

**Oak Park and River Forest High School  
201 North Scoville Avenue  
Oak Park, IL 60302**

**POLICY, EVALUATION, AND GOALS (PEG) COMMITTEE MEETING  
May 19, 2009**

A Policy Committee meeting was held on Tuesday, May 19, 2009, in the Board Room of the Oak Park and River Forest High School. Dr. Lee called the meeting to order at 10:00 a.m. Committee members present were John C. Allen IV, Jacques A. Conway, Terry Finnegan, Dr. Ralph H. Lee, Amy Leafe McCormack, Dr. Dietra D. Millard, and Sharon Patchak-Layman. Also, present were Dr. Attila J. Weninger, Superintendent; Jason Edgecombe, Assistant Superintendent for Human Resources; Nathaniel R. Rouse, Principal; and Cheryl L. Witham, Chief Financial Officer; Donald Vogel, Business Education/Instructional Technology/Library and Media Services Division Head; and Gail Kalmerton, Executive Assistant/Clerk of the Board.

Visitors included Kay Foran, Community Relations and Communications Coordinator and James Paul Hunter, Faculty Senate Executive Committee Chair.

**Reordering of Agenda**

Dr. Lee reordered the agenda as follows:

- 1) Approval of minutes
- 2) Information on the timing of the revision of committee structures
- 3) IV C – 2009-10 Goals
- 4) IIIA and IIIB.

**Approval of April PEG Committee Minutes**

It was the consensus of the Committee members to accept the minutes of the April PEG meeting as presented.

**Discussion of District Recruitment, Selection, and Retention Procedures**

The discussion of the above will be held at the regular Board of Education meeting on May 28, 2009.

**Discussion Regarding Development of 2009 – 2010 District Goals**

Dr. Lee hoped that the Board of Education would have its goals decided upon at the June Board of Education meeting. Ms. Patchak-Layman suggested a committee of two to gather information from the administration, e.g., the reviews of the goals of the past two years and solicit information from Board of Education members as to what goals they want to address next year. They would prepare a packet in preparation for the approval of the goals at the regular June Board of Education meeting. Dr. Lee supported that proposal and both he and Ms. Patchak-Layman volunteered to be on that subcommittee. The Special Board Meeting scheduled for June 11 will be to have a preliminary discussion on the goals.

**Consideration of the following Policies for First Reading and Action**

### Policy 5136, Student Travel

After significant discussion, it was the consensus of the majority of the PEG Committee members to recommend to the Board of Education that Policy 5136, Student Travel, be approved for First Reading, at its regular May Board of Education meeting. The one dissenting vote was Ms. Patchak-Layman.

The proposed amendments will ensure that parents are aware of the District's expectations relative to students being transported from the high school and to a sport or an activity.

Mr. Finnegan stated that typically coaches receive notice of the student and parent names and contact information for both going to and coming from an activity. Unless prior arrangements have been made in advance to take another child home when a parent is picking up his/her own child, he/she may not do so. The Athletic Handbook is very explicit and the parents of athletes are informed of the rules. There was less certainty if that was the same with co-curricular activities.

This information will be published in the Student Handbook and in the Athletic handbook. While, the Athletic Handbook already outlines the rules for students traveling back and forth sports, there was less certainty about what happens with co-curricular activities.

Ms. Patchak-Layman stated that no procedures related to transportation should be a barrier to a student participating in an activity and asked how the school handled barriers. Mr. Rouse responded that this policy delineates four different types of trips. In the event that a student does not have the financial ability to participate in a field or activity trip, scholarships are often available. If there is a financial issue, the school needs to be made aware of it through the deans, the counselors, and/or the sponsors, so that the school can look for funding for the students. Participation is a Board of Education goal, as opposed to a mandate. The Field or Activity trips are educational; however, some barriers may exist to school funding of an international trip. Students would not be guaranteed a place on that trip.

### **Consideration of the following Policies for Second Reading and Action**

#### Policy 20, Board of Education (Revision)

The Policy Committee members continued its discussion Policy 20.

Ms. Patchak-Layman reiterated that if the Board of Education has the responsibility to vote on something, it should have an informed decision. The present policy requires that the Board of Education listen to the audio recordings before authorizing their destruction.

Mr. Finnegan pointed out that the language on page 9 gives the Board of Education the ability to review the minutes and that is germane. Ms. McCormack concurred. In order for the entire Board of Education to make a decision, all members would need to review the audiotapes.

Mr. Allen stated that the Board could say it will never have a Board of Education member look at this again but he asked where the freedom in that was. If the Board of Education does not appropriately having access, then it comes up in the political process. If something is being done inappropriate, then it should be brought to the voters.

Ms. McCormack stated that if a Board of Education member were uncomfortable with voting on a particular issue, he/she could abstain.

Ms. Patchak-Layman felt the other issue was continuing confidentiality. She felt that some closed minutes sessions might be opened, perhaps those having to do with property acquisitions, etc. Ms. McCormack stated that when something is no longer confidential, it could be addressed in an open session, but the closed session minutes should continue to be protected.

Dr. Weninger suggested that the law requires the Board of Education to determine whether the closed session meetings from 1989 should remain closed. It is a profound duty to reach back and decide that a closed session should become public; it would be an exceptional circumstance.

Mr. Allen felt it was up to the individual board members if they felt the need to review the minutes, but he did not want to give up his right to do so.

Dr. Lee felt that the law says that every Board of Education member elected is required to go back and review 20 years or more of closed session minutes and decide whether those minutes should be made public. Further, the law requires a review to take place every six months. The letter of the law requires something that is impossible. Since it is impossible to observe the letter of the law, what is the Board of Education's real responsibility to comply with this law? However, he felt that anyone who wanted to go back 18 years was welcome to do so, but he will not and he will vote to keep the closed minutes closed. Ms. McCormack said the policy allows Board of Education members to go back and review them. Otherwise looking at the closed session minutes that are not relevant today should not be the Board of Education's charge or where it should spend its time.

Referring to the phrase "grant access to" on page 9 about the ability of the Board of Education member to look at closed minutes, Mr. Finnegan noted that individual rights were subject to a majority vote. If talking about the ability of a Board of Education member to go back to look at closed minutes what does that mean. Can one bring that forward to an open session? Can one quote someone verbatim? Is it something one just reads and says, "This is from my personal knowledge"? Can it be something that a Board of Education member can bandy about? If the minutes of the Board of Education belong to it as a whole, then how would individual rights be trumped by having access to something that belongs to all Board of Education members? Mr. Allen felt it was a property rights issue and one cannot take away property rights. Ms. McCormack and Dr. Weninger disagreed with that analogy, as this was not a property issue.

What are the consequences of a Board of Education going back to 1990, reading something in those minutes, and then disclosing that information? This has to do with access. Ms. McCormack felt it would open the Board of Education up to liability. Mr. Allen said that risk was already present. He could talk about something that happened in closed session last week.

The consequences are 1) public backlash, 2) censorship, 3) not being re-elected, 4) public humiliation or 5) there could be a reward for getting information originally desired. The Board of Education has the right to do this but he did not believe it was correct. He felt it was a long-term problem. When asked if there was a short-term problem, the response was no.

Dr. Weninger reiterated that when one listens to the recordings and checks the written minutes, they are not one for one, but the Board of Education, as a whole, said they reflected the meeting. Thus, Patchak-Layman said that the Board of Education, as a whole, could say it did not want that included in the conversation. Dr. Lee did not feel that was the same issue originally discussed, i.e., whether a Board of Education member could listen to a tape and say that the majority of the Board of Education members were wrong to approve those minutes as they were not correct.

Ms. Patchak-Layman asked if the superintendent were able to look at all closed session minutes. Ms. McCormack said that if the superintendent had the right to look at the closed session minutes, she would agree that all board members should have the right to look at the minutes. Policy Committee members asked for legal clarification on that issue.

Mr. Finnegan stated that there were two issues: 1) the ability to review the minutes to see if they match the audio tapes for a period of 18 months and limited to only those at the meeting; and 2) what is the responsibility to review, what is the ability to review, and, if granted, what can be done with the information?

After significant discussion, it was the consensus of the PEG Committee members to ask legal counsel the following questions relative to the amendments proposed in Policy 20, Board of Education.

Based upon the conversation, the following questions will be asked of legal counsel.

- 1) Should and can individual Board of Education members be able to see any and all closed minutes from Closed Sessions in which they were not a part?
- 2) What constitutes a “review” per law vis-à-vis Closed Session Meeting minutes review requirement?
- 3) What does “see” mean? After seeing the minutes if given access, what rights would a board member have with regard to that information? Would he/she be able to quote something? Be able to say that he/she had personal knowledge?
- 4) Once a board has approved a set of minutes, can one use an audio recording to challenge the validity and accuracy of the Board of Education’s approval of those written minutes?
- 5) Does the Superintendent have access to/authority to view Closed Session minutes with Board approval only? Does that apply to everyone outside the Board of Education?
- 6) Are the following citations from the Attorney General’s Office to one of our Board members relevant to these issues, and if so, how...
- 7) What does “owning” the board minutes mean, i.e., the Board “own” the minutes and as a body may make decisions regarding same?

- 8) Is there any case law or statute that addresses the individual freedom of a board member versus the board as a whole “owning” minutes, i.e., do individual rights as an elected official trump the Board’s authority regarding Closed Session minutes, or anything else?

Ms. Patchak-Layman will check with the attorney general’s office.

**Adjournment**

At 11:58 a.m., on Tuesday, May 19, 2009, the Policy, Evaluation, and Goals Committee adjourned.