

AGENDA
AD HOC LOCAL SCHOOL COMMITTEE
Tuesday, April 3, 2018
7:00 p.m.
Burr Ridge Village Hall
Board Room

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. INTRODUCTION OF COMMITTEE MEMBERS AND STAFF**
- 4. REVIEW OF OPEN MEETINGS ACT AND FREEDOM OF INFORMATION ACT**
- 5. DISCUSSION OF COMMITTEE MISSION**
- 6. REVIEW OF LOCAL SCHOOL ISSUES**
- 7. DISCUSSION OF NEXT STEPS AND MEETING SCHEDULE**
- 8. PUBLIC COMMENT**
- 9. OTHER BUSINESS**
- 10. ADJOURNMENT**

DISTRIBUTION:

Trustee Zach Mottl, Co-Chairperson
Trustee Anital Mital, co-Chairperson
Marianne Begy
Adolph Galinski
Vivek Ghai
Alan Hruby
Clair Kovar
Betsy Levy
Cindy Mottl
Paragi Patel
Becky Singh
Doug Pollock, Village Administrator
Scott Uhler, Village Attorney



VILLAGE OF BURR RIDGE

MEMORANDUM

TO: Mayor Straub and Board of Trustees
FROM: Doug Pollock, AICP, Village Administrator
DATE: March 30, 2018
RE: **Staff Summary for April 3, 2018 Meeting**

At their meeting of December 11, 2017, the Village Board of Trustees created an ad hoc committee for the purpose of exploring local school issues and advising the Board of Trustees on such issues. Trustees Anita Mital and Zach Mottl were appointed as co-chairs of the Committee. At its meeting of February 26, 2018, the Village Board appointed residents (see distribution list below) to this Committee. The first meeting of the Local School Committee is scheduled for Tuesday, April 3, 2018 at 7 pm at the Village Hall. A summary of the agenda is provided below.

3. Introduction of Committee Members and Staff: The Committee members are listed in the distribution list below. Additional contact information may be provided with the approval of each Committee member. If you do not want to share your email or phone numbers with the Committee, please let me know and I will redact the list accordingly.

As with all Village Committees, a staff person is assigned to provide clerical, logistical, and research assistance. I will be the primary staff person working with the Local School Committee. As such, I will do the minutes for the meetings and prepare agendas and reports as needed. Additionally, our Village Attorney's office (KTJ – Klein, Thorpe and Jenkins) has volunteered to provide pro bono legal counsel for the Committee. Village Attorney Scott Uhler from KTJ will be the primary legal counsel although due to an unforeseen conflict, Michal Marrs from KTJ is scheduled to be at the first meeting on April 3.

4. Review of Open Meetings Act and Freedom of Information Act: This is an official Board committee and is, therefore, subject to the Open Meetings Act and the Freedom of Information Act. Attached is a primer provided by the Village Attorney. Attorney Marrs will be present at the meeting to answer questions and to review procedures in general.

5. Discussion of Committee Mission: Our Co-Chairs will lead a discussion to define the mission and scope of the Committee.

6. Review of Local School Issues: Co-Chairs and Committee members will be invited to bring forth local school issues that may be considered by the Committee at future meetings. One issue that has been raised in the past is the school enrollment imbalance in Hinsdale District 86. Attached is information provided by the Village Attorney relative to this particular issue.

7. Discussion of Next Steps and Meeting Schedule: The Committee is asked to consider next steps and a meeting schedule. The Committee may want to establish a routine meeting schedule (e.g. first Tuesday of each month) or may want to schedule meetings as needed. Either way, Committee meeting dates and agendas must be published at least 48 hours in advance of a meeting.

BOARD APPOINTED COMMITTEE(s) Required Procedures

For Board-appointed committees covered by the Open Meetings Act¹, the committee must abide by the basic requirements of the Open Meetings Act and with the Freedom of Information Act. We set forth hereinafter the basic applicable procedures under each statute.

Open Meetings Act

Coverage of Act

1. The Act applies to all meetings of public bodies. Public bodies are defined in the Act to include “all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof.” 5 ILCS 120/1.02.
2. The definition of “meeting,” “...**any** gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business, a quorum of the members of a public body held for the purpose of discussing public business.” A “quorum” is the number of assembled members that is necessary for a decision-making body to be legally competent to transact business.
 - a. The gathering of a majority of a quorum is covered if held for the purpose of discussing public business. In other words, there must be an intent to discuss public business before the gathering will be held to be a meeting covered by the Act. The legislature added this intent language so that public officials would not have to fear violating the Act if they unintentionally discussed public business by some or all of the members of a public body at a social event.
 - b. Email messaging or instant messages can be considered a “meeting”. Whether email conversations are a meeting depends on the substance of the communication and whether the communications rise to the level of a deliberative discussion of business of a public body. Simply sharing information and casual commentary or remarks about public business are necessarily enough to constitute a meeting.
3. Majority of a Quorum. What constitutes a majority of a quorum for a particular public body can be easily determined. For example, in a city or village with a seven-member council or board, a majority of a quorum is three - the mayor and two aldermen or the president and two trustees, or three aldermen or three trustees. Naturally, as the number of members of a public body increases,

¹ The following factors have been applied to determine whether an entity is a covered “public body” or an “advisory body” (1) who appoints the members, (2) the formality of their appointment, and whether they are paid; (3) the duties assigned; whether its role is solely advisory or whether it also has a deliberative or investigative function; (4) whether accountable or subject to government control; (5) whether has a budget; (6) its place within the governmental unit; and (7) the impact of decisions or recommendations that the committee makes.

the number of members needed to constitute a majority of a quorum also increases. For additional examples of a majority of a quorum of a public body, consult the following chart.

Number of Members of a Public Body	Quorum of a Public Body	Majority of a Quorum of a Public Body
7	4	3
9	5	3
11	6	4
13	7	4
15	8	5
17	9	5

When considering committee or commission meetings, or meetings of other covered public bodies, it must be remembered that a majority of a quorum is determined based upon the number of members of that committee, commission or subsidiary body and not upon the number of trustees or aldermen.

Meeting Dates, Places And Notice Requirements

1. Open and Convenient.

Section 2.01 of the Act (5 ILCS 120/2.01) requires all public meetings to be held at specified times and places which are convenient and open to the public. The Attorney General has issued at least one opinion that holding a covered meeting at a personal residence does not satisfy the requirement to be “open and convenient”.

2. Notice

The Act expressly requires public notice of all meetings, regular or special, open or closed, to be given as follows:

- a. An agenda of each meeting must be prepared and posted at least 48 hours in advance of the meeting. Public notice of special meetings (which is what a committee meeting generally would be, since there is no regular schedule of meetings), must be given at least 48 hours before such special meeting, and the notice must also include the agenda for the special meeting. The actions of the public body, while not required to be specifically detailed in the notice, should be "closely related" to those matters set forth in the agenda for the special meeting.
- b. The meeting notice must be posted at Village Hall.
- c. In other words, the description of the action item on an agenda, relative to a resolution or ordinance, must be specifically detailed so as to apprise the public of the general nature of the action to be considered.
- d. The Village must ensure that at least one copy of the notice and agenda for the meeting is continuously available for public review during the entire 48-hour period preceding the

meeting. Posting of the notice and agenda on the Village website satisfies the requirement for continuous posting.

- e. The committee must supply copies of the notices of all of its meetings to any news medium that has filed an annual request for such service. Any news medium must be given the same notice of all special meetings in the same manner as is given to members of the committee, provided the news medium has given the public body an address or telephone number within the village limits at which such notice may be given.

3. Attendance (by electronic means)

Participation by video or audio conference in a meeting is allowed so long as a quorum is physically present at the meeting location. The Act permits participation and voting by members of a covered body by audio and video conference provided that the number of members necessary to constitute a quorum is physically present at the open meeting. To allow persons to attend meetings electronically, a public body must adopt procedural rules to conform to the requirements and restrictions of the Open Meetings Act. Persons wanting to attend the meeting electronically rather than physically can only do so if (1) the official is ill or disabled; (2) the official is unable to physically attend because of employment or official business of the public body; or (3) the official has a family or other emergency. 5 ILCS 120/7(b).

4. Recording of Meetings

Any person has the right to record the proceedings at any public meeting by tape, film, or other means.

Minutes

1. Requirements

All public bodies, including subsidiary boards, committees and commissions, must keep written minutes of all their meetings. Committee minutes can be kept separately and need only be approved by the appropriate board, committee or commission, and not by the full village board.

The written minutes must include the following:

- a. The date, time and place of the meeting;
- b. The members recorded as either present or absent, and if present, the minutes must indicate whether the member attended physically or by means of video or audio conference; and
- c. A summary of discussion on all matters proposed, deliberated or decided, and a record of any votes taken.

The General Assembly has mandated that the minutes reflect what discussion occurred and not merely the topics that were discussed. However, only a "summary" of the discussion, as opposed to verbatim reports, is required.

2. Approval and Availability of Open Meeting Minutes

The minutes of any open meeting must be approved within thirty (30) days after the meeting date or at the second subsequent meeting of the committee, whichever is later.

Within ten (10) days of the date of approval of the minutes of any open session, the minutes must be made available for inspection. In addition, any public body that maintains a website maintained by full time staff of the public body must post the minutes of its regular meetings on the website within ten (10) days after the approval of the minutes. Any minutes posted on the public body's website must remain posted for at least sixty (60) days.

THE FREEDOM OF INFORMATION ACT

Information in recorded form created by or for, used, received or controlled and within the possession of a public body are generally "public records." In order to be considered a public record, the record or document must (1) pertain to the transaction of "public business" and (2) must either be prepared by, prepared for, used by, received by, possessed by, or controlled by the "public body." _FOIA does not require any public body to prepare and keep any new records.

1. Covered "public body"

Villages and all of their committees and commissions come within the coverage of the Act. The prior qualification in the Act, which stated that a public body was only one which was supported in whole or in part by tax revenue, or which expended tax revenue, has been deleted. 5 ILCS 140/2(a).

2. Covered "public records"

The definition of "public records" is very broad and includes records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and other documentary materials pertaining to the transaction of public business. The Act specifically includes email communications as a public record subject to disclosure under the Act.

When a government official communicates individually using a publicly issued electronic device, the communication is considered to be in control of a public body. Email communications pertaining to the transaction of public business which have been prepared, or have been or are being used, received, possessed or under the control of a public body must be treated as public records under the Act. Therefore, an email message transmitted through the internet server of the public body has been received by the public body, and would constitute a public record if it pertains to public business. Email messages produced on one's personal computer may constitute public records depending on their content, intended recipients, and to safeguard ones personal computer, emails that pertain to public business should be only transacted on a government email account.

3. Destruction or disposal

Under the Local Records Act the Local Records Commission must be notified when the original record is disposed of and also when the reproduced record is disposed of. There are two Local Records Commissions, one for Cook County and one for all other Counties in the State. The State Historian and

State Archivist serve on both Commissions. The Village has an approved record destruction schedule with the appropriate Local Records Commission.

We are able to provide any sample forms or rules that you may need or request.



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CONFIDENTIAL ATTORNEY CLIENT CORRESPONDENCE

MEMORANDUM

TO: Village of Burr Ridge

RE: Attendance Boundary Issues

January 25, 2018

Relative to the creation of and discussions by the special Board committee regarding the school attendance zone issues, The Elementary and Secondary Education Act (Federal Law) does include the following provision, which (based on the descriptions of the creation and practices regarding the “buffer zone”) may have some application to the effects of the creation and implementation of the “buffer zone”. In particular, the provisions of subsection (e) below may have some application to this use of a special attendance zone that may have resulted in many more students attending one high school than the other with the result that the racial/ethnic makeup in the other school continues to increase:

**“20 U.S. Code § 1703 - Denial of Equal Educational Opportunity Prohibited
§ 1703.**

Denial of equal educational opportunity prohibited

No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by—

- (a) the deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools;
- (b) the failure of an educational agency which has formerly practiced such deliberate segregation to take affirmative steps, consistent with part 4 of this subchapter, to remove the vestiges of a dual school system;
- (c) the assignment by an educational agency of a student to a school, other than the one closest to his or her place of residence within the school district in which he or she resides, if the assignment results in a greater degree of segregation of students on the basis of race, color, sex, or national origin among the schools of such agency than would result if such student were assigned to the school closest to his or her place of residence within the school district of such agency providing the appropriate grade level and type of education for such student;

- (d) discrimination by an educational agency on the basis of race, color, or national origin in the employment, employment conditions, or assignment to schools of its faculty or staff, except to fulfill the purposes of subsection (f) below;
- (e) the transfer by an educational agency, whether voluntary or otherwise, of a student from one school to another if the purpose and effect of such transfer is to increase segregation of students on the basis of race, color, or national origin among the schools of such agency; or
- (f) the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.
- (Pub. L. 93-380, title II, § 204, Aug. 21, 1974, 88 Stat. 515.)

Filing a Discrimination Complaint with the U.S. Department of Education, Office for Civil Rights and/or Department of Justice, Civil Rights Division, Equal Opportunities Section

**Complaint Procedures
Alleged Violations**

U.S. Department of Justice

Complaint Regarding Enforcement of Equal Educational Opportunities Act of 1974

The Educational Opportunities Section enforces federal laws that protect students from harassment or discrimination. The Section is responsible for enforcing Title IV of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, national origin, sex, and religion in public schools and institutions of higher learning; the Equal Educational Opportunities Act of 1974 which, among other things, requires states and school districts to provide English Language Learner (ELL) students with appropriate services to overcome language barriers; and the Americans with Disabilities Act, which prohibits disability discrimination. The Section also plays a significant role in enforcing Title VI of the Civil Rights Act of 1964 (prohibiting discrimination on the basis of race, color, and national origin by recipients of federal funds); Title IX of the Educational Amendments of 1972 (prohibiting discrimination on the basis of sex by recipients of federal funds); and Section 504 of the Rehabilitation Act and the Individuals with Disabilities Education Act (both of which address disability discrimination and appropriate disability-related services).

The Educational Opportunities Section accepts complaints of potential violations:

- By e-mail to education@usdoj.gov (link sends e-mail)
- By telephone at (202) 514-4092 or 1-877-292-3804 (toll-free)
- By facsimile at (202) 514-8337
- By letter to the following address:

U.S. Department of Justice Civil Rights Division
950 Pennsylvania Avenue, N.W.
Educational Opportunities Section, PHB
Washington, D.C. 20530

In order to properly respond to a complaint, the Section requests that complainants provide their name, address, and the name of the school/school district/university where the alleged discrimination occurred.

**Discrimination in Education Based on Race, Color, National Origin
(Possible Alternate Option)**

The website of ED's Office for Civil Rights (OCR) is found at www.ed.gov/ocr or OCR can be contacted at (800) 421-3481 (TDD: 800-877-8339) or at ocr@ed.gov.

For more information about filing a complaint, visit www.ed.gov/ocr/complaintintro.html.