

Subject: Fwd: Closed session minutes
From: Kelli MacMillan <macmillank@mokena159.org>
Date: 2/20/2024, 6:50 AM
To: Mark Cohen <cohenm@mokena159.org>
CC: Eric Bush <bushe@mokena159.org>

Good morning Mark,

On 2/14/23 I sent you the email below requesting you provide Julie and I access to the closed meeting recordings on our agenda for Board vote to destroy on 2/21/24.

I have not received a response from you.

According to IL Open Meetings Act, I have the right to access verbatim recordings, Section 2.06 (f):

confidentiality provisions of State or federal law. Access to verbatim recordings shall be provided to duly elected officials or appointed officials filling a vacancy of an elected office in a public body, and access shall be granted in the public body's main office or official storage location, in the presence of a records secretary, an administrative official of the public body, or any elected official of the public body. No verbatim

District 159 Board Policy 2:220 is consistent, except to add that I should submit my request to our Superintendent or Board President - both of which I have done:

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

The right afforded to me via IL Open Meetings Act is not contingent upon the "will of the board". Nothing can limit or restrict this right afforded to me.

Also, my request satisfies what is stipulated in both IL Open Meeting's Act and our Board of Education Policy.

I ask that you please respond to my request and provide me access to the recordings today or tomorrow morning in light of the agenda item. I really do not want our district to have violations of IL Open Meetings Act which we can certainly avoid here. I would venture to guess all of us do not want OMA violations.

The IL Attorney General has a public access counselor that you can reach out to if you like to hear from them directly, they are really helpful. They can be reached at (877) 299-3642.

<https://www.illinoisattorneygeneral.gov/open-and-honest-government/pac/>

Happy to talk on this if you'd like to contact me,
Kelli MacMillan

----- Forwarded message -----

From: **Kelli MacMillan** <macmillank@mokena159.org>

Date: Thu, Feb 15, 2024 at 8:35 AM

Subject: Re: Closed session minutes

To: Mark Cohen <cohenm@mokena159.org>

Cc: Julie Oost <oostj@mokena159.org>

Thanks for updating the BOE on this.

Julie and I will be at the district office at 1:30pm today. When you have a moment can you please clarify which closed session recordings we will be accessing? In other words, which ones are on our agenda to approve the destruction?

Thanks,
Kelli MacMillan

On Wed, Feb 14, 2024 at 5:13 PM Mark Cohen <cohenm@mokena159.org> wrote:

Mrs. MacMillan asked that I update you on the matter outlined below.

Mark

----- Forwarded message -----

From: **Kelli MacMillan** <macmillank@mokena159.org>

Date: Wed, Feb 14, 2024 at 4:55 PM

Subject: Fwd: Closed session minutes

To: Mark Cohen <cohenm@mokena159.org>

Cc: Julie Oost <oostj@mokena159.org>

Good morning Dr. Cohen,

Last night after the PTA meeting you'd approached me as I was trying to gather my children to leave just before 9pm. You approached me to discuss my request for accessing the closed meeting minutes.

After thinking about the exchange I want to let you know that I found it was inappropriate for a number of reasons and I want to give you this feedback. First, I was a parent attending a PTA meeting with my children in tow, it was late and I was trying to leave. Second, you could have and should have simply responded to my email. Third, you questioned me on the reason for my request and went so far as to say my fellow board members would be "skeptical" of my request unless I had a specific reason. You did preface it by saying that you didn't want to overstep, I suspect because you knew it was an overstep - to which I agree. I want to let you know that I felt intimidated in the moment and felt you were trying to influence me to change my mind or retract my request.

Furthermore, I feel you deliberately did so in person and when I would be unsuspecting to a conversation. Did you make the same "skeptical" suggestion to Mrs Zilinski when you were meeting with her yesterday before you approached me?

I would caution you on taking the liberty to surmise the views of our board of education. My fellow board members know how to get in contact with me and if they take issue with something I request I trust they will reach out to me directly. Please leave that to the Board.

Also, I have communicated to you that it is my preference to do board business via email and at open board meetings. I want to remind you of that request and ask that you please respect my boundary going forward.

I reached out to Mrs. Oost and she has agreed to coordinate with me to visit the district office and listen to the recordings together, which will suffice our policy 2:220. The only thing we need from the Administration at this point is for you to have the recordings available to us. While I appreciate your willingness to make yourself available I do not want this to take you away from your normal duties. It is simply not a good use of your time.

Modified request: I would like to listen to all of the closed session minutes that are on our next week's agenda to be destroyed. Which ones specifically are those?

Mrs. Oost and I will be at the district office to begin this task tomorrow at 1:30pm and will most likely continue on Friday at 1:30pm. We will be listening to the recordings, just the two of us.

I've copied Mrs. Oost here and trust you will update the board as a whole and Mrs. Hite.

Thank you,
Kelli MacMillan

----- Forwarded message -----

From: **Kelli MacMillan** <macmillank@mokena159.org>

Date: Mon, Feb 12, 2024 at 9:31 PM

Subject: Re: Closed session minutes

To: Mark Cohen <cohenm@mokena159.org>

Cc: Eric Bush <bushe@mokena159.org>

Not sure if you read my email right. I'm looking to review/listen to the closed sessions for the entire SY23-24.

I don't think this is what will be in the board packet, is it?

Kelli MacMillan
Sent from my iPhone

On Feb 12, 2024, at 3:32 PM, Mark Cohen <cohenm@mokena159.org> wrote:

They will be in the Board packet on Friday.

On Mon, Feb 12, 2024 at 11:37 AM Kelli MacMillan <macmillank@mokena159.org> wrote:

Good morning,

I noticed the closed session minutes on the agenda for next week. I would like to review closed session minutes / recordings from SY22-23. What is the easiest / best option for me to do that?

Thanks,
Kelli MacMillan

--

Dr. Mark A. Cohen
Superintendent
Mokena School District 159
(708) 342-4900



--

Dr. Mark A. Cohen
Superintendent
Mokena School District 159
(708) 342-4900

