbursement Information System (FRIS) based on breakdowns for federal awards, activities, FRIS program, and allotments (Mary Morrison).
- B-3. Budget & Financial Management staff provide listing of state appropriations for grant programs to Rules and Waivers staff (Shelley Helton), along with any related legislation, if known.

C. Duties of Division Administrators

The following are activities to be conducted by respective Division Administrators for the processing of grant funds.

- C-1. To apply for federal programs, procure approval from senior management. Then work with Gale Steinhour, Data Analysis and Progress Reporting Division, to complete the agency's applications for funding and submit to appropriate federal agencies.
- C-2. For funded state or federal programs, review program requirements in existing rules, laws, federal guidance and/or policies.
- C-3. For state programs, check with Rules and Waivers (Shelley Helton) to determine whether rules exist for the program or current rules need to be changed.
- a. If new program or new appropriation, then work with Rules and Waivers (Shelley Helton) to determine need for, and as necessary, draft rules for distribution of funds; or
 - b. If amendments are made to existing statutes, then work with Rules and Waivers (Shelley Helton) to determine need for amendments to rules currently in effect.
- C-4. For competitive programs (i.e., not all eligible applicants will receive funding), contact Rules and Waivers (Dana Kinley) to develop or revise the Request for Proposals (RFP), which is accessible on the agency's template system and listed as *Request for Proposals (Grants)*. Staff are advised to initiate all RFP work by accessing the template posted to the agency's template system as this will guarantee the most current version is used and includes all required statutory provisions. All RFPs require a document review from Rules and Waivers prior to public release.
- C-5. Develop or revise the application package (i.e., RFP, application, continuation application) used to distribute funds. Required forms to be included in the application package are listed in the table below.
- a. **For e-Grants:** Work with Funding and Disbursements (Janet Allison and Denise Burge) to develop or revise forms used in the RFP or application package.
 - b. **For Paper-Based Grants:** Work with Forms Control (Gaile Bee) and Funding and Disbursements to develop or revise application forms.

State Grant Funds	Federal Grant Funds
✓ Cover Page	✓ Cover Page
✓ Program Narrative Requirements (as applicable)	✓ Program Narrative Requirements (as applicable)
✓ Budget Summary and Payment Schedule	✓ Budget Summary and Payment Schedule
✓ Budget Summary Breakdown/Budget Narrative	✓ Budget Summary Breakdown/Budget Narrative
✓ Amendment Forms (continuing applications only)	✓ Amendment Forms (continuing applications only)
✓ Program-Specific Terms of the Grant	✓ Program-Specific Terms of the Grant
✓ Certifications and Assurances and Standard Terms of the Grant	✓ Certifications and Assurances and Standard Terms of the Grant
✓ Other program-specific forms (as applicable)	✓ Other program-specific forms (as applicable)
	✓ Equitable Participation of Private Schools (if applicable)
	✓ Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
	✓ Certificate Regarding Lobbying (for grant awards of more than \$100,000 only)
	✓ Disclosure of Lobbying Activities
	✓ General Education Provisions Act (GEPA)

C-6. Develop division grant review process, including but not limited to, the following actions.

- a. Select proposal/application readers;
- b. Route to staff responsible for processing and reviewing proposal/application;
- c. Determine criteria for selection of applicants;
- d. Plan logistics for review sessions of competitive applications if applicable; and
- e. Conduct other program-specific activities.

D. Formula Grants

D-1. **Definition of Formula Grants.** These are programs where all eligible applicants receive a grant based on a defined formula (e.g., numbers served, poverty count).

D-2. **Attention to Timeliness.** Staff are encouraged to conduct preliminary planning activities and procure required internal approvals with sufficient time to execute *Grant Agreements* or eGMS approvals at the beginning of each new fiscal year and disburse funds as soon thereafter as practicable.

For new formula programs, staff should seek internal approvals as soon as possible after the General Assembly passes the appropriations bill (before Governor's signature).

For continuing formula programs where an appropriation for the next fiscal year is anticipated, internal approval may occur during the current fiscal year, and approval will be contingent upon receipt of the appropriation.

D-3.

Initial Approval Process. Internal approvals for formula grants are conducted by program managers and **do not** require approval from Expenditure Review, the State Superintendent, or the State Board regardless of the total amount of individual awards. The following actions are required of program staff for the administration of formula grants.

- a. Compute allocations based on formula or work with staff from other divisions who are responsible for computing allocation funding (Title I – Sally Cray; Title IIA, Title IID, Title IV, Title V, Rural and Low Income, and Reading Improvement –Jim Lucky; IDEA Part B – Marj Beck and Sharon Conrath).
- b. Prepare the grant application package.
 - i. **For e-Grants:** The electronic application package submitted by applicants must include at a minimum the proposed program activities, budget forms, certifications and assurances, and *Grant Agreement* signature page.
 - ii. **For Paper-Based Grants:** The application package for formula grants must include at a minimum proposed program activities, budget forms, certifications and assurances, and a *Grant Agreement* form (available on the agency template system) that the applicant will sign and return with its application.
- c. Announce grant allocations and availability of application forms through *Superintendent's Weekly Message*, IWAS, ISBE web page, and/or mailings as appropriate.
- d. Receive applications and maintain appropriate document control practices for subsequent auditing of grant funds.
- e. Review submitted applications for compliance with allowable program activities and appropriate use of funds. The date of receipt of a substantially approvable application, *with a substantially approvable budget included*, is the beginning date for grantees to start activities and obligate funds, provided that the beginning date is not before July 1 of the grant year. This project beginning date must match the beginning date of the grant term stated on the Budget Summary and Payment Schedule.
- f. As applicable: Seek a review and approval from the Legal Department when the grantee proposes any changes in the terms and conditions stipulated in the certifications and assurances forms. Contact the division-assigned attorney or contact the Legal Department (Melissa Buschon at mbuschon@isbe.net or at 217.782.5270) to determine the division assignments of attorneys.
- g. Return application to applicant for corrections, if needed.
- h. Review corrected applications, when received.
- i. Procure agency approval of the application.
 - i. **For e-GMS Grants:** Conduct a program review, and assigned staff in Funding and Disbursements will conduct a fiscal review for approval.
 - ii. **For Paper-Based Grants:** Conduct a program review and procure approval of the Division Administrator as evidenced by his/her signature on the *Grant Agreement* form and on the final Budget Summary and Payment Schedule.
- j. Communicate the approval of grant applications to initiate disbursement of funds.
 - i. **For e-GMS Grants:** Disbursement of funds will occur upon Funding and Disbursements' fiscal review and approval of e-grants. No further action is required of program staff.
 - ii. **For Paper-Based Grants:** Disbursement of funds for paper-based grants requires program staff to send approved copy of Budget Summary and Payment Schedule and corresponding Budget Narrative to Funding and Disbursements. Assigned staff in Funding and Disbursements will load budget information into FRIS and process payments. Funding and Disbursements staff are also responsible for collecting quarterly expenditure reports, monitoring cash on hand, and requesting refunds of unexpended funds.
- k. Complete applicable sections of the *Grant Agreement* template. Send form to grantee for signature and request immediate return of signed form. Indicate that the grant award, budget, and program activities are subject to final approval by the State Board of Education. Notify grantees of grant approval and disbursement of funds.
 - i. **eGMS Grants:** Grantees will receive an automatic email notification via IWAS once the agency has given final approval.
 - ii. **Paper-Based Grants:** Program staff send an approved *Grant Agreement* package to grantee. The *Grant Agreement* package should include the following components.

Exhibits	State Grant Funds	Federal Grant Funds
	✓ Signed and completed <i>Grant Agreement</i> form	✓ Signed and completed <i>Grant Agreement</i> form
A	✓ Cover Page	✓ Cover Page
A	✓ Program Narrative/Grant Activities (as applicable)	✓ Program Narrative/Grant Activities (as applicable)
A	✓ Signed and completed copies of all other documents submitted by the grantee as part of the application	✓ Signed and completed copies of all other documents submitted by the grantee as part of the application
B	✓ Approved Budget Summary and Payment Schedule	✓ Approved Budget Summary and Payment Schedule
C	✓ Approved Budget Summary Breakdown/Budget Narrative	✓ Approved Budget Summary Breakdown/Budget Narrative
D	✓ Signed and completed Program-Specific Terms of the Grant	✓ Signed and completed Program-Specific Terms of the Grant
E	✓ Signed and completed Certifications and Assurances and Standard Terms of the Grant	✓ Signed and completed Certifications and Assurances and Standard Terms of the Grant
E	✓ Signed and completed other program-specific forms (as applicable)	✓ Signed and completed other program-specific forms (as applicable)
E		✓ Signed and completed Equitable Participation of Private Schools (if applicable)
E		✓ Signed and completed Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
E		✓ Signed and completed Certificate Regarding Lobbying
E		✓ Signed and completed Disclosure of Lobbying Activities, if applicable
E		✓ Signed and completed General Education Provisions Act (GEPA)

- D-4. **Prepare and distribute Grant Agreement to grantees (paper-based grants only).**
- a. Compile the final Grant Agreement complete with applicant's original signature and the Division Administrator's signature according to department procedures.
 - b. Mail a copy of the final Grant Agreement package including all related documents to the grantee.
- D-5. **Complete necessary reporting for state program or federal awarding agency.**

D-6. **Maintain appropriate document control practices.** File the original Grant Agreement Budget Amendment with the original *Grant Agreement* package to maintain appropriate document control practices for subsequent auditing of grant funds.

D-7. **Amendment Process.** The following actions are required of program staff for amending formula grants.

- a. Receive application amendments for review and approval.
- b. Return amendments for correction to applicant, if needed.
- c. Review corrected amendments, when received from grantee.
- d. Procure agency approval of the amendment.
 - i. **eGMS Grant Amendments:** Conduct a program review, and assigned staff in Funding and Disbursements will conduct a fiscal review for approval.
 - ii. **Paper-Based Grant Amendments:** Conduct a program review and procure approval of the Division Administrator as evidenced by his/her signature on the *Grant Agreement Budget Amendment* form and on the final Budget Summary and Payment Schedule.
- e. Communicate the approval of grant amendment to initiate disbursement of funds.
 - i. **eGMS Grants:** Disbursement of funds will occur upon Funding and Disbursements' fiscal review and approval of e-grants.
 - ii. **Paper-Based Grants:** Disbursement of funds for paper-based grants requires program staff to send approved copy of amended Budget Summary and Payment Schedule and corresponding amendment Budget Narrative to Funding and Disbursements. Assigned staff in Funding and Disbursements will load amended budget information into FRIS and process payments. Funding and Disbursements staff will also collect quarterly expenditure reports, monitor cash on hand, and request refunds of unexpended funds.
- f. Complete applicable sections of the *Grant Agreement Budget Amendment* template (available on the agency's template system). Send form to grantee for signature and request return of signed form.

D-8. **Prepare and distribute Grant Agreement Budget Amendment to grantees (paper-based grants only).**

- a. **eGMS Grants:** Grantees will receive an automatic email notification via IWAS once the agency has given final approval.
- b. **Paper-Based Grants:**
 - i. Compile the final Grant Agreement complete with applicant's original signature and the Division Administrator's signature according to department procedures.
 - ii. Notify grantees of amendment approval and disbursement of funds by mailing a copy of the final Grant Agreement Budget Amendment package including all related documents to the grantee.
 - iii. Program staff send an approved *Grant Agreement Budget Amendment* package to grantee. The *Grant Agreement Budget Amendment* package should include the following components.

Exhibits	State Grant Funds	Federal Grant Funds
	✓ Signed and completed <i>Grant Agreement Budget Amendment</i> form	✓ Signed and completed <i>Grant Agreement Budget Amendment</i> form
A	✓ Program Narrative/Grant Activities (as applicable)	✓ Program Narrative/Grant Activities (as applicable)
A	✓ Other approved amendment forms (as applicable)	✓ Other approved amendment forms (as applicable)
A	✓ Other program-specific forms (as applicable)	✓ Other program-specific forms (as applicable)
B	✓ Approved Amended Budget Summary and Payment Schedule	✓ Approved Amended Budget Summary and Payment Schedule
C	✓ Approved Budget Summary Breakdown/Budget Narrative	✓ Approved Budget Summary Breakdown/Budget Narrative

- D-9. **Maintain appropriate document control practices.** File the original Grant Agreement Budget Amendment with the original *Grant Agreement* package to maintain appropriate document control practices for subsequent auditing of grant funds.

E. Competitive Grants

- E-1. **Definition of Competitive Grants.** A competitive grant program is one in which the amount of the appropriation is insufficient to fund all applicants that are eligible to apply. Allowable activities and criteria for awarding grants are governed by federal or state law and by guidance, at the federal level, or administrative rules, at the state level. For state programs, administrative rules must be in place before the agency can issue an RFP.

- E-2. **Attention to Timeliness.** Staff are encouraged to conduct preliminary planning activities and procure required internal approvals with sufficient time to execute *Grant Agreements* at the beginning of each new fiscal year and disburse funds as soon thereafter as practicable.

For new programs, staff should seek internal approvals as soon as possible after the General Assembly passes the appropriations bill (can be before Governor's signature), with Board's approval (if applicable) contingent upon receipt of the appropriation and for state programs, adoption of rules, if necessary. Criteria for requiring Board approval is explained in subsequent sections of this document.

For continuing programs where an appropriation for the next fiscal year is anticipated, internal approval may occur during the current fiscal year, and if applicable, Board approval will be contingent upon receipt of the appropriation.

- E-3. **Initial Approval Process.**

Internal approvals for competitive grants are required to:

- a. Issue an RFP; and
- b. Make the corresponding grant awards.

Each action (i.e., issuing the RFP and making awards) requires approval from the Division Administrator, the Expenditure Review Committee (i.e., when criteria outlined in section E-4(a)(i) of this document apply), and the State Superintendent. For those programs where the RFPs are anticipated to generate individual grant awards greater than \$1 million over the course of the grant cycle, Board approval is also required.

In instances where it is known or anticipated that one or more individual awards will exceed \$1 million, staff are advised to procure Board approval after the RFP is released but prior to making the awards so that the entities receiving more than \$1 million are identified at the time of the Board's action. The \$1 million threshold can be applied to either the initial grant year or cumulative over the term of the grant. The intent of the Board's action is for it to authorize the State Superintendent to enter into grant agreements in excess of \$1 million.

For those occurrences when staff did not initially anticipate individual grant awards exceeding \$1 million when the originating RFP was released, they are advised to seek Board approval as soon as they realize that one or more awards will exceed the threshold during the upcoming grant period.

If you are not sure whether to seek Board approval, contact either the Legal Department (Darren Reisberg) or the Division of Rules and Waivers (Dana Kinley) for guidance. The following actions are required of program staff for the administration of competitive grants.

- E-4. **Initiate Approval to Issue the RFP.**

- a. Determine if Expenditure Review approval is required pursuant to the criteria below.
 - i. Expenditure Review approval is required to issue an RFP when grants to be awarded are:
 - For state-level activities designed to assist program grantees (e.g., technical assistance, professional development and training, other ongoing support);
 - Agency staff are determining who may apply; or
 - Agency staff are determining how the funds may be used (i.e., the law and rules do not address the use of these funds).

Note: Program staff must receive Expenditure Review approval to issue the RFP before requesting Board approval for any individual grant award exceeding \$1 million over the course of the grant cycle.

- ii. Expenditure Review approval ***is not*** required to issue an RFP where:
 - State or federal law and/or state administrative rules or federal guidance stipulate the eligible applicants (i.e., staff may not determine who is eligible to apply); and
 - State or federal law and/or state administrative rules or federal guidance stipulate the allowable activities (i.e., staff may not determine what activities may be conducted).

Note: Further information about Expenditure Review is available at \\spr2\intranet\more_resources\html\expenditure_review.htm.

Note: If you are not sure whether you should be seeking Expenditure Review Committee approval, contact the Legal Department (Darren Reisberg), Rules and Waivers (Dana Kinley), or Budget & Financial Management (Scott Taylor) for assistance.

- b. Procure Expenditure Review approval to issue an RFP as follows.
 - i. Complete the *Grant Authorization Form* (located on the agency's template system).
 - ii. Send the completed and signed *Grant Authorization Form* and any supporting documents to Rules and Waivers (Dana Kinley) at least seven (7) days prior to the desired date to present to the Expenditure Review Committee. Staff from Rules and Waivers will coordinate with staff in Fiscal and Procurement (Sherri Sullivan) to schedule the item on the next agenda of the Expenditure Review Committee. Fiscal staff will make copies to provide to Committee members; program staff are not responsible for providing multiple copies.
 - iii. Attend the Expenditure Review Committee meeting (Division Administrator and/or other assigned program staff).
 - iv. Get verification of Expenditure Review approval. After the Expenditure Review Committee meeting, the *Grant Authorization Form* will be returned to the Division Administrator reflecting approval.

E-5. **Develop the RFP.**

- a. Refer to the *RFP Preparation and Review Guidelines* located on the agency's template system and listed as *RFP Instructions*. This document titled, *RFP Preparation and Review Guidelines*, provides detailed information to assist staff with the development, review, and internal approval process. The *RFP Instructions* contain critical information that is not duplicated in this document.
- b. Access the RFP template on the agency's template system and listed as *Request for Proposals (Grants)*. This document is occasionally revised to reflect current statutes and policies. Therefore staff are advised to access the template with the development of each new RFP, even when the content of the previous RFP is similar.
- c. Write the RFP and ensure alignment of the content with applicable state or federal law, guidance, administrative rules, or other regulatory authority.
- d. Optional: If you determine that the Legal Department needs to review the RFP in addition to Rules and Waivers, send to the division-assigned attorney or contact the Legal Department (Melissa Buschon at mbuschon@isbe.net or at 217.782.5270) to determine the Division assignments of attorneys. Allow at least two (2) weeks for its review and to make any revisions that are requested.
- e. Send an electronic draft of the RFP to Rules and Waivers (Dana Kinley) for review. Allow at least two (2) weeks for its review and to make any revisions that are requested. Staff in Rules and Waivers will indicate when the RFP is ready to begin the routing process.

E-6. **Finalize Internal Approval to Issue the RFP.**

- a. Complete the *Request for Proposals Routing Record* located on the agency's template system and listed as *RFP Routing*, attach to the final copy of the RFP, and deliver to the first destination listed on the *Request for Proposals Routing Record*.
- b. Monitor the routing process and make requested revisions as appropriate. The *Request for Proposals Routing Record* and the RFP should arrive in the Superintendent's office for final approval **no later than one week after signed by staff in Rules and Waivers** (Dana Kinley).
- c. Coordinate with the Superintendent's office (Carol Groves) to procure the Superintendent's signature on an electronic version of the approved RFP. This step is in addition to procuring the Superintendent's signature on the *Request for Proposals Routing Record*.

E-7. **Issue the RFP.**

- a. Send electronic version of approved RFP with Superintendent's signature to staff in Public Information (Becky Gideon or Valerie Bastien) at ISBEWEB@isbe.net.

- b. Copy Rules and Waivers (Dana Kinley) on the notice to Public Information so that notice of the RFP's release will be posted on the agency's Funding Opportunities website located at http://www.isbe.net/funding_opps/default.htm. Staff in Rules and Waivers will coordinate announcement with staff in Public Information.
- c. Indicate the documents you want posted and the location where you want them posted.
- d. Receive confirmation from Public Information staff that RFP has been posted.
- e. Receive confirmation from Rules and Waivers staff that RFP has been posted on Funding Opportunities.
- f. Announce availability of RFP and deadline for submitting proposals through the *Superintendent's Weekly Message*, ISBE web page, and mailings as appropriate.

E-8. **Process Proposals:**

- a. Receive and review proposals, select recipients based on criteria communicated in the RFP and identified under section C-6 of this document, and prepare recommendations for awards.

E-9. **Finalize Internal Approval to Make Grant Awards:**

- a. Procure Expenditure Review approval to make grant awards as follows:
 - i. Complete the second portion of the *Grant Authorization Form* previously approved by Expenditure Review to issue the RFP. The second portion is titled *Competitive Grant Award Worksheet*, and it is found on page 2 of the *Grant Authorization Form*.
 - ii. Send to Rules and Waivers Division (both Shelley Helton and Dana Kinley) for review to ensure that each selected recipient is an eligible applicant (Legal will review for this purpose also).
 - iii. Indicate which of the grantees will receive awards of \$250,000 or more, so that those awards can be reviewed and approved in Expenditure Review by the Chief Financial Officer (Linda Riley Mitchell).
 - iv. Indicate whether the grant is for multiple years so that approval for the initial grant period and subsequent years (i.e., the grant cycle) can be considered.
 - v. Send the completed and signed *Grant Authorization Form* and any supporting documents to staff in Fiscal and Procurement (Sherri Sullivan) at least five (5) days prior to the desired date to present to the Expenditure Review Committee. Fiscal staff will make copies to provide to all members of the Expenditure Review Committee (including without limitation the General Counsel and the Chief Financial Officer).
 - vi. Attend the Expenditure Review Committee meeting (Division Administrator and/or other assigned program staff).

Note: To maintain confidentiality, the grant award recommendations will only be shared with voting members of the Expenditure Review Committee, including the following members or their designees.

- General Counsel/Deputy Superintendent (Darren Reisberg)
 - Chief Financial Officer (Linda Riley Mitchell)
 - Chief of Staff/Deputy Superintendent (Susie Morrison)
 - Division Administrator, Budget and Financial Management (Scott Taylor)
 - Division Administrator & Controller, Fiscal and Procurement (Robert Wolfe)
- vii. The recommended grantees will be considered at the end of the meeting; and
- viii. If any discussion is necessary, only the Expenditure Review Committee members and the staff administering the program will be present.
- b. Get verification of Expenditure Review approval. After the Expenditure Review Committee meeting, the *Grant Authorization Form* will be returned to the Division Administrator reflecting each of these approvals. Determine if State Board of Education approval is required as applicable to the criteria noted below.
 - i. For those programs where the RFPs are anticipated to generate individual grant awards greater than \$1 million over the course of the grant cycle, Board approval is required. Staff are advised to complete the Board agenda memorandum available on the agency's template system and listed as *Board Materials* and send to Rules and Waivers (Dana Kinley) for coordination.
 - ii. In instances where it is known or anticipated that one or more individual awards will exceed \$1 million, staff are advised to procure Board approval after the RFP is released but prior to making the awards so that the entities

receiving more than \$1 million are identified at the time of the Board's action. The \$1 million threshold can be applied to either the initial grant year or cumulative over the term of the grant (i.e., grant cycle). The intent of the Board's action is for it to authorize the State Superintendent to enter into a grant agreement in excess of \$1 million. Staff are advised to complete the Board agenda memorandum available on the agency's template system and listed as *Board Materials* and send to Rules and Waivers (Dana Kinley) for coordination.

- iii. For those occurrences when staff did not initially anticipate individual grant awards exceeding \$1 million when the originating RFP was released, they are advised to seek Board approval as soon as they realize that one or more awards will exceed the threshold during the upcoming grant period. Staff are advised to complete the Board agenda memorandum available on the agency's template system and listed as *Board Materials* and send to Rules and Waivers (Dana Kinley) for coordination.
- c. Procure State Board of Education approval, if applicable, for grant awards exceeding \$1 million as follows.
 - i. Send the completed Board agenda memorandum electronically to staff in the Rules and Waivers (Dana Kinley) for review. Allow enough time for the review and revisions to be completed prior to the date when Board packet materials are due to the Board Services Coordinator (Jean Ladage). The annual Board Agenda Preparation schedule can be accessed at \\spr2\intranet\pdf\board_mtg_prep.pdf.
 - ii. Send the final agenda memorandum to the Board Services Coordinator (Jean Ladage) according to the [Board Agenda Preparation](#) schedule for inclusion on the agenda for the desired Board meeting date.
 - iii. Attend the Board meeting (Division Administrator and/or any other assigned staff).
- d. Procure the State Superintendent's approval.
 - i. Provide grant award recommendations (already approved by Expenditure Review and the Board if applicable) electronically to the Superintendent's office (Carol Groves) and include the following components.
 - Cover memorandum explaining the selection process;
 - Criteria for selection and non-selection;
 - Proposal scores and ranking by applicant;
 - Award letters to chosen grantees for Superintendent's signature;
 - Sample regret letter to be sent by the Division Administrator;
 - Proof of Expenditure Review approval; and
 - Copy of Board agenda memo, if applicable.

Note: Samples of these documents are provided on the Grants Management site on the intranet at <\\spr2\InetPub\IntranetDev\grants\default.htm>.
- e. Following the Superintendent's approval, provide notification of grant awards (grantee and amount) and regrets in the following order.
 - i. Send e-mail notification to Public Information (Matt Vanover), Governmental Affairs (Nicole Wills), and Board Services (Jean Ladage). Staff in Public Information will provide such information to the Governor's office.
 - ii. Mail an award notification letter signed by the State Superintendent the next business day to each grantee. Include the *Grant Agreement* form, with grant term completed, for grantee to sign and return. Indicate that the grant award, budget, and program activities are subject to final approval by the State Board of Education.

This notification establishes the project beginning date to which grantees may begin activities and obligating funds. This project beginning date must match the beginning date of the grant term stated on the Budget Summary and Payment Schedule and in the Grant Agreement.

NOTE: The project beginning date cannot be before July 1 of the grant year nor prior to the date of notification of grant award. The letter also informs applicants that program staff will contact them.
 - iii. Notify grantees by email the next business day after the grantee's letter is mailed, providing a copy to the grantee's state legislators.
 - iv. Prepare and mail regret letter to the unsuccessful applicants. Regret letters are signed by Division Administrator.

E-10. **Execute the Final Terms of the Grant Agreement.**

- a. Work with grantees to finalize the budget, program narrative (proposals), and certifications and assurances. Ensure alignment between the program narratives and the budgets.
- b. Approve final budget (at the program level, and if applicable, by Funding and Disbursements) and proposal. The program Division Administrator must sign the final Budget Summary and Payment Schedule, which may occur at the time he or she signs the *Grant Agreement*.
- c. Notify the General Counsel about any proposed changes to the terms and conditions stipulated in the certifications and assurances forms requested by any grantee, provide a summary of the changes, and the grantee's rationale for making the request for changes for Legal's review and action.
- d. Send the approved Budget Summary and Payment Schedule and Budget Breakdown (or Budget Narrative) forms to Funding and Disbursements to load into FRIS, process payments, collect expenditure data, monitor cash on hand, and obtain refund of unexpended funds.
- e. Compile the final *Grant Agreement* form complete with applicant's original signature and the Division Administrator's signature to department procedures. Mail the final *Grant Agreement* package (signed *Grant Agreement* form and copies of the final budget forms, approved proposal and signed certification and assurances forms) to the grantee.

E-11. Complete necessary reporting for state program or federal awarding agency.

F. Continuation Grants

F-1. **Definition of Continuation Grants.** A continuation grant refers to the program that is approved for grant funding beyond the initial year of funding. Many grants are provided on multi-year funding cycles, typically for three years. This enables grantees to submit a shortened application in subsequent years. Continuation applications are not judged in comparison to other applications but rather are evaluated based on the grantee's progress and success in the preceding grant year. Funding beyond the initial grant year is contingent upon satisfactory progress and sufficient appropriation for the program. Following the final year of the multi-year grant term, funded entities either are no longer eligible to apply for funding or they must compete as a new applicant for the next fiscal year.

F-2. **Attention to Timeliness.** Staff are encouraged to conduct preliminary planning activities and procure required internal approvals, if applicable, with sufficient time to execute *Continuation Grant Agreements* at the beginning of each new fiscal year and disburse funds as soon thereafter as practicable.

For continuing programs where an appropriation for the next fiscal year is anticipated, internal approval may occur during the current fiscal year.

F-3. **Approval Process.** Typically internal approvals for continuation grants are limited to the Division Administrator.

- a. Seek approval from the Expenditure Review Committee only if:
 - i. The final amount of the continuation grant is an increase of 20 percent or more of the total grant awarded in the previous year;
 - ii. Some grantees will receive an increase in their grant amounts that is substantially different than what other grantees are receiving; or
 - iii. If one or more grants are expected to exceed the \$1 million threshold during the continuation period and they were not originally approved by the Board as approval from the Expenditure Review Committee is required prior to Board Approval.

If you are not sure whether to seek Expenditure Review Committee approval, contact the Legal Department (Darren Reisberg) or Rules and Waivers (Dana Kinley). Please keep in mind that if the division uses a standard process for awarding continuation funds in subsequent years, then that process can be pre-approved during Expenditure Review consideration in the initial grant cycle.

- b. Board approval is not typically required for continuation grant awards. Board approval is required at this stage, however, when program staff did not initially anticipate individual grant awards exceeding \$1 million when the originating RFP was released and initial awards were made, and one or more grants are expected to exceed the \$1 million threshold during the continuation period. Staff are advised to seek Board approval as soon as they realize that one or more awards will exceed the threshold during the upcoming continuation grant period.

- c. If the final amount of the continuation grant *is not* an increase of 20 percent or more of the total grant awarded in the previous year and all continuation grantees are receiving a proportionate increase, approval from the Expenditure Review committee is not required and the Division Administrator may release the continuing applications as follows.
 - i. Send electronic version of approved continuation application to staff in Public Information (Becky Gideon or Valerie Bastien) at ISBEWEB@isbe.net.
 - ii. Copy Rules and Waivers (Dana Kinley) on the notice to Public Information so that notice of the continuing application's release will be posted on the agency's Funding Opportunities website located at http://www.isbe.net/funding_opps/default.htm. Staff in Rules and Waivers will coordinate announcement with staff in Public Information.
 - iii. Indicate the documents you want posted and the location where you want them posted.
 - iv. Receive confirmation from Public Information staff that continuation application has been posted.
 - v. Receive confirmation from Rules and Waivers staff that continuation application has been posted on Funding Opportunities.
 - vi. Announce availability of the continuation application and deadline through the *Superintendent's Weekly Message*, ISBE web page, and mailings as appropriate.

F-4. **Prepare and distribute application package to grantees.**

- a. Determine grantee allocations in conjunction with staff from Funding and Disbursements (Mary Morrison) to ensure that state and federal funds do not lapse.
- b. Prepare required forms to be included in the continuation application package. Required information to be included in the package is listed in the table below.

Note: Certifications and assurance forms must be signed and dated and included in the initial proposal/application. Such certifications and assurances will be continued in full force and effect during the grant cycle unless there are changes as noted below. Should a change occur, grantees are required to sign, date, and submit new certifications and assurances for each effected grant period.

 - i. There is a change in the Agency's forms; or
 - ii. There is a change in the program.
- c. Notify grantees that allocations are preliminary, and payment under the grant is subject to passage of a sufficient appropriation by the Illinois General Assembly or sufficient appropriation by the U.S. Congress for federal programs. Grantees should be aware that ISBE's obligation will cease immediately without further obligation should the agency fail to receive sufficient, state, federal, or other funds for the program.

State Grant Funds	Federal Grant Funds
✓ Preliminary Allocations	✓ Preliminary Allocations
✓ Continuation Grant Agreement Form*	✓ Continuation Grant Agreement Form*
✓ Cover Page	✓ Cover Page
✓ Program Narrative Requirements for the Continuation Period/Grant Activities (as applicable)	✓ Program Narrative Requirements for the Continuation Period/Grant Activities (as applicable)
✓ Budget Summary and Payment Schedule	✓ Budget Summary and Payment Schedule
✓ Budget Summary Breakdown/Budget Narrative	✓ Budget Summary Breakdown/Budget Narrative
✓ Amendment Forms	✓ Amendment Forms
✓ Program-Specific Terms of the Grant	✓ Program-Specific Terms of the Grant
✓ Certifications and Assurances and Standard Terms of the Grant	✓ Certifications and Assurances and Standard Terms of the Grant

✓ Other program-specific forms (as applicable)	✓ Other program-specific forms (as applicable)
	✓ Equitable Participation of Private Schools (if applicable)
	✓ Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
	✓ Certificate Regarding Lobbying
	✓ Disclosure of Lobbying Activities
	✓ General Education Provisions Act (GEPA)

*Continuation Grant Agreement form (available on the agency's template system and listed as *Grant Agreement Continuation*), which the grantee will sign, with all information completed except for final budget amount.

F-5. Process Continuing Applications.

- a. Receive and review continuation application.
- b. Determine if internal approvals are required pursuant to the criteria explained in section F-3 of this document;
- c. Work with grantees to finalize the budget, program narrative (proposals), and certifications and assurances. Ensure alignment between the program narratives and the budgets.
- d. Approve final budget (at the program level, and if applicable, by Funding and Disbursements) and proposal. The program Division Administrator must sign the final Budget Summary and Payment Schedule, which may occur at the time he or she signs the *Grant Agreement*.
- e. Notify the General Counsel about any proposed changes to the terms and conditions stipulated in the certifications and assurances forms requested by any grantee, provide a summary of the changes, and the grantee's rationale for making the request for changes for Legal's review and action.
- f. Send the approved Budget Summary and Payment Schedule and Budget Breakdown (or Budget Narrative) forms to Funding and Disbursements to load into FRIS, process payments, collect expenditure data, monitor cash on hand, and obtain refund of unexpended funds.
- g. Complete (i.e., increase the grant amount) and sign the Continuation Grant Agreement (following either program-level or Funding and Disbursement's approval of the final budget, as required) and the Budget Summary and Payment Schedule for the continuation grant period;
- h. Compile the final *Continuation Grant Agreement* form complete with applicant's original signature and the Division Administrator's signature according to department procedures.
- i. Mail the final *Continuation Grant Agreement* package including all related documents to the grantee.

F-6. **Maintain appropriate document control practices.** File the original *Continuation Grant Agreement* with the original *Grant Agreement* package to maintain appropriate document control practices for subsequent auditing of grant funds.

F-7. **Complete necessary reporting for state program or federal awarding agency.**

G. Amendment Process for Initial or Continuation of Competitive Grants

The following actions are required of program staff for amending competitive initial or continuation grants.

G-1. Approval Process.

- a. Receive and review amendments to the budget and as necessary, the program narrative. Grantees can request to amend the budget, the program narrative, or both. Staff are always advised to monitor alignment between these two components.
- b. Determine if internal approvals are required pursuant to the criteria explained in section F-3 of this document.
 - i. Determine whether Expenditure Review Committee approval is needed. Refer to section F-3 of this document for criteria. If yes, schedule appearance before the committee. Approval from the Chief Financial Officer (CFO) (Linda Riley Mitchell) is required for all grants awarded at \$250,000 or more. Approval from the Expenditure Review Committee will fulfill this requirement as the CFO serves on the committee.
 - ii. Determine whether Board approval is needed pursuant to section F-3 of this document.

- c. Return amended budget and program narrative to grantee for correction, if necessary.
- d. Receive and review corrected amendments for approval.
- e. Prepare the Grant Agreement Budget Amendment (located as a separate form on the agency's template system and listed as *Grant Agreement Budget Amend*) based on amended approved budget (either at program level or by Funding and Disbursements, as required) and program narrative and mail (standard mail or e-mail) to the grantee for original signature.
- f. Approve final budget (at the program level, and if applicable, by Funding and Disbursements) and program narrative. The program Division Administrator must sign the final Budget Amendment Summary and Payment Schedule, which may occur at the time he or she signs the Grant Agreement Budget Amendment. G-7. Send the approved, Budget Amendment Summary and Payment Schedule and Budget Breakdown (or Budget Narrative) forms to Funding and Disbursements to load into FRIS, process payments, collect expenditure data, monitor cash on hand, and obtain refund of unexpended funds.
- g. Following either program-level or Funding and Disbursement's approval of the final budget amendment, as required, complete the Grant Agreement Budget Amendment signed and returned from the grantee by procuring the program Division Administrator's approval as indicated by his or her signature on the form.

G-2. **Prepare and distribute Grant Agreement Budget Amendment to grantees.**

- c. Compile the final Grant Agreement Budget Amendment complete with applicant's original signature and the Division Administrator's signature according to department procedures.
- d. Mail a copy of the final Grant Agreement Budget Amendment package including all related documents to the grantee.

G-3. **Maintain appropriate document control practices.** File the original Grant Agreement Budget Amendment with the original *Grant Agreement* package to maintain appropriate document control practices for subsequent auditing of grant funds.

H. Discretionary Grants

H-1. **Definition of Discretionary Grants.** A discretionary grant is funding for which the agency has discretion or choice in determining the applicants to be funded. These grants are awarded based on a detailed review process that considers legislative and regulatory requirements established for the program. This review process gives ISBE the discretion to determine which applications best address program requirements and statewide initiatives and are, therefore, most worthy of receiving funding. These grants do not include special grants, such as federal earmarks or so-called state member initiatives (see below), as the grantee and program in those instances are already designated by the lawmaker.

H-2. **Approval Process.** The process for awarding discretionary grants is the same as that for competitive grants and is described in section E of this document. In all cases, Expenditure Review must approve the issuance of the RFP for discretionary grant funds.

H-3. **Prepare and distribute Grant Agreement Budget Amendment to grantees.**

- a. Compile the final Grant Agreement complete with applicant's original signature and the Division Administrator's signature according to department procedures.
- b. Mail a copy of the final Grant Agreement package including all related documents to the grantee.

H-4. **Maintain appropriate document control practices.** File the original Grant Agreement to maintain appropriate document control practices for subsequent auditing of grant funds.

H-5. **Amendment Process.** Follow the amendment process explained in section G of this document.

I. Special Grants

I-1. **Definition of Special Grants.** Federal earmarks and state member initiatives are amounts appropriated for a specified entity or entities or for programs where grantees are designated by the lawmakers to conduct specific activities. Each fiscal year a list of these programs will be provided to division administrators, who will follow the process below in awarding the grants.

I-2. **Approval Process.** Internal approvals for special grants require the following actions.

- a. Prepare grant package to include the certification and assurance forms, program-specific terms of the grant, budget forms, and requirements for the program description (i.e., activities to be conducted with grant funds) that the applicant must provide. This grant package *does not* contain the *Grant Agreement* form.
- b. Send grant package to designated grantees. Receive and review grant package.
- c. Work with applicants selected for funding to finalize the budget and program description; approve final budget (either at program level or by Funding and Disbursements, as required) and program description.
- d. Schedule appearance before Expenditure Review *Committee* to present a list of recipients and description of grant activities for Expenditure Review Committee's information.
- e. Following Expenditure Review Committee's review, electronically provide a list of grantees to State Superintendent for his or her information.
- f. Notify the General Counsel about any changes to the terms and conditions stipulated in the certification forms (including the program-specific terms of the grant) that a selected applicant is proposing and provide a summary of the changes and the applicant's rationale for Legal's action.
- g. Prepare a Grant Agreement form and mail one original and one copy to grantee for signature. The original and copy of the Grant Agreement form must be signed by the DA or Executive Staff, as applicable to department procedures. Include with the form the original and a copy of the Grant Agreement package that must include the final budget forms, approved proposal and signed certification and assurances and program-specific terms of the grant. The grantee will sign the original Grant Agreement form and return it with the original documents in the package to program staff, keeping the copy of the Grant Agreement form and package.
- h. Receive and review Grant Agreement package. If the applicant has made further changes to any provisions (budget, narrative, terms), then those must be approved, and the signed and dated copies provided to the applicant.
- i. Send approved Budget Summary and Payment Schedule and Budget Breakdown (or Budget Narrative) forms to Funding and Disbursements to load into FRIS, process payments, collect expenditure data, monitor cash on hand, and obtain refund of unexpended funds.
- j. Prepare listing of grantees and the amount of each grant awarded for Board information and Governmental Relations' use in informing relevant legislators.

I-3. **Prepare and distribute Grant Agreement to grantees.**

- a. Compile the final Grant Agreement complete with applicant's original signature and the Division Administrator's signature according to department procedures.
- b. Mail a copy of the final Grant Agreement package including all related documents to the grantee.

I-4. **Maintain appropriate document control practices.** File the original Grant Agreement to maintain appropriate document control practices for subsequent auditing of grant funds.

I-5. **Complete necessary reporting for state program or federal awarding agency.**

I-6. **Amendment Process.** Follow the amendment process explained in section G of this document.

ILLINOIS STATE BOARD OF EDUCATION MEETING
March 24-25, 2010

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
Darren Reisberg, Deputy Superintendent/Superintendent

Agenda Topic: Revolving Door Prohibitions

Materials: Relevant Provisions of the State Officials and Employees Ethics Act
Powerpoint Slides on the Revolving Door Prohibition
Excerpts of "Explanation of Revolving Door Restrictions," authored by
the Illinois Office of Executive Inspector General

Purpose of Agenda Item

Update the Board Operations Committee on the Revolving Door provisions of the State Officials and Employees Ethics Act (5 ILCS 430/5-45).

Illinois Public Act 96-0555

. . . . Section 10. The State Officials and Employees Ethics Act is amended . . . as follows:

. . .

(5 ILCS 430/5-45)

Sec. 5-45. Procurement; revolving door prohibition.

- (a) No former officer, member, or State employee, or spouse or immediate family member living with such person, shall, within a period of one year immediately after termination of State employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the officer, member, or State employee, during the year immediately preceding termination of State employment, participated personally and substantially in the award of State contracts, or the issuance of State contract change orders, with a cumulative value of \$25,000 or more to the person or entity, or its parent or subsidiary.
- (b) No former officer of the executive branch or State employee of the executive branch with regulatory or licensing authority, or spouse or immediate family member living with such person, shall, within a period of one year immediately after termination of State employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the officer or State employee, during the year immediately preceding termination of State employment, participated personally and substantially in making a regulatory or licensing decision that directly applied to the person or entity, or its parent or subsidiary.
- (c) Within 6 months after the effective date of this amendatory Act of the 96th General Assembly, each executive branch constitutional officer and legislative leader, the Auditor General, and the Joint Committee on Legislative Support Services shall adopt a policy delineating which State positions under his or her jurisdiction and control, by the nature of their duties, may have the authority to participate personally and substantially in the award of State contracts or in regulatory or licensing decisions. The Governor shall adopt such a policy for all State employees of the executive branch not under the jurisdiction and control of any other executive branch constitutional officer.

The policies required under subsection (c) of this Section shall be filed with the appropriate ethics commission established under this Act or, for the Auditor General, with the Office of the Auditor General.

- (d) Each Inspector General shall have the authority to determine that additional State positions under his or her jurisdiction, not otherwise subject to the policies required by subsection (c) of this Section, are nonetheless subject to the notification requirement of subsection (f) below due to their involvement in the award of State contracts or in regulatory or licensing decisions.
- (e) The Joint Committee on Legislative Support Services, the Auditor General, and each of the executive branch constitutional officers and legislative leaders subject to subsection (c) of this Section shall provide written notification to all employees in positions subject to the policies required by subsection (c) or a determination made under subsection (d): (1) upon hiring, promotion, or transfer into the relevant position; and (2) at the time the employee's duties are changed in such a way as to qualify that employee. An employee receiving

notification must certify in writing that the person was advised of the prohibition and the requirement to notify the appropriate Inspector General in subsection (f).

- (f) Any State employee in a position subject to the policies required by subsection (c) or to a determination under subsection (d), but who does not fall within the prohibition of subsection (h) below, who is offered non-State employment during State employment or within a period of one year immediately after termination of State employment shall, prior to accepting such non-State employment, notify the appropriate Inspector General. Within 10 calendar days after receiving notification from an employee in a position subject to the policies required by subsection (c), such Inspector General shall make a determination as to whether the State employee is restricted from accepting such employment by subsection (a) or (b). In making a determination, in addition to any other relevant information, an Inspector General shall assess the effect of the prospective employment or relationship upon decisions referred to in subsections (a) and (b), based on the totality of the participation by the former officer, member, or State employee in those decisions. A determination by an Inspector General must be in writing, signed and dated by the Inspector General, and delivered to the subject of the determination within 10 calendar days or the person is deemed eligible for the employment opportunity. For purposes of this subsection, "appropriate Inspector General" means (i) for members and employees of the legislative branch, the Legislative Inspector General; (ii) for the Auditor General and employees of the Office of the Auditor General, the Inspector General provided for in Section 30-5 of this Act; and (iii) for executive branch officers and employees, the Inspector General having jurisdiction over the officer or employee. Notice of any determination of an Inspector General and of any such appeal shall be given to the ultimate jurisdictional authority, the Attorney General, and the Executive Ethics Commission.
- (g) An Inspector General's determination regarding restrictions under subsection (a) or (b) may be appealed to the appropriate Ethics Commission by the person subject to the decision or the Attorney General no later than the 10th calendar day after the date of the determination.

On appeal, the Ethics Commission or Auditor General shall seek, accept, and consider written public comments regarding a determination. In deciding whether to uphold an Inspector General's determination, the appropriate Ethics Commission or Auditor General shall assess, in addition to any other relevant information, the effect of the prospective employment or relationship upon the decisions referred to in subsections (a) and (b), based on the totality of the participation by the former officer, member, or State employee in those decisions. The Ethics Commission shall decide whether to uphold an Inspector General's determination within 10 calendar days or the person is deemed eligible for the employment opportunity.

- (h) The following officers, members, or State employees shall not, within a period of one year immediately after termination of office or State employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the person or entity or its parent or subsidiary, during the year immediately preceding termination of State employment, was a party to a State contract or contracts with a cumulative value of \$25,000 or more involving the officer, member, or State employee's State agency, or was the subject of a regulatory or licensing decision involving the officer, member, or State employee's State agency, regardless of whether he or she participated personally and substantially in the award of the State contract or contracts or the making of the regulatory or licensing decision in question:
 - (1) members or officers;

- (2) members of a commission or board created by the Illinois Constitution;
- (3) persons whose appointment to office is subject to the advice and consent of the Senate;
- (4) the head of a department, commission, board, division, bureau, authority, or other administrative unit within the government of this State;
- (5) chief procurement officers, State purchasing officers, and their designees whose duties are directly related to State procurement; and
- (6) chiefs of staff, deputy chiefs of staff, associate chiefs of staff, assistant chiefs of staff, and deputy governors.

(Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

Revolving Door – What is it?

- Since 2003 State employees have been covered by the State Officials and Employees Ethics Act (the “Ethics Act”)
- "Employee," as defined by the Ethics Act means (i) any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed or (ii) **any appointed or elected commissioner, trustee, director, or board member of a board of a State agency**, including any retirement system or investment board subject to the Illinois Pension Code or (iii) any other appointee.
- The Ethics Act has always contained a Revolving Door prohibition, which has generally placed limitations on state employees' ability to work for non-state employers.

Changes to Revolving Door eff. 8.18.09 (P.A. 96-555)

- Substantially changes the procedure by which an employee (or former employee) seeks a revolving door approval
- Formerly employees who participated in the “decision” to award a State contract (with a cumulative value of \$25,000 or more) were covered

Revolving Door changes continued

- Scope has been expanded to include those who participated personally and substantially “in the award” (as opposed to the decision to award the contract)
- Also applies to those officers and employees who engage in regulatory or licensing decisions
- Employees whose *positions* have the *authority* to participate personally and substantially in the award of contracts (or who make licensing or regulatory decisions) must seek revolving door approval before accepting non state employment

Revolving Door changes continued

- Employees deemed to have authority (to participate personally and substantially in the award of contracts worth over \$25,000 or make licensing or regulatory decisions) are *required* to notify the Executive Inspector General of *offers* of non-State employment received during or within one year of termination of state employment

Revolving Door changes continued

- Within 10 calendar days of receipt of (written) notification of such employment offer, the EIG must determine if such employment is prohibited (or employment deemed okay)
- Provisions that must be in a petition can be found 5 ILCS 430/5-45
- EIG's determination will be made in writing and delivered to employee, "ultimate jurisdictional authority", and Attorney General

Revolving Door changes continued

- AG or employee may appeal the determination
- Appeal goes to Executive Ethics Commission which then has 10 days to review (or the employment is okay)
- As of March 1, 2010 rules have not yet been promulgated

Revolving Door changes continued

- No more waivers:
 - Prior to the amendment, state employees who participated materially and substantially (in contracting, licensing or regulatory decisions) could receive a waiver. Under new law no waivers if your participation was at this level.
 - Under new law certain “upper management” level employees, **including board members**, are banned from accepting non state employment even if they did not participate personally or substantially in such decisions.

Enhanced Penalties

- In addition to the previous potential penalty (guilty of a Class A misdemeanor for intentional violation) “An ethics commission may levy an administrative fine for a violation [of the Revolving Door provisions] of up to 3 times the total annual compensation that would have been obtained in violation [of the Revolving Door provisions].” (5 ILCS 430/50-5 new)

Executive Ethics Commission Suggestions

- “If an employee believes he or she may have been personally and substantially involved in contracting, licensing, or regulatory decisions with respect to a prospective employer, the employee should seek a determination from the Executive Inspector General even if the employee’s position has not been designated ... [as being covered]. The Executive Inspector General and Executive Ethics Commission will be adopting rules and policies to implement the new law. In the meantime it is good policy for employees and officers to ask for direction before accepting any non-State employment.

Memorandum from Chad D. Fornoff, RE: P.A. 96-0555, dated September 3, 2009



Explanation of Revolving Door (Non-State Employment) Restrictions (from State Officials and Employees Ethics Act (5 ILCS 430/5-45))

The Ethics Act contains restrictions that may, under certain circumstances, affect whether a state employee (or his/her family members) may lawfully accept employment, compensation, or fees from another person or entity after the employee ends his or her state employment.

The Ethics Act also contains requirements for certain employees and former employees (or the spouse or immediate family member living with such a person) to immediately notify the appropriate Executive Inspector General if offered non-state employment from certain persons or entities.

Restrictions Related to Contract Decisions

If, within one year before terminating state employment, a state employee participated personally and substantially in the award of state contracts or the issuance of state contract change orders with a cumulative value of \$25,000 or more to a person, entity, its parent or subsidiary, that state employee (or the spouse or immediate family member living with such a person) may not knowingly accept employment or receive compensation or fees for services from that person, entity, or parent or subsidiary for one year after terminating state employment.

Restrictions Related to Regulatory or Licensing Decisions

If, within one year before terminating state employment, a state employee participated personally and substantially in making a regulatory or licensing decision that directly applied to a person, entity, its parent or subsidiary, that state employee (or the spouse or immediate family member living with such a person) may not knowingly accept employment or receive compensation or fees for services from that person, entity, or parent or subsidiary for one year after terminating state employment.

Additional Restrictions, Notification Requirements, and Procedures that are Dependent on the Nature of a State Employee's Duties

The enactment of recent amendments to the Ethics Act requires each executive branch constitutional officer to adopt a policy delineating which positions under his or her jurisdiction and control, by nature of their duties, may have the authority to participate personally and substantially in the award of state contracts or in regulatory or licensing decisions. **Any employee in a position which has been identified as having such authority and who is offered non-state employment during state employment or within a period of one year immediately**



after termination of state employment shall, prior to accepting such non-state employment, notify the appropriate Executive Inspector General.

Similar notification requirements apply to the spouse or any immediate family member living with a state employee in a position which has been identified as having such authority and when said spouse or immediate family member is offered non-state employment during the state employment or within a period of one year immediately after termination of the state employment of the related state employee. The related spouse or immediate family member shall, prior to accepting such non-state employment, notify the appropriate Executive Inspector General.

Within ten (10) calendar days after receiving such notification, the Executive Inspector General shall make a determination as to whether the state employee (or spouse or immediate family member living with the employee) is restricted from accepting such employment. An Executive Inspector General's determination may be appealed to the Executive Ethics Commission no later than ten (10) calendar days after the date of determination.

In addition to those positions determined by the executive branch constitutional officer as being subject to these employment restrictions, the appropriate Executive Inspector General has the authority to determine additional state positions under his or her jurisdiction that, due to their involvement in the award of state contracts or in regulatory or licensing decisions, are also subject to these employment restrictions and requirements to notify the Executive Inspector General of certain non-state employment offers. In all instances, an employee whose position is determined by either the constitutional officer or the Executive Inspector General as being subject to these employment restrictions will be provided written notification by the constitutional officer regarding the applicability of these employment restrictions to his or her position upon hiring, promotion, or transfer into a relevant position; and at the time the employee's duties are changed in such a way as to qualify that employee for the restrictions.

Additional Restrictions that are Independent of a State Employee's Duties

The following officers, members, or state employees shall not, within a period of one year immediately after termination of office or state employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the person or entity or its parent or subsidiary, during the year immediately preceding termination of state employment, was a party to a state contract or contracts with a cumulative value of \$25,000 or more involving the officer, member, or state employee's state agency, or was the subject of a regulatory or licensing decision involving the officer, member, or state employee's state agency, **regardless of whether he or she participated personally and substantially in the award of the state contract or contracts or the making of the regulatory or licensing decision in question:**



- members or officers;
- members of a commission or board created by the Illinois Constitution;
- persons whose appointment to office is subject to the advice and consent of the Senate;
- the head of a department, commission, board, division, bureau, authority, or other administrative unit within the government of this State;
- chief procurement officers, state purchasing officers, and their designees whose duties are directly related to state procurement; and
- chiefs of staff, deputy chiefs of staff, associate chiefs of staff, assistant chiefs of staff, and deputy governors.



Revolving Door (Non-State Employment) Restrictions

Under the State Officials and Employees Ethics Act (5 ILCS 430/5-45) a state employee or former state employee (or his or her spouse or immediate family member) is prohibited, under certain circumstances, from accepting an employment or compensation offers from persons or entities that have done business with the state within a one-year period immediately following the state employee's termination from state employment. These restrictions are commonly referred to as Revolving Door Restrictions and in most instances apply to certain state employees (or their spouses or immediate family members) dependent upon their employment duties while they are employed by the state and for a period of one year after terminating their state employment.

Some state employees and former employees (or their spouses or immediate family members) are not only prohibited from accepting certain non-state employment or compensation offers, but are also required by law to formally notify the appropriate state inspector general of all such non-state employment offers.

The information below provides an explanation of these restrictions and notification requirements, and provides instructions and forms for notifying the Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG), when necessary.

Notification Forms

In those instances where a state employee or a former state employee (or his or her spouse or immediate family member) is required to notify the OEIG of a non-state employment or compensation offer, the appropriate forms, which may be found below, must be used. Select (mouse click) the appropriate form title below to download and/or print the required forms, or contact the OEIG at 312-814-5600 to otherwise obtain these forms.

In each instance where notification is required, the state employee or former employee (or his or her spouse or immediate family member) is required to submit each of the following:

- 1) [Revolving Door Offer Notification Form - State Employee or Former State Employee](#)
(for use by state employee or former state employee)

[Revolving Door Offer Notification Form - Spouse or Family Member of State Employee](#)
(for use by spouse or immediate family member of a state employee or former state employee)

(use the appropriate form for either a state/former state employee or a spouse or immediate family member of a state employee or former employee)

- 2) [Revolving Door Certification of Statements Form](#)



Additionally, the state employee or former employee (or his or her spouse or immediate family member) is required to have both the prospective employer and the employee's or former employee's ethics officer submit information to the OEIG using the appropriate form below:

3) Revolving Door Statement of Potential Employer Form

4) Revolving Door Statement of Ethics Officer Form

Each of these completed forms and attachments thereto, must be submitted via mail to:

**Office of Executive Inspector General
for the Agencies of the Illinois Governor
Attn: Revolving Door Determinations
32 West Randolph Street
Suite 1900
Chicago, Illinois 60601**

The OEIG will determine whether a state employee or former state employee (or his or her spouse or immediate family member) is prohibited from accepting a non-state employment offer under the restrictions of the Ethics Act within ten (10) calendar days from the receipt of **all** necessary information and documentation. An individual's notification to the OEIG is not considered complete until all required information has been received by the OEIG. Any OEIG request for additional required information will delay the start of the ten-day decision period.

Failure to provide all required information may result in a determination that the individual is restricted from accepting the employment offer.

Summary of Revolving Door Restrictions and Requirements

A more complete explanation of the various restrictions and notification requirements related to non-state employment and compensation offers may be found by selecting the following link:

[Explanation of Revolving Door Restrictions](#)

Questions Concerning this Matter

Questions regarding these forms and instructions may be directed to either the Ethics Officer for the affected state employee's state agency or to the Office of the Executive Inspector General for the Agencies of the Illinois Governor at 312-814-5600 (or if using a telecommunications device for the disabled (TTY) at 888-261-2734).

ILLINOIS STATE BOARD OF EDUCATION MEETING
March 24-25, 2010

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
Linda Riley Mitchell, Chief Financial Officer

Agenda Topic: Procurement Procedures

Materials: Power Point Presentation

Staff Contact(s): Robert Wolfe, Division Administrator & Controller, Fiscal & Procurement Services

Purpose of Agenda Item

To provide the Board with information regarding the impact to the Illinois Procurement Code as a result of P.A. 96-0795.

Relationship to/Implications for the State Board's Strategic Plan

The procurement process is the process utilized to secure goods and services that are needed to fulfill all three goals of the State Board's Strategic Plan.

Expected Outcome(s) of Agenda Item

This item is for discussion purposes only.

Background Information

P.A. 96-0795 provides substantial changes in the manner in which the State of Illinois procures goods and services. Those changes will ensure that all procurements are undertaken in a transparent manner which is insulated from undue influences.

44 Ill. Adm. Code 1105 requires that all procurements by the Illinois State Board of Education shall be undertaken in accordance with statute and the rules of the Illinois Department of Central Management Services.

ISBE procurement procedures will have to be revised as rules are promulgated to reflect the changes required by P.A. 96-0795.

Analysis and Implications for Policy, Budget, Legislative Action and Communications

Policy Implications: Agency Fiscal Policies & Procedures will have to be amended.

Budget Implications: None

Legislative Action: None

Communication: An informational meeting with Agency Management was held on February 4, 2010.

Overview of the Changes to the Illinois Procurement Code effective July 1, 2010 and the impact to ISBE

ISBE Procurement Structure

Linda Mitchell serves as the Chief Purchasing Officer

44 IAC 1105 Procurement by State Board of Education requires:

All procurements by the Illinois State Board of Education shall be undertaken in accordance with statute and the rules of the Illinois Department of Central Management Services for Standard Procurement (see 44 Ill. Adm. Code 1). In accordance with Section 1-15.15 of the Illinois Procurement Code [30 ILCS 500/1-15.15]

Procurement Changes

Procurement Communications Report

Any written or oral communication received by a state employee that imparts or requests material information or makes a material argument regarding potential action concerning a procurement matter, including, but not limited to, an application, contract or project, shall be reported to the Procurement Policy Board

Procurement Changes

Procurement Communications Report Contents

- Date & Time of the communication
- Identify of each person
- The entity the person represented
- Any action the person requested or recommended
- The identity and job title of the individual receiving the communication
- The identity and job title of the person providing a response
- A detailed summary of the points made by each person involved in the communication
- Duration of the communication
- Location or locations of the communication of all the persons involved in the communication
- If the communication was via telephone—the telephone numbers for the callers and recipients of the communication

Procurement Changes

Prohibited Bidders & Contractors

- No Person or business shall bid or enter into a contract **IF:**
 - Assisted in determining whether there is a need for a contract, except as part of a response to a public solicitation (Request for Information)
 - Assisted by reviewing, drafting or preparing an RFSP

Eligible Bidder

- A person (other than a sole proprietor) may qualify as a bidder only if the person is a legal entity authorized to do business in the State of Illinois prior to submitting a bid

Procurement Changes

RFSP Award

Contracts should be awarded to the lowest responsible and responsive bidder whose proposal meets the requirements and criteria set forth in the RFSP.

If the award is not made to the lowest responsible and responsive bidder, a written explanation must be prepared to include:

- A description of the agency's needs
- A determination that the anticipated cost will be fair & reasonable
- A listing of all responsible and responsive bidders
- The name of the bidder selected, pricing and the reason for selecting the bidder

The written explanation shall be filed with the Legislative Audit Commission and Procurement Policy Board and be made available for inspection by the public within 30 days after the decision to award the contract.

Contract Changes

- If a contract is \$10k or more the contractor and sub-contractor shall provide a disclosure of financial interests which will become a material term of the contract.
- The disclosure must also include the name and address of each lobbyist and other agent of the bidder
- The disclosure must also include each of the following that occurred within the previous 10 years:
 - Debarment
 - Professional licensure discipline
 - Bankruptcies
 - Adverse Civil Judgments and Administrative Findings
 - Criminal Felony Convictions



Contract Changes

Sub-Contractors

- Contracts shall contain the names & addresses of all sub-contractors and the expected amount of money each will receive under the contract
- Copies of the sub-contractors contracts will need to be produced within 20 days after the execution of the contract
- If sub-contractors are added or changed—the contractor must promptly notify the SPO
- All sub-contractor contracts will require the same certifications as are required for the contract

ILLINOIS STATE BOARD OF EDUCATION MEETING
March 24-25, 2010

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education 
Matt Vanover, Director of Public Information 

Agenda Topic: Open Meetings Act Changes

Materials: None

Staff Contact(s): Matt Vanover

Purpose of Agenda Item

The purpose of this agenda item is to inform members of the State Board of Education of recent changes to the Illinois Open Meetings Act.

Background Information

Changes to the Open Meetings Act now require that certain persons that serve on or who have responsibilities for public bodies, committees, advisory boards, etc. complete electronic training with the Attorney General's Office. We would like all Board members to complete this training for your own benefit.

The electronic Open Meetings Act training can be accessed by logging onto the Attorney General's website at <https://foia.ilattorneygeneral.net/CreateAccount.aspx>. You will be asked to provide an ID (name) and password and e-mail address in order to register for your training, as well as other information. Training will take about one hour and you may stop and resume the training, if interrupted. Once you have completed the training you will have an opportunity to print out a certificate of completion. Please print out the certificate and provide it to Jean Ladage or Marsha Moffett.

If you have any questions, please do not hesitate to contact Matt Vanover.

Pros and Cons of Various Actions

All meetings of public bodies are required to be open to the public unless they fall under allowable exceptions. It is in the best interest of all Board members to understand their responsibilities of openness to the public and ensure compliance with the Open Meetings Act.

Superintendent's Recommendation

The Superintendent recommends that members of the Board complete online training prior to their next meeting.

Next Steps

Board members will be provided via e-mail a link to the Attorney General's office to complete training. Once training is completed members will provide Jean or Marsha with a copy of their certificate of completion.