

BOARD OF EDUCATION

BOARD MEETINGS - SCHOOL BOARD MEETINGS

General

The Board of Education may take official actions only at duly called, legally conducted meetings as defined by state law. Under the Illinois Open Meetings Act, a "meeting" is defined as any gathering, whether in person or by video or audio conference, telephone call, electronic means (e.g. electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of Board members held for the purpose of discussing school district business.

All meetings of the Board of Education will comply with the requirements of the Open Meetings Act. Every meeting of the Board must be public unless the subject matter of the meeting falls within one or more of the exceptions provided by law. The open meetings requirement applies not only to the Board of Education itself, but also to any committees and sub-committees appointed by the Board or Superintendent.

For all meetings of the Board and its committees, the Superintendent or his/her designee will satisfy all notice and posting requirements contained herein, as well as the Open Meetings Act. This will include notification to news media that have officially requested such notice, and others approved by the Board. In addition, the Board agenda for the next meeting and the approved minutes of the most recent meetings will be posted on the District 93 website at www.ccsd93.com.

Unless otherwise specified by the Board, all meetings are held in the District's administrative office. No meeting required to be public by the Open Meetings Act will be held on a legal holiday unless the regular meeting day falls on that holiday.

Regular Meetings

The School Board will hold regular meetings at times and on dates designated on a calendar adopted each year. However, meeting dates may be changed with 10 days' notice in accordance with state law.

A meeting agenda will be posted at the District's administrative office (and at the location where the meeting is held if at a different location), and at the entrance of all District schools, at least 48 hours before a regular meeting. Items not specifically on the agenda may still be considered during the meeting.

Closed Meetings

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

1. 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 legal counsel for the District to determine its validity. 5 ILCS 120/2(c)(1)

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2. 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)
3. The selection of a person to fill a public office, as defined in the Open Meetings Act, 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)
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 the Open Meetings 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 District, 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 District. 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, school building safety and security, and the use of personnel and equipment to respond to an actual, threatened, or reasonably potential danger to the safety of employees, students, staff, the public, or public property. 5 ILCS 120/2(c)(8).
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 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 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 District or any intergovernmental risk management association or self insurance pool of which the District is a member. 5 ILCS 120/2(c)(12).

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13. 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).
14. Discussion of minutes of meetings lawfully closed under the Open Meetings Act, whether for purposes of approval by the District of the minutes or semi-annual review of the minutes as mandated by Section 2.06 of the Open Meetings Act. 5 ILCS 120/2(c)(21).
15. Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America. 5 ILCS 120/2(c)(28).

During any open meeting, a majority of a quorum of the Board may vote to hold a closed meeting, or to close a portion of the current meeting. The vote of each School Board member on the question of holding a closed meeting, and the reason for the closed meeting, will be publicly disclosed and clearly stated in the motion and the meeting minutes.

Also, a single motion calling for a series of closed meetings may be adopted by a majority of a quorum of the Board when such meetings will involve the same particular matters and are scheduled to be held within three months of the vote.

The Board cannot take any final action during a closed meeting. Final action can only be taken during a regular session, preceded by a public recital of the matter being considered and other information that will inform the public of the business being conducted.

Special Meetings

Special meetings may be called by the President or by any three members of the School Board. However, notice of such meetings must be given to other Board members in writing, stating the time, place, and purpose of the meeting at least 48 hours before the meeting by mail, or at least 24 hours before the meeting by personal delivery.

Public notice of a special meeting, except a meeting held in the event of a bona fide emergency, or of a rescheduled regular meeting, or of any reconvened meeting, is given by posting a notice at the District's administrative 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 will accompany the notice.

No matters shall be discussed, considered, or brought before the School Board at any special meeting other than those matters that were included in the stated purpose of the meeting. However, the validity of any action taken by the Board at a special meeting which is germane to a subject on the agenda will not be affected by other errors or omissions in the agenda.

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Reconvened or Rescheduled Meetings

Any regular or special meeting may be rescheduled recessed, or adjourned by passing a motion to that effect, stating the date, time, and place at which the meeting will be reconvened, if applicable. The reconvened meeting may be similarly recessed and reconvened as often as desired, except that no meeting should be recessed to a date beyond that of the next regular meeting.

Public notice of a rescheduled or reconvened meeting will 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.

If public notice of a recessed regular meeting has been given, all business may be transacted that would have been proper in the meeting from which recess was taken, including additions to the agenda. If public notice of a recessed regular meeting was not given, only items of business that were included in the original agenda may be transacted.

In the case of a recessed special meeting, additions to the agenda require not only that public notice be given, but also that all members are present and agree to such additions.

Emergency Meetings

Notice of emergency meetings shall be given as soon as practicable to news media that have filed a written request for such notice.

Compliance with the Open Meetings Act

The Board of Education will designate the Superintendent and one or more administrators or employees to receive training concerning compliance with the Illinois Open Meetings Act. A list of those designees will be submitted to the Public Access Counselor established in the Office of the Illinois Attorney General. Within 30 days of designation, and annually thereafter, those persons initially designated by the Board must successfully complete the electronic training curriculum developed and administered by the Public Access Counselor. In addition, each Board member must complete a course of training on the Open Meetings Act not later than ninety (90) days after taking the Oath of Office.

Requests for Review Under the Open Meetings Act

In addition to any other legal remedy he/she may have, any person who believes that the District has violated the Open Meetings Act may file a written request for review with the Public Access Counselor established in the Office of the Illinois Attorney General not later than 60 days after the alleged violation. The request must be in writing, must be signed by the requesting party, and must include a summary of the facts supporting the allegation.

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Upon receipt of a request for review, the Public Access Counselor determines whether further action is warranted. If the Public Access Counselor determines that the alleged violation is unfounded, the requester and the District will be so advised, and no further action will be taken.

In all other cases, the Public Access Counselor will forward a copy of the request for review to the District within 7 working days, specifying any records or other documents that the District must furnish to facilitate the review. Any request for review, or other question, complaint or concern regarding the District's compliance with the Open Meetings Act will be immediately directed to the Superintendent, who may consult with the Board President, the District's legal counsel, and/or those persons who have successfully complete the electronic training curriculum developed and administered by the Public Access Counselor, for guidance.

Within 7 working days after receiving the request for review and the request for records, the District must provide copies of the records requested and fully cooperate with the Public Access Counselor, and may answer the allegations of the request for review by letter, brief, or memorandum. Upon request, the District may also furnish the Public Access Counselor with a redacted copy of the answer excluding specific references to any matters at issue. The District may also furnish affidavits and records concerning any matter germane to the review. Records obtained by the Public Access Counselor from the District for purposes of addressing a request for review may not be disclosed to any member of the public, including the requesting party, and are exempt from disclosure by the Public Access Counselor under the Illinois Freedom of Information Act.

The requesting party may respond in writing to the District's answer (or redacted answer if provided) within 7 working days and provide a copy of the response to the District.

The Attorney General also has the discretion to resolve a request for review by mediation or by a means other than the issuance of a binding opinion. The decision not to issue a binding opinion is not reviewable.

Unless the Attorney General's office decides to address the matter without a binding opinion, the Attorney General will make findings of fact and conclusions of law, and issue an opinion within 60 days after initiating its review, unless the Public Access Counselor extends the time by no more than 21 business days. Written notice of such extension will be sent to the requesting party and the District, along with a statement of the reasons for the extension.

Administrative Review Under the Open Meetings Act

Any binding opinion is issued by the Attorney General is considered a final decision of an administrative agency, for purposes of administrative review under the Illinois Administrative Review Law (735 ILCS 5/Art. III). If the District receives a binding opinion concluding that a violation of the Open Meetings Act has occurred, the District will either take necessary action to comply with the directive of the opinion as soon as practical, or initiate administrative review. Likewise, if the opinion concludes that no violation has occurred, the requesting party may initiate administrative review, and the District will respond accordingly. Any action for administrative review must be commenced in either Cook or Sangamon County, regardless of the location of the District.

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The Illinois Open Meetings Act provides that the Attorney General may also issue advisory opinions to public bodies regarding compliance with the Act. A public body that relies in good faith on an advisory opinion of the Attorney General in complying with the requirements of the Open Meetings Act is not liable for penalties under the Act, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor. School District 93 will seek advisory opinions from the Attorney General when appropriate.

LEGAL REF.: Illinois School Code, Sec. 10-6 and 10-16 (105 ILCS 5/10-6 and 5/10-16); and Illinois Open Meetings Act, Sec. 1, *et seq.* (5 ILCS 120/1 *et seq.*)

CROSS REF.: 270.01, 270.07 and 270.19

Adopted: March 10, 1983
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