

## **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 Board. Unless otherwise specified, all meetings are held in the District's main office. Board policy 2:220, *School Board Meeting Procedure*, governs meeting quorum requirements.

The Superintendent is designated on behalf of the Board and each Board committee to receive the training on compliance with the Open Meetings Act that is required by Section 1.05(a) of that Act. The Superintendent may identify other employees to receive the training. In addition, each Board member must complete a course of training on the Open Meetings Act as required by Section 1.05(b) or (c) of that Act.

#### **Regular Meetings**

The 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 Board meetings. The regular meeting calendar may be changed with 10 days' notice in accordance with State law.

A meeting agenda shall be posted at the District's main office and the Board's meeting room, or other location where the meeting is to be held, at least 48 hours before the meeting.

#### **Closed Meetings**

The Board and 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).
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 the Open Meetings 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 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 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, school building safety and security, 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), amended by P.A. 99-235, eff. 1-1-16.
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 the Open Meetings 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).
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)(29).

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 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 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 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 main 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.

All matters discussed by the Board at any special meeting must be related to a subject on the meeting agenda.

### 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 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 meeting which shall remain posted until the meeting is concluded.

### Compliance with the Open Meetings Act

The Board of Education will designate one or more Board members, administrators or employees to receive training concerning compliance with the Open Meetings Act. A list of those designees will be submitted to the Public Access Counselor established in the Office of the Attorney General. On or before June 30, 2010, 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. Any additional Board members, administrators or employees designated by the Board to receive such training must successfully complete the electronic training curriculum developed and administered by the Public Access Counselor within 30 days after such designation.

### 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.

Upon a 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 completed 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 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.

#### Advisory Opinions Under the Open Meetings Act

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 204 will seek advisory opinions from the Attorney General when appropriate.

LEGAL REF.: 5 ILCS 120/, Open Meeting Act.  
5 ILCS 140/, Freedom of Information Act.  
105 ILCS 5/10-6 and 5/10-16.

CROSS REF.: 2:110 (Qualifications Term, and Duties of Board Officers), 2:120 (Board Member Development), 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)

ADOPTED: January 25, 2016