

LEGAL REF.: Family Educational Rights and Privacy Act, 20 U.S.C. §1232g.  
Elementary and Secondary Education Act of 1965, 20 U.S.C. §6301 et seq.  
Rules and Regulations for the Control of Communicable Diseases, issued by the  
Illinois Department of Public Health.  
5 ILCS 120/1 et seq.  
105 ILCS 5/10-20.14 and 10/1 et seq.  
23 Ill.Admin.Code §226.115 and §226.350 et seq.

CROSS REF.: 2:240 (Board Policy Development), 5:40 (Communicable and Chronic Infectious  
Disease), 6:170 (Title I Program), 7:190 (Student Discipline), 7:230 (Misconduct  
by Students with Disabilities), 7:280 (Communicable and Chronic Infectious  
Disease)

## **School Board**

### **Board Attorney**

The School Board may enter into an agreement for legal services with a specific attorney or law firm. The Board Attorney serves on a retainer or other fee arrangement as determined in advance. The Board Attorney will provide services as described in the agreement for legal services. The District will only pay for legal services that are provided in accordance with the agreement for legal services or are otherwise authorized by this policy or a majority of the Board.

The Superintendent, his or her designee, or Board President, are authorized to confer with and/or seek the legal advice of the Board Attorney. The Board may authorize a specific member to confer with legal counsel on its behalf.

The Superintendent may authorize the Board Attorney to represent the District in any legal matter until the Board has an opportunity to consider the matter.

The School Board retains the right to consult with or employ other attorneys and to terminate the service of any attorney.

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## School Board

### Procurement of Architectural, Engineering, and Land Surveying Services

The School Board selects architects, engineers, and land surveyors to provide professional services to the District on the basis of demonstrated competence and qualifications, and in accordance with State law. <sup>1</sup>

The person or representative from the firm selected shall meet with the Superintendent and the School Board to discuss responsibilities and scope of services.

LEGAL REF.:     Shively v. Belleville Township High School District 201, 769 N.E.2d 1062 (5th Dist., Ill. App. 2002), *appeal denied*.  
                  40 U.S.C. § 541.  
                  50 ILCS 510/0.01 et seq.  
                  105 ILCS 5/10-20.21.

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<sup>1</sup> 50 ILCS 510/1 et seq. describes the selection procedure. If the district has a satisfactory relationship with a person or firm, the relationship may continue (50 ILCS 510/4 and 510/5). Construction-manager services, unlike general contractor services, are significantly different from construction work because they involve a professional activity (i.e., assisting the owner with the project's planning, costing, and management). As such, a construction-management contract is exempt from mandatory bidding by virtue of the professional services exemption. Shively v. Belleville Township High School District 201, 769 N.E.2d 1062 (5th Dist., Ill. App. 2002).

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## **School Board**

### **Mailing Lists For Receiving Board Material**

The Superintendent shall maintain a mailing list of the names and addresses each year of persons who file a written request to be on such a list. Those persons shall be mailed copies of the following, provided they have pre-paid the subscription fee, pro-rated if subscribing less than one year:

1. Board Agenda
2. Official Board Minutes which will be mailed within 10 days after the meeting

A subscription fee may be set annually to cover reproduction and mailing costs. The subscription period shall be the same as the District's fiscal year.

## School Board

### Types of School Board Meetings

#### General

For all meetings of the School Board and its committees, the Superintendent or designee shall satisfy all notice and posting requirements contained herein, as well as in the Open Meetings Act. This shall include mailing meeting notifications to news media that have officially requested them, and to others as approved by the School Board. Unless otherwise specified, all meetings are held in the District administrative offices. Board members may attend meetings via a telephone conference call and speaker telephone.

#### Regular Meetings

The School Board announces the time and place for its regular meetings at the beginning of each fiscal year. The Superintendent shall prepare and make available the calendar of regular School Board meetings. Meeting dates may be changed with 10 days' notice in accordance with State law.

A meeting agenda shall be posted at the District administrative office and the Board meeting room, or other location where the meeting is to be held, at least 48 hours before the meeting. Items not specifically on the agenda may still be considered during the meeting.

#### Closed Meetings

The School Board and School Board committees may meet in a closed meeting to consider the following subjects:

1. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity. 5 ILCS 120/2(c)(1), as amended by P.A. 93-57.
2. Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees. 5 ILCS 120/2(c)(2).
3. The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance. 5 ILCS 120/2(c)(3).
4. Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning. 5 ILCS 120/2(c)(4).
5. The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired. 5 ILCS 120/2(c)(5).

6. The setting of a price for sale or lease of property owned by the public body. 5 ILCS 120/2(c)(6).
7. The sale or purchase of securities, investments, or investment contracts. 5 ILCS 120/2(c)(7).
8. Security procedures and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. 5 ILCS 120/2(c)(8), as amended by P.A. 93-79 and 93-422.
9. Student disciplinary cases. 5 ILCS 120/2(c)(9).
10. The placement of individual students in special education programs and other matters relating to individual students. 5 ILCS 120/2(c)(10).
11. Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting. 5 ILCS 120/2(c)(11).
12. The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member. 5 ILCS 120/2(c)(12).
13. Self-evaluation, practices and procedures, or professional ethics, when meeting with a representative of a statewide association of which the public body is a member. 5 ILCS 120/2(c)(16).
14. Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. 5 ILCS 120/2(c)(21).

The Board may hold a closed meeting, or close a portion of a meeting, by a majority vote of a quorum, taken at an open meeting. The vote of each School Board member present, and the reason for the closed meeting, will be publicly disclosed at the time of the meeting and clearly stated in the motion and the meeting minutes.

A single motion calling for a series of closed meetings may be adopted when such meetings will involve the same particular matters and are scheduled to be held within 3 months of the vote.

No final School Board action will be taken at a closed meeting.

#### Reconvened or Rescheduled Meetings

A meeting may be rescheduled or reconvened. Public notice of a rescheduled or reconvened meeting shall be given in the same manner as that for a special meeting, except that no public notice is required when the original meeting is open to the public and: (1) is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda.

#### Special Meetings

Special meetings may be called by the President or by any 3 members of the School Board by giving notice thereof, in writing, stating the time, place, and purpose of the meeting to remaining Board

members by mail at least 48 hours before the meeting, or by personal service at least 24 hours before the meeting.

Public notice of a special meeting is given by posting a notice at the District's administration office at least 48 hours before the meeting and by notifying the news media that have filed a written request for notice. A meeting agenda shall accompany the notice.

No matters will be discussed, considered, or brought before the School Board at any special meeting other than such matters as were included in the stated purpose of the meeting.

#### Emergency Meetings

Public notice of emergency meetings shall be given as soon as practical, but in any event, before the meeting to news media that have filed a written request for notice.

#### Posting on the District's Website

In addition to the other notices specified in this policy, the Superintendent or designee shall post the following on the District website: (1) the annual schedule of regular meetings, which shall remain posted until the Board approves a new schedule of regular meetings; (2) a public notice of all Board meetings; and (3) the agenda for each regular meeting which shall remain posted until the regular meeting is concluded.

LEGAL REF.: 5 ILCS 120/1 et seq.  
105 ILCS 5/10-6 and 5/10-16.

CROSS REF.: 2:210 (Organizational School Board Meetings), 2:220 (School Board Meeting Procedure), 2:230 (Public Participation at School Board Meetings and Petitions to the Board), 6:235 (Access to Electronic Networks)

## School Board

### Administrative Procedure - Types of School Board Meetings

	<b>PUBLIC NOTICE</b>	<b>NOTICE TO BOARD MEMBERS</b>	<b>AGENDA</b>	<b>NOTICE TO NEWS MEDIA</b>
Regular	Given once a year when Board adopts its regular meeting schedule. 5 ILCS 120/2.02. 105 ILCS 5/10-16.	None required.	Posted at the District's principal office and at the meeting site, at least 48 hours before the meeting. 5 ILCS 120/2.02.	Supplied to any news media that filed an annual request for such notices. 5 ILCS 120/2.02.
Special	Given 48 hours before the meeting by posting a copy of the notice at the District's principal office or, if no such office exists, at the meeting site. 5 ILCS 120/2.02.	Notice served by mail 48 hours before the meeting or by personal service 24 hours before the meeting. 105 ILCS 5/10-16.	Included with the public notice and posted at the District's principal office or, if no such office exists, at the meeting site, at least 48 hours before the meeting. 5 ILCS 120/2.02.	Supplied to any news media that filed an annual request for such notices; such news media shall be given same notice as that given board members if they have provided an address or telephone number within the District's jurisdiction. 5 ILCS 120/2.02.
Emergency	As soon as practicable, but in any event, before the meeting, by posting a copy of the notice at the District's principal office or, if no such office exists, at the meeting site. 5 ILCS 120/2.02.	None specified, but advisable to provide same notice as for special meetings.	No State law requirements.	Supplied to any news media that filed an annual request for such notices; such news media shall be given same notice as that given board members if they have provided an address or telephone number within the District's jurisdiction. 5 ILCS 120/2.02.

	<b>PUBLIC NOTICE</b>	<b>NOTICE TO BOARD MEMBERS</b>	<b>AGENDA</b>	<b>NOTICE TO NEWS MEDIA</b>
Closed	May hold a closed meeting, or close a portion of a public meeting, upon a majority vote of a quorum present, taken at a properly noticed open meeting. 5 ILCS 120/2a.	None required.	None required, but only topics specified in the vote to hold the closed meeting may be considered. 5 ILCS 120/2a.	No additional notice required.
Rescheduled or Reconvened	Given 48 hours before the meeting, unless, where the meeting was open to the public, (1) it is to be reconvened within 24 hours, or (2) the announcement of the time and place of the reconvened meeting was made at the original meeting and there is no agenda change; notice should be posted at the District's principal office or, if no such office exists, at the meeting site. 5 ILCS 120/2.02.	None required.	Included with the public notice and posted at the District's principal office or, if no such office exists, at the meeting site, at least 48 hours before the meeting, unless where the meeting was open to the public, (1) it is to be reconvened within 24 hours, or (2) the announcement of the time and place of the reconvened meeting was made at the original meeting and there is no agenda change. 5 ILCS 120/2.02.	Supplied to any news media that filed an annual request for such notices; such news media shall be given same notice as that given board members if they have provided an address or telephone number within the District's jurisdiction. 5 ILCS 120/2.02.

## **School Board**

### **Organizational School Board Meeting**

During a March meeting in odd-numbered years, the School Board establishes a date for its organizational meeting to be held sometime after the election authority canvasses the vote, but within 28 days after the consolidated election. The consolidated election is held on the first Tuesday in April of odd-numbered years.

At the organizational meeting the following shall occur:

1. The new School Board members shall be immediately seated.
2. The School Board shall elect its officers who assume office immediately upon their election.
3. The School Board shall fix a time and date for its regular meetings.

LEGAL REF.: 10 ILCS 5/2A-1 et seq.  
105 ILCS 5/9-18, 5/10-5, and 5/10-16.

CROSS REF.: 2:30 (School District Elections), 2:200 (Types of School Board Meetings), 2:220 (School Board Meeting Procedure), 2:230 (Public Participation at School Board Meetings and Petitions to the Board)

## School Board

### School Board Meeting Procedure

#### Agenda

The Board President is responsible for focusing the Board meetings' agendas on appropriate content. The Superintendent shall prepare agendas in consultation with the Board President. The President shall designate a portion of the agenda as a consent agenda for those items that usually do not require discussion or explanation before School Board action. Any Board member may request the withdrawal of any item under the consent agenda for independent consideration.

Items submitted by School Board members to the Superintendent or the President shall be placed on the agenda. District residents may suggest inclusions for the agenda. Items not specifically on the agenda may still be considered during the meeting.

The Superintendent shall provide a copy of the agenda, with adequate data and background information, to each School Board member at least 48 hours before each meeting, except a meeting held in the event of an emergency. The meeting agenda shall be posted in accordance with policy 2:200, *Types of School Board Meetings*.

The Board President shall determine the order of business at regular School Board meetings. Upon consent of a majority of members present, the order of business at any meeting may be changed.

#### Voting Method

Unless otherwise provided by law, when a vote is taken upon any measure before the School Board, with a quorum being present, a majority of the votes cast shall determine its outcome. A vote of "abstain" or "present," or a vote other than "yea" or "nay," or a failure to vote, is counted for the purposes of determining whether a quorum is present. A vote of "abstain" or "present," or a vote other than "yea" or "nay," or a failure to vote, however, is not counted in determining whether a measure has been passed by the Board, unless otherwise stated in law. The sequence for casting votes shall be rotated.

On all questions involving the expenditure of money and on all questions involving the closing of a meeting to the public, a roll call vote shall be taken and entered in the Board's minutes.

#### Minutes

The Board Secretary shall keep written minutes of all School Board meetings (whether open or closed), which shall be signed by the President and the Secretary. The minutes include:

1. The meeting's date, time, and place;
2. School Board members recorded as either present or absent;
3. A summary of the discussion on all matters proposed, deliberated, or decided, and a record of any votes taken;
4. On all matters requiring a roll call vote, a record of who voted "yea" and "nay";
5. If the meeting is adjourned to another date, the time and place of the adjourned meeting;
6. The vote of each member present when a vote is taken to hold a closed meeting or portion of a meeting, and the reason for the closed meeting with a citation to the specific exception contained in the Open Meetings Act authorizing the closed meeting;
7. A record of all motions, the members making the motion and the second; and

8. The type of meeting, including any notices and, if a reconvened meeting, the original meeting's date.

The minutes shall be submitted to the School Board for approval or modification at its next regularly scheduled open meeting.

At least semi-annually in an open meeting, the Board: (1) reviews minutes from closed meetings that are currently unavailable for public release, and (2) decides which, if any, no longer require confidential treatment and are available for public inspection. The School Board may meet in a prior closed session to review the minutes from closed meetings that are currently unavailable for public release.

The School Board's meeting minutes must be submitted to the Board's Treasurer on the first Monday of April and October, and at other times as the Treasurer may require.

The official minutes are in the custody of the Board Secretary. Open meetings minutes are available for inspection during regular office hours within 7 days after the Board's approval, in the office of the Superintendent or designee, in the presence of the Secretary, the Superintendent or designee, or any School Board member. Minutes from closed meetings are likewise available, but only if the School Board has released them for public inspection. The minutes shall not be removed from the Superintendent's office except by vote of the School Board or by court order.

No later than July 1, 2006, Board meeting minutes will be posted on the District website within 7 days after the Board approves them; the minutes will remain posted for at least 60 days.

#### Verbatim Record of Closed Meetings

The Superintendent, or the Board Secretary when the Superintendent is absent, shall audio record all closed meetings. If neither is present, the Board President or presiding officer shall assume this responsibility. After the closed meeting, the person making the audio recording shall label the recording with the date and store it in a secure location. The Superintendent shall ensure that: (1) an audio recording device and all necessary accompanying items are available to the Board for every closed meeting, and (2) a secure location for storing closed meeting audio recordings is maintained close to the Board's regular meeting location.

After 18 months have passed since being made, the audio recording of a closed meeting is destroyed provided the Board approved: (1) its destruction, and (2) minutes of the particular closed meeting.

Individual Board members may listen to verbatim recordings when that action is germane to their responsibilities. In the interest of encouraging free and open expression by Board members during closed meetings, the recordings of closed meetings should not be used by Board members to confirm or dispute the accuracy of recollections.

#### Quorum

The Board may take action only when a quorum is present; a majority of the full membership of the School Board constitutes a quorum whether individuals are present physically or via a speaker telephone.

#### Rules of Order

Unless State law or Board-adopted rules apply, the Board President, as the presiding officer, will use Robert's Rules of Order, Newly Revised (10th Edition), as a guide when a question arises concerning procedure.

**School Board**

**Exhibit – Motion to Adjourn to Closed Meeting**

**Motion to Adjourn to Closed Meeting**

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_ **Location:** \_\_\_\_\_

A motion was made by \_\_\_\_\_, and seconded by \_\_\_\_\_, to adjourn to closed meeting to discuss:

- The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the District or legal counsel for the District, including hearing testimony on a complaint lodged against an employee or against legal counsel for the District to determine its validity. 5 ILCS 120/2(c)(1), as amended by P.A. 93-0057.
- Collective negotiating matters between the District and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees. 5 ILCS 120/2(c)(2).
- The selection of a person to fill a public office, including a vacancy in a public office, when the District is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the District is given power to remove the occupant under law or ordinance. 5 ILCS 120/2(c)(3).
- Evidence or testimony presented in open hearing, or in closed hearing where authorized by law, to a quasi-judicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision with its determinative reasoning. 5 ILCS 120/2(c)(4).
- The purchase or lease of real property for the use of the District, including meetings held for the purpose of discussing whether a particular parcel should be acquired. 5 ILCS 120/2(c)(5).
- The setting of a price for sale or lease of property owned by the District. 5 ILCS 120/2(c)(6).
- The sale or purchase of securities, investments, or investment contracts. 5 ILCS 120/2(c)(7).
- Security procedures and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. 5 ILCS 120/2(c)(8), as amended by P.A. 93-79 and P.A. 93-422.
- Student disciplinary cases. 5 ILCS 120/2(c)(9).
- The placement of individual students in special education programs and other matters relating to individual students. 5 ILCS 120/2(c)(10).
- Litigation, when an action against, affecting or on behalf of the particular District has been filed and is pending before a court or administrative tribunal, or when the District finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the closed meeting minutes. 5 ILCS 120/2(c)(11).
- The establishment of reserves or settlement of claims as provided in the Local Government and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the District or any intergovernmental risk management association or self insurance pool of which the District is a member. 5 ILCS 120/2(c)(12).
- Self-evaluation, practices and procedures, or professional ethics, when meeting with a representative of a statewide association of which the District is a member. 5 ILCS 120/2(c)(16).
- Discussion of lawfully closed meeting minutes, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. 5 ILCS 120/2(c)(21).

**Closed Meeting Roll Call:**

"Yeas"	"Nays"

**Motion carried.**

**School Board**

**Exhibit - Closed Meeting Minutes**

**Closed Meeting Minutes**

<b>Date:</b>	<b>Time:</b>
<b>Location:</b>	
<b>Name of person taking the minutes:</b>	
<b>Name of person recording the closed meeting:</b>	
<b>Names of members present:</b>	<b>Names of members absent:</b>
<b>Summary of the discussion on all matters:</b>	
<b>Time of adjournment or return to open meeting:</b>	

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*The Board, during its semi-annual review of closed session minutes, has decided these minutes no longer need confidential treatment.*

**These minutes are available for public inspection as of:** \_\_\_\_\_ .  
(Date)

## CLOSED SESSION RECORDING POLICY

\_\_\_\_\_. Recording of Closed Sessions.

A. A verbatim record shall be kept of all meetings of the Board of Education or any subsidiary "public body" (as defined by the Illinois Open Meetings Act) of the school district which are closed to the public. The verbatim record shall be in the form of an audio or video recording. In addition, minutes shall be kept of all closed meetings in the manner required by the Illinois Open Meetings Act. Minutes of closed meetings shall be placed before the Board of Education or the subsidiary body, as the case may be, for approval as to form and content as soon as practicable following the closed meeting. The Secretary of the Board of Education, or his/her designee, shall maintain the verbatim recordings and minutes of all closed sessions of the Board and all subsidiary public bodies of the school district.

B. At the beginning of each closed session, those present shall identify themselves by voice for the audio recording. If the meeting is videotaped, at the beginning of the meeting, those present shall individually appear on camera and identify themselves by voice. The chair of the meeting shall also announce the times the meeting commences and ends at the appropriate points on the recording.

C. At the first regular board meeting in February and August, the agenda shall include the following item: "Review of the minutes of all closed sessions that have not yet been released for public review, and determination of which, if any, may then be released." Minutes or recordings shall not be released unless the board finds that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. As to any minutes or recordings not released, the board shall find that the "need for confidentiality still exists" as to those minutes or recordings. The administration shall prepare a recommendation for the board regarding the release and non-release of the respective recordings and minutes. Minutes of closed sessions shall be kept indefinitely.

D. At the first regular board meeting in February and August, the agenda shall include the following item: "Authorization for destruction of verbatim recordings of closed sessions." The administration shall present a list to the Board of Education of the dates of closed sessions where:

1. A verbatim recording exists;
2. The Board of Education has approved the minutes of the closed meeting as to form, regardless of whether the minutes have been released for public review; and
3. There have been more than 18 months since the date of the closed meeting.

The Board of Education shall consider whether to authorize destruction of the verbatim recordings of those meetings. When ordered by the Board of Education, the Secretary of the Board of Education shall destroy the recording of that closed meeting in a suitable manner.

## School Board

### Board Policy Development

School Board governance requires written policies. Written policies ensure legal compliance, establish board processes, articulate District ends, delegate authority, and define operating limits. Board policies also provide the process for monitoring progress toward District ends.

#### Policy Development

Anyone may propose new policies, changes to existing policies, or elimination of existing policies. Staff suggestions should be processed through the Superintendent. Suggestions from all others may be made to the Board President or the Superintendent.

A Board Policy Committee will consider all policy suggestions, and provide information and recommendations to the Board.

The Superintendent is responsible for: (1) providing relevant policy information and data to the Board, (2) notifying those who will be affected by a proposed policy and obtaining their advice and suggestions, and (3) having policy recommendations drafted into written form for Board deliberation. The Superintendent shall seek the counsel of the school attorney when appropriate.

#### Policy Adoption and Dissemination

Policies or policy revisions may be adopted at the Board meeting at which they are first introduced. The School Board policies are available for public inspection in the administrative office during regular office hours. Copy requests should be made under the District's Access to Public Records Policy.

#### Board Policy Review and Evaluation

The School Board will monitor its policies and consider whether any modifications are required. The Board may use an annual policy review calendar.

#### Superintendent Implementation

The Board will support any reasonable interpretation of School Board policy made by the Superintendent. If reasonable minds differ, the Board will review policy and consider the need for further clarification.

In the absence of School Board policy, the Superintendent is authorized to take appropriate action.

#### Suspension of Policies

The Board, by a majority vote of members present at any meeting, may temporarily suspend a Board policy not established by law or contract. The failure to suspend with a specific motion does not invalidate the Board action.

LEGAL REF.: 105 ILCS 5/10-20.5.

CROSS REF.: 2:150 (Committees), 2:250 (Access to District's Public Records), 3:40 (Superintendent)

## School Board

### Access to District's Public Records 1 2

The District's "public records" are those documents, tapes, photographs, letters, and any other recorded information or material, regardless of physical form or characteristic, that were prepared, used, received, or possessed by, or under the control of, the District, a school, a school official, or an employee. 3 Public records shall be preserved and cataloged, including e-mail messages, if they: (1) are evidence of the District's organization, function, policies, procedures, or activities, or (2) contain informational data appropriate for preservation. 4 Public records that are required to be preserved and cataloged may be destroyed when authorized by the Local Records Commission. 5

The Superintendent or designee shall respond to requests made under the Illinois Freedom of Information Act from anyone desiring access to and/or copying of a District's public record. The Superintendent or designee shall approve the request, unless:

1. The requested material is:
  - a. Not a "public record" as defined in this policy;
  - b. Exempt from inspection and copying by the Freedom of Information Act or any other State or federal law; 6 or
  - c. Not required to be preserved or cataloged; or
2. Complying with the request would be unduly burdensome. 7

When responding to a request for a record containing both exempt and non-exempt material, the Superintendent or designee shall delete exempt information from the record before complying with the request. The Board President or Superintendent shall report to the Board at each regular meeting any Freedom of Information Act requests as well as the status of the response. 8

1 State or federal law requires this subject matter be covered by policy. State or federal law controls this policy's content.

2 Districts must have policy or procedures on the availability of public records (5 ILCS 140/5). See the implementing administrative procedure in 2:250-AP, *Access To and Copying of District Public Records*.

3 5 ILCS 140/2(c).

4 Categorizing e-mail messages is complicated because two laws apply and the rules differ when a board member is a party. See sample policy 2:140 for a discussion of e-mail between or among board members. When employees or agents are using e-mail for school purposes, the e-mail messages may be "public records," but will not necessarily be subject to disclosure depending on the topic discussed. The Freedom of Information Act's list of exemptions from disclosure determines whether these e-mails are subject to disclosure.

Not all e-mail messages between or among employees must be preserved, even if they are "public records" for purposes of the Freedom of Information Act. The definition of "public record" in the Local Records Act, 50 ILCS 205/1 *et seq.*, is more narrow than the definition in the FOIA. Thus, staff e-mail need not be retained if it does not contain: (1) evidence of the district's organization, function, policies, procedures, or activities, or (2) informational data appropriate for preservation. While this is a slippery slope without definitive parameters, employee e-mail that is conversational or contains brainstorming may generally be deleted.

5 50 ILCS 205/1 *et seq.*

6 5 ILCS 140/7, amended by P.A. 93-325 and 93-422, protects school security and response plans and maps from disclosure; it also protects architects' plans and engineers' technical submissions to the extent that disclosure would compromise security.

Student records are *per se* prohibited from disclosure; a district is under no obligation to redact them. Chicago Tribune Co. v. Chicago Bd. of Ed., 773 N.E.2d 674 (Ill.App. 1 Dist. 2002).

7 5 ILCS 140/3(f).

8 Mandated for only districts governed by a board of education (105 ILCS 5/10-16); optional for all other districts.

The Superintendent shall implement this policy with administrative procedures. The Board sets copy fees periodically. <sup>9</sup>

LEGAL REF.: Chicago Tribune Company v. Bd. of Ed. of the City of Chicago, 773 N.E.2d 674  
(Ill.App. 1 Dist. 2002).  
5 ILCS 140/1 et seq.  
105 ILCS 5/10-16.

CROSS REF.: 5:150 (Personnel Records), 7:340 (Student Records)

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<sup>9</sup> Districts may charge fees reasonably calculated to reimburse their actual costs for copying and certifying records and for the use of district equipment to copy records (5 ILCS 140/6). The fees must exclude the costs of searching for or reviewing a record.

## School Board

### Administrative Procedure - Access to and Copying of District's Public Records <sup>1</sup>

The following procedures govern requests for access to, or copying of, District records.

Actor	Action			
Everyone	<ul style="list-style-type: none"> <li>• Inspection of District records not excluded from the Illinois Freedom of Information Act will be permitted between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, on days the District office is open for business.</li> <li>• Records are inspected at the District office, <i>[address]</i>.</li> <li>• Records are not to be removed from there.</li> </ul>			
Superintendent	<ul style="list-style-type: none"> <li>• Appoints a Records Custodian.</li> <li>• From time-to-time as appropriate, recommends a copying fee schedule to the Board.</li> </ul>			
School Board	<p>From time-to-time by Board resolution, determines: (1) copying fees that are reasonably calculated to reimburse the District for the actual costs of reproducing and certifying the records, and (2) the amount by which copy fees will be lowered if the person making the request states a specific purpose for the request that is in the public interest. <sup>2</sup> A request is in the public interest if its purpose is to access and disseminate information regarding the health, safety and welfare, or the legal rights of the general public, and is not for the principal purpose of personal or commercial benefit. "Commercial benefit" does not apply to news media requests. In setting the amount of the waiver or reduction, the Board may consider the amount of materials requested and the cost of copying them.</p> <p>The following fees are currently charged for copying District records:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; vertical-align: top;"> <ul style="list-style-type: none"> <li>• 8-1/2 x 11" size paper</li> <li>• 8-1/2 x 14" size paper</li> <li>• 11" x 17" computer printouts requiring reduction and printing on the offset press</li> <li>• Requests that are in the "public interest"</li> </ul> </td> <td style="width: 5%; vertical-align: top; border-left: 1px solid black; border-right: 1px solid black;">                     \$ _____                      \$ _____                      \$ _____                 </td> <td style="width: 35%; vertical-align: top;">                     Fees are lowered by _____ %                 </td> </tr> </table>	<ul style="list-style-type: none"> <li>• 8-1/2 x 11" size paper</li> <li>• 8-1/2 x 14" size paper</li> <li>• 11" x 17" computer printouts requiring reduction and printing on the offset press</li> <li>• Requests that are in the "public interest"</li> </ul>	\$ _____ \$ _____ \$ _____	Fees are lowered by _____ %
<ul style="list-style-type: none"> <li>• 8-1/2 x 11" size paper</li> <li>• 8-1/2 x 14" size paper</li> <li>• 11" x 17" computer printouts requiring reduction and printing on the offset press</li> <li>• Requests that are in the "public interest"</li> </ul>	\$ _____ \$ _____ \$ _____	Fees are lowered by _____ %		
Person making request for access to, or copy	Submits a written request to inspect and/or copy District records to the Superintendent or Record Custodian. Requests must specify District			

<sup>1</sup> Districts must have policy or procedures pertaining to the availability of public records (5 ILCS 140/5).

<sup>2</sup> 5 ILCS 140/6 requires a reduction or waiver of copy fees when the request is in the public interest.

Actor	Action
of, District record	records with reasonable particularity to avoid inefficient use of staff time in retrieving and preparing records for inspection.
Record Custodian	<ul style="list-style-type: none"> <li>• Evaluates the request to determine whether the document is (1) open for public inspection, or (2) excluded from public inspection by the Illinois Freedom of Information Act.</li> <li>• Within 7 working days of the request's receipt, provides written notice to the person making the request whether the request is accepted or denied.</li> <li>• If a delay in responding is needed due to circumstances specified in Section 3 of the Act, provides written notice to the person making the request of the reason for the delay and the date on which a response will be made. The delay may not be greater than 7 additional working days.</li> <li>• If the record is open, notifies the person when the record will be available.</li> <li>• If the record is excluded from inspection by the Illinois Freedom of Information Act, provides written notice to the person making the request that (1) the request is denied, (2) the reason for the denial, and (3) the person's right to appeal the decision to the School Board President.</li> <li>• If compliance with the request would be unduly burdensome due to the request's breadth, confers with the person making the request in an attempt to reduce the request to manageable proportions. If the request continues to be unduly burdensome, explain this in writing to the person making the request and include the reason why the request is unduly burdensome.</li> <li>• If a school official is currently using the record, informs the person making the request that access will be delayed until the school official's use is finished.</li> <li>• Should the requested records be classified as exempt but contain information which is not exempt, deletes the exempt material and releases the remaining information for inspection and copying.</li> <li>• Is present during inspection or copying of School District records.</li> </ul>
Person making request	If copies of the District public records are wanted, pays the copying fee at the time of inspection.

Actor	Action
Superintendent or designee	<p>Maintains a directory describing the School District, listing all employees, and describing the types of records that are maintained and available for public inspection, including:</p> <p>Financial records:</p> <ul style="list-style-type: none"> <li>• Budget</li> <li>• Levy resolution and certificate of tax levy</li> <li>• Audit</li> <li>• Bills</li> <li>• Receipts for revenue</li> <li>• Vouchers</li> <li>• Canceled checks</li> <li>• Water and sewer bills</li> <li>• Real estate tax receipts</li> <li>• Salary schedules</li> <li>• Utility bills</li> </ul> <p>General records:</p> <ul style="list-style-type: none"> <li>• School Board minutes</li> <li>• School Board resolutions</li> <li>• Bidding specifications</li> <li>• School Board policies and administrative procedures</li> <li>• Administrative instructions to staff (unless exempt under Section 7 of the Act)</li> <li>• Personnel code</li> <li>• Personnel names, salaries, titles, and dates of employment</li> <li>• Office equipment</li> <li>• Insurance</li> <li>• Capital equipment</li> <li>• Real estate</li> <li>• Legal notices</li> <li>• Newspaper articles</li> <li>• Application for contracts, permits, grants, or agreement (unless exempt under Section 7 of the Act)</li> <li>• Consulting contracts</li> <li>• Contracts for capital equipment</li> <li>• Contracts for office supplies</li> <li>• Contracts for maintenance and repair</li> <li>• Number of employees</li> <li>• Official bonds</li> </ul>
Person making request	May appeal the denial of a request by sending a written notice of appeal to the President of the School Board.

<b>Actor</b>	<b>Action</b>
School Board President	Within 7 working days after the notice of appeal, provides written notice of his or her determination concerning the appeal to the person making the appeal.

LEGAL REF.: 5 ILCS 140/1 et seq. (Freedom of Information Act).

**School Board**

**Exhibit - Written Request for District Records**

*To be submitted to the Superintendent*

Please provide the following information required to inspect and/or copy District records:

\_\_\_\_\_  
Name (*Please print*) \_\_\_\_\_  
Signature

\_\_\_\_\_  
Address Apt. # \_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
City State Zip Code \_\_\_\_\_  
Date of Request

Please describe the records you are requesting for inspection:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please indicate the records you are requesting to have copied:

Number of  
Copies:

_____	_____
_____	_____
_____	_____
_____	_____

*Please note that a duplicating fee must be paid before the copies are made.*

**School Board**

**Exhibit - Response to Request for District Record Inspection**

*To be completed by Superintendent or designee:*

Date

Name

Address

City/State/Zip Code

Dear \_\_\_\_\_:

The following records are available for inspection at: \_\_\_\_\_

Date available: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The following records are **NOT** available for inspection:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

for the following reason(s):

- The requested records are exempt from disclosure under the Illinois Freedom of Information Act.
- The requested records are stored entirely or partially at other locations than the office having charge of the requested records.
- The request requires the collection of a substantial number of specified records.
- The request is couched in categorical terms and requires an extensive search in order to be responsive to it.

- The requested records have not been located and additional efforts are being made to find them.
- The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under the Illinois Freedom of Information Act or should be revealed only with appropriate deletions.
- The request for records cannot be complied with by the District within the time limits prescribed without unduly burdening or interfering with its operations.
- There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body, having a substantial interest in the determination or in the subject matter of the request.

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Superintendent or Designee

### School Board

#### Exhibit - Inspection Report for District Records

*To be completed by Superintendent or designee at time of inspection*

Person(s) requesting records for inspection: \_\_\_\_\_

Staff member present during inspection: \_\_\_\_\_

Location of inspection: \_\_\_\_\_ Time: \_\_\_\_\_

Records Inspected	Number of Pages	Cost Per Page	Total Cost
Total:			

Records provided by:

Name	Title	Date
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representing the District, and (5) all information exempted from disclosure under the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq. <sup>19</sup>

After 18 months have passed since being made, the audio recording of a closed meeting is destroyed provided the Board approved: (1) its destruction, and (2) minutes of the particular closed meeting. <sup>20</sup>

Requests by members of the public for access to a recording of a closed meeting will be denied unless the Board has found that the recording no longer needs confidential treatment. Individual Board members may listen to verbatim recordings when that action is germane to their responsibilities, e.g., in order to check the accuracy of minutes or to determine whether the recordings no longer require confidential treatment. In the interest of encouraging free and open expression by Board members during closed meetings, the recordings of closed meetings should not be used by Board members to confirm or dispute the accuracy of recollections. <sup>21</sup>

#### Quorum

A majority of the full membership of the School Board shall constitute a quorum whether individuals are present physically or via a speaker telephone. <sup>22</sup>

#### Rules of Order

The Board President, as the presiding officer, will use Robert's Rules of Order Newly Revised as a guide when a question arises concerning procedure. <sup>23</sup>

#### Broadcasting and Recording Board Meetings

Any person may record or broadcast an open School Board meeting. <sup>24</sup> Requests for special needs, such as seating, writing surfaces, lighting, and access to electrical power, should be directed to the Superintendent at least 2 hours before the meeting.

Recording meetings shall not distract or disturb Board members, other meeting participants, or members of the public. The Board President may designate a location for recording equipment, may restrict the movements of individuals who are using recording equipment, or may take such other steps as are deemed necessary to preserve decorum and facilitate the meeting.

LEGAL REF.: 5 ILCS 120/2a, 120/2.02, 120/2.05, and 120/2.06.  
105 ILCS 5/10-6, 5/10-7, and 5/10-16.  
Prosser v. Village of Fox Lake, 438 N.E.2d 134 (1982).

CROSS REF.: 2:200 (Types of School Board Meetings), 2:210 (Organizational School Board Meeting), 2:230 (Public Participation at School Board Meetings and Petitions to the Board)

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<sup>19</sup> 5 ILCS 120/2.06(e), as amended by P.A. 93-523, states: "The provisions of this subsection do not supercede the privacy or confidentiality provisions of State or federal law." The Illinois Freedom of Information Act, 5 ILCS 140/1 et seq., contains a semi-complete list of those interests in its section exempting records from public disclosure. 5 ILCS 140/7.

<sup>20</sup> This paragraph paraphrases 5 ILCS 120/2.06(c), as amended by P.A. 93-523. Provided that a recording is destroyed under the conditions listed, no notification to, or the approval of, a records commission or the State Archivist is needed.

<sup>21</sup> This sentence is optional. Intra-board conflicts may escalate if the recording is used to confirm or dispute who-said-what.

<sup>22</sup> 105 ILCS 5/10-6 and 5/10-12. Telephone conference calls are acceptable under the Open Meetings Act. Freedom Oil Company v. Illinois Pollution Control Board, 655 N.E.2d 1184 (Ill.App.3d 1995) (The Open Meetings Act allows some, but not necessarily all, public meetings to be held by telephone conference call).

<sup>23</sup> School boards are not required to follow any particular rules of order. Rules, however, must be in writing and available for public inspection, in order to have any legal effect (105 ILCS 5/10-20.5).

<sup>24</sup> Required by 5 ILCS 120/2.05. The board must have a policy to govern the right to make recordings (Id.).

## School Board

### Uniform Grievance Procedure

A student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the School Board, its employees, or agents have violated his or her rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy, or have a complaint regarding:

1. Title II of the Americans with Disabilities Act;
2. Title IX of the Education Amendments of 1972;
3. Section 504 of the Rehabilitation Act of 1973;
4. Individuals With Disabilities Education Act, 20 U.S.C. §1400 *et seq.*;
5. Title VI of the Civil Rights Act, 42 U.S.C. §2000d *et seq.*;
6. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e *et seq.*;
7. Sexual harassment (Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972);
8. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children;
9. Curriculum, instructional materials, and/or programs;
10. Victims' Economic Security and Safety Act, 820 ILCS 180;
11. Illinois Equal Pay Act of 2003, 820 ILCS 112;
12. Provision of services to homeless students; or
13. Illinois Whistleblower Act, 740 ILCS 174/1 *et seq.*

The Complaint Manager will attempt to resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. All deadlines may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, "school business days" means days on which the District's main office is open.

### Filing a Complaint

A person (hereinafter Complainant) who wishes to avail him or herself of this grievance procedure may do so by filing a complaint with any District Complaint Manager. The Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same gender. The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with a student's parent(s)/guardian(s). The Complaint Manager shall assist the Complainant as needed.

### Investigation

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. If the Complainant is a student, the Complaint Manager will notify his or her parent(s)/guardian(s) that they may attend any investigatory meetings in which their child is involved. The complaint and identity of the Complainant will not be disclosed except: (1) as

required by law, this policy, or (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

The identity of any student witnesses will not be disclosed except: (1) as required by law or any collective bargaining agreement, or (2) as necessary to fully investigate the complaint, or (3) as authorized by the parent/guardian of the student witness, or by the student if the student is 18 years or age or older.

Within 30 school business days of the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Superintendent. The Complaint Manager may request an extension of time. If a complaint of sexual harassment contains allegations involving the Superintendent, the written report shall be filed with the Board, which will make a decision in accordance with Section 3 of this policy. The Superintendent will keep the Board informed of all complaints.

#### Decision and Appeal

Within 5 school business days after receiving the Complaint Manager's report, the Superintendent shall mail his or her written decision to the Complainant by U.S. mail, first class, as well as the Complaint Manager.

Within 10 school business days after receiving the Superintendent's decision, the Complainant may appeal the decision to the Board by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the Board. Within 30 school business days, the Board shall affirm, reverse, or amend the Superintendent's decision or direct the Superintendent to gather additional information. Within 5 school business days of the Board's decision, the Superintendent shall inform the Complainant of the Board's action.

This grievance procedure shall not be construed to create an independent right to a Board hearing. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.

#### Appointing Complaint Managers

The Superintendent shall appoint at least 2 Complaint Managers, one of each gender. The District's Nondiscrimination Coordinator, if any, may be appointed a Complaint Manager. The Superintendent shall insert into this policy the names, addresses, and telephone numbers of current Complaint Managers.

#### **Complaint Managers:**

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Name Shelly Logston, Principal

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Name Robert Reagan, Principal

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Address Cambridge Elementary School 312 South West Street, Cambridge, IL 61238

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Address Cambridge Junior/Senior High School, 300 South West Street, Cambridge, IL 61238

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Telephone 309/937-2028

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Telephone 309/937-2051

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.  
Americans With Disabilities Act, 42 U.S.C. §12101 et seq.  
Equal Pay Act, 29 U.S.C. §206(d).  
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.  
Individuals With Disabilities Education Act, 20 U.S.C. §1400 et seq.  
McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.  
Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.  
Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.  
Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.  
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.  
105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-22.5, 5/22-19, 5/24-4, 5/27.1, and 45/1-15.  
Illinois Whistleblower Act, 740 ILCS 174/1 et seq.  
775 ILCS 5/1-101.  
Victims' Economic Security and Safety Act, 820 ILCS 180, 56 Ill.Admin.Code Part 280.  
Equal Pay Act of 2003, 820 ILCS 112.  
23 Ill.Admin.Code §§1.240 and 200-40.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Sexual Harassment), 6:140 (Education of Homeless Children), 6:170 (Title I Programs), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Preventing Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities), 8:110 (Public Suggestions and Complaints)