

As I've attended board meetings and listened to people talk, one of the issues was transparency and community engagement. As the Open Meetings Act (OMA) is the primary regulation in Illinois that is directly related to this subject, I took interest in what its requirements were and how well we as a district were following them.

My request would be for the superintendent to remediate, or if they feel I interpreted the text or meaning incorrectly, reply with your point of view. I understand some of these may not be under the superintendents control or responsibility, and those I can bring as part of the public comments aspect of the Board of Education meeting.

1. Public notice of regular meeting schedule must include place the meeting will occur at and needs to be updated and re-published. The notice posted on the District website does not have the place included. I was not paying attention when this notice was made available to the media, but since the notice for regular meetings posted on the web site does not include the place of the meeting and the OMA requires the same notice to remain on the website, that leads me to believe that the notice provided to media in the past was lacking.
 - Section 2.02(a) "Every public body shall give public notice of the schedule of regular meetings at the beginning of each calendar or fiscal year and shall state the regular dates, times, and places of such meetings."
 - Section 2.02(b) "In addition, a public body that has a website that the full-time staff of the public body maintains shall post notice on its website of all meetings of the governing body of the public body. Any notice of an annual schedule of meetings shall remain on the website until a new public notice of the schedule of regular meetings is approved."
 - Board of Education Policy 2:200 "The Board of Education announces the time and place for its regular meetings at the beginning of each fiscal year."

2. Public meetings require the agenda to be posted at the District Office and the place where it's going to be held and for a continuous 48-hours. This requirement has not been met for any main nor sub-committee meeting since I've started paying attention in December 2018. The Office of the Attorney General has issued a non-binding opinion that agendas and notices must be readable outside locked doors.
 - Section 2.02(b) "An agenda for each regular meeting shall be posted at the principal office of the public body and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting."

- Section 2.02c “The public body conducting a public meeting shall ensure that at least one copy of any requested notice and agenda for the meeting is continuously available for public review during the entire 48-hour period preceding the meeting.”
 - Board of Education Policy 2:200 “A meeting agenda shall be posted at the District’s main office and the Board’s meeting room, or other location where the meeting is to be held, at least 48 hours before the meeting.”
 - Ill. Att’y Gen. PAC Req. Rev. Ltr. 47489, 47491, issued May 26, 2017: A member of the public and a reporter for the Herald & Review submitted Requests for Review alleging that the Decatur Township Cemetery Board did not provide sufficient advance notice of a meeting because the agenda for the meeting was not readable from outside of the locked doors of the Township building. The PAC reviewed photographs of the agenda’s location and the response by the Cemetery Board and concluded that the Board had failed to provide continuous notice of the meeting for the entire 48 hours before the meeting, as required by the Open Meetings Act. The Board had already taken steps to hold the meeting again after proper posting of notice. The Board also changed its practice to posting the agendas directly on the glass doors of the building.
3. Public meetings of a governing body require the agenda to be posted on the website at least 48 hours in advance. This requirement was not met for the 12/18/18 meeting as the agenda was not posted on the website until a couple weeks after the meeting. This requirement was met for Jan and Feb meetings. I want to call attention to the brief lapse, to ensure that proper care of public notice is maintained. As a side note, “governing body” means only the main, full board meeting is required to meet this requirement. It would be nice from a transparency point of view to resume posting the sub-committee agendas on the website as we’ve done in the past.
- Section 2.02(b) “A public body that has a website that the full-time staff of the public body maintains shall also post on its website the agenda of any regular meetings of the governing body of that public body.”
4. Reason for closing meeting must be cited verbally at the time it’s closed. At the 07/30/18 meeting I attended, the reason for the Closed portion of the meeting was clearly communicated before closing the meeting, in the agenda and verbal recitation of the motion to close, so this board has been compliant in the past. At every main board meeting I’ve attended since December 2018, the reason for closing the meeting was not cited verbally. Placing the reason in the agenda is not a requirement of the OMA, but could help the Board Member who is facilitating the meeting to not forget to cite the proper reason for closing the meeting.

- **Section 2a** “The vote of each member on the question of holding a meeting closed to the public and a citation to the specific exception contained in Section 2 of this Act which authorizes the closing of the meeting to the public shall be publicly disclosed at the time of the vote and shall be recorded and entered into the minutes of the meeting.”
 - **Board of Education Policy (2:200** “The Board may hold a closed meeting, or close a portion of a meeting, by a majority vote of a quorum, taken at an open meeting. The vote of each Board of Education member present, and the reason for the closed meeting, will be publicly disclosed at the time of the meeting and clearly stated in the motion and the meeting minutes.”)
5. The board must review all closed meetings minutes at least twice a year, and determine if reason exists for them to remain closed. A review of meeting agendas that are available on the website shows the board is performing the review annually (12/18/18, 12/20/17). The agenda item for 12/18/18 only covered closed meetings from 7/17 through 6/18. The agenda item for 12/20/17 only covered closed meetings from 6/16 through 6/17. I talked to the Public Access Counselors office about this as there is a FAQ they have published that seemed to relax the definition of “all”. They verbally confirmed that all means “all meetings that are still closed”. So if a meeting is opened, there is no more reason to review it. The board policy may need to be adjusted to ensure that it’s clear the board can review and deliberate closed meeting minutes in closed session as allowed by the OMA. As it reads, the policy appears to disallow that. Only the action to keep them closed or release them, must be taken in an open meeting.
- **Section 2.06(d)** “Each public body shall periodically, but no less than semi-annually, meet to review minutes of all closed meetings. At such meetings a determination shall be made, and reported in an open session that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection.”
 - **Board of Education Policy (2:220** “At least semi-annually in an open meeting, the Board: (1) reviews minutes from closed meetings that are currently unavailable for public release, and (2) decides which, if any, no longer require confidential treatment and are available for public inspection.”)
6. On 12/18/18 in the regular board meeting, Joe Monteggia stated that the Finance open meeting was not held and instead held a private meeting with the superintendent. It was implied deliberations and decisions were made to invest and move district funds. Care

should be taken to ensure that board members do not discuss or deliberate district business outside of an open meeting in which a quorum of a sub-committee is present.

- **Section 2(a)** "All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a."

7. Meeting minutes of the main board meeting need to be posted on the website within the required time. For a period of time in the end of 2018, no meeting minutes were posted for the main board meeting for at least two months in a row. I see this has been corrected now, but care should be taken to not fall behind.

- **Section 2.06(b)** "... a public body that has a website that the full-time staff of the public body maintains shall post the minutes of a regular meeting of its governing body open to the public on the public body's website within 10 days after the approval of the minutes by the public body."

8. The agenda from 7/30/18 shows that action was to be taken for "Administrative Employment Recommendation - Elementary Principal". The meeting minutes do not reflect that this action was taken. As I was at the meeting and know the vote was taken, and have an audio recording of it taking place, the meeting minutes do not comply with Section 2.06(a)(3) nor Board policy. Corrected meeting minutes should be presented at the next board meeting and posted on the website.

- **Section 2.06(a)(3)** "(a) All public bodies shall keep written minutes of all their meetings, whether open or closed, and a verbatim record of all their closed meetings in the form of an audio or video recording. Minutes shall include, but need not be limited to:
 - (1) the date, time and place of the meeting;
 - (2) the members of the public body recorded as either present or absent and whether the members were physically present or present by means of video or audio conference; and
 - (3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken."
- **Board of Education policy (2:220)** "The minutes include:
 - 1. The meeting's date, time, and place;
 - 2. Board of Education members recorded as either present or absent;
 - 3. A summary of the discussion on all matters proposed, deliberated, or decided, and a record of any votes taken;

4. On all matters requiring a roll call vote, a record of who voted "yea" and "nay";
5. If the meeting is adjourned to another date, the time and place of the adjourned meeting;
6. The vote of each member present when a vote is taken to hold a closed meeting or portion of a meeting, and the reason for the closed meeting;
7. A record of all motions, the members making the motion and the second;
8. Upon request by a Board member, a record of how he or she voted on a particular motion; and
9. The type of meeting, including any notices and, if a reconvened meeting, the original meeting's date.")

9. The sub-committee meetings that were rescheduled from 1/23 to 2/6 did not have public notice published. I arrived at the district office on 1/23 and spoke with Lisa Taylor who let me know that the meetings were cancelled, and likely rescheduled to the following week and she'd likely make a Facebook post about the new dates. Also discussed was the fact that she felt that she'd cancelled them on the district calendar, but those changes were not synced to the website yet. The school was closed again the following week due to cold, there was no Facebook post, nor was the event calendar updated at least 48 hours in advance. I've subscribed to the district calendar so I can get notices about District Board events, and none of these rescheduled sub-committee meetings are showing up in the subscription. With the culture of how news works today, I'd like to see the board implement a policy that would require rescheduled, special, and emergency meetings to be published on social media sites that the Administration has decided is appropriate for the District to participate in.

- o **Section 2.02(a)** "Public notice of any special meeting except a meeting held in the event of a bona fide emergency, or of any rescheduled regular meeting, or of any reconvened meeting, shall be given at least 48 hours before such meeting, which notice shall also include the agenda for the special, rescheduled, or reconvened meeting, but the validity of any action taken by the public body which is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. The requirement of public notice of reconvened meetings does not apply to any case where the meeting was open to the public and (1) it is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda. Notice of an emergency meeting shall be given as soon as practicable, but in any event prior to the holding of such meeting, to any news

medium which has filed an annual request for notice under subsection (b) of this Section.”

10. The district needs to submit at least one OMA Designee to receive annual training to the Public Access Counselor. According to the FOIA response I received back from the Office of the Attorney General, this has not been submitted for our district, ever. The FOIA response did show that previous superintendents of the district did take training, marking off the OMA Designee box. It’s not clear to me if checking that box at training time fulfills the requirements of this section.
 - Section 1.05(a) “Every public body shall designate employees, officers, or members to receive training on compliance with this Act. Each public body shall submit a list of designated employees, officers, or members to the Public Access Counselor.”

11. According to board policy, the Superintendent is an OMA Designee and as such, must complete annual re-training provided by the Office of the Attorney General. According to the FOIA responses I received back from the Office of the Attorney General, no current employee, officer or member of the district has completed OMA Training within the past year. The FOIA search for training under the name Lisa Taylor did not find any record of ever completing the training required for an OMA Designee. Completing OMA training from other sources does not qualify, OMA Designees must take the training the Office of the Attorney General provides and tracks. Although the OMA does not require it, I’d like the board policy that designates the superintendent as the OMA Designee, also require that the completion of the annual re-training be posted on the district web site as part of their credentials. This would eliminate the need for the public to annually file FOIA request(s) with the Office of the Attorney General to ensure our district is in compliance.
 - Section 1.05(a) “Every public body shall designate employees, officers, or members to receive training on compliance with this Act. Each public body shall submit a list of designated employees, officers, or members to the Public Access Counselor. Within 6 months after the effective date of this amendatory Act of the 96th General Assembly, the designated employees, officers, and members must successfully complete an electronic training curriculum, developed and administered by the Public Access Counselor, and thereafter must successfully complete an annual training program.”
 - Board of Education Policy (2:220 “The Superintendent is designated on behalf of the Board and each Board committee to receive the training on compliance with

the Open Meetings Act that is required by Section 1.05(a) of that Act. The Superintendent may identify other employees to receive the training. ”)

Full text of the Open Meetings Act can be found here:

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=84&ChapterID=2>