

How to Make Your Idea a Law: Building a Coalition and Passing Legislation



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Introductions

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Today's Objectives

- Introduce (or re-introduce!) the legislative process
- Learn how to pass legislation that will benefit your school district (and likely many others!)
- Understand the challenges you will face and how you can overcome them



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Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has.

Margaret Mead

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Where to Start with Legislation

Problem

- What is the issue?
- Can it be solved without legislation?

Desired solution

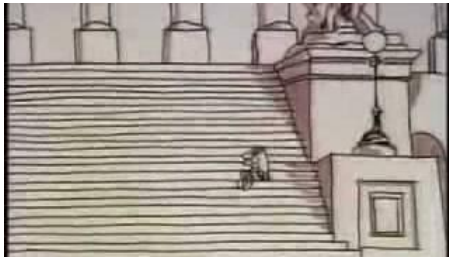
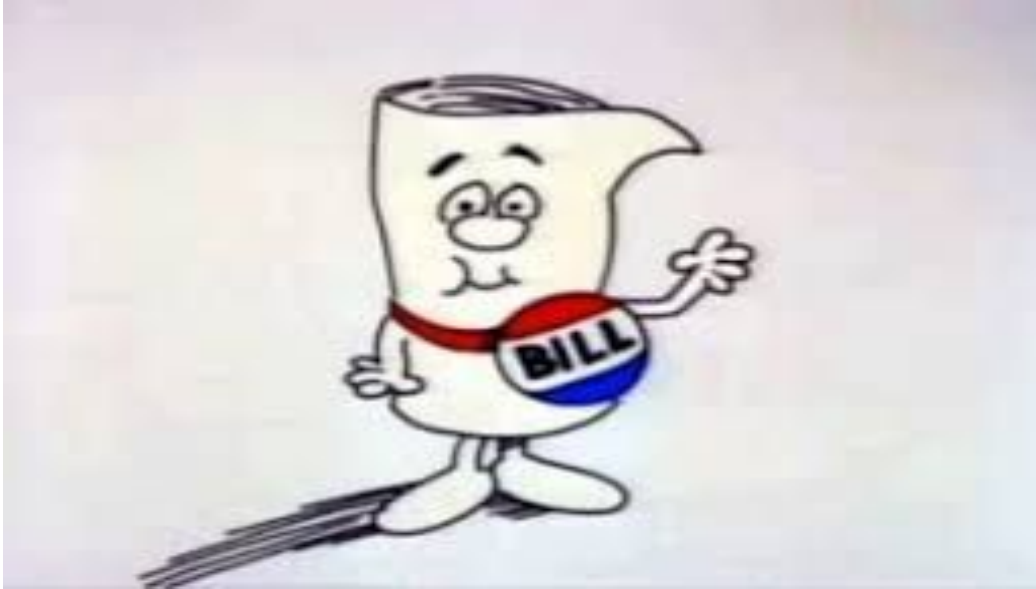
- What is the acceptable solution?
- What are your go's and no-go's? What add is too much? What is your line the sand?



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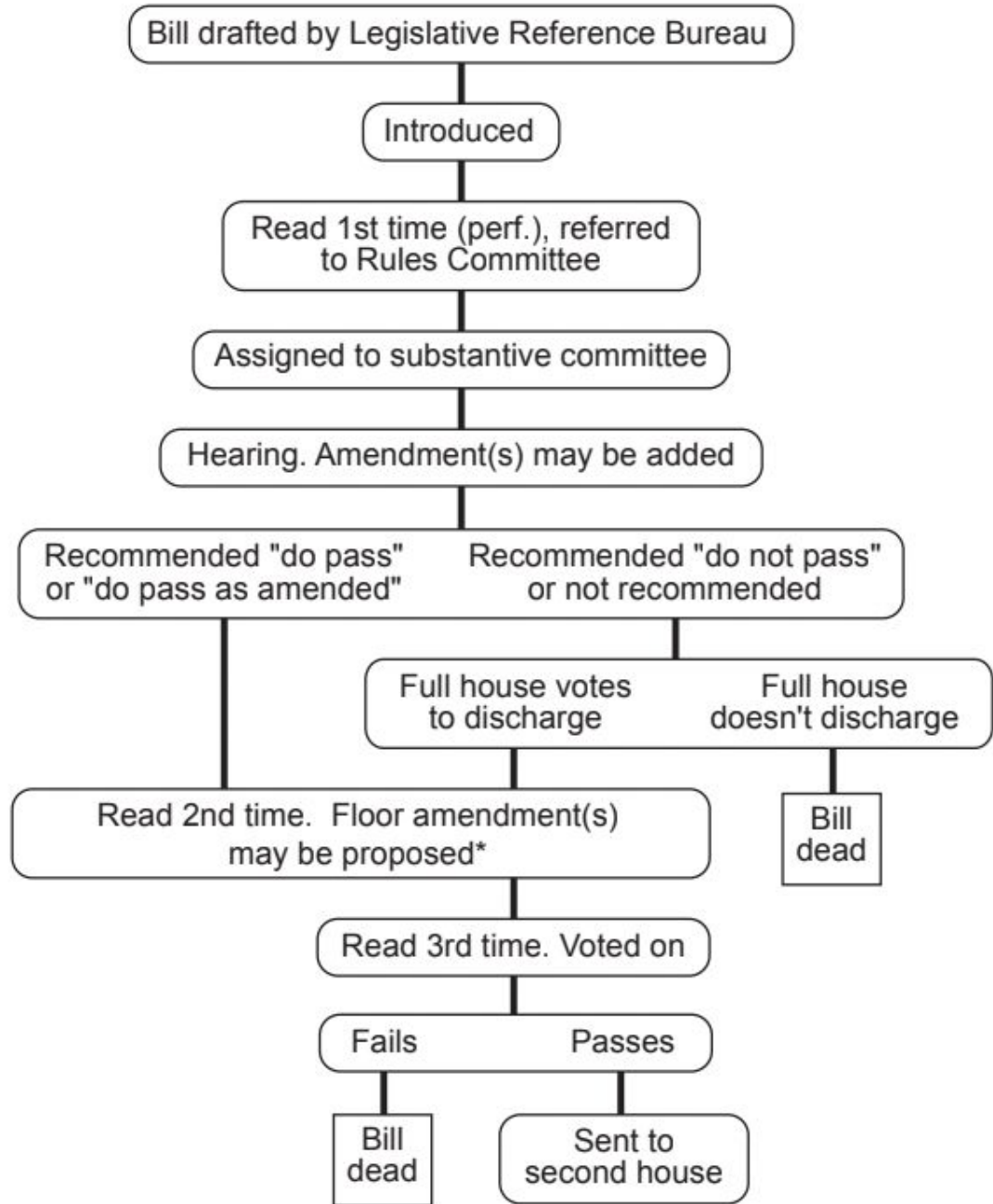
What You Must Know First: How a Bill Becomes a Law



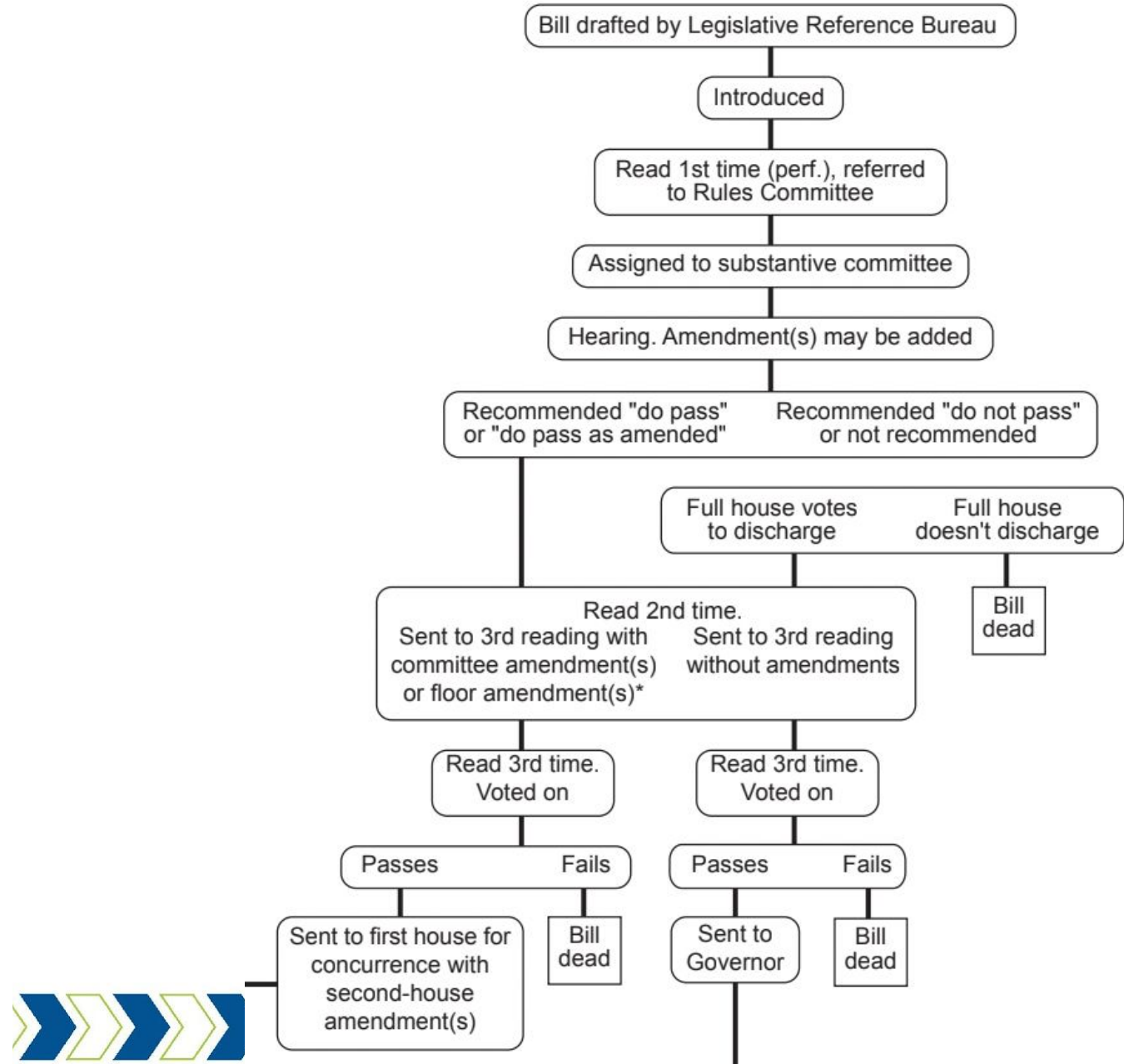
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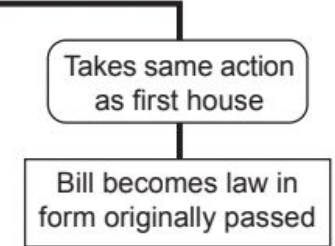
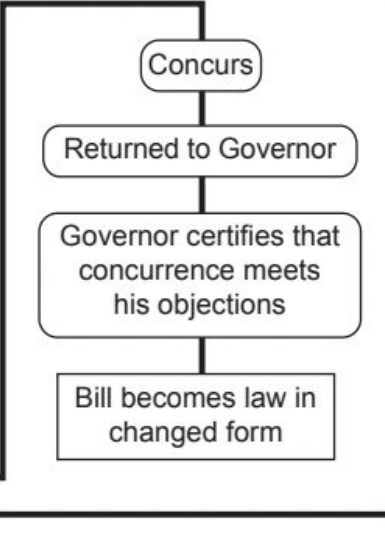
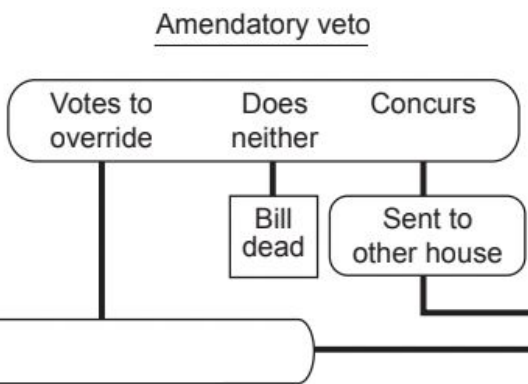
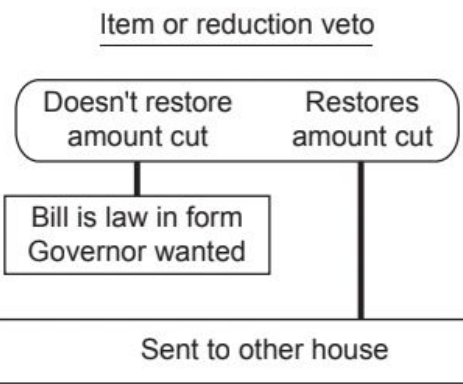
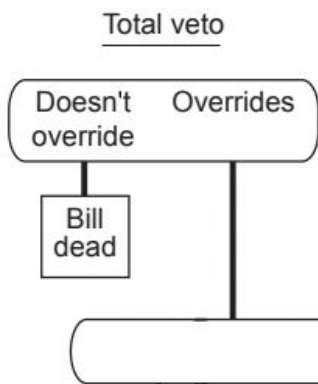
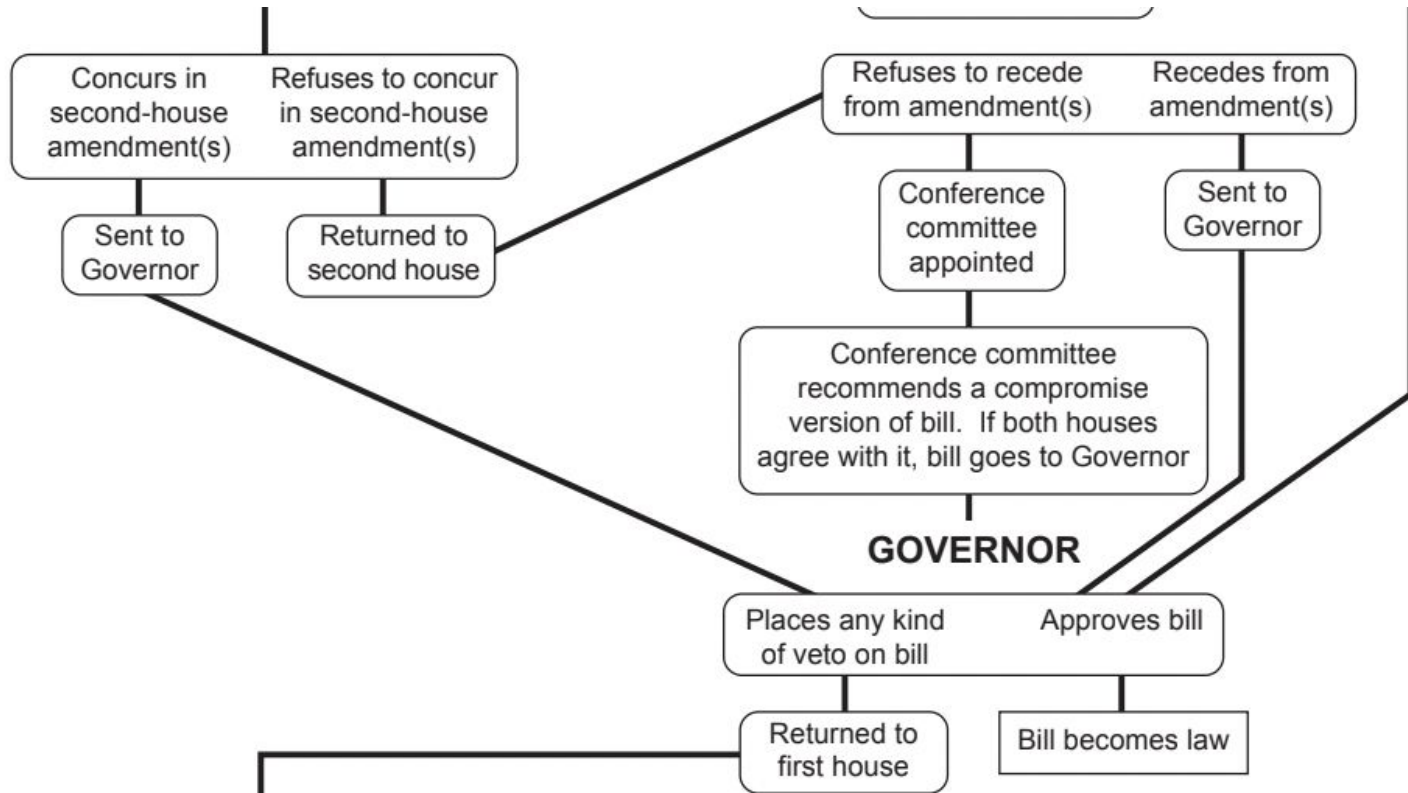


FIRST HOUSE



SECOND HOUSE





“Those that respect the law and love
sausage should watch neither being made.”

-- Mark Twain

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Identifying a Problem or an Issue!

All good legislation starts with a problem or an issue...



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Problem Identified

Over the past decade or more, some school districts have struggled to receive an adequate number of quality, competitive, qualified and responsible bids for food service vendor contracts and/or food service management contracts while following the State of Illinois bidding guidelines as implemented by the ISBE Nutrition Services Department. This issue only applies to school districts who contract with an outside vendor, not those running in-house programs.

While the process was somewhat cumbersome and involved, with a sample bid packet typically exceeding 100 pages, the biggest issue was a lack of flexibility in using various criteria to score and grade the vendor proposals, thereby leading to the low cost bidder almost always being recommended, regardless of the quality of their food or the variety of their menu options.

Illinois was one of only two States (New York is now the lone remaining state) who instituted more strict and rigid guidelines than was required by the US Department of Agriculture for procuring such contracts. We were required to use the strict low bid format, unless you could disqualify a prospective bidder for some other reason and label their proposal as “not responsible” (a pretty high threshold and pretty hard to do without clearly damning facts or evidence).



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Resulting Conditions

Due to the strict low bid requirements, school districts could ask about (for the purposes of potentially disqualifying a bidder), but not really consider, other factors because the low bid trumped everything. Therefore, bidders were looking to provide the lowest cost possible while short changing quality, variety, menu options, packaging, sanitation, safety, marketing and other components of a successful food service program. As Representative Jehan Gordon-Booth (the sponsor of this legislation) stated, there was a “race to the bottom” to provide the cheapest meals possible, as that was the real determining factor when awarding contracts.

This environment discouraged many vendors from participating as they knew that they would not be the low price vendor, so why bother engaging in the bid process...so school districts often times only received one (or two to three, if they were lucky) proposals despite the fact that there were many qualified companies in their region that could service their school district.

The result for those completing bids and awarding contracts was to have very little choice or say so in selecting the “best” vendor for their school district. As a result the students often times suffered from poor quality food service programs run by low cost providers who cut corners or supplied only the minimally required nutrition and options in their meals.



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Solution Proposed

A group of school district business managers proposed to try and change the law to require Illinois School Districts to simply meet the USDA Guidelines and allow for consideration of other factors and criteria when awarding contracts (like 48 other States do), as long as price is a primary consideration.

Price/low cost still must be a major component in the scoring matrix (ie, it has to be the biggest factor under consideration), but it does not have to equal 50% or more of the total scoring criteria, so a combination of other factors could add up to trump or override strict low price, if warranted.

Things like safety, training, menu flexibility, food variety, student taste testing, local food-to-table programs and other criteria could be considered and would have an actual impact on the bid/rfp evaluation process.

The business managers worked with school district legal counsel to develop a simple, short, but hopefully effective, amendment to existing law that would solve the problem and allow this to happen.

They then worked to develop a network of various entities (not just other school districts) who would push for and support this change, and they also sought out legislative sponsors (like Rep. Gordon-Booth) to champion the cause and shepherd the bill through the General Assembly...but it was a slow and sometimes frustrating process, but the bill finally passed in the Spring of 2022 and was signed by the Governor last June.



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ERROR TERROR

TAXING BODIES ARE PAYING THE PRICE FOR STATE AND COUNTY ERRORS AND ABATEMENTS



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Build a Coalition!

It takes a village! Leverage IASBO and the Alliance!



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“Politics is a game of addition, You always want to be adding people to your side.”

-Rich Miller

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Food Service Bill (HB 426/HB1782/HB4813) PA 102-1101

Coalition partners:

School business alliance members:

LEND/ SCOPE/ LUDA/ ED-RED/ CPS

Illinois Environmental Council

Faith in Place

Greater Food Depository

HEAL

IASA/ IASBO/ IPA/ IASB

High School District Organization

Chicago Food Policy Action Council

Illinois Heart Association

Illinois Stewardship Alliance

In the End: IEA/ IFT also signed on in favor of the bill

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PTAB / Certificate of Error Recapture SB1064/1043/0508 PA 102-0519

Coalition partners:

School business alliance members: **IASBO/ IPA/ IASB / IASA**
LUDA / CPS



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Seek Legislative Engagement!

Building strategic legislative contacts is key!



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“No man’s life, liberty, or property are safe while the legislature is in session.”

- Mark Twain

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Have a Realistic Timeline, Expect Hurdles!

Remember, we are dealing with Springfield!!



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House Bill 4813 / PA 102-1101

The Better School Lunches Act

(New Options for Food Service Contracting)

Historical Timeline

- Spring 2018 – Problem identified by CSBO's (presented to IASBO DAA for consideration)
- Summer/Fall 2018 – Solution proposed and amendment developed through legal counsel
- Spring 2018 to Spring 2019 – Developed support network and constituency groups to push for change and also worked with unions and others to get their support...hoped to get a bill introduced in 2019, but it did not go anywhere due to timing and others factors
- Fall 2019 – Secured Representative Gordon-Booth as a chief sponsor of the bill
- Fall 2019 - Article in IASBO quarterly journal about the problem.
- Spring 2020 – Bill introduced with high hopes, but due to COVID shutdown was not called
- Spring 2021 – Bill reintroduced, but due to COVID and other factors was not called
- Spring 2022 – Legislation introduced for a third time and this time gained traction, eventually passing on the last day of the Spring Session, with slight modifications
- Summer 2022 – Governor signed bill into law on June 29, 2022, and implementation planning and rule making began shortly thereafter
- Fall 2022 to Spring 2023 – IASBO will work with ISBE to implement for 2023-2024 Bidding/RFP cycle



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Senate Bill 508 / PA 102-0519

PTAB Abatement / Certificate of Error Recapture

Historical Timeline

- Spring 2016 – Problem identified by Huntley Community 158. Met with Senator McConnaughay on Feb 8, 2016 and subsequently presented to IASBO DAA Committee
- Spring 2017– Article in IASBO Update Magazine Error Terror highlights need for a solution and language written for new legislation.
- April 4, 2017 – SB1064 introduced by Karen McConnaughay.
- Spring 2017 - Fall 2018 – Altmayer made 3 visits to Springfield to meet with Senators and Representatives to garner attention to the bill.
- January 2019 – SB1064 dies
- March 2019– Bill reintroduced as SB1043 and has new sponsor in Senator DeWitte.
- January 2021 –After numerous amendments and readings, the bill dies in January 2021.
- Spring 2021 – Bill reintroduced as SB508 and starts moving fast. Altmayer testifies in front of the Revenue & Finance Committee and in April it passes the Senate unanimously and subsequently passes the House in May.
- August 20, 2021– Governor signed bill into law.
- A problem identified, legislation introduced, followed by numerous Springfield meetings, 5 years and 439 emails, PA102-0519 created. .



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“Nearly all legislation is the result of compromise”

-Speaker Joseph Cannon

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Bill Language

Original suggested bill language to add to low bid exclusion statute:
and (xvii) contracts for food service and food service management.

bill Language:

(xvii) contracts for goods, services, or management in the operation of a school's food service, including a school that participates in any of the United States Department of Agriculture's child nutrition programs if a good faith effort is made on behalf of the school district



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Added amendment to get passage

to give preference to:

(1) contracts that procure food that promotes the health and well-being of students, in compliance with United States Department of Agriculture nutrition standards for school meals. Contracts should also promote the production of scratch made, minimally processed foods;

(2) contracts that give a preference to State or regional suppliers that source local food products;

(3) contracts that give a preference to food suppliers that utilize producers that adopt hormone and pest management practices recommended by the United States Department of Agriculture;

(4) contracts that give a preference to food suppliers that value animal welfare; and

(5) contracts that increase opportunities for businesses owned and operated by minorities, women, or persons with disabilities.

Food supplier data shall be submitted to the school district at the time of the bid, to the best of the bidder's ability, and updated annually thereafter during the term of the contract. The contractor shall submit the updated food supplier data. The data required under this item (xvii) shall include the name and address of each supplier, distributor, processor, and producer involved in the provision of the products that the bidder is to supply.



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What are your ideas?

We thank you for your time!



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Frame the Conversation/ Explain the Issue

- Write a position paper
 - You're in Education, write out the problem/ solution
- Find supporters
- Prepare for the opposition and create responses
- Create a simple elevator pitch
- Communicate
- Communicate
- Advocate



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