

Special Education Association of Peoria County

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Special Education Association of Peoria County

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POLICY MANUAL

The online manual provides the district's board of education policies, regulations, and related documents in a fully searchable, easy-to-use format.

Navigation

- Access the Table of Contents (TOC) using the main menu at top left.
- Search with confidence using the search box atop every page.
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Questions?

If you have any questions or comments regarding this manual, please contact the local district office.

Special Education Association of Peoria County

SECTION 2 - BOARD OF CONTROL

Special Education Association of Peoria County

2:10 Association Governance

The Association is governed by a Board of Control consisting of one person from each member public school district and one member from the office of the Regional Superintendent of Schools. The Board's powers and duties include the authority to adopt, enforce, and monitor all policies for the management and governance of the Association's schools.

Official action by the Board may only occur at a duly called and legally conducted meeting at which a quorum is physically present.

As stated in the Board member oath of office prescribed by the School Code, a Board member has no legal authority as an individual.

LEGAL REF.:5 ILCS 120/1.02.

105 ILCS 5/10-1, 5/10-10, 5/10-12, 5/10-16.5, 5/10-16.7, and 5/10-20.5.

CROSS REF.:1:10 (Association Legal Status), 2:20 (Powers and Duties of the Board of Control; Indemnification), 2:80 (Board Member Oath and Conduct), 2:120 (Board Member Development), 2:200 (Types of Board of Control Meetings), 2:220 (Board of Control Meeting Procedure)

ADOPTED: March 8, 2019

Special Education Association of Peoria County

2:20 Powers and Duties of the Board of Control; Indemnification

The major powers and duties of the Board of Control include, but are not limited to:

1. Organizing the Board each fiscal year by electing officers and establishing its regular meeting schedule and, thereafter, taking action during lawfully called meetings to faithfully fulfill the Board's responsibilities in accordance with State and federal law.
2. Formulating, adopting, and modifying Board policies, at its sole discretion, subject only to mandatory collective bargaining agreements and State and federal law.
3. Employing a Director and other personnel, making employment decisions, dismissing personnel, including determining whether an employee has willfully or negligently failed to report an instance of suspected child abuse or neglect as required by 325 ILCS 5/, and establishing an equal employment opportunity policy that prohibits unlawful discrimination.
4. Directing, through policy, the Director, in his or her charge of the Association's administration.
5. Approving the annual budget, major expenditures, payment of obligations, annual audit, and other aspects of the Association's financial operation; and making available a statement of financial affairs as provided in State law.
6. Entering contracts using the public bidding procedure when required.
7. Providing, constructing, controlling, and maintaining adequate physical facilities; making school buildings available for use as civil defense shelters; and establishing a resource conservation policy.
8. Establishing an equal educational opportunities policy that prohibits unlawful discrimination.
9. Approving the curriculum, textbooks, and educational services.
10. Evaluating the educational program and approving School Improvement and Association Improvement Plans as needed.
11. Presenting the Association report card and School report card(s) to parents/guardians and the community; these documents report Association, School and student performance as needed.
12. Establishing and supporting student behavior policies designed to maintain an environment conducive to learning, including deciding individual student suspension or expulsion cases brought before it.
13. Establishing the school year.
14. Requiring a moment of silence to recognize veterans during any type of school event held at a Association school on November 11.
15. Providing student transportation services pursuant to State law and the governing agreement.
16. Entering into joint agreements with other boards to establish cooperative educational programs or provide educational facilities.
17. Complying with requirements in the Abused and Neglected Child Reporting Act (ANCRA). Specifically, each individual Board member must, if an allegation is raised to the member during an open or closed Board meeting that a student is an abused child as defined in ANCRA, direct or cause the Board to direct the Superintendent or other equivalent school administrator to comply with ANCRA's requirements concerning the reporting of child abuse.
18. Communicating the schools' activities and operations to the community and representing the needs and desires of the community in educational matters.

Indemnification

To the extent allowed by law, the Board shall defend, indemnify, and hold harmless Board of Control members, employees, volunteer personnel (pursuant to 105 ILCS 5/10-22.34, 10-22.34a and 10-22.34b), mentors of certified staff (pursuant to 105 ILCS 5/2-3.53a, 2-3.53b, and 105 ILCS 5/21A-5 *et seq.*), and student teachers who, in the course of discharging their official duties imposed or authorized by law, are sued as parties in a legal proceeding. Nothing herein, however, shall be

construed as obligating the Board to defend, indemnify, or hold harmless any person who engages in criminal activity, official misconduct, fraud, intentional or willful and wanton misconduct, or acts beyond the authority properly vested in the individual.

LEGAL REF.:

105 ILCS 5/10, 5/17-1, and 5/27-1.

115 ILCS 5/, III. Educational Labor Relations Act.

325 ILCS 5/, Abused and Neglected Child Reporting Act.

ROSS REF.:1:10 (Association Legal Status), 1:20 (Association Organization, Operations, and Cooperative Agreements), 2:10 (Association Governance), 2:80 (Board Member Oath and Conduct), 2:140 (Communications To and From the Board), 2:210 (Organizational Board of Control Meeting), 2:240 (Board Policy Development), 4:60 (Purchases and Contracts), 4:70 (Resource Conservation), 4:100 (Insurance Management), 4:150 (Facility Management and Building Programs), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:90 (Abused and Neglected Child Reporting), 6:10 (Educational Philosophy and Objectives), 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 7:10 (Equal Educational Opportunities), 7:190 (Student Behavior), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 8:10 (Connection with the Community), 8:30 (Visitors to and Conduct on School Property)

Adopted: February 14, 2020

Special Education Association of Peoria County

2:40 Board Member Qualifications

A Board of Control member must be at least 18 years of age. The superintendent of each member public school district shall be their district representative. The superintendent may also appoint one or more alternates who may represent the member district in case its representative must be absent, and notification of alternates on the Board of Control shall be sent to the director.

Appointments will remain effective until changed by the board of education of the member district. The director shall be an Ex-officio member of the Board of Control but shall have no vote.

The office of the regional superintendent is a member of the Board. The regional superintendent may also appoint one or more alternates who may represent him/her in case of his/her absence.

Reasons making an individual ineligible for Board membership include holding an incompatible office and certain types of State or federal employment. A child sex offender, as defined in State law, is ineligible for Board of Control membership.

LEGAL REF.: Ill. Constitution, Art. II, §1; Art. IV, §2(e); Art. VI, §13(b).

105 ILCS 5/10-3 and 5/10-10.

CROSS REF.: 2:30 (Board of Control Elections), 2:70 (Vacancies on the Board of Control - Filling Vacancies)

ADOPTED: March 8, 2019

Special Education Association of Peoria County

2:50 Board Member Term of Office

The term of office for a Board of Control member begins immediately after taking the oath of office as provided in Board policy 2:80, *Board Member Oath and Conduct*.

LEGAL REF.:10 ILCS 5/2A-1.1, 5/22-17, and 5/22-18.

105 ILCS 5/10-10, 5/10-16, and 5/10-16.5.

CROSS REF.:2:30 (Association Elections), 2:80 (Board Member Oath and Conduct), 2:210 (Organizational Board of Control Meeting)

ADOPTED: March 8, 2019

Special Education Association of Peoria County

2:80 Board Member Oath and Conduct

Each Board of Control member or alternate, before taking his or her seat on the Board, shall take the following oath of office:

I, (name), do solemnly swear (or affirm) that I will faithfully discharge the duties of the office of member of the Board of Control of Special Education Association of Peoria County in accordance with the Constitution of the United States, the Constitution of the State of Illinois, and the laws of the State of Illinois, to the best of my ability.

I further swear (or affirm) that:

I shall respect taxpayer interests by serving as a faithful protector of the Association's assets;

I shall encourage and respect the free expression of opinion by my fellow Board members and others who seek a hearing before the Board, while respecting the privacy of students and employees;

I shall recognize that a Board member has no legal authority as an individual and that decisions can be made only by a majority vote at a public Board meeting;

I shall abide by majority decisions of the Board, while retaining the right to seek changes in such decisions through ethical and constructive channels;

As part of the Board of Control, I shall accept the responsibility for my role in the equitable and quality education of every student in the Association's programs;

I shall foster with the Board of Control extensive participation of the community, formulate goals, define outcomes, and set the course for Special Education Association of Peoria County;

I shall assist in establishing a structure and an environment designed to ensure all students have the opportunity to attain their maximum potential through a sound organizational framework;

I shall strive to ensure a continuous assessment of student achievement and all conditions affecting the education of our children, in compliance with State law;

I shall serve as education's key advocate on behalf of students and our community's school (or schools) to advance the vision for Special Education Association of Peoria County; and

I shall strive to work together with the Executive Director to lead the Association toward fulfilling the vision the Board of Control has created, fostering excellence for every student in the areas of academic skills, knowledge, citizenship, and personal development.

The Board Chairperson will administer the oath in an open Board meeting; in the absence of the Chairperson, the Vice Chairperson will administer the oath. If neither is available, the Board of Control member with the longest service on the Board will administer the oath.

The Board of Control adopts the Illinois Association of School Boards' *Code of Conduct for Members of School Boards*. A copy of the *Code* shall be displayed in the regular Board meeting room.

LEGAL REF.:105 ILCS 5/10-16.5.

CROSS REF.:1:30 (Association Philosophy), 2:20 (Powers and Duties of the School Board; Indemnification), 2:50 (Board Member Term of Office), 2:100 (Board Member Conflict of Interest), 2:105 (Ethics and Gift Ban), 2:210 (Organizational Board of Control Meeting)

ADOPTED: March 8, 2019

Special Education Association of Peoria County

2:80-E Exhibit - Board Member Code of Conduct

As a member of my local Board of Control, I will do my utmost to represent the public interest in education by adhering to the following standards and principles:

1. I will represent all Association constituents honestly and equally and refuse to surrender my responsibilities to special interest or partisan political groups.
2. I will avoid any conflict of interest or the appearance of impropriety which could result from my position, and will not use my Board membership for personal gain or publicity.
3. I will recognize that a Board member has no legal authority as an individual and that decisions can be made only by a majority vote at a Board meeting.
4. I will take no private action that might compromise the Board or administration and will respect the confidentiality of privileged information.
5. I will abide by majority decisions of the Board, while retaining the right to seek changes in such decisions through ethical and constructive channels.
6. I will encourage and respect the free expression of opinion by my fellow Board members and will participate in Board discussions in an open, honest and respectful manner, honoring differences of opinion or perspective.
7. I will prepare for, attend and actively participate in Board of Control meetings.
8. I will be sufficiently informed about and prepared to act on the specific issues before the Board, and remain reasonably knowledgeable about local, State, national, and global education issues.
9. I will respectfully listen to those who communicate with the Board, seeking to understand their views, while recognizing my responsibility to represent the interests of the entire community.
10. I will strive for a positive working relationship with the Director, respecting the Director's authority to advise the Board, implement Board policy, and administer the Association.
11. I will model continuous learning and work to ensure good governance by taking advantage of Board member development opportunities, such as those sponsored by my State and national School Board associations, and encourage my fellow Board members to do the same.
12. I will strive to keep my Board focused on its primary work of clarifying the Association purpose, direction and goals, and monitoring Association performance.

DATED: March 8, 2019

Special Education Association of Peoria County

2:100 Board Member Conflict of Interest

No Board of Control member shall: (1) have a beneficial interest directly or indirectly in any contract, work, or business of the Association unless permitted by State or federal law; or (2) solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or contracts with the Association. Situations in which the interest is not substantial or the gift is an unsolicited item of nominal value must comply with State law and Board policy 2:105, *Ethics and Gift Ban*.

Board members must annually file a *Statement of Economic Interests* as required by the Illinois Governmental Ethics Act. Each Board member is responsible for filing the statement with the county clerk of the county in which the Association's main office is located by May 1.

Federal and State Grant Awards

No Board member shall participate in the selection, award, or administration of a contract supported by a federal award or State award governed by the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/) if he or she has a real or apparent conflict of interest. A conflict of interest arises when a Board member or any of the following individuals has a financial or other interest in the entity selected for the contract:

1. Any person that has a close personal relationship with a Board member that may compromise or impair the Board member's fairness and impartiality, including a member of the Board member's immediate family or household;
2. The Board member's business partner; or
3. An entity that employs or is about to employ the Board member or one of the individuals listed in one or two above.

LEGAL REF.:

5 ILCS 420/4A-101.5, 420/4A-105, 420/4A-106.5, and 420/4A-107.

30 ILCS 708/, Grant Accountability and Transparency Act.

50 ILCS 105/3.

105 ILCS 5/10-9.

2 C.F.R. §200.318(c)(1).

CROSS REF.: 2:105 (Ethics and Gift Ban), 4:60 (Purchases and Contracts), 5:120 (Employee Ethics; Conduct; and Conflict of Interest)

Adopted: March 13, 2020

Special Education Association of Peoria County

2:105 Ethics and Gift Ban

Prohibited Political Activity

The following precepts govern political activities being conducted by Association employees and Board of Control members:

1. No employee shall intentionally perform any *political activity* during any *compensated time*, as those terms are defined herein.
2. No Board member or employee shall intentionally use any Association property or resources in connection with any political activity.
3. At no time shall any Board member or employee intentionally require any other Board member or employee to perform any political activity: (a) as part of that Board member's or employee's duties, (b) as a condition of employment, or (c) during any compensated time off, such as, holidays, vacation, or personal time off.
4. No Board member or employee shall be required at any time to participate in any political activity in consideration for that Board member or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise; nor shall any Board member or employee be awarded additional compensation or any benefit in consideration for his or her participation in any political activity.

A Board member or employee may engage in any activity that: (1) is otherwise appropriate as part of his or her official duties, or (2) is undertaken by the individual on a voluntary basis that is not prohibited by this policy.

Limitations on Receiving Gifts

Except as permitted by this policy, no Board member or employee, and no spouse of or immediate family member living with a Board member or employee shall intentionally solicit or accept any *gift* from any *prohibited source*, as those terms are defined herein, or that is otherwise prohibited by law or policy. No prohibited source shall intentionally offer or make a gift that violates this policy.

The following are exceptions to the ban on accepting gifts from a prohibited source:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which the Board member or employee, or his or her spouse or immediate family member, pays the fair market value.
3. Any: (a) contribution that is lawfully made under the Election Code, or (b) activities associated with a fundraising event in support of a political organization or candidate.
4. Educational materials and missions.
5. Travel expenses for a meeting to discuss business.
6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of

personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other Board members or employees, or their spouses or immediate family members.

8. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are: (a) consumed on the premises from which they were purchased or prepared; or (b) catered. *Catered* means food or refreshments that are purchased ready to consume, which are delivered by any means.
9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of a Board member or employee), if the benefits have not been offered or enhanced because of the official position or employment of the Board member or employee, and are customarily provided to others in similar circumstances.
10. Intra-governmental and inter-governmental gifts. *Intra-governmental gift* means any gift given to a Board member or employee from another Board member or employee, and *inter-governmental gift* means any gift given to a Board member or employee from an officer or employee of another governmental entity.
11. Bequests, inheritances, and other transfers at death.
12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the listed exceptions is mutually exclusive and independent of every other.

A Board member or employee, his or her spouse or an immediate family member living with the Board member or employee, does not violate this policy if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under 26 U.S.C. §501(c)(3).

Enforcement

The Board Chairperson and Director shall seek guidance from the Board attorney concerning compliance with and enforcement of this policy and State ethics laws. The Board may, as necessary or prudent, appoint an Ethics Advisor for this task.

Written complaints alleging a violation of this policy shall be filed with the Director or Board Chairperson. If attempts to correct any misunderstanding or problem do not resolve the matter, the Director or Board Chairperson shall, after consulting with the Board Attorney, either place the alleged violation on a Board meeting agenda for the Board's disposition or refer the complainant to Board policy 2:260, *Uniform Grievance Procedure*. A Board member who is related, either by blood or by marriage, up to the degree of first cousin, to the person who is the subject of the complaint, shall not participate in any decision-making capacity for the Board. If the Board finds it more likely than not that the allegations in a complaint are true, it shall notify the State's Attorney and/or consider disciplinary action for the employee.

Definitions

Unless otherwise stated, all terms used in this policy have the definitions given in the State Officials and Employees Ethics Act, 5 ILCS 430/1-5.

Political activity means:

1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
2. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
6. Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
7. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires.
11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office or for or against any referendum question.
13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate, or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

With respect to an employee whose hours are not fixed, *compensated time* includes any period of time when the employee is on premises under the control of the Association and any other time when the employee is executing his or her official duties, regardless of location.

Prohibited source means any person or entity who:

1. Is seeking official action by: (a) a Board member, or (b) an employee, or by the Board member or another employee directing that employee;
2. Does business or seeks to do business with: (a) a Board member, or (b) an employee, or with the Board member or another employee directing that employee;
3. Conducts activities regulated by: (a) a Board member, or (b) an employee or by the Board member or another employee directing that employee;
4. Has an interest that may be substantially affected by the performance or non-performance of the official duties of the Board member or employee;
5. Is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or
6. Is an agent of, a spouse of, or an immediate family member living with a prohibited source.

Gift means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or

intangible item having monetary value including but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of a Board member or employee.

Complaints of Sexual Harassment Made Against Board Members by Elected Officials

Pursuant to the State Officials and Employees Ethics Act (5 ILCS 430/70-5), members of the Board and other elected officials are encouraged to promptly report claims of sexual harassment by a Board member. Every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available. If the official feels comfortable doing so, he or she should directly inform the individual that the individual's conduct or communication is offensive and must stop.

Board members and elected officials should report claims of sexual harassment against a member of the Board to the Board President or Director. If the report is made to the Director, the Director shall promptly notify the President, or if the President is the subject of the complaint, the Vice President. Reports of sexual harassment will be confidential to the greatest extent practicable.

When a complaint of sexual harassment is made against a member of the Board by another Board member or other elected official, the Director shall appoint a qualified outside investigator who is not a Association employee or Board member to conduct an independent review of the allegations. The investigator shall prepare a written report and submit it to the Board.

If a Board member has engaged in sexual harassment, the matter will be addressed in accordance with the authority of the Board.

The Director will post this policy on the Association website and/or make this policy available in the Association's administrative office.

LEGAL REF.:

5 ILCS 430/, State Officials and Employees Ethics Act.

10 ILCS 5/9-25.1, Election Interference Prohibition Act.

CROSS REF.: 2:100 (Board Member Conflict of Interest), 2:260 (Uniform Grievance Procedure), 4:60 (Purchases and Contracts), 5:120 (Employee Ethics; Conduct; and Conflict of Interest)

Adopted: March 13, 2020

Special Education Association of Peoria County

2:110 Qualifications, Term, and Duties of Board Officers

The Board of Control officers are: Chairperson, Vice Chairperson, Secretary, and Treasurer. These officers are appointed by the Board of Control at its organizational meeting.

Chairperson

The Board appoints a Chairperson from its members by rotating between districts according to district number for a two-year term. The duties of the Chairperson are to:

1. Preside at all meetings;
2. Focus the Board meeting agendas on appropriate content;
3. Make all Board committee appointments, unless specifically stated otherwise;
4. Attend and observe any Board committee meeting at his or her discretion;
5. Represent the Board on other boards or agencies;
6. Sign official Association documents requiring the Chairperson's signature, including Board minutes;
7. Call special meetings of the Board of Control;
8. Serve as the *head of the public body* for purposes of the Open Meetings Act and Freedom of Information Act;
9. Ensure that a quorum of the Board is physically present at all Board meetings;
10. Administer the oath of office to new Board members;
11. Serve as or appoint the Board's official spokesperson to the media.

The Chairperson is permitted to participate in all Board of Control meetings in a manner equal to all other Board members, including the ability to make and second motions.

The Vice Chairperson fills a vacancy in the office of Chairperson.

Vice Chairperson

The Board elects a Vice Chairperson from its members for a two-year term. The Vice Chairperson performs the duties of the Chairperson if:

1. The office of Chairperson is vacant;
2. The Chairperson is absent; or
3. The Chairperson is unable to perform the office's duties.

A vacancy in the office of Vice Chairperson is filled by special Board appointment.

Secretary

The Board of Control elects a Secretary for a two-year term. The Secretary may be, but is not required to be, a Board member. The Secretary may receive reasonable compensation as determined by the Board before appointment. However, if the Secretary is a Board member, the compensation shall not exceed \$500 per year, as fixed by the Board at least 180 days before the beginning of the term. The duties of the Secretary are to:

1. Keep minutes for all Board meetings, and keep the verbatim record for all closed Board meetings;
2. Mail meeting notification and agenda to news media who have officially requested copies;
3. Keep records of the Board's official acts, and sign them, along with the Chairperson, before submitting them to the Treasurer at such times as the Treasurer may require;

4. Report to the Treasurer on or before July 7, annually, such information as the Treasurer is required to include in the Treasurer's report to the Regional Superintendent;
5. Arrange public inspection of the budget before adoption;
6. Publish required notices;
7. Sign official Association documents requiring the Secretary's signature; and
8. Maintain Board of Control policy and such other official documents as directed by the Board.

The Secretary may delegate some or all of these duties, except when State law prohibits the delegation. The Board appoints a Secretary pro tempore, who may or may not be a Board of Control member, if the Secretary is absent from any meeting or refuses to perform the duties of the office. A permanent vacancy in the office of Secretary is filled by special Board of Control appointment.

Treasurer

The Treasurer of the Board of Control shall be either a member of the Board who serves a two-year term or a non-Board member who serves at the Board's pleasure. A Treasurer who is a Board of Control member may not be compensated. A Treasurer who is not a Board of Control member may be compensated provided it is established before the appointment. The Treasurer must:

1. Be at least 21 years old;
2. Not be a member of the County Board of School Trustees; and
3. Have a financial background or related experience, or 12 credit hours of college-level accounting.

The Treasurer shall:

1. Furnish a bond, which shall be approved by a majority of the full Board of Control;
2. Maintain custody of school funds;
3. Maintain records of school funds and balances;
4. Prepare a monthly reconciliation report for the Director and Board; and
5. Receive, hold, and expend Association funds only upon the order of the Board.

A vacancy in the Treasurer's office is filled by Board appointment.

LEGAL REF.:

5 ILCS 120/7 and 420/4A-106.

105 ILCS 5/8-1, 5/8-2, 5/8-3, 5/8-6, 5/8-16, 5/8-17, 5/10-1, 5/10-5, 5/10-7, 5/10-8, 5/10-13, 5/10-13.1, 5/10-14, 5/10-16.5, and 5/17-1.

CROSS REF.: 2:80 (Board Member Oath and Conduct), 2:150 (Committees), 2:210 (Organizational Board of Control Meeting), 2:220 (Board of Control Meeting Procedure)

Adopted: February 14, 2020

Special Education Association of Peoria County

2:120 Board Member Development

The Board of Control desires that its individual members learn, understand, and practice effective governance principles. The Board is responsible for Board member orientation and development. Board members have an equal opportunity to attend State and national meetings designed to familiarize members with public school issues, governance, and legislation.

The Board Chairperson and/or Director shall provide all Board of Control members with information regarding pertinent education materials, publications, and notices of training or development.

New Board Member Orientation

The orientation process for newly appointed Board members includes:

1. The Board Chairperson or Director, or their designees, shall give each new Board member a copy of or online access to the Board Policy Manual, the Board's regular meeting minutes for the past year, and other helpful information including material describing the Association and explaining the Board's roles and responsibilities.
2. The Board Chairperson or designee shall schedule one or more special Board of Control meetings, or schedule time during regular meetings, for Board members to become acquainted and to review Board processes and procedures.
3. The Board Chairperson may request a veteran Board member to mentor a new member.

LEGAL REF.:5 ILCS 120/1.05 and 120/2.

105 ILCS 5/10-16a and 5/24-16.5.

CROSS REF.:2:80 (Board Member Oath and Conduct), 2:125 (Board Member Compensation; Expenses), 2:200 (Types of Board of Control Meetings)

ADOPTED: March 8, 2019

Special Education Association of Peoria County

2:120-E1 Exhibit - Guidelines for Serving as a Mentor to a New Board of Control Member

On Association letterhead

Date

Dear Board of Control Member:

Thank you for agreeing to serve as a mentor to a new Board member. The goal of the mentoring program is to orient a new Board member to the Board and Association and to help him or her be comfortable, develop self-confidence, and become an effective leader. Follow these guidelines to maximize your mentoring effectiveness.

1. Be a good mentor by sharing your knowledge and experiences with others. Take a personal interest in helping others succeed.
2. Try to develop an informal, collegial relationship with the new Board member - explain that you are there to help. Listen respectfully to all concerns and answer questions honestly.
3. During your first contact with the new Board member, introduce yourself and explain that you will serve as his or her mentor and are looking forward to sharing information about the Board and Association. If possible, meet with the individual to become acquainted. Be available as needed to provide assistance, advice, and support. The Director's office will have already provided the new Board member with a web link or paper copy of the Board's policies as well as other helpful material.
4. Be prepared to introduce the new Board member at upcoming Board events until he or she becomes a familiar face.
5. Be available and maintain a helpful attitude. You will assist the new Board member in becoming an effective member of the Board and ensuring skilled and knowledgeable future leadership for the Association.

Being a mentor can bring rewards to you, the new Board member, and the Association. Thank you for your assistance and commitment.

Sincerely,

Board of Control Chairperson

DATED: March 8, 2019

Special Education Association of Peoria County

2:130 Board-Director Relationship

The Board of Control employs and evaluates the Director and holds him or her responsible for the operation of the Association in accordance with Board of Control policies and State and federal law.

The Board-Director relationship is based on mutual respect for their complementary roles. The relationship requires clear communication of expectations regarding the duties and responsibilities of both the Board and Director.

The Board considers the recommendations of the Director as the Association's Chief Executive Officer. The Board adopts policies necessary to provide general direction for the Association and to encourage achievement of Association goals. The Director develops plans, programs, and procedures needed to implement the policies and directs the Association's operations.

LEGAL REF.:105 ILCS 5/10-16.7 and 5/10-21.4.

CROSS REF.:3:40 (Director)

ADOPTED: March 8, 2019

Special Education Association of Peoria County

2:140 Communications To and From the Board

The Board of Control welcomes communications from staff members, parents/guardians, students, and community members. Individuals may submit questions or communications for the Board's consideration to the Director or may use the electronic link to the Board's email address(es) posted on the Association's website.

The Director or designee shall:

1. Ensure that the home page for the Association's website contains an active electronic link to the email address(es) for the Board of Control, and
2. During the Board's regular meetings, report for the Board's consideration all questions or communications submitted through the active electronic link along with the status of the Association's response in the Board meeting packet.

If contacted individually, Board members will refer the person to the appropriate level of authority, except in unusual situations. Board members' questions or communications to staff or about programs will be channeled through the Director's office. Board members will not take individual action that might compromise the Board or Association. There is no expectation of privacy for any communication sent to the Board or its members, whether sent by letter, email, or other means.

Board Member Use of Electronic Communications

For purposes of this section, *electronic communications* includes, without limitation, electronic mail, electronic chat, instant messaging, texting, and any form of social networking. Electronic communications among a majority or more of a Board-quorum shall not be used for the purpose of discussing Association business. Electronic communications among Board members shall be limited to: (1) disseminating information, and (2) messages not involving deliberation, debate, or decision-making. The following list contains examples of permissible electronic communications:

- Agenda item suggestions
- Reminders regarding meeting times, dates, and places
- Board meeting agendas or information concerning agenda items
- Individual emails to community members, subject to the other limitations in this policy

In accordance with the Open Meetings Act and the Oath of Office taken by Board members, individual Board members will not (a) reply to an email on behalf of the entire Board, or (b) engage in the discussion of Association business through electronic communications with a majority of a Board-quorum.

LEGAL REF.:

5 ILCS 120/, Open Meetings Act.

50 ILCS 205/20, Local Records Act.

CROSS REF.:2:220 (Board of Control Meeting Procedure), 3:30 (Chain of Command), 8:110 (Public Suggestions and Concerns)

Adopted: October 11, 2019

2:140-E Exhibit - Guidance for Board Member Communications, Including Email Use

The Open Meetings Act (OMA) requires the Board of Control to discuss Association business only at a properly noticed Board meeting. 5 ILCS 120/.. Other than during a Board meeting, a majority or more of a Board-quorum may not engage in contemporaneous interactive communication, whether in person or electronically, to discuss Association business. This *Guidance* assumes a Board has seven members and covers issues arising from Board policy 2:140, *Communications To and From the Board*.

Communications Between or Among Board Members and/or the Director Outside of a Properly Noticed Board Meeting

1. The Director or designee is permitted to email information to Board members. For example, the Director may email Board meeting agendas and supporting information to Board members. When responding to a single Board member's request, the Director should copy all other Board members and include a *do not reply/forward* alert to the group, such as: "**BOARD MEMBER ALERT: This email is in response to a request. Do not reply or forward to the group but only to the sender.**"
2. Board members are permitted to discuss any matter except Association business with each other, whether in person or by telephone or email, regardless of the number of members participating in the discussion. For example, they may discuss league sports, work, or current events.
3. Board members are permitted to provide information to each other, whether in person or by telephone or email, that is non-deliberative and non-substantive. Examples of this type of communication include scheduling meetings and confirming receipt of information.
4. A Board member is not permitted to discuss Association business with more than one other Board member at a time, whether in person or by telephone or email. Stated another way, a Board member may discuss Association business in person or by telephone or email with only one other Board member at a time. However, a Board member should not facilitate interactive communication by discussing Association business in a series of visits with, or telephone calls or emails to, Board members individually.
5. A Board member should include a *do not reply/forward* alert when emailing a message concerning Association business to more than one other Board member. The following is an example of such an alert: "**BOARD MEMBER ALERT: This email is not for interactive discussion purposes. The recipient should not reply to it or forward it to any other individual.**"
6. Board members should not forward email received from another Board member.

When Must the Electronic Communications Sent or Received by Individual Board Members Be Disclosed Pursuant to a Freedom of Information Act (FOIA) Request?

An electronic communication must be disclosed if it is a *public record* as defined by FOIA, unless a specific exemption applies. A public record is any recorded information "pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body." 5 ILCS 140/2. Email sent or received by an individual Board member may be, depending on the content and circumstances, subject to disclosure as a *public record* (unless a FOIA exemption is applicable).

If a Board member uses a Association-provided device or email address to discuss public business, the email is subject to disclosure under FOIA, barring an applicable exemption. If a Board member uses a private device and email address, the communication is subject to FOIA if it satisfies this test:

First, the communication pertains to the transaction of public business, and

Second, the communication was: (1) prepared by a public body, (2) prepared for a public body, (3) used by a public body, (4) received by a public body, (5) possessed by a public body, and/or (6) controlled by a public body.

This test is from the appellate court decision in City of Champaign v. Madigan, 992 N.E.2d 629 (Ill.App.4th, 2013).

The following *examples* describe FOIA's treatment of electronic communications:

1. If an electronic communication does not pertain to public business, it is not a public record and is not subject to a FOIA request.
2. An electronic communication pertaining to public business that is:
 - a. Sent and/or received by an individual Board member using a personal electronic device and personal email address while he or she is at home or work **would not be a public record**. Individual Board members, alone, cannot conduct Association business. As stated earlier, emails among a majority or more of a Board-quorum violate OMA and, thus, are subject to disclosure during proceedings to enforce OMA.
 - b. Sent and/or received by an individual Board member on a Association-issued device or Association-issued email address **will be a public record** and subject to FOIA. The electronic communication is under the control of the Association.
 - c. Received by an individual Board member on a personal electronic device and then forwarded by the Board member to a Association-owned device or server **will be a public record** and subject to FOIA. The electronic communication is under the control of the Association.
 - d. Received by an individual Board member using a personal electronic device and personal email address, and then forwarded by the Board member to enough members to constitute a majority or more of a Board-quorum **will be a public record** and subject to FOIA. The electronic communication is in the Association's possession.
 - e. Either sent to or from a Board member's personal electronic device during a Board meeting **will be a public record** and subject to FOIA. The electronic communication is in the Association's possession because Board members were functioning collectively as a public body.

The Association's Freedom of Information Officer and/or Board Attorney will help determine when a specific communication must be disclosed pursuant to a FOIA request.

When Must Electronic Communications Be Retained?

Email that qualifies under FOIA as a *public record* will need to be stored pursuant to the Local Records Act(LRA), only if it is evidence of the Association's organization, function, policies, procedures, or activities or contains informational data appropriate for preservation. 50 ILCS 205/. An example is any email from a Board officer concerning a decision made in his or her capacity as an officer. If a Board member uses his or her personal email, he or she must copy this type of email to the appropriate Association office where it will be stored. If made available, Board members should use their email accounts provided by the Association, and the Association will automatically store the official record messages. The Association will delete these official record messages as provided in an applicable, approved **retention schedule**. Of course, email pertaining to public business that is sent or received by a Board Member using a Association-issued device or email address will be subject to FOIA, even if the email does not need to be retained under the LRA.

Important: Do not destroy any email concerning a topic that is being litigated without obtaining the

Board attorney's direction. In federal lawsuits, there is an automatic discovery of virtually all types of electronically created or stored data that might be relevant. Attorneys will generally notify their clients at the beginning of a legal proceeding not to destroy any electronic records that might be relevant. This is referred to as a *litigation hold*. For more discussion of a litigation hold, see 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*. In addition, any person who knowingly with the intent to defraud any party destroys, removes, or conceals any public record commits a Class 4 felony. 50 ILCS 205/4.

DATED : October 11, 2019

Special Education Association of Peoria County

2:150 Committees

The Board of Control may establish committees to assist with the Board's governance function and, in some situations, to comply with State law requirements. These committees are known as Board committees and report directly to the Board. Committee members may include both Board members and non-Board members depending on the committee's purpose. The Board Chairperson makes all Board committee appointments unless specifically stated otherwise. Board committee meetings shall comply with the Open Meetings Act. A Board committee may not take final action on behalf of the Board - it may only make recommendations to the Board.

Special Board Committees

A special committee may be created for specific purposes or to investigate special issues. A special committee is automatically dissolved after presenting its final report to the Board or at the Board's discretion.

Standing Board Committees

A standing committee is created for an indefinite term although its members will fluctuate. Standing committees are:

1. Board Policy Committee. This committee researches policy issues, and provides information and recommendations to the Board.
2. Finance Committee.
3. Evaluation Committee, consisting of the Chairperson and Vice Chair.
4. Collective Bargaining Committee.

Nothing in this policy limits the authority of the Director or designee to create and use committees that report to him or her or to other staff members.

LEGAL REF.:5 ILCS 120.

105 ILCS 5/10-20.14 and 5/14-8.05.

CROSS REF.:2:110 (Qualifications, Term, and Duties of Board Officers), 2:200 (Types of Board of Control Meetings), 2:240 (Board Policy Development), 7:190 (Student Behavior), 7:230 (Misconduct by Students with Disabilities)

ADOPTED: March 8, 2019

Special Education Association of Peoria County

2:160 Board Attorney

The Board of Control retain legal services with one or more attorneys or law firms to be the Board Attorney(s). The Board Attorney represents the Board of Control in its capacity as the governing body for the Association. The Board Attorney serves on a retainer or other fee arrangement as determined in advance. The Board Attorney will provide services as described in the agreement for legal services or as memorialized by an engagement letter. The Association will only pay for legal services that are provided in accordance with the agreement for legal services, as memorialized by an engagement letter, or that are otherwise authorized by this policy or a majority of the Board.

The Director, his or her designee, and Board Chairperson, are each authorized to confer with and/or seek the legal advice of the Board Attorney. The Board may also authorize a specific Board member to confer with the Board Attorney on its behalf.

The Director may authorize the Board Attorney to represent the Association in any legal matter until the Board has an opportunity to be informed of and/or consider the matter.

The Board retains the right to consult with or employ other attorneys and to terminate the service of any attorney.

LEGAL REF.:

Rule 1.7 (Conflict of Interest: Current Clients) and Rule 1.13 (Organization as Client) of the Ill. Rules of Professional Conduct adopted by the Ill. Supreme Court.

CROSS REF.: 4:60 (Purchases and Contracts)

Adopted: June 12, 2020

Special Education Association of Peoria County

2:160-E Exhibit - Checklist for Selecting a Board Attorney

The Board of Control selects and retains the Board Attorney(s). The Board may use this checklist for guidance when it selects and retains attorney(s) and/or law firms for legal services. This checklist is designed for the Board to use a request for proposal (RFP) process to seek outside attorneys/law firms, but it can be adapted for an application process, if the Board seeks an in-house attorney. For more information, call the IASB Office of General Counsel; see its current phone numbers at www.iasb.com/whatis/staff.cfm.

Determine what type of legal services the Association needs.

1. Review Board policy 2:160, *Board Attorney*. **Note:** Critically analyze whether the Association's legal needs are best served by in-house attorney(s) or outside attorney(s)/law firms. Many Associations use a combination of these services. Many Associations also use multiple attorney(s)/law firms for their specialties, e.g., different law firms for bond counsel, special education, or labor law. This checklist is designed for the Board to use a request for proposal (RFP) process to seek outside attorney(s)/law firms, but it can be adapted for an application process, which would better fit if the Board seeks an in-house attorney.
2. Consider the following factors to analyze the type(s) of legal services needed for the Association including, but are not limited to:
 - Association's size;
 - Any past and current experiences with legal matters;
 - Complexity of the Association's legal needs;
 - Availability of expertise; and
 - Cost of outside fees compared to internal staff expenses for an in-house arrangement.

Develop a list of qualifications necessary for providing quality legal services to the Association.

1. Review policy 4:60, Purchases and Contracts. **Note:** While State law exempts hiring an attorney from bidding requirements (105 ILCS 10-20.21(a)), the Board may want to review its procurement processes and align contracts for legal services to its non-bidding-related standards for purchases, e.g., avoiding favoritism, staying within the Association's budget, etc.
2. Develop the list of qualifications. The major qualifications include, but are not limited to:
 - Licensed to practice law in Illinois and in good standing with the Illinois Attorney Registration and Disciplinary Commission (ARDC) (see checklist item *Conduct a reference check and other background investigations*, below)
 - Member of the Association's assigned United States Association court and the Seventh Circuit Court of Appeals
 - Substantive knowledge and experience in the legal areas matching Association's needs, e.g., bidding, civil rights, collective bargaining, education reform, employment law, Freedom of Information Act, Open Meetings Act, other records laws, special education, student rights, etc. **Note:** This list of knowledge and experience must be created by the Association's identified needs and may change from time to time.
 - Experience in all aspects of contract, employment, and school law
 - Experience that meets the Association's needs, including litigation experience in State and federal courts
 - Membership in professional associations, such as, the Illinois Council of School Attorneys (ICSA) and education law sections of bar associations, etc.
 - Demonstrated knowledge of and ability to apply professional responsibility rules

- Accessibility for the Association's identified needs, e.g., evening Board meetings, phone calls, etc.
- Ability to declare that representation of the Association will be to the exclusion of all other clients having potential conflicts with the Association's interests
- When additional qualifications apply, list those qualifications for providing legal services. This may include specialties such as bond counsel, etc.

Develop the RFP.

1. Insert the list of qualifications that the Board developed.
2. Include the following information:
 - The deadline for responses to be submitted
 - The location (address or email) where responses should be sent
 - A statement that the Board is soliciting proposals from qualified lawyers and law firms to provide legal services to the Association
 - Significant information about the Association. See Board policy 1:30, *Association Philosophy*, for the Association's mission statement that is specific to the community's goals.
 - The scope of work, e.g., "The Board Attorney will provide legal advice concerning *[typical duties, specific duties, excluded duties]*."
 - Qualifications
 - Details about interviews and presentations
3. Specify what responders must include in their responses, such as the following:
 - Cover letter, complete name, address, and legal structure (if the responder is a law firm)
 - The individuals who prepared the response, including their titles
 - If different from above, the identity of and directory information for the individuals who have authority to answer questions regarding the submitted proposal
 - A proposed fee schedule, e.g., "Respondents may combine set fees and hourly fees. If hourly fees are proposed, please provide the minimum time increment for billing purposes. If a retainer agreement is proposed, please specifically describe options."
 - A summary of the responder's relevant experience representing public schools
 - A writing sample
 - An assurance that the responder meets the RFP's qualifications
 - References including current or past clients

Announce the RFP.

1. Title the announcement. **Note:** How and where the RFP is announced are at the Board's sole discretion. The Board may want to announce the RFP during an open meeting, post it on the Association's website, mail it to local law firms, and/or place it in the local newspaper(s) or other legal publications. A directory of those lawyers belonging to the Council of School Attorneys (ICSA) is on the IASB website, www.iasb.com. A printed copy is available upon request. Inclusion in the directory does not represent an IASB endorsement. Some attorneys who practice school law do not belong to ICSA. Other online sources, such as the Illinois State Bar Association, also maintain directories of information about attorneys. The Board may want to title the announcement "The *[Insert Association's name]* Board of Control Requests Proposals to Provide Legal Services."
2. Announce that the Board seeks an attorney or law firm to serve as its Board Attorney.
3. Inform the reader that the attorney or law firm selected will serve from the date of appointment to

[date]. The length of the appointment is at the Board's discretion.

4. State the Association's philosophy or mission statement.
5. Insert the RFP location and contact information with the beginning date and time.
6. Tell prospective responders that completed RFPs must be returned [by certain time and date] to [name and title of person receiving applications].

Receive and manage responses to the RFP.

1. Review policy 2:110, *Qualifications, Term, and Duties of Board Officers*. The Board Chairperson is a logical officer to accept the applications, but this task may be delegated to the Secretary or Director's secretary if the Board determines that it is more convenient. Who accepts applications is at the Board's sole discretion and should be decided by the Board prior to posting the RFP announcement
2. The Board will discuss, at an open meeting, its process to review the applications and who will contact RFP responders for an interview.
3. The designated person will contact RFP responders for interviews.

Develop interview questions.

1. Interview questions are at the Board's discretion.
2. A prospective attorney or law firm to fill the Board Attorney position may raise other specific issues that the Board will want to cover during an interview.
3. The following non-exhaustive list of interview questions may help the Board tailor its questions toward finding an attorney or law firm with an approach to the role of the Board Attorney that the Board desires:
 - What do you see as your role as Board Attorney?
 - How many other Associations do you currently represent?
 - What kind of legal services do you provide to your school clients? Please explain how your other experience is relevant to this position.
 - How many years of experience does your firm (or, the attorney) have? How long have you been practicing law? How long have you been representing Associations?
 - What methods will you use to ensure all members of the Board, which is your client, remain informed? See the discussion about the *III. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
 - How would you manage a situation in which the Board feels strongly about its position but you believe that position is not legally supportable? The *III. Rules of Professional Conduct*, at www.illinoiscourts.gov/supremecourt/rules/art_viii/default_new.asp, require attorneys to represent the Board in its capacity as the governing body for the Association. The responders should be discussing these rules, specifically Rule 1.7 (Conflict of Interest: Current Clients) and Rule 1.13 (Organization as Client), among others, in their answers to this question. See also, **PRESS** policy 2:160, *Board Attorney*.
 - How would you manage a situation in which the Board's interest may be or become adverse to one or more of its members? See the discussion about the *III. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
 - How would you manage a situation in which the Board and Director are in conflict? How about a divided Board? See the discussion about the *III. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
 - If the Board did something that you had advised against, could you still defend the Board's action? See the discussion about the *III. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.

- Will you try to shape Board decisions or do you have a *whatever the Board decides philosophy*? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
- Do you give clients specific recommendations or do you advise them of the available options and let the client decide? See the discussion about the *Ill. Professional Rules of Conduct* in f/n 2 of policy 2:160, *Board Attorney*.
- Do you provide your Board of Control clients with any updating services gratis?
- How do you keep your Board clients apprised of litigation and other legal matters you are handling for them?
- Will you be handling this business personally (i.e., will you delegate to your associates or partners)?
- Can anyone else in your firm handle our inquiries when you are unavailable?
- How do you keep current on school law?
- When do you tell your school clients to contact you regarding a matter with possible legal repercussions?
- Have you represented a Association in a matter involving the rights of disabled students? â€¦ involving disabled employees? ... involving a student expulsion? â€¦ involving a teacher dismissal? â€¦ involving an employee's contract or dismissal? â€¦ involving a building contract or bidding matter? â€¦ Can you tell us about that case?
- How do you bill? How are you to be paid? Please explain your rates and/or fees. The subject of billing should cover whether the attorney or law firm prepares a budget for representation and its method for billing in detail, including the date and time, what work was performed, and who worked on the project, along with expenses.
- Did you bring a written agreement for legal services or a retainer agreement? If yes, please review it for us now. If not, please explain the options for a written agreement for legal services.

Develop an interview protocol. Interviews may occur in closed session pursuant to 5 ILCS 120/2(c)(1).

1. The Board Chairperson will lead the Board as it interviews responders to its RFP (see 105 ILCS 5/10-13 stating that the Board Chairperson presides at all meetings and Board policy 2:110, Qualifications, Term, and Duties of Board Officers.
2. The Board may also want to consider allowing an equal amount of time for each interview.
3. Discuss the following items with each responder during the interview:
 - Introduce Board members to the responder.
 - Describe the Board's interview process, selection process, and ask the responder if he or she has questions about the Board's process for selecting its attorney.
 - Describe the Association's philosophy or mission statement.
 - Describe the Board Attorney position by reviewing the RFP.
 - Begin asking the interview questions. (See *Develop interview questions*, above).
 - Ask the responder whether he or she has any questions for the Board.
 - Thank the responder and inform him or her when the Board expects to make its decision and how the responder will be contacted regarding the Board's decision.

Conduct a reference check and other background investigation(s).

1. The Board Chairperson may perform this check or direct the Director to:
 - Check the ARDC's master roll of attorneys as "Authorized to Practice Law." To do this, enter the

attorney's name into the ARDC's registration and public disciplinary records database at: www.iardc.org/lawyersearch.asp.

- Click on the attorney's name to review whether any disciplinary actions are pending or resolved; current and prior actions will appear at the bottom of the screen.
 - If disciplinary actions are listed, ask the attorney or law firm for more information.
2. There are other online attorney review services available. These services may be overly subjective and/or the attorney may have control over the content in these services. Always check with the ARDC.
 3. Call references provided by the responder.

Enter into a written contract with the selected attorney or law firm.

1. All *agreements for legal services* should be in writing. At minimum, the agreement should provide the fee arrangement and the scope of services. *Agreements for legal services* and individual billing statements from the Board Attorney are subject to disclosure pursuant to a Freedom of Information Act request (PAC-14-002).
2. Discuss the fee arrangements with the responder and decide:
 - Whether to enter into a fee arrangement or a retainer agreement. Note: Attorneys typically bill by a pre-determined percentage of the hour, e.g., in one-tenth of an hour increments. Many Associations enter into a retainer agreement for legal services that requires them to pay the attorney a pre-determined fee every month. In return, the attorney provides a pre-determined amount of legal services whenever the Association needs him or her. Associations find this useful because (1) they can budget for legal expenses, (2) legal advice is available up to the pre-determined amount for lower fees, and (3) this arrangement often provides for an enhanced, long-term relationship with the attorney.
 - The appropriate scope of services.
3. Review the written contract (*Agreement for Legal Services*) for these provisions:
 - Fee arrangement.
 - Scope of services.
 - Who will be providing legal services?
 - A statement that the Board controls all legal decisions.
 - A statement that the attorney and his or her law firm have no conflicts of interest or, if a conflict exists, that the Board understands the conflict and waives it.
 - Board's right to terminate the services of the attorney and law firm at any time for any reason.
4. Approve the *Agreement for Legal Services* during an open Board meeting.

Announce the appointment to Association staff and community.

1. The contents of the announcement and length of time it is displayed are at the Board's sole discretion.
2. The Board may want to consider announcing during an open meeting. See Board policy 8:10, *Connection with the Community*.
3. The Board may want to include the following information in its announcement:
 - The Board appointed [attorney's name or law firm name] as the Board Attorney.
 - The appointment will begin on [date] for [length of time].
 - The Board previously established qualifications for the Board Attorney in a careful and thoughtful

manner. [*Attorney or lawfirm's name*] meets these qualifications and has demonstrated the willingness to accept its duties and responsibilities. [*Attorney or lawfirm's name*] brings a clear understanding of the demands and expectations of the Board Attorney position along with a constructive attitude toward the challenge.

DATED: March 8, 2019

Special Education Association of Peoria County

2:170 Procurement of Architectural, Engineering, and Land Surveying Services

The Board of Control selects architects, engineers, and land surveyors to provide professional services to the Association on the basis of demonstrated competence and qualifications, and in accordance with State law.

LEGAL REF.:40 U.S.C. §541.

50 ILCS 510/, Local Government Professional Services Selection Act.

105 ILCS 5/10-20.21.

Shively v. Belleville Twp. High Sch. Dist. 201, 329 Ill.App.3d 1156 (5th Dist. 2002), *appeal denied*.

ADOPTED: March 8, 2019

Special Education Association of Peoria County

2:200 Types of Board of Control Meetings

General

For all meetings of the Board of Control and its committees, the Director or designee shall satisfy all notice and posting requirements contained herein as well as in the Open Meetings Act. This shall include mailing meeting notifications to news media that have officially requested them and to others as approved by the Board. Unless otherwise specified, all meetings are held in the Association's main office. Board policy 2:220, *Board of Control Meeting Procedure*, governs meeting quorum requirements.

The Director and designees are 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 Director may identify other employees to receive the training. In addition, each Board member must complete a course of training on the Open Meetings Act as required by Section 1.05(b) or (c) of that Act.

Regular Meetings

The Board announces the time and place for its regular meetings at the beginning of each fiscal year. The Director shall prepare and make available the calendar of regular Board meetings. The regular meeting calendar may be changed with 10 days' notice in accordance with State law.

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

Closed Meetings

The Board and Board committees may meet in a closed meeting to consider the following subjects:

1. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors in a park, recreational, or educational setting, or specific volunteers of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor in a park, recreational, or educational setting, or a volunteer of the public body or against legal counsel for the public body to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with [the Open Meetings Act]. 5 ILCS 120/2(c)(1), amended by P.A. 101-459.
2. Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees. 5 ILCS 120/2(c)(2).
3. The selection of a person to fill a public office, as defined in the Open Meetings Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance. 5 ILCS 120/2(c)(3).
4. Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in the Open Meetings Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning. 5 ILCS 120/2(c)(4).
5. The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired. 5 ILCS 120/2(c)(5).
6. The setting of a price for sale or lease of property owned by the public body. 5 ILCS 120/2(c)(6).

7. The sale or purchase of securities, investments, or investment contracts. 5 ILCS 120/2(c)(7).
8. Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. 5ILCS 120/2(c)(8).
9. Student disciplinary cases. 5 ILCS 120/2(c)(9).
10. The placement of individual students in special education programs and other matters relating to individual students. 5 ILCS 120/2(c)(10).
11. Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting. 5 ILCS 120/2(c)(11).
12. The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member. 5 ILCS 120/2(c)(12).
13. Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member. 5 ILCS 120/2(c)(16).
14. Discussion of minutes of meetings lawfully closed under the Open Meetings Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. 5 ILCS 120/2(c)(21).
15. Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America. 5 ILCS 120/2(c)(29).

The Board may hold a closed meeting, or close a portion of a meeting, by a majority vote of a quorum, taken at an open meeting. The vote of each Board member present, and the reason for the closed meeting, will be publicly disclosed at the time of the meeting and clearly stated in the motion and the meeting minutes.

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

No final Board action will be taken at a closed meeting.

Reconvened or Rescheduled Meetings

A meeting may be rescheduled or reconvened. Public notice of a rescheduled or reconvened meeting shall be given in the same manner as that for a special meeting, except that no public notice is required when the original meeting is open to the public and: (1) is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda.

Special Meetings

Special meetings may be called by the Chairperson or by any three members of the Board by giving notice thereof, in writing, stating the time, place, and purpose of the meeting to remaining Board members by mail at least 48 hours before the meeting, or by personal service at least 24 hours before the meeting.

Public notice of a special meeting is given by posting a notice at the Association's main office at least 48 hours before the meeting and by notifying the news media that have filed a written request for notice. A meeting agenda shall accompany the notice.

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

Emergency Meetings

Public notice of emergency meetings shall be given as soon as practical, but in any event, before the meeting to news media that have filed a written request for notice.

Posting on the Association Website

In addition to the other notices specified in this policy, the Director or designee shall post the following on the Association website: (1) the annual schedule of regular meetings, which shall remain posted until the Board approves a new schedule of regular meetings; (2) a public notice of all Board meetings; and (3) the agenda for each meeting which shall remain posted until the meeting is concluded.

LEGAL REF.:

5 ILCS 120/, Open Meetings Act.

5 ILCS 140/, Freedom of Information Act.

105 ILCS 5/10-6 and 5/10-16.

CROSS REF.: 2:110 (Qualifications Term, and Duties of Board Officers), 2:120 (Board Member Development), 2:210 (Organizational Board of Control Meetings), 2:220 (Board of Control Meeting Procedure), 2:230 (Public Participation at Board of Control Meetings and Petitions to the Board), 6:235 (Access to Electronic Networks)

Adopted: February 14, 2020

Special Education Association of Peoria County

2:210 Organizational Board of Control Meeting

Each appointed board member, before taking his or her seat on the Board, shall take the oath of office as provided in Board policy 2:80, *Board Member Oath and Conduct*. The Board shall elect its officers, who assume office immediately upon their election. The Board shall fix a time and date for its regular meetings.

LEGAL REF.:10 ILCS 5/2A-1 et seq.

105 ILCS 5/10-5, 5/10-16, and 5/10-16.5.

CROSS REF.:2:30 (Association Elections), 2:110 (Qualifications, Term, and Duties of Board Officers), 2:200 (Types of Board of Control Meetings), 2:220 (Board of Control Meeting Procedure), 2:230 (Public Participation at Board of Control Meetings and Petitions to the Board)

ADOPTED: March 8, 2019

Special Education Association of Peoria County

2:220 Board of Control Meeting Procedure

Agenda

The Board of Control Chairperson is responsible for focusing the Board meeting agendas on appropriate content. The Director shall prepare agendas in consultation with the Board Chairperson. The Chairperson shall designate a portion of the agenda as a consent agenda for those items that usually do not require extensive discussion before Board action. Upon the request of any Board member, an item will be withdrawn from the consent agenda and placed on the regular agenda for independent consideration.

Each Board meeting agenda shall contain the general subject matter of any item that will be the subject of final action at the meeting. Items submitted by Board members to the Director or the Chairperson shall be placed on the agenda for an upcoming meeting. Association residents may suggest inclusions for the agenda. The Board will take final action only on items contained in the posted agenda; items not on the agenda may still be discussed.

The Director shall provide a copy of the agenda, with adequate data and background information, to each Board member at least 48 hours before each meeting, except a meeting held in the event of an emergency. The meeting agenda shall be posted in accordance with Board policy 2:200, *Types of Board of Control Meetings*.

The Board Chairperson shall determine the order of business at regular Board meetings. Upon consent of a majority of members present, the order of business at any meeting may be changed.

Voting Method

Unless otherwise provided by law, when a vote is taken upon any measure before the Association Board, with a quorum being present, a majority of the votes cast shall determine its outcome. A vote of *abstain* or *present*, or a vote other than *yea* or *nay*, or a failure to vote, is counted for the purposes of determining whether a quorum is present. A vote of *abstain* or *present*, or a vote other than *yea* or *nay*, or a failure to vote, however, is not counted in determining whether a measure has been passed by the Board, unless otherwise stated in law.

On all questions involving the expenditure of money and on all questions involving the closing of a meeting to the public, a roll call vote shall be taken and entered in the Board's minutes. An individual Board member may request that a roll call vote be taken on any other matter; the Chairperson or other presiding officer may approve or deny the request but a denial is subject to being overturned by a majority vote of the members present.

Each Board of Control member shall be entitled to voting privileges. Each district representative shall be entitled to the number of votes calculated as the number of enrolled special education students receiving services in special education classrooms as reported on the Association's October billing. The Regional Superintendent shall be entitled to the number of votes equal to the Association having the least enrollment of special education students. The calculated votes will be revised annually at the Board of Control meeting held in November.

Unless otherwise provided by law, when a vote is taken upon any measure before the Association Board with a quorum being present, a majority of the weighted votes cast shall determine its outcome. When votes are entered in the records of the Association Board, "present" or "abstain" votes shall be recorded as such. A vote of "present" or "abstain" is counted with the majority vote. On a tie vote, the motion is lost.

Minutes

The Board Secretary shall keep written minutes of all Board meetings (whether open or closed), which

shall be signed by the Chairperson and the Secretary. The minutes include:

1. The meeting's date, time, and place;
2. Board 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 with a citation to the specific exception contained in the Open Meetings Act (OMA) authorizing the closed meeting;
7. A record of all motions, including individuals making and seconding motions;
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.

The minutes shall be submitted to the Board for approval or modification at its next regularly scheduled open meeting. Minutes for open meetings must be approved within 30 days after the meeting or at the second subsequent regular meeting, whichever is later.

At least semi-annually in an open meeting, the Board: (1) reviews minutes from all 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. The Board may meet in a prior closed session to review the minutes from closed meetings that are currently unavailable for public release.

The Board's meeting minutes must be submitted to the Board Treasurer at such times as the Treasurer may require.

The official minutes are in the custody of the Board Secretary. Open meeting minutes are available for inspection during regular office hours within 10 days after the Board's approval; they may be inspected in the Association's main office, in the presence of the Secretary, the Director or designee, or any Board member.

Minutes from closed meetings are likewise available, but only if the Board has released them for public inspection, except that Board members may access closed session minutes not yet released for public inspection (1) in the Association's administrative offices or their official storage location, and (2) in the presence of the Recording Secretary, the Director or designated administrator, or any elected Board member. The minutes, whether reviewed by members of the public or the Board, shall not be removed from the Association's administrative offices or their official storage location except by vote of the Board or by court order.

The Board's open meeting minutes shall be posted on the Association website within 10 days after the Board approves them; the minutes will remain posted for at least 60 days.

Verbatim Record of Closed Meetings

The Director, or the Board Secretary when the Director is absent, shall audio record all closed meetings. If neither is present, the Board Chairperson or presiding officer shall assume this responsibility. After the closed meeting, the person making the audio recording shall label the recording with the date and store it in a secure location. The Director shall ensure that: (1) an audio recording device and all necessary accompanying items are available to the Board for every closed meeting, and (2) a secure location for storing closed meeting audio recordings is maintained close to the Board's regular meeting location.

After 18 months have passed since being made, the audio recording of a closed meeting is destroyed provided the Board approved: (1) its destruction, and (2) minutes of the particular closed meeting.

Individual Board members may access verbatim recordings in the presence of the Recording Secretary, the Director or designated administrator, or any elected Board member. Access to the verbatim recordings is available at the Association's administrative offices or the verbatim recording's official storage location. Requests shall be made to the Director or Board Chairperson. While a Board member is listening to a verbatim recording, it shall not be re-recorded or removed from the Association's main office or official storage location, except by vote of the Board or by court order.

Before making such requests, Board members should consider whether such requests are germane to their responsibilities, service to Association, and/or Oath of Office in policy 2:80, *Board Member Oath and Conduct*. In the interest of encouraging free and open expression by Board members during closed meetings, the recordings of closed meetings should not be used by Board members to confirm or dispute the accuracy of recollections.

Quorum and Participation by Audio or Video Means

A quorum of the Board must be physically present at all Board meetings. A majority of the full membership of the Board constitutes a quorum.

Provided a quorum is physically present, a Board member may attend a meeting by video or audio conference if he or she is prevented from physically attending because of: (1) personal illness or disability, (2) employment or Association business, or (3) a family or other emergency. If a member wishes to attend a meeting by video or audio means, he or she must notify the recording secretary or Director at least 24 hours before the meeting unless advance notice is impractical. The recording secretary or Director will inform the Board Chairperson and make appropriate arrangements. A Board member who attends a meeting by audio or video means, as provided in this policy, may participate in all aspects of the Board meeting including voting on any item.

No Physical Presence of Quorum and Participation by Audio or Video; Disaster Declaration

The ability of the Board to meet in person with a quorum physically present at its meeting location may be affected by the Governor or the Director of the Ill. Dept. of Public Health issuing a disaster declaration related to a public health emergency. The Board Chairperson or, if the office is vacant or the Chairperson is absent or unable to perform the office's duties, the Vice Chairperson determines that an in-person meeting or a meeting conducted under the **Quorum and Participation by Audio or Video Means** subhead above, is not practical or prudent because of the disaster declaration; if neither the Chairperson nor Vice Chairperson is present or able to perform this determination, the Director shall serve as the duly authorized designee for purposes of making this determination.

The individual who makes this determination for the Board shall put it in writing, include it on the Board's published notice and agenda for the audio or video meeting and in the meeting minutes, and ensure that the Board meets every OMA requirement for the Board to meet by video or audio conference without the physical presence of a quorum.

Rules of Order

Unless State law or Board-adopted rules apply, the Board Chairperson, as the presiding officer, will use Robert's Rules of Order, Newly Revised (11th Edition), as a guide when a question arises concerning procedure.

Broadcasting and Recording Board Meetings

Any person may record or broadcast an open Board meeting. Special requests to facilitate recording or broadcasting an open Board meeting, such as seating, writing surfaces, lighting, and access to

electrical power, should be directed to the Director at least 24 hours before the meeting.

Recording meetings shall not distract or disturb Board members, other meeting participants, or members of the public. The Board Chairperson may designate a location for recording equipment, may restrict the movements of individuals who are using recording equipment, or may take such other steps as are deemed necessary to preserve decorum and facilitate the meeting.

LEGAL REF.:

5 ILCS 120/2a, 120/2.02, 120/2.05, 120/2.06, and 120/7.

105 ILCS 5/10-6, 5/10-7, 5/10-12, and 5/10-16.

CROSS REF.: 2:80 (Board Member Oath and Conduct) , 2:150 (Committees), 2:200 (Types of Board of Control Meetings), 2:210 (Organizational Board of Control Meeting), 2:230 (Public Participation at Board of Control Meetings and Petitions to the Board)

Adopted: October 9, 2020

Special Education Association of Peoria County

2:220-E1 Exhibit - Board Treatment of Closed Meeting Verbatim Recordings and Minutes

The following procedures govern the verbatim audio recordings and minutes of Board of Control meetings that are closed to the public.

Actor	Action
<p><i>Before any Board meeting:</i></p> <p>Director or designee</p>	<p>Arranges to have an audio recording device with extra recording tapes and a back-up audio recording device in the Board meeting room during every Board meeting regardless of whether a closed meeting is scheduled.</p> <p>The Board may close a portion of a public meeting without prior notice; it cannot, however, have a closed meeting unless it can record the session.</p>
<p><i>Before a closed meeting:</i></p> <p>Board Chairperson or presiding officer</p>	<p>On the closed meeting date: (1) convenes an open meeting, (2) requests a motion to adjourn into closed meeting making sure the reason for the meeting is identified in the motion, (3) takes a roll call vote, (4) asks that the minutes record the vote of each member present and the reason for the closed meeting with a citation to the specific exception contained in the Open Meetings Act (OMA) authorizing the closed meeting (5 ILCS 120/2a), and (5) adjourns the open meeting.</p>
<p><i>Before a closed meeting:</i></p> <p>Director or Board Secretary</p>	<p>Immediately before a closed meeting, tests and activates the audio recording device.</p>
<p><i>During a closed meeting:</i></p> <p>Board Chairperson or presiding officer</p>	<p>Convenes the closed meeting stating:</p> <p>Seeing a quorum of the Board of Education gathered today, ___ date, at ___ o'clock, at ___ location, for the purpose of holding a closed meeting in order to confidentially discuss ___, I call the meeting to order. In order to record who is present, I request that each individual state his or her name and position with the Association.</p> <p>Limits discussion to the topics that were included in the motion to go into a closed meeting.</p> <p>The failure to immediately call a person out-of-order who strays from the purposes included in the motion may result in an appearance of acquiescence. This responsibility to call a person out-of-order falls on each Board member in the event of the Chairperson's failure.</p> <p>Once the closed meeting is finished, announces a return to an open meeting or adjournment, and states the time.</p>
<p><i>After a closed meeting:</i></p> <p>Director, Recording Secretary, or Board Secretary</p>	<p>For Verbatim Recordings:</p> <p>Takes possession of the audio recording of the closed meeting and labels it with identification information, specifically the date and items discussed.</p> <p>Adds the identification information contained on the audio recording's label to</p>

a cumulative list of closed meeting recordings.

As soon as possible, puts the recording of the closed meeting in the previously identified secure location for storing recordings of closed meetings.

Upon request of a Board member:

1. Provides access to the verbatim recordings minutes at a reasonable time and place without disrupting Association operations;
2. Supervises the access to the closed session minutes or delegates it to one of the following individuals in the Association:
 - a. The Recording Secretary,
 - b. The Director or designated administrator, or
 - c. Any elected Board member; and
3. Logs the access to the recordings in 2:220-E7, *Access to Closed Meeting Minutes and Verbatim Recordings*.

For Closed Meeting Minutes:

Prepares written closed meeting minutes that include:

- The date, time, and place of the closed meeting
- The Board members present and absent
- A summary of discussion on all matters proposed or discussed
- The time the closed meeting was adjourned

Upon request of a Board member:

1. Provides access to the closed session minutes at a reasonable time and place without disrupting Association operations;
2. Supervises the access to the closed session minutes or delegates it to one of the following individuals in the Association:
 - a. The Recording Secretary,
 - b. The Director or designated administrator, or
 - c. Any elected Board member; and
3. Logs the access in 2:220-E7, *Access to Closed Meeting Minutes and Verbatim Recordings*.

After a closed meeting:

Board of Control

Approves the previous closed meeting minutes at the next open meeting.

In preparation for the semi-annual review:

Director or

Prepares a recommendation concerning the continued need for confidential treatment of closed meeting minutes; includes this recommendation in the packet for the meeting in which the Board will conduct its semi-annual review.

This step is in preparation of the Board's meeting to decide whether the need

designee	<p>for confidential treatment of specific closed meeting minutes continues to exist.</p> <p>If the Board wants to discuss closed meeting minutes in closed session, places "review of unreleased closed meeting minutes" on a closed meeting agenda.</p> <p>Places "result of Board's review of unreleased closed meeting minutes" as an item on a subsequent open meeting agenda.</p>
<p><i>In preparation for the semi-annual review:</i></p> <p>Individual Board members</p>	<p>Before the meeting in which the Board will conduct its semi-annual review, examines the material supplied by the Director.</p> <p>Individual Board members should consider: (1) the Director's recommendation, (2) the recommendation of the Board Attorney, (3) other Board members' opinions, (4) the minutes themselves, and/or (5) whether the minutes would be exempted from public disclosure under the Illinois Freedom of Information Act.</p>
<p><i>During the semi-annual review:</i></p> <p>Board of Control</p>	<p>The Board decides in open session whether: (1) the need for confidentiality still exists as to all or part of closed meeting minutes, or (2) the minutes or portions thereof no longer require confidential treatment and are available for public inspection.</p> <p>The Board may have an earlier meeting in closed session to discuss the continued need for confidential treatment.</p>
<p><i>After the semi-annual review:</i></p> <p>Director or designee</p>	<p>Re-labels and re-files closed meeting minutes as appropriate.</p>
<p><i>Monthly:</i></p> <p>Board Chairperson</p>	<p>Adds "destruction of closed meeting audio recording" as an agenda item to an upcoming open meeting.</p>
<p><i>Monthly:</i></p> <p>Board of Control</p>	<p>Approves the destruction of particular closed meeting recording(s) that are at least 18 months old and for which approved minutes of the closed meeting already exist.</p>

LEGAL REF.:5 ILCS 120/1 et seq.

DATED: March 8, 2019

Special Education Association of Peoria County

2:220-E2 Exhibit - Motion to Adjourn to Closed Meeting

Motion to Adjourn to Closed Meeting

Date: _____ Time: _____

Location: _____

A motion was made by _____, and seconded by _____, to adjourn to closed meeting to discuss:

- The appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors, or specific volunteers of the Association or legal counsel for the Association, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor, or a volunteer of the Association or against legal counsel for the Association to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act. 5 ILCS 120/2(c)(1), amended by P.A. 101-459.
- Collective negotiating matters between the Association and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees. 5 ILCS 120/2(c)(2).
- The selection of a person to fill a public office, including a vacancy in a public office, when the Association is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the Association is given power to remove the occupant under law or ordinance. 5 ILCS 120/2(c)(3).
- Evidence or testimony presented in open hearing, or in closed hearing where 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 with its determinative reasoning. 5 ILCS 120/2(c)(4).
- The purchase or lease of real property for the use of the Association, including meetings held for the purpose of discussing whether a particular parcel should be acquired. 5 ILCS 120/2(c)(5).
- The setting of a price for sale or lease of property owned by the Association. 5ILCS 120/2(c)(6).
- The sale or purchase of securities, investments, or investment contracts. 5 ILCS 120/2(c)(7).
- Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. 5 ILCS 120/2(c)(8).
- Student disciplinary cases. 5 ILCS 120/2(c)(9).
- The placement of individual students in special education programs and other matters relating to individual students. 5 ILCS 120/2(c)(10).
- Litigation, when an action against, affecting or on behalf of the particular Association has been filed and is pending before a court or administrative tribunal, or when the Association finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the

closed meeting minutes. 5 ILCS 120/2(c)(11).

- The establishment of reserves or settlement of claims as provided in the Local Government and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the Association or any intergovernmental risk management association or self insurance pool of which the Association is a member. 5 ILCS 120/2(c)(12).
- Self-evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the Association is a member. 5 ILCS 120/2(c)(16).
- Discussion of minutes of meetings lawfully closed, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. 5 ILCS 120/2(c)(21).
- Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America. 5 ILCS 120/2(c)(29).

Closed Meeting Roll Call:

"Yeas"	"Nays"
--------	--------

Motion: Carried Failed

DATED : June 12, 2020

Special Education Association of Peoria County

2:220-E3 Exhibit - Closed Meeting Minutes

Closed Meeting Minutes

Items in bold are required by 5 ILCS 120/2.06(a)(1)-(3). Non-bolded items align with best practices.

Date: _____ **Time:** _____

Location: _____

Name of person(s) taking and recording the minutes: _____

Name of person presiding: _____

Members in attendance:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Members absent:

- 1.
- 2.
- 3.

Summary of the discussion on all matters (as specified in the vote to close the meeting):

Basis for the finding that litigation is probable or imminent, if applicable (5 ILCS 120/2(c)(11)):

Time of adjournment or return to open meeting: _____

The Board of Control, during its semi-annual review of closed session minutes, has decided these minutes no longer need confidential treatment. 5 ILCS 120/2.06(d).

These minutes are available for public inspection as of: _____
(Date)

DATED: March 8, 2019

2:220-E4 Exhibit - Open Meeting Minutes

Meeting Minutes Protocol

1. Meeting minutes are the permanent record of the proceedings during a Board of Control meeting. All Board action must be recorded in the minutes; thus, the minutes focus on Board action.
2. The minutes only include information provided at the meeting. Information may not be corrected or updated in the minutes unless it was discussed at the meeting.
3. Minutes include a summary of the Board's discussion on an agenda topic; the minutes do not state what is said verbatim. The minutes do not repeat the same point made by different individuals. If appropriate, the minutes include a brief background and an explanation of the circumstances surrounding an issue discussed. The minutes do not include the names of members making specific points during discussion. Requests from individual Board members to include their vote or an opinion are handled according to Board policy 2:220, *Board of Control Meeting Procedure*.
4. The minutes include the topic of reports that are made to the Board including reports from the Director or a Board committee. Written reports are filed with the minutes but do not become part of the minutes.
5. The minutes note when a member is not present for the entire meeting due to late arrival and/or early departure.
6. Although items may be considered by the Board in a different order than appeared on the agenda, items in the minutes are generally recorded in the same order as they appeared on the agenda. When a meeting is reconvened on a different date, the minutes must describe what happened on each meeting date.
7. The minutes should be recorded in an objective but positive/constructive tone. Answers and explanations, rather than questions, are recorded. Writing style, including choice of words and sentence structure, is at the discretion of the individual recording the minutes.
8. The minutes include individuals' names who speak during the meeting's public participation segment as well as the topics they address. All written documents presented at a Board meeting are filed with the minutes but do not become part of the minutes.
9. The following template generally governs meeting minutes.

Open Meeting Minutes

Date: _____ Time: _____

Location: _____

Type of meeting: Regular Special Reconvened or rescheduled Emergency

Name of person taking the minutes: _____

Name of person presiding: _____

Members in attendance:

- 1.
- 2.
- 3.
- 4.

Members absent:

- 1.
- 2.
- 3.

Members in attendance remotely:

- | | |
|----|----|
| 5. | 1. |
| 6. | 2. |
| 7. | 3. |

Approval of Agenda

List any items removed from the consent agenda:

Motion made by: _____

- Motion: To approve
- To add items as follows: *(No action may be taken on newagenda items.)*

Motion seconded by: _____

Action: Passed Failed

Approval of Previous Meeting Minutes *(Needed only if this item is not on the consent agenda.)*

Minutes from the Board meeting held on: _____

Motion made by: _____

- Motion: To approve
- To approve subject to incorporation of the following amendment(s):

Motion seconded by: _____

Action: Passed Failed

Approval of Items on Consent Agenda *(This may include expense advancements, reimbursements, and/or purchase orders regulated by the Local Government Travel Expense Control Act (see Board policies 2:125, Board Member Compensation; Expenses, and 5:60, Expenses)*

Summary of discussion:

Motion to approve the consent agenda made by: _____

Motion seconded by: _____

Roll Call: *(Needed when consent agenda contains an item involving the expenditure of money.)*

"Yeas"

"Nays"

Action: Passed Failed

Public Comments *(Reproduce this section for each individual making a comment.)*

The following individual appeared and commented on the topic noted below: *(Include the title of any documents presented to the Board.)*

Name: _____

Topic: _____

Remaining Agenda Items *(Reproduce this section for each agenda item.)*

Agenda item: _____

Summary of discussion: _____

Motion made by: _____

Motion to: _____

Motion seconded by: _____

Action: Passed Failed

(If a roll call vote occurred, record the vote of individual Board members.)

"Yeas"

"Nays"

If Applicable, Approval of Motion to Adjourn to Closed Meeting *(Insert 2:220-E2, Motion to Adjourn to Closed Meeting.)*

Approval of Motion to Adjourn

Motion to adjourn made by: _____

Motion seconded by: _____

Action: Passed Failed

Time of adjournment: _____

Post-Meeting Action

Date minutes approved: _____

Date minutes were available for public inspection: _____

Date minutes were posted on Association website: _____

DATED: March 8, 2019

Special Education Association of Peoria County

2:220-E5 Exhibit - Semi-Annual Review of Closed Meeting Minutes

Logging and Review Process

Step 1. The Board Secretary or Recording Secretary maintains a log of the closed meeting minutes that are unavailable for public inspection. The meeting minutes are logged according to the reason the Board held the closed meeting. 2:220-E6, *Log of Closed Meeting Minutes*.

Step 2. The Board meets in closed session to review the log of unreleased closed meeting minutes. The Board or Recording Secretary brings a copy of all unreleased closed meeting minutes and, if requested, allows Board members to review the actual minutes. The Board identifies which closed meeting minutes or portions thereof no longer need confidential treatment. Use *Report Following the Board's Semi-Annual Review of Closed Meeting Minutes*, below.

Step 3. At least semi-annually in an open meeting, the Board takes action to release for public inspection those minutes, or portions thereof, no longer needing confidential treatment. Use *Action to Accept*, below. Closed meeting minutes will not be released for public inspection if confidential treatment is needed to protect the public interest or the privacy of an individual, including: (1) student disciplinary cases or other matters relating to an individual student, and (2) personnel files and employees' and Board members' personal information.

Step 4. The Board or Recording Secretary: (1) updates the log of unreleased closed meeting minutes to remove any minutes that the Board made available for public inspection; (2) makes a notation on any applicable closed meeting minutes of the Board's action to release it or a portion of it for public inspection; (3) continues to log new closed meeting minutes that the Board has not released for public inspection (2:220-E6, *Log of Closed Meeting Minutes*), and (4) maintains logs for access to closed session minutes pursuant to 5 ILCS 120/2.06(e), amended by P.A. 99-515.

Report Following the Board's Semi-Annual Review of Closed Meeting Minutes

The Board of Control met on _____ in closed session to conduct its semi-annual review of closed meeting minutes that have not been released for public inspection.

The closed meeting minutes, or portions thereof, from the following dates no longer require confidential treatment: (*insert closed meeting dates*)

The need for confidentiality still exists as to all remaining closed meeting minutes to protect an individual's privacy or the Association's interests.

Action to Accept the Board's Semi-Annual Review of Closed Meeting Minutes

Open meeting date: _____

Motion to approve the Board's semi-annual review of unreleased closed meeting minutes and to release for public inspection those minutes, or portions thereof, that the Board identified as no longer needing confidential treatment made by:

Motion seconded by: _____

Action: Passed Failed

DATED: March 8, 2019

Special Education Association of Peoria County

2:220-E6 Exhibit - Log of Closed Meeting Minutes

The purpose of this log is to facilitate the Board's semi-annual review of closed meeting minutes. See 2:220-E5, *Semi-Annual Review of Closed Meeting Minutes*.

The Board Secretary or Recording Secretary shall maintain a list of closed meeting minutes, arranged according to the reason for the closed meeting, that have not been released for public inspection.

Closed Session Held to Discuss:	Dates of Closed Sessions		
Specific employee(s), specific independent contractors, specific volunteers, or Association legal counsel; however, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with [the Open Meetings Act]. 5 ILCS 120/2(c)(1), amended by P.A. 101-459.			
Collective negotiating matters or deliberations concerning salary schedules for one or more classes of employees. 5 ILCS 120/2(c)(2).			
Selection of a person to fill a vacancy on the Board. 5 ILCS 120/2(c)(3).			
Evidence or testimony presented in a hearing where authorized by law. 5 ILCS 120/2(c)(4).			
Purchase or lease of real property. 5 ILCS 120/2(c)(5).			
Setting of a price for sale or lease of Association property. 5ILCS 120/2(c)(6).			
Sale or purchase of securities, investments, or investment contracts. 5 ILCS 120/2(c)(7).			
Security procedures and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably			

potential danger. 5 ILCS 120/2(c)(8).			
Student disciplinary cases. 5 ILCS 120/2(c) (9). <i>Minutes of meetings held for this reason shall never be released to protect the individual student's privacy.</i>			
Any matter involving an individual student. 5 ILCS 120/2(c)(10). <i>Minutes of meetings held for this reason shall never be released to protect the individual student's privacy.</i>			
Litigation, when an action against, affecting, or on behalf of the Association has been filed and is pending before a court or administrative tribunal, or when the Board finds that an action is probable or imminent. 5 ILCS 120/2(c)(11).			
Establishment of reserves or settlement of claims as provided in the Local Government and Governmental Employees Tort Immunity Act or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the Association or any intergovernmental risk management association or self insurance pool. 5 ILCS 120/2(c)(12).			
Self-evaluation, practices and procedures or professional ethics, when meeting with an IASB representative. 5 ILCS 120/2(c)(16).			
Minutes of meetings lawfully closed, whether for purposes of approval or semi-annual review. 5 ILCS 120/2(c)(21).			
Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America. 5 ILCS 120/2(c)(29).			

DATED : June 12, 2020

Special Education Association of Peoria County

2:220-E7 Exhibit - Access to Closed Meeting Minutes and Verbatim Recordings

The Board must allow its duly elected officials or appointed officials filling a vacancy of an elected office access to closed session minutes and verbatim recordings (5 ILCS 120/2.06(e)), amended by P.A. 99-515. The following subheads implement the logistics of granting this access.

Access to Closed Meeting Minutes

Duplicate this section for each grant of access to closed meeting minutes.

Date: _____ Time: _____ Storage Location: _____

Name of person(s) responsible for storing the closed meeting minutes: _____

Access granted

Date access occurred: _____ Start time: _____ End time: _____

Requesting Board member's name (*Please print*) _____

In the presence of: (*Check appropriate box and insert name on line.*)

Recording Secretary _____

Director or designated administrator _____

Elected Board member _____

For requesting Board member: (*Read the following and sign below.*)

While the Open Meetings Act does not provide a cause of action against me or the Board for disclosing closed session discussions (Swanson v. Board of Police Commissioners, 555 N.E. 2d 35 (1990)), I acknowledge and understand that any disclosures by me of information in the closed session minutes not yet released to the public could subject me to a possible civil action alleging that I created harm to another, i.e., an intentional tort(s).

Requesting Board Member Signature Date

Verbatim Recording Access

Duplicate this section for each grant of access to verbatim recordings.

Date: _____ Time: _____ Storage Location: _____

Name of person(s) responsible for storing the verbatim recording: _____

Access granted

Date access occurred: _____ Start time: _____ End time: _____

Requesting Board member's name (*Please print*) _____

In the presence of: *(Check appropriate box and insert name on line.)*

Recording Secretary _____

Director or designated administrator _____

Elected Board member _____

Access denied **Access unavailable.** Verbatim recording requested is older than 18 months and was destroyed pursuant to 5 ILCS 120/2.06(c).

For requesting Board member: *(Read the following and sign below.)*

While the Open Meetings Act does not provide a cause of action against me or the Board for disclosing closed session discussions (Swanson v. Board of Police Commissioners, 555 N.E. 2d 35 (1990)), I acknowledge and understand that any disclosures by me of information in the verbatim recordings could subject me to a possible civil action alleging that I created harm to another, i.e., an intentional tort(s).

Requesting Board Member Signature

Date

DATED: March 8, 2019

Special Education Association of Peoria County

2:220-E8 Exhibit - Board of Control Records Maintenance Requirements and FAQs

Open Meetings Act

The Open Meetings Act (OMA) requires public bodies to "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." 5 ILCS 120/2.06(a). Minutes must include, but are not 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 record of any votes taken. Id.

The remainder of Section 2.06 addresses the approval of open meeting minutes, the treatment of verbatim recordings of closed meetings, the semi-annual review of closed meeting minutes, the confidential nature of closed meeting minutes, and the right of persons to address public officials under rules established and recorded by the public body. The requirements of Section 2.06, as well as OMA requirements pertaining to Board agendas, are included in policy 2:220, *Board of Control Meeting Procedure*.

Exhibit 2:220-E3, *Closed Meeting Minutes*, provides a sample template for keeping closed meeting minutes that incorporates the requirements of Section 2.06 of OMA. It also includes an area to designate if the Board has determined, pursuant to Section 2.06(d), that the closed meeting minutes no longer need confidential treatment.

Exhibit 2:220-E4, *Open Meeting Minutes*, contains an open meeting minute's protocol that incorporates the requirements of Section 2.06 of OMA. It also provides a sample template for keeping open meeting minutes.

Exhibit 2:220-E5, *Semi-Annual Review of Closed Meeting Minutes*, contains a process for implementing the semi-annual review of closed meeting minutes, and exhibit 2:220-E6, *Log of Closed Meeting Minutes*, is designed to facilitate this semi-annual review.

Local Records Act

The Local Records Act (LRA) provides that public records, including "any book, paper, map, photograph, digitized electronic material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connections with the transaction of public business and preserved or appropriate for preservation by such agency or officer" must be preserved unless the State Local Records Commission has given permission to destroy those records. 50 ILCS 205/3 and 7. Board records, including agendas, meeting packets and meeting minutes, fall into this definition.

Public bodies located in Cook County must work with the Local Records Commission of Cook County to determine how long they must retain public records. Public bodies located outside of Cook County must work with the Downstate Local Records Commission to determine how long they must retain public records.

Policy 2:250, *Access to Association Public Records*, contains a subhead entitled **Preserving Public Records** which provides as follows:

Public records, including email messages, shall be preserved and cataloged if: (1) they are evidence of the Association's organization, function, policies, procedures, or activities, (2) they contain informational data appropriate for preservation, (3) their retention is required by State or federal law, or (4) they are subject to a retention request by the Board Attorney (e.g., a litigation hold), Association

auditor, or other individual authorized by the Board of Control or State or federal law to make such a request. Unless its retention is required as described in items numbered 3 or 4 above, a public record, as defined by the Illinois Local Records Act, may be destroyed when authorized by the Local Records Commission.

See the sample policy, 2:200, *Board of Control Meeting Procedure*, for all relevant footnotes. Also see administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*, for recommendations regarding Association records retention protocols and links to web-based record management resources.

Open Meeting Minutes

Are you required to approve them?	Must they be semi-annually reviewed?	May you release them to the public?	May you destroy them?
<p>Yes, within 30 days or at the next subsequent meeting, whichever is later.</p> <p><i>A public body shall approve the minutes of its open meeting within 30 days after that meeting or at the public body's second subsequent regular meeting, whichever is later. 5 ILCS 120/2.06(b).</i></p>	<p>No.</p> <p>Unlike the closed meeting requirement, OMA does not contain semi-annual review requirements for open meeting minutes.</p>	<p>Yes, must within ten days after minutes are approved.</p> <p><i>The minutes of meetings open to the public shall be available for public inspection within 10 days after the approval of such minutes by the public body. Beginning July 1, 2006, at the time it complies with other requirements of this subsection, 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. Beginning July 1, 2006, any minutes of meetings open to the public posted on the public body's website shall remain posted on the website for at least 60 days after their initial posting. 5 ILCS 120/2.06(b).</i></p>	<p>No.</p> <p>There is no OMA provision permitting the destruction of open meeting minutes, and they must be preserved unless the State Local Records Commission has given permission to destroy them.</p> <p>If a public body would like to destroy open meeting minutes, then it must comply with the LRA and work with its Local Records Commission. It is highly unlikely, however, that the Local Records Commission would approve of their destruction.</p>

Open Meeting Verbatim Recordings

Are you required to approve them?	Must they be semi-annually reviewed?	May you release them to the public?	May you destroy them?
<p>No.</p> <p>OMA does not require public bodies to approve verbatim recordings of open meetings.</p>	<p>No.</p> <p>Unlike the closed meeting requirement, OMA does not require public bodies to keep verbatim recordings of open meetings. OMA does not contain semi-annual review requirements for open meeting verbatim recordings.</p>	<p>Yes.</p> <p>Unlike the closed meeting requirement, OMA does not require public bodies to keep verbatim recordings of open meetings. If a public body makes verbatim recordings of open meetings, then such recordings are subject to public disclosure pursuant to the Freedom of Information Act (5 ILCS 140/).</p>	<p>Possibly.</p> <p>If a public body would like to destroy open meeting verbatim recordings, then it must comply with the LRA and work with its Local Records Commission.</p>

Closed Meeting Minutes

Are you required to approve them?	Must they be semi-annually reviewed?	May you release them to the public?	May you destroy them?
<p>Yes.</p> <p>OMA does not directly state public bodies are required to approve closed meeting minutes, nor does it set a time frame for such approval. However, OMA Section 2.06(d) requires public bodies to meet at least semi-annually to "review minutes of all closed meetings." 5 ILCS 120/2.06(d).</p> <p>Moreover, OMA Section 2.06(c) specifically allows the destruction of closed meeting verbatim recordings only if certain conditions are met,</p>	<p>Yes.</p> <p><i>Each public body shall periodically, but not less than semi-annually, meet to review all existing minutes of all prior closed meetings (this includes records from all time that the board has been in existence). 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</i></p>	<p>Yes, if prerequisites are met.</p> <p><i>Minutes of meetings closed to the public shall be available only after the public body determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential.</i> 5 ILCS 120/2.06(f).</p>	<p>No.</p> <p>There is no OMA provision permitting the destruction of closed meeting minutes, and they must be preserved unless the State Local Records Commission has given permission to destroy them.</p> <p>In addition, per OMA Section 2.06(f), as amended by P.A. 99-515:</p> <p><i>No minutes of meetings closed to the public shall be removed from the public body's main office or official storage location, except by vote of the public body or by</i></p>

<p>one of which is that "the public body approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section." 5 ILCS 120/2.06(c)(2). Both of these tasks would be difficult to achieve if closed meeting minutes were not first approved.</p> <p>One practice is to approve closed meeting minutes within the same time frame that open meeting minutes are approved - within 30 days of the meeting or at the next subsequent meeting, whichever is later.</p>	<p><i>public inspection.</i> 5 ILCS 120/2.06(d).</p>		<p><i>court order.</i> 5 ILCS 120/2.06(f).</p> <p>If a public body would like to destroy closed meeting minutes, then it must comply with the LRA and work with its Local Records Commission. It is highly unlikely, however, that the Local Records Commission would approve of their destruction.</p>
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Closed Meeting Verbatim Recordings

Are you required to approve them?	Must they be semi-annually reviewed?	May you release them to the public?	May you destroy them?
<p>No.</p> <p>OMA does not require approval of closed meeting verbatim recordings.</p>	<p>No.</p> <p>OMA does not require semi-annual review of closed meeting verbatim recordings.</p>	<p>Possibly but unlikely.</p> <p><i>Unless the public body has made a determination that the verbatim recording no longer requires confidential treatment or otherwise consents to disclosure, the verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce this Act.</i> 5 ILCS 120/2.06(e).</p>	<p>Yes, after 18 months if prerequisites are met.</p> <p><i>The verbatim record may be destroyed without notification to or the approval of a records commission or the State Archivist under the Local Records Act or the State Records Act no less than 18 months after the completion of the meeting recorded but only after: 1.) the public body approves the destruction of a particular recording; and 2.) the public body</i></p>

		<p>But see <u>Kodish v. Oakbrook Terrace Fire Protection Association</u> (235 F.R.D. 447 (N.D. IL. 2006)), where a federal Association court ordered that closed meeting verbatim recordings be disclosed to the Plaintiff in discovery because his primary claim was brought under federal law.</p>	<p><i>approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section. 5 ILCS 120/2.06(c).</i></p> <p>In addition, per OMA Section 2.06(f), as amended by P.A. 99-515:</p> <p><i>No verbatim recordings shall be recorded or removed from the public body's main office or official storage location, except by vote of the public body or by court order. 5 ILCS 120/2.06(e).</i></p>
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DATED: March 8, 2019

Special Education Association of Peoria County

2:220-E9 Exhibit - Requirements for No Physical Presence of Quorum and Participation by Audio or Video During Disaster Declaration

Use this exhibit to document the Board's and/or its committee(s)'s (5 ILCS 120/1.02) processes to comply with the requirements of the Open Meetings Act (OMA) when a board and/or its committee(s) must meet during a disaster declaration related to a public health emergency/concern and the meeting will have no physical presence of a quorum and participation by audio or video.

Note: If a Board committee uses this exhibit, replace Chairperson, Vice Chairperson, and Director with the appropriate committee leaders.

Consult the Board Attorney for guidance.

Documentation of OMA Requirements for Board Members to Participate in a Meeting with No Physical Presence of Quorum

The Governor or the Director of the Ill. Dept. of Public Health has issued a disaster declaration related to a public health emergency because of a disaster as defined in 20 ILCS 3305/4, and all or part of the jurisdiction of the Board is covered by the disaster area. 5 ILCS 120/7(e)(1), amended by P.A. 101-640. **Note:** OMA uses "public health concerns," but the Ill. Emergency Management Act (IEMA) uses "public health emergency;" this exhibit matches the IEMA term because it governs disaster declarations.

Insert Disaster Declaration or Executive Order number [_____] or attach to this document.

The Chairperson or, if the office is vacant or the Chairperson is absent or unable to perform the office's duties, the Vice Chairperson, or if neither the Chairperson nor Vice Chairperson are present or able to perform this determination, the Director (5 ILCS 120/7(e)(2), amended by P.A. 101-640, and 140/2(e)) signs below that the following three **Steps** were executed by:

Step 1. Determining whether the meeting is a bona fide emergency (5 ILCS 120/7(e)(7), amended by P.A. 101-640) (*check Yes or No, below*):

Yes; it is an emergency meeting, and I:

- A. Notified the Board members and the public, including any news medium which has filed an annual request for notice of meetings as soon as practicable, but in any event prior to the holding of such meeting pursuant to 5 ILCS 120/2.02(a) and 120/7(e)(7)(A), amended by P.A. 101-640;
- B. Stated the nature of the emergency at the beginning of the meeting; and
- C. Provided the Director or Board Secretary the resources necessary during the meeting to keep a verbatim record of the meeting, **for both open and closed**, and managed it the same way that the Board complies with the verbatim recording requirements for closed meetings (see exhibit 2:220-E1, *Board Treatment of Closed Meeting Verbatim Recordings and Minutes*). **Note:** In this situation, a verbatim recording is not limited to closed meetings only.
- D. Move to Step 2, below.

No; it is a regular or special meeting, and I:

- A. Ensured that the Board provided 48 hours' notice of the meeting to all Board members, to any news medium on file in the District that have requested notice of meetings pursuant to 5 ILCS 120/2.02(a), and to members of the public by posting it on the District's website. 5 ILCS 120/7(e)(7), amended by P.A. 101-640. **Note:** 5 ILCS 120/7(e), amended by P.A. 101-640 does not have the "if any" exception for school boards that do not have websites. Consult the board attorney regarding alternate ways to communicate notice of a meeting when the district

does not have a website and a Disaster Declaration or Executive Order has been issued.

Insert meeting date and time, and a link to the meeting notice or attach a copy of the notice to this document.

B. Moves to Step 2, below.

Step 2. Determining whether it is practical, prudent, or feasible for any in-person attendance at the regular meeting location (5 ILCS 120/7(e)(2), amended by P.A. 101-640). (*check Yes or No, below*):

Yes; in-person attendance is practical, prudent, or feasible, and I:

- A. Ensured that at least one Board member, the Board Attorney, or the Director was physically present at the regular meeting location (5 ILCS 120/7(e)(5), amended by P.A. 101-640), and
- B. Verified that members of the public who were present could hear all discussion and testimony and all votes of the members of the Board. 5 ILCS 120/7(e)(4), amended by P.A. 101-640.
- C. Move to Step 3, below.

No; in-person attendance is not practical, prudent, or feasible, and I:

- A. Made a written determination referring to the specific Executive Order or Disaster Declaration citing the public health concern/emergency that applies to the Board and the meeting. 5 ILCS 120/7(e)(1) and (2), amended by P.A. 101-640.
- B. Included the written determination made in letter A., above, on the Board's published notice and agenda for the alternative arrangements for the meeting. 5 ILCS 120/7(e)(7)(A)-(B), amended by P.A. 101-640.
- C. Offered the alternative arrangements to the public by offering a telephone number or a web-based link. 5 ILCS 120/7(e)(4), amended by P.A. 101-640.

Insert a link to the meeting notice or attach a copy of the notice or refer to above if already attached to this document (see above).

Include this written determination on the Board/committee's published notice and agenda for the audio or video meeting, and in the meeting minutes.

D. Move to Step 3, below.

Step 3. During the meeting, I:

Directed the Recording Secretary to, in addition to the requirements for open meetings under OMA, also keep verbatim record of the open meeting by recording it and making it open and available to the public under all provisions of OMA. 5 ILCS 120/7(e)(9), amended by P.A. 101-640. *Sample text follows below in the subhead below* **Report to the Public Following the Board's Meeting with No Physical Presence of Quorum.**

Read my written determination referring to the specific Executive Order or Disaster Declaration citing the public health concern/emergency that applies to the Board and the meeting and directed the Recording Secretary to include it in the meeting minutes.

Ensured that any interested member of the public has access to contemporaneously hear all discussion, testimony, and roll call votes. 5 ILCS 120/7(e)(4), amended by P.A. 101-640.

Requested the Recording Secretary to enter into the appropriate minutes of the Board that each Board member participating in the meeting, wherever their physical locations, announced:

1. Themselves present (5 ILCS 120/7(e)(3), amended by P.A. 101-640), and
2. A verification that they could hear one another and all discussion and testimony. Id.

See 2:220-E3, *Closed Meeting Minutes* and/or 2:220-E4, *Open Meeting Minutes*.

Attach to this document copies or information about where these minutes may be found.

Announced and considered each Board member participating in the meeting present at the meeting for purposes of determining a quorum and participating in all proceedings (5 ILCS 120/7(e) (8), amended by P.A. 101-640) and directed the Recording Secretary to reflect it in the minutes (best practice for transparency).

Conducted all votes by roll call, so each Board member’s vote on each issue could be identified and recorded (5 ILCS 120/7(e)(6), amended by P.A. 101-640), and ensured that the Recording Secretary entered all votes as **Roll Call Votes** (*Use exhibit 2:220-E4, Open Meeting Minutes but ensure all votes are recorded as roll call votes pursuant to the example below:*):

“Yeas”	“Nays”
--------	--------

Motion: Carried Failed

Executed or directed execution of the subhead below **Report to the Public Following the Board’s Meeting with No Physical Presence of Quorum.**

Report to the Public Following the Board’s Meeting with No Physical Presence of Quorum

The text below may be used for the actual report.

The Board of Control met on *[insert date]* with no physical presence of quorum to conduct its business.

The verbatim *[circle one]* audio | video recording of this meeting is available to the public under all provisions of OMA and will be destroyed pursuant to 5 ILCS 120/2.06(c)(no less than 18 months after the completion of the meeting recorded but only after: (1) the Board approves the destruction of the particular recording; and (2) the Board approves minutes of the meeting that meet the written minutes requirements of OMA). 5 ILCS 120/7(e)(9), amended by P.A. 101-640.

Insert links to the verbatim recording of meeting here or attach to this document.

Note: Consult the board attorney for guidance on the destruction of a verbatim recording of an open meeting without the physical presence of a quorum. While 5 ILCS 120/2.06(c) refers to the process for destroying closed session verbatim recordings, 5 ILCS 120/7(e)(9), amended by P.A. 101-640, applies that process for destroying closed session verbatim recordings to the destruction of the verbatim open session recordings that are required when a board determines it is necessary for it to meet without the physical presence of a quorum due to a public health emergency.

Completed By: _____

Title: _____

DATED : October 9, 2020

Special Education Association of Peoria County

2:230 Public Participation at Board of Control Meetings and Petitions to the Board

For an overall minimum of 30 minutes during each regular and special open meeting, any person may comment to or ask questions of the Board of Control (*public participation*), subject to the reasonable constraints established and recorded in this policy's guidelines below. During public participation, there will be a 15-minute minimum total length of time for any one subject. When public participation takes less time than these minimums, it shall end.

To preserve sufficient time for the Board to conduct its business, any person appearing before the Board is expected to follow these guidelines:

1. Address the Board only at the appropriate time as indicated on the agenda and when recognized by the Board Chairperson.
2. Identify oneself and be brief. Ordinarily, the time for any one person to address the Board during public participation shall be limited to five minutes. In unusual circumstances, and when an individual has made a request to speak for a longer period of time, the person may be allowed to speak for more than five minutes.
3. Observe, when necessary and appropriate, the:
 - a. Shortening of the time for each person to address the Board during public participation to conserve time and give the maximum number of people an opportunity to speak;
 - b. Expansion of the overall minimum of 30 minutes for public participation and/or the 15-minute minimum total length of time for any one subject; and/or
 - c. Determination of procedural matters regarding public participation not otherwise covered in Board policy.
4. Conduct oneself with respect and civility toward others and otherwise abide by Board policy 8:30, *Visitors to and Conduct on School Property*.

Petitions or written correspondence to the Board shall be presented to the Board in the next regular Board packet.

LEGAL REF.:

5 ILCS 120/2.06, Open Meetings Act.

105 ILCS 5/10-6 and 5/10-16.

CROSS REF.: 2:220 (Board of Control Meeting Procedure), 8:10 (Connection with the Community), 8:30 (Visitors to and Conduct on School Property)

Adopted: October 11, 2019

Special Education Association of Peoria County

2:240 Board Policy Development

The Board of Control governs using written policies. Written policies ensure legal compliance, establish Board processes, articulate Association ends, delegate authority, and define operating limits. Board policies also provide the basis for monitoring progress toward Association ends.

Policy Development

Anyone may propose new policies, changes to existing policies, or deletion of existing policies. Staff suggestions should be processed through the Director. Suggestions from all others should be made to the Board Chairperson or the Director.

A Board Policy Committee will consider all policy suggestions and provide information and recommendations to the Board.

The Director is responsible for: (1) providing relevant policy information and data to the Board, (2) notifying those who will implement or be affected by or required to implement a proposed policy and obtaining their advice and suggestions, and (3) having policy recommendations drafted into written form for Board deliberation. The Director shall seek the counsel of the Board Attorney when appropriate.

Policy Adoption and Dissemination

Policies or policy revisions will not be adopted at the Board meeting at which they are first introduced, except when: (1) appropriate for a consent agenda because no Board discussion is required, or (2) necessary or prudent in order to meet emergency or special conditions or to be legally compliant. Further Board consideration will be given at a subsequent meeting(s) and after opportunity for community input. The adoption of a policy will serve to supersede all previously adopted policies on the same topic.

The Board policies are available for public inspection on the Association's website. Copy requests should be made pursuant to Board policy 2:250, *Access to Association Public Records*.

Board Policy Review and Monitoring

The Board will periodically review its policies for relevancy, monitor its policies for effectiveness, and consider whether any modifications are required. The Board may use an annual policy review and monitoring calendar.

Director Implementation

The Board will support any reasonable interpretation of Board policy made by the Director. If reasonable minds differ, the Board will review the applicable policy and consider the need for further clarification.

In the absence of Board policy, the Director is authorized to take appropriate action.

Suspension of Policies

The Board, by a majority vote of members present at any meeting, may temporarily suspend a Board policy except those provisions that are controlled by law or contract. The failure to suspend with a specific motion does not invalidate the Board action.

LEGAL REF.:105 ILCS 5/10-20.5.

CROSS REF.:2:150 (Committees), 2:250 (Access to Association Public Records), 3:40 (Director)

ADOPTED: March 8, 2019

Special Education Association of Peoria County

2:240-E1 Exhibit - PRESS Issue Updates

This procedure is for **PRESS** subscribers. For subscribers to **PRESS Plus**, IASB's full-maintenance policy update service, the update instructions that arrive with a paid **PRESS Plus** subscription provide further guidance.

Actor	Action
Director	<p>Manages the process for the Board to receive PRESS updates to policies.</p> <p>Manages the Board's compliance with the Open Meetings Act. Ensures that, as appropriate, the agendas for the Board Policy Committee and Board of Control include discussion and list action to consider, adopt, or revise Board policies and Board exhibits.</p> <p>Manages the process for approving new or revised administrative procedures, administrative procedure exhibits, and changes to employee and student handbooks.</p> <p>Communicates all policy and administrative procedure revisions or adoptions, as appropriate, to staff members, parents, students, and community members.</p>
Director or Director's Secretary	<p>Updates Association's <i>Roster</i> as follows:</p> <ol style="list-style-type: none"> 1. Go to www.iasb.com and click on MY ACCOUNT. 2. Log in using your email address and password: <ul style="list-style-type: none"> • If you are signing in for the first time, your password is the 7-digit IASB ID number beginning with "2" that appears on all IASB mailing labels. • If you have already changed your password, use the unique password you created. • If you do not know your password, use the forgot password link. 3. Click on Associations you manage and then the Association name. 4. Review and verify or change the Association's existing records. Ensure that all current board members, administrators, and anyone else on staff who accesses PRESS are listed with their current email addresses.
Designated support staff	<p>To each member of the Policy Committee (or full Board): Emails or otherwise distributes the following:</p> <ol style="list-style-type: none"> 1. PRESS Online Information and Instructions card; 2. PRESS Update Memo; 3. PRESS Tutorial video link at: www.iasb.com/policy; 4. Committee worksheets and 5. Current Association policy in relevant areas. <p>To any other Board member or interested school official: Emails or</p>

	<p>otherwise distributes numbers 1 through 5, above.</p> <p>As appropriate, includes new and revised policies in the Board meeting packets.</p> <p>After a policy is adopted or revised, updates the Association's policy manual master electronic file and adds or updates adoption dates.</p> <p>Archives old policy.</p> <p>Follows Association process for updating paper and online manuals.</p> <p>Considers distributing PRESS Update Memo to Building Principals.</p>
Policy Committee (or Full Board)	<p>Considers each PRESS update. Reviews all footnote changes.</p> <p>Decides which changes require Board of Control discussion and which are appropriate as consent agenda items.</p> <p>The following are appropriate for the consent agenda: changes to the Legal References and Cross References, and minor policy edits that do not require Board discussion.</p> <p>Requests review of recommended revisions by the Board Attorney, as appropriate.</p> <p>Presents recommendations regarding PRESS updates to the Board at a regularly scheduled meeting.</p>
Full Board	<p>Conducts a first reading of the policies that are recommended to be updated.</p> <p>During the next regular meeting, conducts a second reading.</p> <p>A second reading allows the Board to hear feedback from interested parties, including staff, parents, students, and community members; however, State law does not require two readings.</p> <p>After the second reading, consider and take action to approve the policies at a duly convened open meeting.</p>
Assistant Directors, Directors, Building Principals, and supervisory employees	<p>Reads PRESS Update Memo (if applicable), adopted policies and follows the Director's process for updating administrative procedures, and changes to employee and student handbooks within their assigned building(s).</p>
Anyone	<p>For further clarification, view the online tutorial for PRESS, available at www.iasb.com/policy.</p>

DATED: March 8, 2019

2:240-E2 Exhibit - Developing Local Policy

Actor	Action
Anyone (Director, Board of Control member, staff, parent, student, community member, or Board Attorney)	Brings a concern that may necessitate a new policy or a current policy's revision to the attention of the Board of Control.
Director	<p>Confers with the Board Attorney as appropriate.</p> <p>Manages the Board's compliance with the Open Meetings Act. Ensures that, as appropriate, the agendas for the Board Policy Committee and Board of Control include discussion and action to consider, adopt, or revise Board policies.</p> <p>Manages the process for approving new or revised administrative procedures, and revisions to employee and student handbooks.</p> <p>Communicates all policy and procedure revisions or adoptions as appropriate to staff members, parents, students, and community members.</p>
Policy Committee (or Full Board)	<p>First, answers these questions to decide whether new policy language is needed:</p> <ol style="list-style-type: none"> 1. Does the IASB Policy Reference Manual provide guidance? 2. Is the request something that should be covered in policy (i.e., Board work) or is it something that should be handled by the staff (i.e., staff work)? 3. Is it already covered in policy? Checks for policies that cover similar or connected topics using tools such as search engines, Tables of Contents, cross references, and indexes. <p>Second, uses a 4-step process to draft new policy language:</p> <ol style="list-style-type: none"> 1. Frames the question and discusses the topic. 2. Requests the Director to provide research, including appropriate data, and input from others, such as, those who may be affected by the policy and those who will implement the policy. 3. Assesses existing policy and decides whether new or revised policy language is needed. 4. Drafts or requests the Director or Board Attorney to draft language addressing the concern that aligns with the Board's mission, vision, goals, and objectives. <p>Third, decides whether the new language should be included in an existing policy or added as a new policy. Assigns any new policy an appropriate location and number.</p> <p>The PRESS coding system reserves policy numbers ending in a '0' and '5' for PRESS material. Locally-developed Association policies</p>

	should use policy numbers ending in 2, 4, 6, or 8.
Full Board	<p>Conducts a first reading of the policy that is recommended for adoption or revision.</p> <p>During the next regular meeting, conducts a second reading.</p> <p>A second reading allows the Board to hear feedback from interested parties, including staff, parents, students, and community members; however, State law does not require two readings.</p> <p>After the second reading, consider and take action to approve the policies at a duly convened open meeting.</p>
Designated support staff	<p>After a policy is adopted or revised, updates the Association's policy manual master electronic file and adds adoption dates.</p> <p>Archives previous version of revised policy.</p> <p>Follows Association process for updating paper and online manuals.</p>
Assistant Directors, Directors, Building Principals, and supervisory employees	<p>Reads PRESS Update Memo (if applicable) and adopted policies and follows the Director's process for updating administrative procedures, and changes to employee and student handbooks within their assigned building(s).</p>

DATED: March 8, 2019

Special Education Association of Peoria County

2:250 Access to Association Public Records

Full access to the Association's *public records* is available to any person as provided in the Illinois Freedom of Information Act (FOIA), this policy, and implementing procedures. The Director or designee shall: (1) provide the Board with sufficient information and data to permit the Board to monitor the Association's compliance with FOIA and this policy, and (2) report any FOIA requests during the Board's regular meetings along with the status of the Association's response.

Freedom of Information Officer

The Director shall serve as the Association's Freedom of Information Officer and assumes all the duties and powers of that office as provided in FOIA and this policy. The Director may delegate these duties and powers to one or more designees, but the delegation shall not relieve the Director of the responsibility for the action that was delegated.

Definition

The Association's *public records* are defined as records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary material pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of the Association.

Requesting Records

A request for inspection and/or copies of public records must be made in writing and may be submitted by personal delivery, mail, telefax, or email directed to the Association's Freedom of Information Officer. Individuals making a request are not required to state a reason for the request other than to identify when the request is for a commercial purpose or when requesting a fee waiver. The Director or designee shall instruct Association employees to immediately forward any request for inspection and copying of a public record to the Association's Freedom of Information Officer or designee.

Responding to Requests

The Freedom of Information Officer shall approve all requests for public records unless:

1. The requested material does not exist;
2. The requested material is exempt from inspection and copying by the Freedom of Information Act; or
3. Complying with the request would be unduly burdensome.

Within five business days after receipt of a request for access to a public record, the Freedom of Information Officer shall comply with or deny the request, unless the time for response is extended as specified in Section 3 of FOIA. The Freedom of Information Officer may extend the time for a response for up to five business days from the original due date. If an extension is needed, the Freedom of Information Officer shall: (1) notify the person making the request of the reason for the extension, and (2) either inform the person of the date on which a response will be made, or agree with the person in writing on a compliance period.

The time periods are extended for responding to requests for records made for a *commercial purpose*, requests by a *recurrent requester*, or *voluminous requests*, as those terms are defined in Section 2 of FOIA. The time periods for responding to those requests are governed by Sections 3.1, 3.2, and 3.6 of FOIA.

When responding to a request for a record containing both exempt and non-exempt material, the Freedom of Information Officer shall redact exempt material from the record before complying with the request.

Fees

Persons making a request for copies of public records must pay any and all applicable fees. The Freedom of Information Officer shall establish a fee schedule that complies with FOIA and this policy and is subject to the Board's review. The fee schedule shall include copying fees and all other fees to the maximum extent they are permitted by FOIA, including without limitation, search and review fees for responding to a request for a *commercial purpose* and fees, costs, and personnel hours in connection with responding to a *voluminous request*.

Copying fees, except when fixed by statute, shall be reasonably calculated to reimburse the Association's actual cost for reproducing and certifying public records and for the use, by any person, of its equipment to copy records. In no case shall the copying fees exceed the maximum fees permitted by FOIA. If the Association's actual copying costs are equal to or greater than the maximum fees permitted by FOIA, the Freedom of Information Officer is authorized to use FOIA's maximum fees as the Association's fees. No copying fees shall be charged for: (1) the first 50 pages of black and white, letter or legal sized copies, or (2) electronic copies other than the actual cost of the recording medium, except if the response is to a *voluminous request*, as defined in FOIA.

A fee reduction is available if the request qualifies under Section 6 of FOIA. The Freedom of Information Officer shall set the amount of the reduction taking into consideration the amount of material requested and the cost of copying it.

Provision of Copies and Access to Records

A public record that is the subject of an approved access request will be available for inspection or copying at the Association's administrative office during regular business hours, unless other arrangements are made by the Freedom of Information Officer.

Many public records are immediately available from the Association's website including, but not limited to, the process for requesting a public record. The Freedom of Information Officer shall direct a requester to the Association's website if a requested record is available there. If the requester is unable to reasonably access the record online, he or she may resubmit the request for the record, stating his or her inability to reasonably access the record online, and the Association shall make the requested record available for inspection and copying as otherwise provided in this policy.

Preserving Public Records

Public records, including email messages, shall be preserved and cataloged if: (1) they are evidence of the Association's organization, function, policies, procedures, or activities, (2) they contain informational data appropriate for preservation, (3) their retention is required by State or federal law, or (4) they are subject to a retention request by the Board Attorney (e.g., a litigation hold), Association auditor, or other individual authorized by the Board of Control or State or federal law to make such a request. Unless its retention is required as described in items numbered 3 or 4 above, a public record, as defined by the Illinois Local Records Act, may be destroyed when authorized by the Local Records Commission.

LEGAL REF.:5 ILCS 140/, Illinois Freedom of Information Act.

105 ILCS 5/10-16 and 5/24A-7.1.

820 ILCS 40/11.

820 ILCS 130/5.

CROSS REF.:2:140 (Communications To and From the Board), 5:150 (Personnel Records), 7:340 (Student Records)

ADOPTED: March 8, 2019

Special Education Association of Peoria County

2:260 Uniform Grievance Procedure

A student, parent/guardian, employee, or community member should notify any Association Complaint Manager if he or she believes that the Board of Control, its employees, or its agents have violated his or her rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy, or have a complaint regarding any one of the following:

1. Title II of the Americans with Disabilities Act, 42 U.S.C. §12101 et seq.
2. Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., excluding Title IX sexual harassment complaints governed by policy 2:265, *Title IX Sexual Harassment Grievance Procedure*
3. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
4. Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.
5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.
6. Sexual harassment prohibited by the State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a); Illinois Human Rights Act, 775 ILCS 5/; and Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq. (Title IX sexual harassment complaints are addressed under policy 2:265, *Title IX Sexual Harassment Grievance Procedure*)
7. Breastfeeding accommodations for students, 105 ILCS 5/10-20.60
8. Bullying, 105 ILCS 5/27-23.7
9. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
10. Curriculum, instructional materials, and/or programs
11. Victims' Economic Security and Safety Act, 820 ILCS 180/
12. Illinois Equal Pay Act of 2003, 820 ILCS 112/
13. Provision of services to homeless students
14. Illinois Whistleblower Act, 740 ILCS 174/
15. Misuse of genetic information prohibited by the Illinois Genetic Information Privacy Act, 410 ILCS 513/; and Titles I and II of the Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.
16. Employee Credit Privacy Act, 820 ILCS 70/

The Complaint Manager will first attempt to resolve complaints without resorting to this grievance procedure. If a formal complaint is filed under this policy, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this policy may forego any informal suggestions and/or attempts to resolve it and may proceed directly to this grievance procedure. The Complaint Manager will not require a student or parent/guardian complaining of any form of harassment to attempt to resolve allegations directly with the accused (or the accused's parents/guardians); this includes mediation.

Right to Pursue Other Remedies Not Impaired

The right of a person to prompt and equitable resolution of a complaint filed under this policy shall not be impaired by the person's pursuit of other remedies, e.g., criminal complaints, civil actions, etc. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. If a person is pursuing another remedy subject to a complaint under this policy, the Association will continue with a simultaneous investigation under this policy.

Deadlines

All deadlines under this policy may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, *school business days* means days on which the Association's main office is open.

Filing a Complaint

A person (hereinafter Complainant) who wishes to avail him or herself of this grievance procedure may do so by filing a complaint with any Association Complaint Manager. The Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same gender. The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with a student's parent(s)/guardian(s). The Complaint Manager shall assist the Complainant as needed.

For any complaint alleging bullying and/or cyberbullying of students, the Complaint Manager shall process and review the complaint according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy. For any complaint alleging sexual harassment or other violation of Board policy 5:20, *Workplace Harassment Prohibited*, the Complaint Manager shall process and review the complaint according to that policy, in addition to any response required by this policy.

Investigation Process

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. The Complaint Manager shall ensure both parties have an equal opportunity to present evidence during an investigation. If the Complainant is a student under 18 years of age, the Complaint Manager will notify his or her parents/guardians that they may attend any investigatory meetings in which their child is involved. The complaint and identity of the Complainant will not be disclosed except: (1) as required by law or this policy, (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

The identity of any student witnesses will not be disclosed except: (1) as required by law or any collective bargaining agreement, (2) as necessary to fully investigate the complaint, or (3) as authorized by the parent/guardian of the student witness, or by the student if the student is 18 years of age or older.

The Complaint Manager will inform, at regular intervals, the person(s) filing a complaint under this policy about the status of the investigation. Within 30 school business days after the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Director. The Complaint Manager may request an extension of time.

The Director will keep the Board informed of all complaints.

If a complaint contains allegations involving the Director or Board member(s), the written report shall be filed directly with the Board, which will make a decision in accordance with paragraph four of the following section of this policy.

Decision and Appeal

Within five school business days after receiving the Complaint Manager's report, the Director shall mail his or her written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager. All decisions shall be based upon the *preponderance of evidence* standard.

Within 10 school business days after receiving the Director's decision, the Complainant or the accused may appeal the decision to the Board by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the

Board.

Within 30 school business days, the Board shall affirm, reverse, or amend the Director's decision or direct the Director to gather additional information. Within five school business days after the Board's decision, the Director shall inform the Complainant and the accused of the Board's action.

For complaints containing allegations involving the Director or Board member(s), within 30 school business days after receiving the Complaint Manager's or outside investigator's report, the Board shall mail its written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager.

This policy shall not be construed to create an independent right to a hearing before the Director or Board. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.

Appointing a Nondiscrimination Coordinator and Complaint Managers

The Director shall appoint a Nondiscrimination Coordinator to manage the Association's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of employees, students, and others. The Nondiscrimination Coordinator also serves as the Association's Title IX Coordinator.

The Director shall appoint at least one Complaint Manager to administer this policy. If possible, the Director will appoint two Complaint Managers, one of each gender. The Association's Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

The Director shall insert into this policy and keep current the names, office addresses, email addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Managers.

Nondiscrimination Coordinator:

Karen Beverlin

4812 W. Pfeiffer Rd, Bartonville, IL 61607

kbeverlin@seapco.org

309-697-0880

Complaint Managers:

Dave Ptak

Alison Childers

4812 W. Pfeiffer Rd., Bartonville, IL 61607

4812 W. Pfeiffer Rd., Bartonville, IL 61607

dptak@seapco.org

achilders@seapco.org

309-697-0880

309-697-0880

LEGAL REF.:

Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.

Americans With Disabilities Act, 42 U.S.C. §12101 et seq.

Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.

Equal Pay Act, 29 U.S.C. §206(d).

Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.

Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.

McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.

Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.

Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.

Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.; 34 C.F.R. Part 106

State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a).

105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-20.60, 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.

Illinois Genetic Information Privacy Act, 410 ILCS 513/.

Illinois Whistleblower Act, 740 ILCS 174/.

Illinois Human Rights Act, 775 ILCS 5/.

Victims' Economic Security and Safety Act, 820 ILCS 180/, 56 Ill.Admin.Code Part 280.

Equal Pay Act of 2003, 820 ILCS 112/.

Employee Credit Privacy Act, 820 ILCS 70/.

23 Ill.Admin.Code §§1.240 and 200.40.

CROSS REF.: 2:105 (Ethics and Gift Ban), 2:265 (Title IX Sexual Harassment Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:90 (Abused and Neglected Child Reporting), 6:120 (Education of Children with Disabilities), 6:140 (Education of Homeless Children), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy Rights), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools), 8:70 (Accommodating Individuals with Disabilities), 8:95 (Parental Involvement), 8:110 (Public Suggestions and Concerns)

Adopted: October 9, 2020

Special Education Association of Peoria County

2:265 Title IX Sexual Harassment Grievance Procedure

Sexual harassment affects a student's ability to learn and an employee's ability to work. Providing an educational and workplace environment free from sexual harassment is an important association goal. The association does not discriminate on the basis of sex in any of its education programs or activities, and it complies with Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations (34 C.F.R. Part 106) concerning everyone in the association's education programs and activities, including applicants for employment, students, parents/guardians, employees, and third parties.

Title IX Sexual Harassment Prohibited

Sexual harassment as defined in Title IX (Title IX Sexual Harassment) is prohibited. Any person, including a association employee or agent, or student, engages in Title IX Sexual Harassment whenever that person engages in conduct on the basis of an individual's sex that satisfies one or more of the following:

1. A association employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct; or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the association's educational program or activity; or
3. *Sexual assault* as defined in 20 U.S.C. §1092(f)(6)(A)(v), *dating violence* as defined in 34 U.S.C. §12291(a)(10), *domestic violence* as defined in 34 U.S.C. §12291(a)(8), or *stalking* as defined in 34 U.S.C. §12291(a)(30).

Examples of sexual harassment include, but are not limited to, touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, spreading rumors related to a person's alleged sexual activities, rape, sexual battery, sexual abuse, and sexual coercion.

Definitions from 34 C.F.R. §106.30

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Education program or activity includes locations, events, or circumstances where the association has substantial control over both the *Respondent* and the context in which alleged sexual harassment occurs.

Formal Title IX Sexual Harassment Complaint means a document filed by a *Complainant* or signed by the Title IX Coordinator alleging sexual harassment against a *Respondent* and requesting that the association investigate the allegation.

Respondent means an individual who has been reported to be the perpetrator of the conduct that could constitute sexual harassment.

Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the *Complainant* or the *Respondent* before or after the filing of a *Formal Title IX Sexual Harassment Complaint* or where no *Formal Title IX Sexual Harassment Complaint* has been filed.

Title IX Sexual Harassment Prevention and Response

The director or designee will ensure that the association prevents and responds to allegations of Title IX Sexual Harassment as follows:

1. Ensures that the association's comprehensive health education program in Board policy 6:60, *Curriculum Content*, incorporates (a) age-appropriate sexual abuse and assault awareness and prevention programs in grades pre-K through 12, and (b) age-appropriate education about the warning signs, recognition, dangers, and prevention of teen dating violence in grades 7-12. This includes incorporating student social and emotional development into the association's educational program as required by State law and in alignment with Board policy 6:65, *Student Social and Emotional Development*.
2. Incorporates education and training for school staff pursuant to policy 5:100, *Staff Development Program*, and as recommended by the director, Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, Dean of Students, or a Complaint Manager.
3. Notifies applicants for employment, students, parents/guardians, employees, and collective bargaining units of this policy and contact information for the Title IX Coordinator by, at a minimum, prominently displaying them on the association's website, if any, and in each handbook made available to such persons.

Making a Report

A person who wishes to make a report under this Title IX Sexual Harassment grievance procedure may make a report to the Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, Dean of Students, a Complaint Manager, or any employee with whom the person is comfortable speaking. A person who wishes to make a report may choose to report to a person of the same gender.

School employees shall respond to incidents of sexual harassment by promptly making or forwarding the report to the Title IX Coordinator. An employee who fails to promptly make or forward a report may be disciplined, up to and including discharge.

The director shall insert into this policy and keep current the name, office address, email address, and telephone number of the Title IX Coordinator.

Title IX Coordinator:

Karen Beverlin

4812 W. Pfeiffer Rd, Bartonville, IL 61607

kbeverlin@seapco.org

309-697-0880

Processing and Reviewing a Report or Complaint

Upon receipt of a report, the Title IX Coordinator and/or designee will promptly contact the *Complainant* to: (1) discuss the availability of supportive measures, (2) consider the *Complainant's* wishes with respect to *supportive measures*, (3) inform the *Complainant* of the availability of *supportive measures* with or without the filing of a *Formal Title IX Sexual Harassment Complaint*, and (4) explain to the *Complainant* the process for filing a *Formal Title IX Sexual Harassment Complaint*.

Further, the Title IX Coordinator will analyze the report to identify and determine whether there is another or an additional appropriate method(s) for processing and reviewing it. For any report received, the Title IX Coordinator shall review Board policies 2:260, *Uniform Grievance Procedure*; 5:20, *Workplace Harassment Prohibited*; 5:90, *Abused and Neglected Child Reporting*; 5:120, *Employee Ethics; Conduct; and Conflict of Interest*; 7:20, *Harassment of Students Prohibited*; 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*; 7:185, *Teen Dating Violence Prohibited*; and 7:190, *Student Behavior*, to determine if the allegations in the report require

further action.

Reports of alleged sexual harassment will be confidential to the greatest extent practicable, subject to the association's duty to investigate and maintain an educational program or activity that is productive, respectful, and free of sexual harassment.

Formal Title IX Sexual Harassment Complaint Grievance Process

When a *Formal Title IX Sexual Harassment Complaint* is filed, the Title IX Coordinator will investigate it or appoint a qualified person to undertake the investigation.

The director or designee shall implement procedures to ensure that all *Formal Title IX Sexual Harassment Complaints* are processed and reviewed according to a Title IX grievance process that fully complies with 34 C.F.R. §106.45. The association's grievance process shall, at a minimum:

1. Treat *Complainants* and *Respondents* equitably by providing remedies to a *Complainant* where the *Respondent* is determined to be responsible for sexual harassment, and by following a grievance process that complies with 34 C.F.R. §106.45 before the imposition of any disciplinary sanctions or other actions against a *Respondent*.
2. Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a *Complainant*, *Respondent*, or witness.
3. Require that any individual designated by the association as a Title IX Coordinator, investigator, decision-maker, or any person designated by the association to facilitate an informal resolution process:
 - a. Not have a conflict of interest or bias for or against complainants or respondents generally or an individual *Complainant* or *Respondent*.
 - b. Receive training on the definition of sexual harassment, the scope of the association's *education program or activity*, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially.
4. Require that any individual designated by the association as an investigator receiving training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
5. Require that any individual designated by the association as a decision-maker receive training on issues of relevance of questions and evidence, including when questions and evidence about the *Complainant's* sexual predisposition or prior sexual behavior are not relevant.
6. Include a presumption that the *Respondent* is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
7. Include reasonably prompt timeframes for conclusion of the grievance process.
8. Describe the range of possible disciplinary sanctions and remedies the association may implement following any determination of responsibility.
9. Base all decisions upon the *preponderance of evidence* standard.
10. Include the procedures and permissible bases for the *Complainant* and *Respondent* to appeal.
11. Describe the range of *supportive measures* available to *Complainants* and *Respondents*.
12. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Enforcement

Any association employee who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any third party who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the association, e.g., vendor, parent, invitee, etc. Any association student who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with student behavior policies. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action.

This policy does not increase or diminish the ability of the association or the parties to exercise any other rights under existing law.

Retaliation Prohibited

The association prohibits any form of retaliation against anyone who, in good faith, has made a report or complaint, assisted, or participated or refused to participate in any manner in a proceeding under this policy. Any person should report claims of retaliation using Board policy 2:260, *Uniform Grievance Procedure*.

Any person who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary action, up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

LEGAL REF.:

20 U.S.C. §1681 et seq., Title IX of the Educational Amendments of 1972; 34 C.F.R. Part 106.

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Independent Sch. Dist., 524 U.S. 274 (1998).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Conduct, and Conflict of Interest), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior)

Adopted: October 9, 2020

Special Education Association of Peoria County