

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS

JEANETTE WARD,)
)
Plaintiff,)
)
v.)
)
BOARD OF EDUCATION OF)
COMMUNITY UNIT SCHOOL DISTRICT 46,)
)
Defendant.)

Case No.:

'16 MR 545

FILED
ENTERED
MAY 16 A 11:34
THOMAS H. HARTNETT
CLERK OF CIRCUIT COURT
KANE COUNTY, ILL.

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Plaintiff, Jeanette Ward, by and through her undersigned counsel, and pursuant to 735 ILCS 5/11-101, moves this Court for the entry of a temporary restraining order and preliminary injunction that enjoins Defendant, Board of Education of Community Unit School District 46 (the "Board"), from destroying the verbatim record of the closed session that occurred on January 25, 2014. In support of her motion, Plaintiff states as follows:

INTRODUCTION

Plaintiff brings this emergency motion for temporary restraining order and preliminary injunction in order to enjoin the Board from destroying the verbatim record of a closed session that Plaintiff requested to listen to in her capacity as a Board member, but that the Board has refused to allow her to access. The Board will vote to destroy the verbatim record tonight at the May 16, 2016 Board meeting. Plaintiff needs to listen to the verbatim record of this closed session in order to fulfill her duties to the Board by: (1) assessing whether a violation of the Open Meetings Act, 5 ILCS 120/1 *et seq.*, occurred during the closed session; and (2) assessing whether she should vote in favor of or against the item on the Board's May 16, 2016 agenda to destroy the verbatim record of the January 25, 2014 closed session. After Plaintiff made her initial request and follow-up

requests to listen to the verbatim record, the Board adopted a policy whereby a majority of the full Board must vote to grant access to the verbatim records of closed sessions. The Board subsequently denied Plaintiff access to the verbatim record by a 4-3 vote. There is legislation (House Bill 4630) that recently passed the House by unanimous vote, which would codify the right of members of boards of public bodies to access closed session recordings that predate their election. Now, the Board wants to vote to destroy the verbatim record of the January 25, 2014 closed session. This Court should enjoin the Board from destroying the verbatim record of that closed session until it can determine whether Plaintiff has a right to access the verbatim record.

FACTUAL BACKGROUND

Plaintiff is a duly elected member of the Board. (Complaint ¶ 1, attached hereto and incorporated herein as **Exhibit A**) She became a member of the Board of Education in May of 2015, and serves on its Legislative Committee. (*Id.* ¶ 3) On January 25, 2014, the Board conducted a closed session Special Board Meeting at which, upon information and belief, certain matters were discussed that are not matters exempt under 5 ILCS 120/2(c) from the general requirement under 5 ILCS 120/2(a) that meetings be conducted in open session. (*Id.* ¶ 7) On information and belief, the minutes are not in conformance with 5 ILCS 120/2.06(a)(3). (*Id.*)

Since her election and swearing into office in May 2015, Ward has made repeated requests for access to the verbatim recordings of the January 25, 2014 closed session meeting, and has been repeatedly denied. (*Id.* ¶ 8) For example, on August 24, 2015, during a meeting of the Board's legislative committee, Plaintiff made a request to listen to the verbatim record of the January 25, 2014 Special Board Meeting. (Ward Aff. ¶ 4, attached to Ex. A) The Board denied Plaintiff's request. (*Id.*) After Plaintiff requested to listen to the verbatim record, on September 28, 2015, the Board adopted a new policy regarding a Board member's right to access to verbatim recordings

of closed session meetings whereby a majority of the full Board must vote to approve such access beforehand. (Ward Aff. ¶ 5, attached to Ex. A) The Board placed Plaintiff's request on the agenda for the October 5, 2015 Board meeting. (*Id.* ¶ 6) After public comment and discussion amongst the Board, the Board deadlocked at 3 votes for and 3 votes against allowing Plaintiff to listen to the January 25, 2014 recording. (*Id.*) The Board did not place my request to listen to the verbatim recording of the January 25, 2014 Special Board Meeting on the agenda prior to enacting the policy on September 28, 2015, despite repeated requests. (*Id.*) On October 19, 2015, the Board again took up my request to listen to the verbatim recording of the January 25, 2014 Special Board Meeting. (*Id.* ¶ 7) After public comment and discussion by the Board, the Board voted 4 to 3 to not approve my request to listen to the verbatim recording. (*Id.*)

On the Board's agenda for the May 16, 2016 meeting, is an item of business which the Board is set to vote on the destruction of the January 25, 2014 verbatim recording. (Ex. A ¶ 8) On April 14, 2016, a bill passed out of the Illinois House of Representatives HB4630 on a vote of 112 to 0, which amends the OMA by adding the following language:

“Any and all available minutes and verbatim recordings of meetings closed to the public prior to a newly elected official's term in a public body shall be available to that official for review, regardless of whether those minutes or verbatim recordings are confidential.”

(Ex. A ¶ 11) HB4630 is currently set for a 3rd reading before the Illinois Senate as required under the Illinois Constitution. (*Id.* ¶ 12)

ARGUMENT

I. Legal Standard.

Generally, four factors must be satisfied before an interlocutory injunction will be granted, namely that (a) the plaintiff possesses a clearly ascertainable right in need of protection, (b) there is a likelihood that the plaintiff will succeed on the merits, (c) the plaintiff will suffer irreparable

harm if an injunction does not issue, and (d) the plaintiff has no adequate remedy at law. *Mohanty v. St. John Heart Clinic, S.C.*, 225 Ill.2d 52, 63 (2006).

II. The Court Should Enter A Temporary Restraining Order That Enjoins Defendant From Destroying The Verbatim Record Of the January 25, 2014 Closed Session.

A. Plaintiff Has A Clearly Ascertainable Right In Need Of Protection.

The issue is whether Plaintiff has a clearly ascertainable right in need of protection where she owes Community Unit School District 46 (“U-46” or the “District”) a fiduciary duty of due care as a duly elected member of its Board, where consistent with her fiduciary duty she has a right and need to access the verbatim records of the January 25, 2014 closed session, where she has in fact requested access to the verbatim records, and where the Board will move to destroy those records on May 15, 2016, and, if the motion passes, destroy those records before Plaintiff has a chance to access them and before legislation is passed that would establish such a right explicitly. Illinois law prevents the Board’s majority from denying the Board’s own members access to information that the members need and have a clearly ascertainable right to access.

“A public official is a fiduciary to the public entity he or she serves.” *In re Carnow*, 114 Ill. 2d 461, 470 (1986). “[P]ublic officers are bound to bring to the discharge of their duties that prudence, caution and attention which careful men usually exercise in the management of their own affairs.” Ill. Atty. Gen. Op. I-96-032 at 5, citing 63A Am. Jur. 2d, Public Officers and Employees, § 317. As to third-parties, public officers, like directors of private corporations, are presumed to have knowledge of information in records of the entity that they govern. *Roth v. Ahrensfield*, 373 Ill. 550, 555 (1940); *City of Rockford v. County of Winnebago*, 186 Ill. App. 3d 303, 312 (2d Dist. 1989). Indeed, the duty of diligence and care that must be exercised by members of a board of a public body does not differ significantly from that applicable to directors of a

business corporation.” Ill. Atty. Gen. Op. I-96-032 at 5. Directors of business corporations have a duty to inform themselves of the material facts necessary to exercise their judgment.¹ *Id.*

Here, Plaintiff is a member of the Board. (Ward Aff. ¶ 2) She thus owes the District a fiduciary duty. *In re Carnow*, 114 Ill. 2d at 470. Consistent therewith, she has an obligation to inform herself of the material facts she deems necessary to exercise her judgment as a Board member, Ill. Atty. Gen. Op. I-96-032 at 5, and there is a presumption that she has knowledge of information in the contents of the records of U-46. *Roth*, 373 Ill. at 555; *City of Rockford*, 186 Ill. App. 3d at 312.

Plaintiff submitted multiple requests to listen to the verbatim records of the closed session that took place during the January 25, 2014 Special Meeting of the Board. (Ward Aff. ¶¶ 3-4, 6-7) Plaintiff has a right to listen to those verbatim records in order to satisfy the fiduciary duty she owes the Board to stay informed so that she can exercise her judgment as a Board member in a sound manner. (*Id.* ¶ 9) This is a clearly ascertainable right in need of protection. Additionally, Plaintiff needs to listen to the tapes so that she can determine whether violations of the Open Meetings Act, 5 ILCS 120/1 *et seq.*, occurred. This is also a clearly ascertainable right in need of protection. *Hopf v. Topcorp, Inc.*, 170 Ill. App. 3d 85, 90 (1st Dist. 1988) (Public has a protectible right within meaning of requirements for preliminary injunction for mandamus, declaratory and injunctive relief, to have meetings and deliberations of public entities follow requirements of state Open Meetings Act).

¹ The ability of directors to unilaterally access facts and information related to their exercise of judgment is subject to certain exceptions. For example, the ability is limited in the context of attorney-client privileged information.

B. Plaintiff Is Likely To Succeed On The Merits.

The issue is whether Plaintiff is likely to succeed on the merits where the Plaintiff has a right and need to access information related to U-46, such as the information contained in the verbatim record of the January 25, 2014 closed session meeting of the Board.

To establish a likelihood of success on the merits, it is not necessary that a plaintiff make out a case that in all events will warrant relief at the final hearing. *Tie Systems, Inc., Illinois v. Telcom Midwest, Inc.*, 203 Ill.App.3d 142, 150 (1st Dist. 1990). It is only necessary that the plaintiff raise a “fair question as to” the likelihood of success on the merits. *Buzz Barton & Associates, Inc. v. Giannone*, 108 Ill.2d 373, 382 (1985). Although Plaintiff has done far more than raise a fair question as to her likelihood of success on the merits, it is worth noting that “[i]f the subject of the injunction is property which may be destroyed...the injunction is properly allowed or maintained even where there may be serious doubt as to the ultimate success of the complaint.” *Save the Prairie Soc. v. Greene Dev. Grp., Inc.*, 323 Ill. App. 3d 862, 870 (1st Dist. 2001), quoting *Blue Cross Ass'n v. 666 N. Lake Shore Drive Associates*, 100 Ill. App. 3d 647, 650-51 (1st Dist. 1981).

Here, Plaintiff owes the District a fiduciary duty as a member of its Board, and consistent therewith she has requested access to the verbatim record of the January 25, 2014 closed session in order to educate herself so that she may be informed as to: (1) whether a violation of the Open Meetings Act, 5 ILCS 120/1 *et seq.*, occurred; and (2) whether she should vote in favor of or against the item on the Board’s May 16, 2016 agenda to destroy the verbatim record of the January 25, 2014 closed session. Illinois courts have repeatedly held that board majorities may not deny board members access to information the board members need to fulfill their duties to the board. *E.g., Kunin*, 21 Ill. App. 2d at 226; *Stone*, 62 Ill. App. 444. The Attorney General agrees that

members of board of public bodies have a right to access information that they need in order to keep themselves informed so that they may satisfy their fiduciary duties. Ill. Atty. Gen. Op. I-96-032 at 5. Moreover, public officers are presumed to have knowledge of information in records of the entities that they govern. *Roth*, 373 Ill. at 555; *City of Rockford*, 186 Ill. App. 3d at 312. Denying public officers access to the very records that contain such information would thus be inconsistent and contrary to Illinois law. Finally, there is currently pending legislation (House Bill 4630) that would explicitly codify the right of board members of public entities to access closed session recordings that predate their election to the board. This bill passed the House unanimously. Hence, Plaintiff has established a likelihood of success on the merits under the usual standard.

This case, however, is not subject to the usual standard because it concerns property (*i.e.*, the verbatim record of the January 25, 2014 closed session), which will likely be destroyed without intervention from this Court. As such, the injunction is properly allowed or maintained even where there may be serious doubt as to the ultimate success of the complaint.” *Save the Prairie Soc.*, 323 Ill. App. 3d at 870, quoting *Blue Cross Ass'n*, 100 Ill. App. 3d at 650-51.

C. Plaintiff Will Suffer Irreparable Harm If The TRO Does Not Issue.

The issue is whether Plaintiff will suffer irreparable harm where the Board, by 4-3 vote, has denied her request to listen to the verbatim record of the January 25, 2014 closed session, and where that same Board will vote on May 16, 2016, to destroy that verbatim record without first allowing Plaintiff to listen to the tape.

An injury is irreparable when it is of such a nature that the injured party cannot be adequately compensated therefor in damages, or when the damages which result therefrom cannot be measured by any certain pecuniary standard. *Washingtonian Home of Chicago v. City of Chicago*, 281 Ill. 110, 119 (1917). There is no requirement that a court must wait until an injury

occurs before granting relief. *Office Elecs., Inc. v. Grafic Forms, Inc.*, 56 Ill. App. 3d 395, 399, (2d Dist. 1978).

Here, if the verbatim record of the January 25, 2014 closed session is destroyed before Plaintiff can listen to it there is not an award of monetary damages that can adequately compensate Plaintiff for the injury. The Board has voted by a 4-3 margin in the past to deny Plaintiff her right to access the verbatim record, and the same Board will vote on May 16, 2016, whether to destroy the verbatim record of the January 25, 2014 closed session. It is expected that the Board will vote to destroy the verbatim record. This is an irreparable injury.

D. Plaintiff Does Not Have An Adequate Remedy At Law.

Related to the fact that Plaintiff will suffer irreparable harm if the verbatim record is destroyed, Plaintiff does not have an adequate remedy at law. An adequate remedy at law is one which is clear, complete and as practical and efficient to the ends of justice and its prompt administration as the equitable remedy. *Cross Wood Products, Inc. v. Suter*, 97 Ill. App. 3d 282, 286 (1st Dist. 1981). The power of issuing injunctions to prevent irreparable injury has long been an undoubted right of equity courts, of which they cannot be deprived, under the constitution, except in cases where a substitute remedy is provided that gives the same measure of relief. *Peoples Gas Light & Coke Co. v. Slattery*, 373 Ill. 31, 42 (1939). No award of monetary damages would be as clear, complete, and efficient here as the entry of a temporary restraining order that prevents the District from destroying the verbatim record of the January 25, 2014 closed session until this Court can make a full determination of Plaintiff's rights on the merits. Plaintiff consequently does not have an adequate remedy at law.

CONCLUSION

WHEREFORE, Plaintiff, Jeanette Ward, respectfully requests that the Court enter the temporary restraining order attached hereto as **Exhibit B** without requiring that Plaintiff post a bond, and for any other relief this Court deems necessary and proper.

Date: May 16, 2016

Respectfully submitted,



Timothy D. Elliott
Raymond J. Sanguinetti A(RDC # 6244798)
Michael P. Adams (ARDC # 6317046)
RATHJE & WOODWARD LLC
300 East Roosevelt Road, Suite 300
Wheaton, IL 60187
630-668-8500

Counsel for Plaintiff Jeanette Ward

Exhibit A

**IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS**

JEANETTE WARD,)	
)	
Plaintiff,)	
)	Case No.:
v.)	
)	Hon.
BOARD OF EDUCATION OF)	
COMMUNITY UNIT SCHOOL DISTRICT 46,)	
)	
Defendant.)	

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

NOW COMES Plaintiff, Jeanette Ward, by and through her undersigned counsel, and for her complaint for declaratory and injunctive relief, states as follows:

The Parties

1. Plaintiff Jeanette Ward (“Ward”) is a Board Member of the Board of Education of Community Unit School District 46 (“Board of Education”).
2. The Board of Education is a body corporate and politic with its center of governmental operations in Kane County, namely 355 E Chicago St., Elgin, Illinois.
3. Ward became a member of the Board of Education in May of 2015, and serves on its Legislative Committee.
4. The Board of Education is a public body and is subject to the Illinois Open Meetings Act (“OMA”), 5 ILCS 120/1 et seq.

Jurisdiction and Venue

5. Jurisdiction is proper pursuant to 735 ILCS 5/11-101 and 735 ILCS 5/2-701.
6. Venue is proper since all of the actions took place in Kane County.

Facts Common to All Counts

7. The OMA requires that public bodies keep and maintain verbatim recordings of all closed session meetings for a period of not less than 18 months, and that such recordings can only be destroyed if: (1) the public body approves the destruction of a particular recording; and (2) the public body approves minutes of the related closed session meeting that conform with the OMA, 5 ILCS 120/2.06(a).

8. The OMA requires, in part, that all written minutes of meetings, whether open or closed, must contain a “summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.” 5 ILCS 120/2.06(a)(3)

9. On January 25, 2014, the Board conducted a closed session during a Special Board Meeting at which, on information and belief, certain matters were discussed that are not exempt under 5 ILCS 120/2(c) from the general requirement under 5 ILCS 120/2(a) that all meetings of public bodies shall be open to the public. In addition, on information and belief, the minutes of the January 25, 2014 closed session of the Board of Education do not conform with 5 ILCS 120/2.06(a)(3). (See Affidavit of Jeanette Ward ¶ 9, attached hereto and incorporated herein as **Exhibit A**).

10. Since her election and swearing into office in May 2015, Ward has made repeated requests for access to the verbatim recordings of the January 25, 2014 closed session meeting, and has been repeatedly denied. (Ex. A ¶¶ 3, 4, 6, 7, 10).

11. On the Board’s agenda for the May 16, 2016 meeting, is an item of business pursuant to which the Board is set to vote on the destruction of the January 25, 2014 verbatim recording. Ward has again requested that she be given an opportunity prior to the meeting to listen to the verbatim recording, but has yet to receive a response. (Ex. A ¶¶8, 10).

12. Ward cannot make an informed vote as to whether the verbatim recording of the January 25, 2014 closed session should be destroyed unless she knows that the minutes of that closed session comply with the OMA, 5 ILCS 120/2.06(a)(3). The only way for Ward to know whether the minutes comply with the OMA is for Ward to listen to the verbatim recording of the January 25, 2014 closed session meeting of the Board of Education.

13. On April 14, 2016, a bill passed out of the Illinois House of Representatives HB4630 on a vote of 112 to 0, which amends the OMA by adding the following language:

“Any and all available minutes and verbatim recordings of meetings closed to the public prior to a newly elected official’s term in a public body shall be available to that official for review, regardless of whether those minutes or verbatim recordings are confidential.”

(See Bill Status and Full Text of HB4630, attached hereto and incorporated herein as **Exhibit B**)

14. HB4630 is currently set for a 3rd reading before the Illinois Senate as required under the Illinois Constitution. (See Ex. B)

COUNT I
DECLARATORY AND INJUNCTIVE RELIEF

15. Plaintiff realleges the allegations in paragraphs 1-14 as stated above and incorporates them herein.

16. As a member of the Board of Education, Plaintiff owes Community Unit School District 46 a fiduciary duty. Plaintiff has the right to access information and recordings in the possession, custody, and control of the Board of Education that are necessary for Plaintiff to fulfill her fiduciary obligations as an elected official, including the verbatim record of the January 25, 2014 closed session meeting of the Board of Education.

17. Should the Board of Education be allowed to destroy the verbatim recordings of the January 25, 2014 closed session meeting of the Board of Education, Plaintiff will suffer an irreparable injury in that no relief can be awarded that would restore the destroyed verbatim

recording, and in that Plaintiff will not be able to fulfill her fiduciary obligations as a duly elected member of the Board of Education to cast an informed vote as to whether the minutes of the meeting comply with the OMA.

18. If Plaintiff is not allowed to listen to the verbatim recordings to determine if the minutes are in conformance with the OMA requirements, and the tapes are destroyed, Plaintiff will be without an adequate remedy at law in that monetary relief cannot compensate Plaintiff for the destruction of the verbatim recording of the January 25, 2014 closed session meeting of the Board of Education.

19. Before a Board member can make an informed decision as to whether verbatim recordings of closed sessions should be destroyed, he or she must determine if the recordings being destroyed have corresponding minutes that conform to the requirements of the Open Meetings Act, 5 ILCS 120/2.06(a)(3). The only way for Plaintiff to determine whether the minutes of the January 25, 2014 closed session meeting of the Board of Education comply with the OMA is to listen to the verbatim recording.

20. Plaintiff has a likelihood of success on the merits in that she has a fiduciary obligation to Community Unit School District 46 to be informed when exercising her judgment on behalf of Community Unit School District 46, and consistent therewith Plaintiff has as right to access the records of Community Unit School District 46 that contain information Plaintiff needs in order to be so informed.

21. As an elected official and a member of the Board of Education, Plaintiff has a fiduciary obligation to ensure that the Board of Education complies with the OMA.

22. In order to ensure that the actions of the Board of Education comply with the requirements of the OMA with respect to whether the verbatim recording of the January 25, 2014

closed session meeting of the Board of Education can be properly destroyed, it is necessary under the OMA for Plaintiff to review the verbatim recording to verify that the minutes of that closed session meeting accurately reflect the recorded proceedings that are about to be destroyed by vote. 5 ILCS 120/2.06(a)(3).

23. There is a matter in actual controversy in that Plaintiff has requested that she be allowed to listen to the verbatim record, Plaintiff has a right to listen to the verbatim record, the Board of Education has denied her request to listen to the verbatim record, and the Board of Education is set to vote on whether the verbatim record shall be destroyed at its meeting on May 16, 2016.

24. Plaintiff is filing an emergency motion for a temporary restraining order and preliminary injunction in conjunction with the filing of this Complaint. Plaintiff's emergency motion is incorporated herein by reference.

WHEREFORE, Plaintiff Jeanette Ward respectfully requests the following relief:

1. That the Court declare that Plaintiff is allowed to listen to the verbatim recording of the closed session that took place during the January 25, 2014 Special Board Meeting of the Board of Education of Community Unit School District 46;

2. That the Court enjoin the Board of Education of Community Unit School District 46 and its representatives and agents from destroying the verbatim recording of the closed session that took place during the January 25, 2014 Special Board Meeting of the Board of Education before Plaintiff listens to the verbatim recording;

3. That the Court enter an injunction that compels the Board of Education of Community Unit School District 46 to provide Plaintiff with the verbatim recording of the closed session that took place during the January 25, 2014 Special Board Meeting; and

4. Award such other relief that this Court deems necessary and just.

Respectfully submitted,

JEANETTE WARD

By: /s/ Raymond J. Sanguinetti

One of her attorneys

Timothy D. Elliott
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Michael P. Adams (ARDC # 6317046)
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Exhibit A

**IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS**

JEANETTE WARD,)	
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Plaintiff,)	
)	Case No.:
v.)	
)	
BOARD OF EDUCATION OF)	
COMMUNITY UNIT SCHOOL DISTRICT 46,)	
)	
Defendant.)	

AFFIDAVIT OF JEANETTE WARD

I, Jeanette Ward, make this affidavit in support of the Complaint for Injunctive Relief and for a Temporary Restraining Order:

1. My name is Jeanette Ward. I am over the age of 21, and make this affidavit of my own knowledge. If called to testify about the matters contained in this affidavit, I would be able to testify competently and truthfully.

2. I am a member of the Community Unit School District 46 Board of Education (“Board”), duly elected in April 2015 and sworn into office in May 2015.

3. Upon my election and swearing into office in May 2015 and thereafter, I have made repeated requests orally and in writing to the Board to listen to verbatim recordings of closed session meetings, including the verbatim recording of a closed session that took place at the January 25, 2014 Special Board Meeting.

4. On August 24, 2015, during a meeting of the Board Legislative Committee, of which I am a member, I made a request to listen to the verbatim recording of the January 25, 2014 Special Board Meeting. Attached to this affidavit as “Exhibit A” is a true and accurate copy of the official minutes of the August 24, 2015 meeting. The reason for this request was to investigate claims that the Board may have violated the Illinois Open Meetings Act (“OMA”) when it discussed matters not proper for closed session.

5. On September 28, 2015, the Board adopted a new policy regarding a Board member’s rights in regards to access to verbatim recordings of closed session meetings. On a 4 to 3 vote, the Board voted to amend the process for access to recordings of closed session meetings, and provided that only the Board as a whole by majority vote can allow an

individual board member access to a specific recording. A true and accurate copy of the revised policy is attached as “Exhibit B.”

6. Upon information and belief, due to my repeated requests to listen to the verbatim recording of the January 25, 2014 Special Board Meeting, the Board placed my request on the agenda for the October 5, 2015 Board meeting. After public comment and discussion amongst the Board, the Board deadlocked at 3 votes for and 3 votes against allowing me listen to the January 25, 2014 recording. A true and accurate copy of the October 5, 2015 agenda are attached as “Exhibit C.” The Board did not place my request to listen to the verbatim recording of the January 25, 2014 Special Board Meeting prior to enacting the policy on September 28, 2015, despite repeated requests.
7. On October 19, 2015, the Board again took up my request to listen to the verbatim recording of the January 25, 2014 Special Board Meeting. After public comment and discussion by the Board, the Board voted 4 to 3 to not approve my request to listen to the verbatim recording. A true and accurate copy of the minutes are attached as “Exhibit C.”
8. On the Board’s Agenda for May 16, 2016, listed as item 15 as “Other Business”, the Board is set to consider the destruction of all verbatim recordings of closed session that are more than 18 months old, that have been reduced to writing. This would include the destruction of the recording of the January 25, 2014 Special Board Meeting. A true and accurate copy of the agenda is attached as “Exhibit D”.
9. Based on my review of the minutes of the January 25, 2014 meeting, and information that has already been made public during the public comment portions of the October 5th and October 19th Board meetings, I believe that the minutes are not accurate as to the topics that were discussed and what transpired at the meeting. The only way for me to fulfill my responsibility to insure that the transcribed minutes of the January 25, 2014 meeting are accurate is to listen to the verbatim recording. In addition, in order to determine whether the verbatim recordings of the closed session that took place during the January 25, 2014 Special Board Meeting should be destroyed, I need to verify that the minutes of that closed session comply with the Open Meetings Act. I cannot do this unless I can compare the January 25, 2014 closed session meeting minutes with the verbatim recording of the January 25, 2014 closed session. Hence, should this recording be destroyed, I will be unable to fulfill fiduciary obligations as a Board member.
10. On May 15, 2016, I made an additional request of the Board President, Donna Smith, to have access to the closed session recording, to make sure that there are adequate minutes of the meeting before the recording was destroyed. I have received no response to that

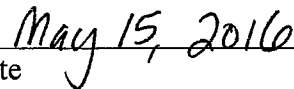
request. (See attached "Exhibit E", which is true and accurate email that I sent to Donna Smith)

11. Further affiant sayeth not.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.



Jeanette Ward



Date

Exhibit A

SCHOOL DISTRICT U-46
ELGIN, ILLINOIS

Board Legislative Committee Meeting
Policy Review
August 24, 2015

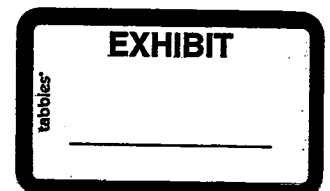
The Legislative Committee of the Board of Education met at the Educational Services Center, 355 East Chicago Street, Elgin, Illinois. Board Members in attendance were Phil Costello, Cody Holt, Susan Kerr, Veronica Noland, Jeannette Ward and Donna Smith. Also in attendance were Tony Sanders, Chief Executive Officer, Miguel Rodriguez, Chief Legal Officer, Mary Fergus, Director of School/Community Relations, and Luis Rodriguez, Staff Attorney. The following community and media members were present: Art Pierscionek, Rick Newton, Lisa Hopp, Jeffrey Meyer, and Seth Hancock of the Bartlett Examiner.

Mr. Rodriguez indicated that this meeting is being called to discuss proposed policy change as a result of the August 12, 2015 Board Legislative Committee Meeting regarding the release of closed session audio to all Board Members.

Mr. Rodriguez provided a draft of Policy #2.201 – Closed Sessions for discussion.

Mrs. Ward provided an opening statement, a summary of which is listed below.

- Board Members should have access to closed session recordings without permission from the Board.
- It is difficult to fulfill fiduciary duties not having unfettered access to all records.
- She recognizes that she does not have the support necessary to implement a policy allowing unfettered access.
- She will assist in corrections and edits to any drafted policy like the one received from Mr. Rodriguez, and she will abide by it if it is passed by the Board. However, she plans to vote against it if it does not allow access to audio recordings without permission from the Board.
- She reserves the right to continue to advocate future changes in the policy through ethical and constructive means.
- She mentioned an article in the press last week that indicated that Frank Napolitano alleged that there were Open Meeting Act (OMA) violations during closed session meetings dated May 13, 2013 and January 25, 2014.
- She stated that the May 13, 2013 recording has probably been destroyed but the January 25, 2014 recordings should not have been destroyed since that recording was less than 18-months since the new members took office and that she would like access to that recording.



Mrs. Smith stated that the dates in question, May 13, 2013 and January 25, 2014, were Board meetings with a field representative from the Illinois Association of School Boards (IASB) present during discussions. Mrs. Smith added that IASB ensures that the OMA is not violated.

Ms. Kerr asked if it is appropriate to discuss the above-mentioned meetings here since they were closed session meetings. Mrs. Smith said she was only clarifying what the meetings in question were about. Mrs. Smith again stated that an IASB Field Representative was present during closed session discussions for these particular meetings. Mrs. Smith added that the May meeting was for new Board Member orientation regarding Board Practices and Procedures. Ms. Kerr stated that the January meeting was for self-evaluation, as well as Superintendent and Board Secretary Evaluations. Mr. Rodriguez added that he was present at the May 13, 2013 meeting and knows what was discussed and affirmed there was no violation of the OMA.

Mrs. Ward commented on the draft policy raising a concern about using audio to dispute the accuracy of recollections. Mrs. Ward asked why this would be the case. Ms. Kerr pointed out that several of the sample policies reviewed at the previous meeting had this same language. Ms. Kerr stated that perhaps it's to make sure that individuals don't use the policy as a means to prove someone wrong. Mrs. Ward added that the recording is the recording. Mrs. Ward asked what the harm is.

Ms. Noland stated that closed session is closed for a reason – you can have an open discussion during self-evaluations or other closed session topics. She asked what would be the purpose of going back to prove someone wrong.

Mr. Costello raised a concern and asked what would happen if closed session information was shared in public. Mr. Rodriguez stated that all topics discussed in closed session are protected by law and there could be legal consequences. Mr. Rodriguez added that the consequences are usually against the entity but could be against the individual board member. Mr. Costello further stated that he is in favor of allowing any Board Member access to closed session audio. Mr. Costello feels there are reasons to review past audio. For example, to understand the process for handling closed session items such as student disciplinary matters.

Ms. Noland added that when requesting access to audio recordings, the Board should be provided with specific reasons for consideration. Ms. Noland feels that a majority is necessary to make such a decision. Ms. Noland stated that she was also was in attendance at the May and January meetings and does not believe there was any violation of the OMA. Before allowing access to the January audio, she would like to know the specifics of the accusation.

Ms. Kerr agreed there should be an agreement of the majority before access to the audio.

Mrs. Ward again asked how Board Members can be asked to approve closed session minutes if they are not at the meeting and don't have access to the audio. Ms. Kerr stated that all the closed session minutes before new members took office were approved by the previous Board.

Mrs. Ward added that she will not vote to destroy audio recordings from previous meetings that she did not attend without listening to them.

Ms. Noland stated that the purpose of the audio is to assist the person transcribing the minutes. Mr. Rodriguez added that the Board is required, by law, to record all Board meetings.

Mr. Holt asked where the audio recordings are stored. Mr. Rodriguez stated they are stored with the Board Secretary and that recordings belong to the Board of Education.

Mr. Holt raised a concern about the process outlined in the draft policy which states that recordings have to be reviewed at the District Office under the supervision of the Board's Secretary or the Superintendent/Chief Executive Officer.

Mr. Holt's specific concern is that he doesn't believe that a staff member, the Board Secretary, should supervise the process. Mr. Holt would rather have another Board Member supervise this process. Mr. Costello added that he does not believe who supervises the process matters. Ms. Noland added that the Board has already given the responsibility of Board matters to the Board Secretary and supervising this process would be part of his duties for the Board.

Mr. Sanders added that at the previous meeting, the Committee discussed adding specific procedures on how the audio would be accessed and listened to.

Mr. Holt added that perhaps the closed session audio should be in the possession and responsibility of the Board President. Additionally, the Board President should have keys and immediate access to the audio recordings. Mrs. Smith stated that she would not want the responsibility and believes it should remain with the Board Secretary. Ms. Kerr agreed that the audio should remain at the District Office.

Ms. Noland suggested that at the time of the request, the Board should also designate who will supervise the process. Mr. Holt agreed that would be an acceptable solution. All were in agreement to adding this to the policy as part of the process.

Ms. Noland suggested adding language that a Board Member could also monitor the review of audio recordings. Also discussed was using written minutes to confirm or dispute the accuracy of meetings.

Mr. Costello restated that the Board would be subject to the requirements of the law keeping closed session audio confidential.

Mrs. Ward clarified that when voting on a request to listen to audio, it is to be done in open session.

Mr. Holt stated that any Board Member should have access to closed session audio recordings without majority agreement. Mrs. Ward agreed and restated that she will abide by the policy but will vote against the policy when it is presented to the whole Board.

Public Comments:

Mr. Newton questions whether the Board has the discipline to follow its own rules and policies when discussions go astray. He feels that this matter is less of an issue of content but rather a determination of what is accurate or not. Mr. Newton added that he does not like the word "germane" and feels that the Board should have complete access to audio regardless of its subject matter. Mr. Newton also hopes that the Board would do its own checks and balances to ensure they follow the rules. Mr. Newton also asked about the statement "free and open expression" and what does it mean as it relates to closed session discussions.

Ms. Noland responded to the concern, stating that it allows Board Members the ability to express their opinions as long as the discussions remain germane and remain within the exceptions of closed session items.

Mr. Newton added that there should be integrity in all Board matters and the Board should conduct themselves honestly and forthright.

Ms. Hopp raised a concern about the future release of student information if past audio recordings are released to all seated Board Members. Ms. Hopp is concerned about the privacy of students and staff and that it is not compromised in the future.

Mr. Sanders clarified that all student and staff matters dating back to 2008 are accessible to current Board members through the online Board meeting agenda system. Mr. Sanders stated this includes all Board meeting agendas and documents since 2008.

Ms. Hopp added that she does not understand the need to go back to get details when the minutes already summarize all meetings.

Mr. Holt believes the draft language in the policy stresses the fact that audio recordings of closed sessions are highly sensitive and confidential and are legally protected. Mr. Holt believes the Board is committed to maintaining confidentiality.

Mrs. Smith stated that the Board does monitor itself during closed session discussions. Mrs. Smith added that Mr. Rodriguez, as Board Secretary/Chief Legal Officer, ensures the Board is compliant with OMA if the conversation starts to divert. Mrs. Ward agreed that Mrs. Smith ensures the conversations stay within the specific closed session items. Ms. Noland added that it is up to the Board to self-police its business. Mr. Rodriguez stated that he has a fiduciary responsibility to ensure the conversations do not stray from closed session items.

Mr. Pierscionek stated that in the proposed language, there is nothing in the statute that prevents existing Board members from reviewing past audio or minutes. Mr. Pierscionek

believes that if Board Members have access to past agendas and documents, they should also have access to audio. Mr. Pierscionek believes that Mr. Napolitano's allegations should be investigated. Mr. Pierscionek suggested a solution allowing all current Board Members an opportunity to listen to the audio in question. Mr. Pierscionek added that having any one Board Member responsible for the audio recordings is a bad idea — the recordings should remain at the District Office.

Ms. Hopp added that she believes it is not necessary to discuss what Mr. Napolitano said. He made an allegation about something he cannot talk about and there is not an official complaint. Ms. Hopp believes there is no substance to his complaint.

Mr. Pierscionek said that listening to the recording would put an end to Mr. Napolitano's allegation.

Approved this _____ day of _____, 2015

President

Secretary

Exhibit B

CLOSED SESSIONS

Meetings of the Board of Education will be open to the public with the exception of closed sessions which will be held for the purposes of:

1. Collective negotiating matters between the school board and its employees or deliberations concerning salary schedules for one or more classes of employees. [NOTE: Collective bargaining sessions are exempt from Open Meetings Act/notice and minutes requirements.]
2. Meetings at which the acquisition, sale, or lease of real property is being considered, including the setting of a price for sale or lease of property owned by the public body.
3. Meetings to discuss litigation when an action against or on behalf of the school district has been filed and is pending in a court or administrative tribunal or when the school board finds such a suit is probable or imminent. [The basis for the finding will be recorded and entered into the minutes.]
4. Meetings to consider information regarding the discipline, performance, appointment, employment, or dismissal of an employee or to hear testimony on a complaint lodged against an employee to determine its validity.
5. Meetings relating to individual student discipline (suspension and expulsion cases) and/or a student's special education program placement.
6. Meetings with advisors to provide professional consultation on matters germane to its field of competence held to consider matters of professional ethics or performance.
7. Meetings to consider an appointment to fill a vacancy on the school board.
8. Meetings to establish reserves or settle claims in accord with the local government and governmental employees tort immunity act, risk-management and the District's self-insurance program.
9. Meetings to review Closed Session minutes.
10. Meetings with an IASB representative to discuss board self-evaluation, practices, procedures and professional ethics.
11. Meetings to discuss safety of staff, students and school premises, security related issues (in motion, include a description of the actual danger).



12. Meetings to discuss the sale or purchase of securities, investments or investment contracts.
13. 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.
14. 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).

The Board of Education will reconvene in a public meeting to take final action discussed in closed session.

Closed session meetings will be recorded on audiotape. Each recording will be retained for at least 18 months after it is created. After the 18 month retention period concludes, the recording will be destroyed if the Board approves both (1) the destruction of the recording and (2) the written minutes documenting the relevant closed session proceedings. Minutes and recordings will not be released if confidentiality is necessary to protect either the public interest, the interest of the School District, or the privacy of an individual. Recordings will be made publicly available only after the Board's approval or pursuant to a Court order.

Written minutes of closed session meetings must include the date, time, and place of the meeting, the members present and absent, and a summary of the matters discussed. At least every six months, the Board will review the minutes and recordings of all closed sessions not previously released and will decide which, if any, no longer require confidentiality and should be made available for public inspection. The Board will report the results of this review in open session. The Board will vote in open session to approve any minutes of closed session meetings and to destroy recordings of those sessions (after the 18 month retention period has expired).

Audio Recordings of Closed Sessions

Audio recordings of closed sessions are highly sensitive and confidential because the issues discussed are matters which are legally protected from disclosure to unauthorized parties. Maintaining such recordings in confidentiality is a legal obligation of the Board of Education that cannot be compromised.

Individual Board Members may be allowed access to audio recordings of closed sessions after the Board makes a determination that the request is germane to the requesting Board member's legal responsibilities. Board members who request to listen to audio recordings must be cautious not to discourage the free and open expression by Board members during closed sessions.

The term germane shall, for purposes of this policy, mean a topical matter involving issue(s) discussed in closed session pursuant to the Illinois Open Meetings Act.

Written minutes may be used by Board members to confirm or dispute the accuracy of recollections. In the event that an individual Board member requests the Board access to closed session recordings, the following procedures shall apply:

1. Notice of the request shall be made to the Board President in open session. The requesting member shall indicate the closed session recording he or she needs to listen to and provide a reason germane to the Board member's responsibilities.
2. Depending on the nature of the request, the Board President will decide if the discussion surrounding the request will occur in closed or in open session.
3. The Board shall then have a discussion regarding the request in open or closed session depending on the nature of the request.
4. After such discussion is concluded, the Board shall vote in open session whether to approve the request. A simple majority of the full membership shall determine the outcome of the vote.
5. If the Board approves the request, the Board member shall monitor access to the recording following the minimum requirements listed below.
 - a. Recordings shall be reviewed at the District Offices. The Board shall designate the Board Secretary, Superintendent/Chief Executive Officer, or any other Board member to monitor such review.
 - b. Audio recordings shall be maintained as originally recorded.
 - c. No copies of recordings shall be made for any reason

The Superintendent will implement procedures consistent with this policy.

LEGAL REF.: Open Meetings Act, 5 ILCS 120/1 et seq.
5 ILCS 120/2.06

1986/Rev. 1987/Rev. 1989/Rev. 1994, 1997/2001/2004/2008/2010/2013/2015
Amended: 9.28.15

Exhibit C

School District U-46
Elgin, Illinois

October 5, 2015

The regular meeting of the Board of Education was called to order at 7:02 p.m., at the Educational Services Center, 355 East Chicago Street, Elgin, Illinois. The following Board Members answered roll call: Phil Costello, Traci O'Neal Ellis, Cody Holt, Sue Kerr, Jeanette Ward, and Donna Smith. Chief Executive Officer Tony Sanders, Interim Superintendent Dr. Kenneth Arndt and the following Administrators were in attendance: Jeff King, Miguel Rodriguez, Steve Burger, Dr. Suzanne Johnson, Melanie Meidel, Ron Raglin, Dr. Ushma Shah, Randal Ellison, Mary Fergus, John Heiderscheidt, Andy Martin, Bruce Phelps, Claudie Phillips, Rickey Sparks, and Craig Williams. Media representative Seth Hancock of the Examiner was also present, as well as other Administrators, guests, and visitors.

1. Call to Order – Mrs. Smith
 - A. Roll Call

 - B. Pledge of Allegiance
Mr. Costello led the Pledge of Allegiance to the Flag.

2. Accent on Achievement
 - A. National School Bus Safety Week
In recognition of National School Bus Safety Week, October 19-23, 2015, a Proclamation of Appreciation was presented to representatives of the U-46 Transportation Department. The U-46 Transportation Department safely transports nearly 27,000 children to and from 57 different schools each day. U-46 drivers make nearly 1,500 daily bus stops and drive more than 22,000 miles - that's more than four million miles per year.

 - B. National School Lunch Week
In recognition of National School Lunch Week, October 12-16, 2015, a Proclamation of Appreciation was presented to representatives from the U-46 Food & Nutrition Services Department. The U-46 Food & Nutrition Services Department serves more than 4,000 breakfast meals and 20,000 lunches every day. They continue to encourage our students to eat healthy and live healthy lifestyles.

3. District Improvement Plan Report
Retained Agenda Item.

4. Comments from the Audience

John Craft spoke about his concerns with the Board Policy relating to Closed Session recordings. He feels that all elected officials have the right to review any and all Closed Session meeting recordings.

Rick Newton spoke about his concerns with the Board Policy relating to Closed Session recordings and his concerns with all day kindergarten. He feels that it should be a parent's decision where and with whom a child of that age spends the majority of their day, not the District's decision. He also feels that all elected officials should have access to any Closed Session recordings for any reason.

5. Consent Agenda

- A. Itemized Bills – October 5, 2015
- B. Personnel Report and Workers' Compensation Cases – October 5, 2015
- C. Bid - Food Service - Packaging & Supplies
- D. Change Order - Clinton Elementary - Window Replacement - #1 Final
- E. Change Order - Coleman Elementary - Waterproofing - #1 Final
- F. Change Order - Harriet Gifford Elementary - Window Replacement - #1 Final
- G. Change Order - Abbott Middle School - Tuckpointing - #1 Final
- H. Change Order - Eastview Middle School - Parking Lot Improvements - #1 Final
- I. Change Order - Larkin High School - Parking Lot Improvements - #1 Final
- J. Change Order - Plant Operations - Emergency Shelter - #1 Final

Mr. Costello requested that Agenda Item A. Itemized Bills – October 5, 2015 be removed from the Consent Agenda.

Motion by Ms. Kerr, second by Mr. Costello, to approve the Consent Agenda items B, C, D, E, F, G, H, I, and J as presented. Upon roll call, yes votes: Mr. Costello, Mrs. O'Neal Ellis, Mr. Holt, Ms. Kerr, Mrs. Ward, and Mrs. Smith. No votes: 0. The motion carried by a vote of 6-0.

Motion by Ms. Kerr, second by Mrs. O'Neal Ellis, to approve the Consent Agenda item A. Itemized Bills – October 5, 2015 as presented. Upon roll call, yes votes: Mr. Costello, Mrs. O'Neal Ellis, Mr. Holt, Ms. Kerr, Mrs. Ward, and Mrs. Smith. No votes: 0. The motion carried by a vote of 6-0.

6. Discussion/Action

A. Request to Listen to Audio Recording of the January 25, 2014 Special Board Meeting

Pursuant to Board Policy #2.201, Board of Education Member Ward requested to listen to the audio recording of the January 25, 2014 Special Board meeting. The Board was advised that the audio recording of the May 13, 2013 Special Board meeting had been destroyed.

Motion by Mr. Holt, second by Mrs. Ward, to approve the request to listen to the audio recording of the January 25, 2014 Board meeting as presented. Upon roll call, yes votes: Mr. Costello, Mr. Holt, and Mrs. Ward. No votes: Mrs. O'Neal Ellis, Ms. Kerr, and Mrs. Smith. The motion was denied by a vote of 3-3.

7. Other Business – Board Member and CEO Update, If Necessary

Mrs. Smith handed out the new Board Committee lists with the Citizens' Advisory Council ex officio members added to it. She also discussed the Report to Membership from the Illinois Association of School Boards (IASB).

Ms. Kerr attended Bartlett High School's National Honor Society Ceremony and it was very nice. She also went to the Curriculum Fair and it was wonderful.

Mrs. O'Neal Ellis wanted to make sure that at future Board Committee meetings, CAC ex officio members are seated with the Committee and are actively a part of the discussion.

Mr. Sanders complimented Mrs. Smith for representing U-46 at the Shape of Carol Stream meeting. He also attended the Panther Marching Band Competition in Oswego, IL and it was a fantastic event.

8. Other Business - CAC Update

Melissa Owens reported that the next General CAC meeting will be this Thursday and the topic will be bullying. Several Administrators and a parent advocate will be presenting. She also reported that all of the CAC Committee chairs are very excited about participating in the Board Committee meetings.

Roger Wallace spoke about the E&F Committee public meetings. The meeting the Committee was most concerned about was last Thursday and it went fairly well. Most people were not in favor of the changes proposed. There will be one more public meeting tomorrow at Elgin High School at 6:30 p.m. At the next E&F meeting they will review all the public comments and take a vote as to which scenarios the Committee is going to support.

9. Other Business - Individual Student Matters, If Necessary

Retained Agenda Item.

10. Other Business - Employee Matters, If Necessary

A. Notice to Remedy - Teacher A
Withdrawn by Administration.

11. Other Business – Mr. Sanders
Retained Agenda Item.

12. Work Session Items – Mr. Sanders
Retained Agenda Item.

13. Work Session - Bids/Proposals
 - A. Bid - Business Services - District-Wide Copier Paper
Mr. Sparks, Director of Business Services, and Mr. Phelps, Senior Buyer/Distribution Center Coordinator, presented the bid. The bid is for one year with the option to rollover for two additional years. Administration recommended approval of the low bid meeting specifications to Unisource Worldwide Inc. to provide white copier paper for the sum of \$236,362.50, and requests authorization for District administration to execute related documents. This expenditure will be charged to the Education Fund.

 - B. Proposal - IS - Infrastructure Design, Project Management and E-Rate Consulting
Mr. Sparks, Director of Business Services, and Mr. Williams, Director of Information Services, presented the proposal. Administration recommended approval of the selection of ClientFirst Technology Consulting for a three-year contract for the estimated total contract sum of \$900,000.00, with two possible one-year renewals estimated at \$300,000.00 per year, and requests authorization for District administration to execute related documents. The District has the option to cancel this agreement at any time during the term. This expenditure will be charged to the Education Fund.

14. Adjournment
Motion by Mrs. O’Neal Ellis, second by Mrs. Ward, to adjourn the Regular Board Meeting of October 5, 2015 at 8:09 p.m. Upon roll call, yes votes: Mr. Costello, Mrs. O’Neal Ellis, Mr. Holt, Ms. Kerr, Mrs. Ward, and Mrs. Smith. No votes: 0. The motion carried by a vote of 6-0.

Approved this 19th day of October, 2015.

President

Secretary

School District U-46
Elgin, Illinois

October 19, 2015

The regular meeting of the Board of Education was called to order at 7:17 p.m. at the Educational Services Center, 355 East Chicago Street, Elgin, Illinois. The following Board Members answered roll call: Traci O'Neal Ellis, Cody Holt, Sue Kerr, Veronica Noland, Jeanette Ward, and Donna Smith. Phil Costello was present via conference call at 7:30 p.m. Student Board Member Allison Holloway was also present. Chief Executive Officer Tony Sanders, Interim Superintendent Dr. Kenneth Arndt and the following Administrators were in attendance: Jeff King, Miguel Rodriguez, Steve Burger, Dr. Suzanne Johnson, Dr. Terri Lozier, Melanie Meidel, Ron Raglin, Dr. Ushma Shah, Randal Ellison, Mary Fergus, John Heiderscheidt, Bruce Phelps, Claudie Phillips, Rickey Sparks, and Craig Williams. Media representative Seth Hancock of the Examiner was also present, as well as other Administrators, guests, and visitors.

1. Call to Order – Mrs. Smith

A. Roll Call

B. Pledge of Allegiance

Ms. Holloway led the Pledge of Allegiance to the Flag.

A moment of silence was held in honor of two U-46 students. Adnan Azeemullah, a student at Bartlett High School, and Bryanna Picasso, a student at Illinois Park.

2. Accent on Achievement

Retained Agenda Item.

3. District Improvement Plan Report

Retained Agenda Item.

4. Comments from the Audience

John Kraft spoke about what he feels are violations of the Open Meetings Act. He also feels that Board Members have a right to listen to any and all closed session recordings.

Kirk Allen spoke about what he also feels are violations of the Open Meetings Act. He also has serious concerns with the personal use of P-Cards.

Nancy Blondin spoke about her concerns with the proposed boundary change scenarios regarding Nature Ridge Elementary School. She feels that there are other options without disrupting over 300 students.

Courtney Piekarz also spoke about her concerns with the proposed boundary change scenarios regarding Nature Ridge Elementary School. She feels that enrollment at Nature Ridge is on the decline and there is no need to change the boundaries.

Rick Newton spoke about his concerns with comments made by Board members at the last Board meeting regarding the request to listen to closed session recordings. He feels that these comments show that the Board does not recognize inappropriate discussion. He also feels that there are two sides to this Board and one side always gets its way.

Frank Napolitano spoke about his concerns with not allowing Board Member Ward to listen to the closed session meeting recording of the January 25, 2014 meeting. He also feels that Board members have a right to listen to any and all closed session recordings.

Art Pierscionek spoke about his concerns with not allowing a Board member to listen to closed session recordings. He has written a letter to the Kane County State's Attorney asking him to look at Obstruction of Justice charges against all the Board members that voted against allowing Mrs. Ward access to the closed session recordings of the January 25, 2014 meeting. He also stated that Ms. Noland was not included in that letter but if she votes against the motion tonight he would be adding her name to the list.

5. Consent Agenda

- A. Minutes of Board Meeting - September 28, 2015
- B. Minutes of Board Meeting - October 5, 2015
- C. Itemized Bills – October 19, 2015
- D. Personnel Report and Workers' Compensation Cases – October 19, 2015
- E. Bid - Business Services - District-Wide Copier Paper
- F. Proposal - IS - Infrastructure Design, Project Management and E-Rate Consulting

Motion by Ms. Kerr, second by Mrs. O'Neal Ellis, to approve the Consent Agenda items A, B, C, D, E, and F as presented. Upon roll call, yes votes: Mr. Costello, Mrs. O'Neal Ellis, Mr. Holt, Ms. Kerr, Mrs. Ward, and Mrs. Smith. Present: Ms. Noland. No votes: 0. The motion carried by a vote of 6-1-0.

6. Discussion/Action

- A. Request to Listen to the Audio Recording of the January 25, 2014 Special Board Meeting
Pursuant to Board Policy #2.201, Board of Education Member Ward requested to listen to the audio recording of the January 25, 2014 Special Board Meeting. The audio recording of the May 13, 2013 Special Board Meeting has been destroyed.

Motion by Mrs. Ward, second by Mr. Holt, to approve the request to listen to the audio recording of the January 25, 2014 Special Board Meeting as presented. Upon roll call, yes votes: Mr. Costello, Mr. Holt, and Mrs. Ward. No votes: Mrs.

O'Neal Ellis, Ms. Kerr, Ms. Noland, and Mrs. Smith. The motion was denied by a vote of 4-3.

B. Request to Listen to Audio Recording of the May 4, 2015 Closed Session Board Meeting

Pursuant to Board Policy #2.201, Board of Education Member Ward requested to listen to the audio recording of the May 4, 2015 Closed Session Board Meeting.

Motion by Mrs. Ward, second by Mr. Holt, to approve the request to listen to audio recording of the May 4, 2015 Closed Session Board Meeting.

Motion by Mrs. Ward, second by Mr. Holt, to amend the motion to read: the request to listen to the audio recording of the May 4, 2015 Closed Session Board Meeting for all Board members. Upon roll call, yes votes: Mr. Costello, Mrs. O'Neal Ellis, Mr. Holt, Ms. Kerr, Ms. Noland, Mrs. Ward, and Mrs. Smith. The motion carried by a vote of 7-0.

Motion by Ms. Noland, second by Mrs. Ward, to approve the request to listen to the audio recording of the May 4, 2015 Closed Session Board Meeting for all Board members. Upon roll call, yes votes: Mr. Costello, Mrs. O'Neal Ellis, Mr. Holt, Ms. Kerr, Ms. Noland, Mrs. Ward, and Mrs. Smith. No votes: 0. The motion carried by a vote of 7-0.

7. Other Business – Board Member and CEO Update, If Necessary

Mr. Sanders thanked staff that presented at the last Citizens' Advisory Council (CAC) meeting on bullying. He also attended the opening of the Gail Borden Library's Manufacture Your Future event.

Mrs. Smith attended the Franczek Radelet Law Conference with Mr. Sanders and Ms. Kerr and it was really good. She would encourage all of the Board to attend next year.

Ms. Noland attended the Boys and Girls Club Gala and it was a great event.

Mrs. Ward apologized for not being able to attend the Streamwood National Honor Society Induction event.

Ms. Holloway attended the first CEO Student Advisory meeting and it went really well.

8. Other Business - CAC Update

Larry Bury presented an update on the CAC. The last meeting on bullying was very well attended. CAC thanked all who participated. There will be a related discussion on January 14, 2017. There are several committee meetings scheduled for this week. The next General CAC meeting will be on November 12, 2015 where the E & F Committee Boundary Report will be presented for consideration and voting.

9. Other Business - Individual Student Matters, If Necessary
- A. Student A
Motion by Mrs. O'Neal Ellis, second by Ms. Kerr, to accept Administration's recommendation to expel Student A for two semesters during the 2015-2016 school year. Upon roll call, yes votes: Mr. Costello, Mrs. O'Neal Ellis, Mr. Holt, Ms. Kerr, Ms. Noland, Mrs. Ward and Mrs. Smith. No votes: 0. The motion carried by a vote of 7-0.
 - B. Student B
Administration requested to hold on this item to consider additional options for this student.
 - C. Student C
Administration requested to hold on this item to consider additional options for this student.
10. Other Business - Employee Matters, If Necessary
Retained Agenda Item.
11. Other Business – Mr. Sanders
- A. September 30, 2015 Enrollments
Due to an error on the report, Administration requested this item be put on the November 2, 2015 meeting agenda.
12. Work Session Items – Mr. Sanders
- A. Report to the Membership - 2015 IASB Delegate Assembly
Administration recommended the same position as the IASB Resolutions Committee. Mrs. Smith said she would represent the School Board at the IASB Delegate Assembly if no other Board member was available.
13. Work Session - Bids/Proposals
- A. Bid - Food Service - Pre-Packaged Meals / Emergency & Alternative Meal Service
Mr. Sparks, Director of Business Services, and Mrs. Phillips, Director of Food & Nutrition Services, presented the bid. Administration recommended award of the sole bid meeting specifications to Preferred Meal Systems for the sum of \$133,430.00, with the option to rollover for an additional two years, and requests authorization for District administration to execute related documents. This expenditure will be charged to the Food & Nutrition Fund.

B. Bid - IS - Title I Additional Computer Equipment Purchase

Mr. Sparks, Director of Business Services, Dr. Johnson, Assistant Superintendent of Teaching & Learning, and Mr. Williams, Director of Information Services, presented the proposal. Administration recommended approval of the purchase from Heartland Business Systems in the amount of \$49,980.00. This expenditure will be charged to the Education Fund and paid with Title I grant funds.

14. Adjournment

Motion by Mrs. Ward, second by Ms. Noland, to adjourn the Regular Board Meeting of October 19, 2015 at 8:23 p.m. Upon roll call, yes votes: Mr. Costello, Mrs. O'Neal Ellis, Mr. Holt, Ms. Kerr, Ms. Noland, Mrs. Ward, and Mrs. Smith. No votes: 0. The motion carried by a vote of 7-0.

Approved this 2nd day of November, 2015.

President

Secretary

Exhibit D



Monday, May 16, 2016
Board of Education MEETING AGENDA

A meeting of the Board of Education of School District U-46 will begin at 6:00 p.m., Monday, May 16, 2016, at the Educational Services Center, 355 East Chicago Street, Elgin, IL 60120, in Room 140. The Board of Education will move to Closed Session immediately following the Call to Order and Roll Call. The Board of Education will begin the Public Session at 7:00 p.m. in Room 140. The next regularly scheduled meeting of the Board of Education will be held at 355 East Chicago Street, Elgin, IL 60120, at 5:15 p.m. on Monday, June 6, 2016.

1. Board Meeting - 6:00 p.m.

Subject **A. Call to Order - Mrs. Smith**
Meeting May 16, 2016 - Board of Education MEETING AGENDA
Category 1. Board Meeting - 6:00 p.m.
Type Procedural

Subject **B. Roll Call (Room 140)**
Meeting May 16, 2016 - Board of Education MEETING AGENDA
Category 1. Board Meeting - 6:00 p.m.
Type Action, Procedural

2. Move to Closed Session - Mrs. Smith

Subject **A. Move to Closed Session (Closed Session will be held in Room 139)**
Meeting May 16, 2016 - Board of Education MEETING AGENDA
Category 2. Move to Closed Session - Mrs. Smith
Type Action, Procedural

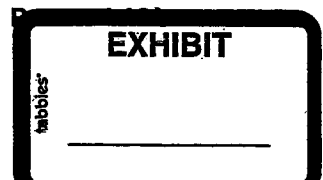
3. Individual Student Disciplinary Matters (Suspension & Expulsions) - Mr. Sanders

4. The Appointment, Employment, Compensation, Discipline, Performance or Dismissal of Specific Employees - Mr. Sanders

5. Collective Negotiating Matters Between the School Board and its Employees - Mr. Sanders

6. Move to Open Session (Public Business Session is to begin at 7:00 p.m.) - Mrs. Smith

Subject **A. Move to Open Session (Public Business Session will be held in Room 140)**
Meeting May 16, 2016 - Board of Education MEETING AGENDA



Category 6. Move to Open Session (Public Business Session is to begin at 7:00 p.m.) - Mrs. Smith
Type Action, Procedural
Recommended Action The Board of Education will move back to Open Session for the purpose of conducting District business.

Subject B. Motion to Recess until 7:00 p.m. (If Necessary)

Meeting May 16, 2016 - Board of Education MEETING AGENDA
Category 6. Move to Open Session (Public Business Session is to begin at 7:00 p.m.) - Mrs. Smith
Type Action, Procedural

Subject C. Pledge of Allegiance

Meeting May 16, 2016 - Board of Education MEETING AGENDA
Category 6. Move to Open Session (Public Business Session is to begin at 7:00 p.m.) - Mrs. Smith
Type Procedural

7. Accent on Achievement - Mr. Sanders

Subject A. IHSA Journalism Finals

Meeting May 16, 2016 - Board of Education MEETING AGENDA
Category 7. Accent on Achievement - Mr. Sanders
Type Recognition

As part of the Board of Education's Accent on Achievement, the Board of Education recognizes Anna Lee Ackermann, South Elgin High School Senior, for winning first place in broadcast news at the IHSA Journalism Finals, which took place on Friday, April 29, 2016, at Eastern Illinois University.

8. District Improvement Plan Report - Mr. Sanders (Board Policy 2.020 - School Board Powers and Duties)

Subject A. U-46 Annual Report

Meeting May 16, 2016 - Board of Education MEETING AGENDA
Category 8. District Improvement Plan Report - Mr. Sanders (Board Policy 2.020 - School Board Powers and Duties)
Type Discussion

Ms. Mary Fergus, Director of School and Community Relations, will present School District U-46's 2015 Annual Report to the Board of Education.

Attached please find School District U-46's 2015 Annual Report. Also, please use the link below to access the 2015 Annual Report Video.

<https://www.youtube.com/watch?v=YpjbYAd008>

File Attachments

[2015 Annual Report Interactive.pdf \(5.359 KB\)](#)

9. Comments from the Audience - Mrs. Smith

Subject A. Public Comments

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 9. Comments from the Audience - Mrs. Smith

Type Information

The intent of this item is to provide an opportunity for audience input to the Board of Education.

10. Other Business - Board Member and CEO Update, If Necessary**Subject A. Additional Information**

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 10. Other Business - Board Member and CEO Update, If Necessary

Type Information

This is an opportunity for the Board of Education Members, including the Student Board of Education Member, and the CEO to update each other and the public regarding their activities.

Subject B. FOIA Requests - 4

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 10. Other Business - Board Member and CEO Update, If Necessary

Type Information

Mr. Sanders, Chief Executive Officer, will report on the attached requests for information under the Freedom of Information Act.

File Attachments

[5-16-16 FOIA Requests - 4.pdf \(29 KB\)](#)

11. Consent Agenda - Mr. Sanders**Subject A. Minutes of Board Meeting - April 25, 2016 - Mr. Sanders**

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 11. Consent Agenda - Mr. Sanders

Type Action (Consent)

File Attachments

[Board Meeting Minutes 16 04.25.pdf \(52 KB\)](#)

Subject B. Personnel Report and Workers' Compensation Cases

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 11. Consent Agenda - Mr. Sanders

Type Action (Consent)

Subject C. Termination of Kevin Early, Level I Tech, Information Services

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 11. Consent Agenda - Mr. Sanders

Type Action (Consent)

Subject D. Termination of Flore A. Biayi, Driver Assistant, Transportation

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 11. Consent Agenda - Mr. Sanders

Type Action (Consent)

Subject E. Contract Renewal - Secondary Literacy - Cengage

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 11. Consent Agenda - Mr. Sanders

Type Action (Consent)

Subject F. Contract Renewal - Secondary Literacy - Encyclopedia Britannica

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 11. Consent Agenda - Mr. Sanders

Type Action (Consent)

Subject G. Contract Renewal - Secondary Literacy - Newsela Pro

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 11. Consent Agenda - Mr. Sanders

Type Action (Consent)

12. Discussion/Action - Mr. Sanders

Subject A. Itemized Bills – May 16, 2016

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 12. Discussion/Action - Mr. Sanders

Type Discussion, Action

Mr. Burnidge, Director of Financial Operations, will respond to questions from the Board of Education regarding the attached bills.

Administration recommends the Board of Education approve the List of Bills in the amount of \$4,922,417.23.

File Attachments

[05-16-16 List of Bills.pdf \(612 KB\)](#)

[05-16-16 Accounts by Vendor.pdf \(134 KB\)](#)

Subject B. Elementary Literacy Resource Adoption Proposal

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 12. Discussion/Action - Mr. Sanders

Type Discussion

Ms. Celia Banks, Coordinator of Literacy Pre-K-12, will provide the Board of Education with information relating to Elementary Literacy Resources.

File Attachments

[K-8 ELA Resource Adoption .pdf \(3,196 KB\)](#)

13. Other Business - CAC Update (Board Policy 2.152 - Advisory Committees to the Board)

Subject A. CAC Special Education Committee Report

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 13. Other Business - CAC Update (Board Policy 2.152 - Advisory Committees to the Board)

Type Report

Ms. Melissa Owens and Ms. Sarah Thompson, CAC Special Education Committee Co-Chairs, will present the attached report.

File Attachments

[CAC Special Education Committee Report 2016.pdf \(649 KB\)](#)

Subject B. CAC Family and Community Engagement Committee Report

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 13. Other Business - CAC Update (Board Policy 2.152 - Advisory Committees to the Board)

Type Report

Madeleine Villalobos, Seth Rindner and Matt Hovey, CAC Family and Community Engagement Committee Co-Chairs, will present the attached report and Powerpoint.

File Attachments

[CAC FACE Committee Report 2016.pdf \(2,611 KB\)](#)

[2016 CAC FACE Presentation.pdf \(1,865 KB\)](#)

14. Other Business - Individual Student Matters (Board Policy #7.210 - Student Expulsion)

Subject A. Student C

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 14. Other Business - Individual Student Matters (Board Policy #7.210 - Student Expulsion)

Type Action

15. Other Business - Mr. Sanders

Subject A. Approval of Closed Session Minutes and Disposal of Closed Session Recordings prior to November 16, 2014

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 15. Other Business - Mr. Sanders

Type Action

A motion is requested that the need for confidentiality still exists as to all or part of Closed Session Minutes and, therefore, "all Closed Session Minutes, with the exception of minutes already released, including audio recordings, remain confidential. In addition, all audio recordings more than 18 months old having been put into writing and approved, be destroyed."

Board Policy #2.201 - Closed Session

Subject B. April Financial Report

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 15. Other Business - Mr. Sanders

Type Report

Mr. Burnidge, Director of Financial Operations, will review the attached Financial Report and will respond to questions from the Board of Education.

Board Policies 4.016 Budget Implementation and 4.080 - Fiscal Accounting and Reporting

File Attachments

[2016 04 April Financial Report - Update.pdf \(105 KB\)](#)

[2016 04 April Financial Report.pdf \(1,848 KB\)](#)

16. Work Session - Mr. Sanders

Subject A. Kindergarten Science Resources Proposal

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 16. Work Session - Mr. Sanders

Type Discussion, Action

Ms. Trisha Strode, Director of Curriculum and Instruction, Mr. Marc Hans, Coordinator of K-12 Science and Planetarium, and Ms. Kerri Gillespie, Kindergarten Teacher at Timber Trails Elementary School, will provide the Board of Education with information relating to Kindergarten Science resources.

Subject B. Renewal of School District U-46 High School Membership in the Illinois High School Association (IHSA) 2016-2017

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 16. Work Session - Mr. Sanders

Type Discussion

Dr. Terri Lozier, Assistant Superintendent of Secondary Schools Instruction & Equity, will present a request to the Board of Education to certify the renewal of membership in IHSA. IHSA Membership will not require payment of dues. The District's five high schools participate in this organization and the District will submit five signed membership copies due by June 15, 2016.

File Attachments

[IHSA Renewal 2016-2017.pdf \(392 KB\)](#)

17. Work Session - Resolutions

Subject **A. Resolution for the Display of and Public Hearing on the Northern Kane County Regional Vocational System (NKCRVS) Budget for Fiscal Year 2017**

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 17. Work Session - Resolutions

Type Discussion

Vocational System budgets are required to be adopted by August 31st, which is one month earlier than school district budgets. The tentative FY17 NKCRVS Budget will be presented at the June 20, 2016 Board of Education meeting. The attached Resolution sets June 21, 2016 as the date the budget goes on 30-day public display and August 1, 2016 as the date of the Public Hearing.

Mr. Burnidge, Director of Financial Operations, will present the Resolution and will answer questions from the Board of Education. Also attached for your information is the NKCRVS FY17 Budget Timeline.

Administration recommends the Board of Education adopt the Resolution for the Display of and Public Hearing on the Northern Kane County Regional Vocational System Budget for Fiscal Year 2017.

Board Policy 4.004 - Budget Adoption Procedure

File Attachments

[1635 Display & Pub Hrg - FY17 NKCRVS Budget.pdf \(10 KB\)](#)

[Timeline - FY 2017 NKCRVS Budget.pdf \(66 KB\)](#)

18. Work Session - Contracts Over \$25,000.00 (Board Policy 4.060 - Purchasing/Purchasing Authority)

Subject **A. Contract Renewal - Plant Operations - SchoolDude**

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 18. Work Session - Contracts Over \$25,000.00 (Board Policy 4.060 - Purchasing/Purchasing Authority)

Type Discussion

Mr. Sparks, Director of Business Services, and Mr. Allen, Director of Plant Operations, will present the attached proposal summary and will respond to questions from the Board of Education.

Administration recommends approval of the one-year contract renewal with SchoolDude.com at a total cost of \$34,632.07.

This expenditure will be charged to the Operations and Maintenance Fund.

This cost is included in the budget for the 2015-2016 School Year.

Board Policy 4.060 - Purchasing/Purchasing Authority

File Attachments

[Contract Renewal - Plant Operations - SchoolDude.pdf \(216 KB\)](#)

Subject **B. Contract Renewal - Secondary Literacy-TurnItIn**

Meeting May 16, 2016 - Board of Education MEETING AGENDA
 Category 18. Work Session - Contracts Over \$25,000.00 (Board Policy 4.060 - Purchasing/Purchasing Authority)
 Type Discussion

Mr. Sparks, Director of Business Services, and Ms. Jacquelyn Johnson, Coordinator for Secondary Literacy and Libraries, will present the attached proposal summary and will respond to questions from the Board of Education.

Administration recommends approval of the one-year contract renewal with Turnitin for a total cost of \$30,258.00.

This expenditure will be charged to the Education Fund.

This cost is included in the budget for the 2015-2016 School Year.

Board Policy 6.015 – Instructional Goals

File Attachments

[Contract Renewal - Secondary Literacy-TurnItIn.pdf \(33 KB\)](#)

Subject C. Contract Renewal - Information Services - Novell Annual License

Meeting May 16, 2016 - Board of Education MEETING AGENDA
 Category 18. Work Session - Contracts Over \$25,000.00 (Board Policy 4.060 - Purchasing/Purchasing Authority)
 Type Discussion

Mr. Sparks, Director of Business Services, and Dr. King, Chief Operations Officer/Chief School Business Official, will present the attached proposal summary and will respond to questions from the Board of Education.

Administration recommends approval of the one-year Novell Annual License Agreement for a total of \$158,671.97.

This expenditure will be charged to the Education Fund.

This cost is included in the budget for the 2015-2016 School Year.

Board Policy 6.214 – Instruction/Use of Technology

File Attachments

[Contract Renewal - IS - Novell Annual License.pdf \(188 KB\)](#)

Subject D. Contract Renewal - Information Services - Technology-Telephone Support

Meeting May 16, 2016 - Board of Education MEETING AGENDA
 Category 18. Work Session - Contracts Over \$25,000.00 (Board Policy 4.060 - Purchasing/Purchasing Authority)
 Type Discussion

Mr. Sparks, Director of Business Services, and Dr. King, Chief Operations Officer/Chief School Business Official, will present the attached proposal summary and will respond to questions from the Board of Education.

Administration recommends approval of the one-year contract renewal with Sentinel Technologies in the total

amount of \$147,397.00.

This expenditure will be charged to the Education Fund.

This cost is included in the budget for the 2015-2016 School Year.

Board Policy 6.214 – Instruction/Use of Technology

File Attachments

[Contract Renewal - IS - Technology-Telephone Support.pdf \(651 KB\)](#)

19. Work Session - Bids/Proposals (Board Policy 4.060 - Purchasing/Purchasing Authority)

Subject **A. Proposal - Information Services - Computer Equipment**

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 19. Work Session - Bids/Proposals (Board Policy 4.060 - Purchasing/Purchasing Authority)

Type Discussion

Mr. Sparks, Director of Business Services, and Dr. King, Chief Operations Officer/Chief School Business Official, will present the attached proposal summary and will respond to questions from the Board of Education.

Administration recommends approval of the proposal in the total amount of \$4,574,459 as submitted by Heartland Business Systems.

This expenditure will be charged to the Education Fund.

The cost is included in the budget for 2015-2016 School Year.

Board Policy 6.214 – Instruction/Use of Technology

File Attachments

[Proposal - IS - Computer Equipment.pdf \(197 KB\)](#)

Subject **B. Proposal - Information Services - Computer Peripherals and Accessories**

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 19. Work Session - Bids/Proposals (Board Policy 4.060 - Purchasing/Purchasing Authority)

Type Discussion

Mr. Sparks, Director of Business Services, and Dr. King, Chief Operations Officer/Chief School Business Official, will present the attached proposal summary and will respond to questions from the Board of Education.

Administration recommends approval of the proposal to purchase operational and instructional equipment for a total amount of \$371,233.40 to vendors as follows:

Tiger Direct	\$162,963.96
Heartland Business Systems	149,890.00
Bradfields	42,940.00
Government Connection	14,769.54
CDWG	<u>669.90</u>
TOTAL	\$371,233.40

This expenditure will be charged to the Education Fund.

The cost is included in the budget for 2015-2016 School Year.

Board Policy 6.214 – Instruction/Use of Technology

File Attachments

[Proposal - IS - Computer Peripherals and Accessories.pdf \(187 KB\)](#)

Subject C. Proposal - Information Services - iPad Tablets

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 19. Work Session - Bids/Proposals (Board Policy 4.060 - Purchasing/Purchasing Authority)

Type Discussion

Mr. Sparks, Director of Business Services, and Dr. King, Chief Operations Officer/Chief School Business Official, will present the attached proposal summary and will respond to questions from the Board of Education.

Administration recommends approval of the proposal in the total amount of \$588,404.00 as submitted by Apple Computers.

This expenditure will be charged to the Education Fund.

The cost is included in the budget for 2015-2016 School Year.

Board Policy 6.214 – Instruction/Use of Technology

File Attachments

[Proposal - IS - iPad Tablets.pdf \(98 KB\)](#)

Subject D. Proposal - Secondary Education - Project Management Proposal for Behavior Management & PBIS Implementation – Beaird

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 19. Work Session - Bids/Proposals (Board Policy 4.060 - Purchasing/Purchasing Authority)

Type Discussion

Mr. Sparks, Director of Business Services, and Dr. Lozier, Assistant Superintendent of Secondary Education Instruction and Equity, will present the attached proposal summary and will respond to questions from the Board of Education.

Administration recommends approval of the proposal in the total amount of \$32,000.00 as submitted by Beaird Group.

This expenditure will be charged to the Education Fund.

The cost is included in the budget for 2015-2016 School Year.

Board Policies 7.060 - Truancy and Resources Available for Truants and 7.136 - Student Policies/Goals

File Attachments

[Proposal - Secondary Education - Beaird.pdf \(32 KB\)](#)

Subject E. Proposal - Secondary Education - HERO Software

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 19. Work Session - Bids/Proposals (Board Policy 4.060 - Purchasing/Purchasing Authority)

Type Discussion

Mr. Sparks, Director of Business Services, and Dr. Lozier, Assistant Superintendent of Secondary Education Instruction and Equity, will present the attached proposal summary and will respond to questions from the Board of Education.

Administration recommends approval of the proposal in the total amount of \$44,625.00 as submitted by HERO.

This expenditure will be charged to the Education Fund.

The cost is included in the budget for 2015-2016 School Year.

Board Policy 7.136 - Student Policies/Goals

File Attachments

[Proposal - Secondary Education - HERO.pdf \(33 KB\)](#)

20. Adjournment - President

Subject A. Adjourn the Meeting

Meeting May 16, 2016 - Board of Education MEETING AGENDA

Category 20. Adjournment - President

Type Action

Recommended The Board of Education adjourn the Meeting.

Action

21. Information Items**22. Enclosures**

Exhibit E

From: [REDACTED]
Date: 5/15/2016 1:46 PM (GMT-06:00)
To: Donna Smith [REDACTED]
Subject: Closed session recordings

Donna,

If we're going to vote to destroy recordings tomorrow, I need access tomorrow during the day to all closed session recordings that we are voting to destroy. We must make sure that we have adequate minutes of these meetings before we destroy any recordings.

All the best, Jeanette



Exhibit B

Bill Status of HB4630 99th General Assembly**Short Description:** OPEN MEETING-CLOSED SESSION**House Sponsors**Rep. Jeanne M Ives - Peter Breen - Patricia R. Bellock, Robert Martwick, Steven A. Andersson, Jack D. Franks, Carol Ammons and Linda Chapa LaVia**Senate Sponsors**(Sen. Michael Connelly , Scott M. Bennett, Steven M. Landek and Dale A. Righter)**Last Action**

Date	Chamber	Action
5/10/2016	Senate	Placed on Calendar Order of 3rd Reading May 11, 2016

Statutes Amended In Order of Appearance5 ILCS 120/2.06

from Ch. 102, par. 42.06

Synopsis As Introduced

Amends the Open Meetings Act. Requires that any and all available minutes and verbatim recordings of meetings closed to the public prior to a newly elected official's term in a public body shall be available to that official for review, regardless of whether those minutes or verbatim recordings are confidential. Effective immediately.

Actions

Date	Chamber	Action
2/1/2016	House	Filed with the Clerk by <u>Rep. Jeanne M Ives</u>
2/1/2016	House	First Reading
2/1/2016	House	Referred to <u>Rules Committee</u>
3/23/2016	House	Assigned to <u>Judiciary - Civil Committee</u>
4/6/2016	House	Do Pass / Short Debate <u>Judiciary - Civil Committee</u> ; 011-000-000
4/7/2016	House	Placed on Calendar 2nd Reading - Short Debate
4/7/2016	House	Added Co-Sponsor <u>Rep. Robert Martwick</u>
4/7/2016	House	Added Co-Sponsor <u>Rep. Steven A. Andersson</u>
4/12/2016	House	Second Reading - Short Debate
4/12/2016	House	Placed on Calendar Order of 3rd Reading - Short Debate
4/14/2016	House	Third Reading - Short Debate - Passed 112-000-000
4/14/2016	House	Added Co-Sponsor <u>Rep. Jack D. Franks</u>
4/14/2016	House	Added Co-Sponsor <u>Rep. Carol Ammons</u>
4/14/2016	House	Added Co-Sponsor <u>Rep. Linda Chapa LaVia</u>
4/14/2016	House	Added Chief Co-Sponsor <u>Rep. Peter Breen</u>
4/14/2016	House	Added Chief Co-Sponsor <u>Rep. Patricia R. Bellock</u>
4/18/2016	Senate	Arrive in Senate
4/18/2016	Senate	Placed on Calendar Order of First Reading
4/18/2016	Senate	Chief Senate Sponsor <u>Sen. Michael Connelly</u>
4/18/2016	Senate	First Reading
4/18/2016	Senate	Referred to <u>Assignments</u>
4/27/2016	Senate	Added as Alternate Co-Sponsor <u>Sen. Scott M. Bennett</u>

4/27/2016	Senate	Assigned to <u>Local Government</u>
5/4/2016	Senate	Do Pass <u>Local Government</u> ; 008-000-000
5/4/2016	Senate	Placed on Calendar Order of 2nd Reading May 5, 2016
5/4/2016	Senate	Added as Alternate Co-Sponsor <u>Sen. Steven M. Landek</u>
5/10/2016	Senate	Second Reading
5/10/2016	Senate	Placed on Calendar Order of 3rd Reading May 11, 2016
5/10/2016	Senate	Added as Alternate Co-Sponsor <u>Sen. Dale A. Righter</u>

HB4630 Engrossed

LRB099 19027 RJF 43416 b

1 AN ACT concerning government.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Open Meetings Act is amended by changing
5 Section 2.06 as follows:

6 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

7 Sec. 2.06. Minutes; right to speak.

8 (a) All public bodies shall keep written minutes of all
9 their meetings, whether open or closed, and a verbatim record
10 of all their closed meetings in the form of an audio or video
11 recording. Minutes shall include, but need not be limited to:

12 (1) the date, time and place of the meeting;

13 (2) the members of the public body recorded as either
14 present or absent and whether the members were physically
15 present or present by means of video or audio conference;
16 and

17 (3) a summary of discussion on all matters proposed,
18 deliberated, or decided, and a record of any votes taken.

19 (b) A public body shall approve the minutes of its open
20 meeting within 30 days after that meeting or at the public
21 body's second subsequent regular meeting, whichever is later.
22 The minutes of meetings open to the public shall be available
23 for public inspection within 10 days after the approval of such

HB4630 Engrossed

- 2 -

LRB099 19027 RJF 43416 b

1 minutes by the public body. Beginning July 1, 2006, at the time
2 it complies with the other requirements of this subsection, a
3 public body that has a website that the full-time staff of the
4 public body maintains shall post the minutes of a regular

5 meeting of its governing body open to the public on the public
6 body's website within 10 days after the approval of the minutes
7 by the public body. Beginning July 1, 2006, any minutes of
8 meetings open to the public posted on the public body's website
9 shall remain posted on the website for at least 60 days after
10 their initial posting.

11 (c) The verbatim record may be destroyed without
12 notification to or the approval of a records commission or the
13 State Archivist under the Local Records Act or the State
14 Records Act no less than 18 months after the completion of the
15 meeting recorded but only after:

16 (1) the public body approves the destruction of a
17 particular recording; and

18 (2) the public body approves minutes of the closed
19 meeting that meet the written minutes requirements of
20 subsection (a) of this Section.

21 (d) Each public body shall periodically, but no less than
22 semi-annually, meet to review minutes of all closed meetings.
23 At such meetings a determination shall be made, and reported in
24 an open session that (1) the need for confidentiality still
25 exists as to all or part of those minutes or (2) that the
26 minutes or portions thereof no longer require confidential

HB4630 Engrossed

- 3 -

LRB099 19027 RJF 43416 b

1 treatment and are available for public inspection. The failure
2 of a public body to strictly comply with the semi-annual review
3 of closed session written minutes, whether before or after the
4 effective date of this amendatory Act of the 94th General
5 Assembly, shall not cause the written minutes or related
6 verbatim record to become public or available for inspection in
7 any judicial proceeding, other than a proceeding involving an
8 alleged violation of this Act, if the public body, within 60
9 days of discovering its failure to strictly comply with the
10 technical requirements of this subsection, reviews the closed
11 session minutes and determines and thereafter reports in open
12 session that either (1) the need for confidentiality still
13 exists as to all or part of the minutes or verbatim record, or

14 (2) that the minutes or recordings or portions thereof no
15 longer require confidential treatment and are available for
16 public inspection.

17 (e) Unless the public body has made a determination that
18 the verbatim recording no longer requires confidential
19 treatment or otherwise consents to disclosure, the verbatim
20 record of a meeting closed to the public shall not be open for
21 public inspection or subject to discovery in any administrative
22 or judicial proceeding other than one brought to enforce this
23 Act. In the case of a civil action brought to enforce this Act,
24 the court, if the judge believes such an examination is
25 necessary, must conduct such in camera examination of the
26 verbatim record as it finds appropriate in order to determine

HB4630 Engrossed

- 4 -

LRB099 19027 RJF 43416 b

1 whether there has been a violation of this Act. In the case of
2 a criminal proceeding, the court may conduct an examination in
3 order to determine what portions, if any, must be made
4 available to the parties for use as evidence in the
5 prosecution. Any such initial inspection must be held in
6 camera. If the court determines that a complaint or suit
7 brought for noncompliance under this Act is valid it may, for
8 the purposes of discovery, redact from the minutes of the
9 meeting closed to the public any information deemed to qualify
10 under the attorney-client privilege. The provisions of this
11 subsection do not supersede the privacy or confidentiality
12 provisions of State or federal law.

13 (f) Minutes of meetings closed to the public shall be
14 available only after the public body determines that it is no
15 longer necessary to protect the public interest or the privacy
16 of an individual by keeping them confidential.

17 (f-5) Any and all available minutes and verbatim recordings
18 of meetings closed to the public prior to a newly elected
19 official's term in a public body shall be available to that
20 official for review, regardless of whether those minutes or
21 verbatim recordings are confidential.

22 (g) Any person shall be permitted an opportunity to address

23 public officials under the rules established and recorded by
24 the public body.

25 (Source: P.A. 96-1473, eff. 1-1-11.)

26 Section 99. Effective date. This Act takes effect upon

HB4630 Engrossed

- 5 -

LRB099 19027 RJF 43416 b

1 becoming law.

Exhibit B

**IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS**

JEANETTE WARD,)	
)	
Plaintiff,)	
)	Case No.:
v.)	
)	
BOARD OF EDUCATION OF)	
COMMUNITY UNIT SCHOOL DISTRICT 46,)	
)	
Defendant.)	

TEMPORARY RESTRAINING ORDER

This matter having come before the Court on Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction, which incorporates Plaintiff’s Affidavit and Complaint for Injunctive and Declaratory Relief, the Court being fully advised in the premises, and notice having been given,

THE COURT FINDS AS FOLLOWS:

1. Plaintiff’s Complaint for Injunctive and Declaratory Relief, Affidavit, and Motion for Temporary Restraining Order demonstrate a clearly ascertainable right in need of protection in that Plaintiff has shown she has the right to access certain records as a member of the Board of Education (“Board”) of Community Unit School District 46 (“U-46” or the “District”), Plaintiff was denied access to records that she alleges she is entitled to access—specifically, the verbatim record of a January 25, 2014 closed session—and that on May 16, 2016, the Board will consider whether the verbatim record of this closed session should be destroyed. If destruction of the verbatim record is approved by the Board on May 16, 2016, the verbatim record will be destroyed before the Court is able to determine after full hearing on the merits whether Plaintiff is entitled to access the verbatim record.

2. Plaintiff's Complaint for Injunctive and Declaratory Relief, Affidavit, and Motion for Temporary Restraining Order demonstrate a likelihood of success on the merits in that Plaintiff has shown she owes the District a fiduciary duty as a member of its Board, and consistent therewith she testified that she has requested access to the verbatim record of the January 25, 2014 closed session in order to educate herself so that she may be informed as to: (1) whether a violation of the Open Meetings Act, 5 ILCS 120/1 *et seq.*, occurred; and (2) whether she should vote in favor of or against the item on the Board's May 16, 2016 agenda to destroy the verbatim record of the January 25, 2014 closed session. Moreover, this case concerns property (*i.e.*, the verbatim record of the January 25, 2014 closed session), which may be destroyed without intervention from this Court. The requirement that Plaintiff demonstrate a likelihood of success on the merits is thus relaxed.

3. Plaintiff's Complaint for Injunctive and Declaratory Relief, Affidavit, and Motion for Temporary Restraining Order demonstrate that Plaintiff will suffer irreparable harm if the temporary restraining order does not issue. Plaintiff has shown that if the verbatim record of the January 25, 2014 closed session is destroyed before Plaintiff can listen to it there is not an award of monetary damages that can adequately compensate Plaintiff for the injury. The Board has voted by a 4-3 margin in the past to deny Plaintiff access to the verbatim record, and the Board will vote on May 16, 2016, whether to destroy the verbatim record of the January 25, 2014 closed session.

4. Plaintiff's Complaint for Injunctive and Declaratory Relief, Affidavit, and Motion for Temporary Restraining Order demonstrate that Plaintiff does not have an adequate remedy at law. Plaintiff has shown that no award of monetary damages would be as clear, complete, and efficient here as the entry of a temporary restraining order that prevents the District from

destroying the verbatim record of the January 25, 2014 closed session until this Court can make a full determination of Plaintiff's rights on the merits.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. In conformance with section 11-101 of the Code of Civil Procedure, 735 ILCS 5/11-101, a temporary injunction shall issue without bond as follows:

a. Defendant, Board of Education of Community Unit School District 46, shall not destroy the verbatim record of the closed session the Board entered on January 25, 2014, which Plaintiff has requested access to, until permission to destroy said verbatim record is granted by further order of this Court.

2. This Temporary Restraining Order shall issue immediately upon execution by this Court and remain in full force and effect until _____.

3. Defendant Board of Education of Community Unit School District 46's counsel shall provide a copy of this Temporary Restraining Order to his/her client as soon as possible, but by no means later than the commencement of the May 16, 2016 meeting of the Board.

4. This matter is set for hearing on the motion for temporary restraining order and preliminary injunction on _____ before this Court.

Date: _____

Entered: _____