

**ATTORNEY-CLIENT PRIVILEGED**

July 18, 2025

**Via Electronic Mail**

Dr. Griff Powell, Interim Superintendent  
Dr. Kyle Schumacher, Interim Superintendent  
Central Unit School District 301  
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**Re: Review of Closed Session Meeting Minutes for Public Disclosure**

Dear Dr. Powell and Dr. Schumacher:

Pursuant to the request of your executive assistant, Ms. Angela Scola, we have reviewed the closed session meeting minutes for the period of January 2025 through June 2025 to determine if they should be released in their present form to the public.

**Closed Session Minutes Semi-Annual Review**

The *Open Meetings Act* (hereinafter “Act” or “OMA”), 5 ILCS 120/1 et. seq., requires the Board to review the written minutes of all of its closed session meetings every 6 months, or as soon thereafter as is practicable. 5 ILCS 120/2.06. This review may occur in closed session. 5 ILCS 120/2(c)(21). Upon reviewing the minutes, the Board must meet in open session and report either that (1) the need for confidentiality still exists as to all or part of those minutes, or (2) the minutes or portions thereof no longer require confidential treatment and are available for public inspection. 5 ILCS 120/2.06(d). If the Board determines that it is still necessary to protect the public interest or the privacy of an individual, the minutes need not be made available to the public (but may nonetheless be subject to inspection by a judge or Public Access Counselor (“PAC”) in cases brought to enforce the Act).

With these considerations in mind, we make the following recommendations:

Dr. Griff Powell and Dr. Kyle Schumacher, Interim Superintendents  
July 18, 2025

## **Board Minutes**

## **Recommendation**

January 21, 2025	Do not disclose as confidentiality may be required to protect the privacy of a specific student and employees.
February 3, 2025	Do not disclose as confidentiality may be required to protect the privacy of specific employees.
February 26, 2025	Do not disclose as confidentiality may be required to protect the privacy of a specific student and employees.
March 3, 2025	Do not disclose as confidentiality may be required to protect the privacy of a specific student and employees.
March 17, 2025	Do not disclose as confidentiality may be required to protect the privacy of specific students.
April 14, 2025	Do not disclose as confidentiality may be required to protect the privacy of a specific student.
April 21, 2025	Do not disclose as confidentiality may be required to protect the privacy of a specific student.
May 12, 2025	Do not disclose as confidentiality may be required to protect the privacy of a specific student and strategy as to pending negotiation matters.
May 13, 2025	You may disclose.
May 19, 2025	Do not disclose as confidentiality may be required to protect the privacy of a specific student and employee and strategy as to pending negotiation matters.
June 9, 2025	Do not disclose as confidentiality may be required to protect the privacy of specific employees and strategy as to pending negotiation matters.
June 12, 2025	Do not disclose as confidentiality may be required to protect the privacy of a specific student and strategy as to pending negotiation matters.

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For these closed session minutes, your own review may reveal that a portion of the minutes may be safely redacted and disclosed to the public in redacted form. However, it is our opinion that the Board is authorized to withhold the minutes in their entirety and that redaction and disclosure of the minutes would be entirely optional. If you wish to redact and recommend disclosure of any of these minutes, we would be happy to review these minutes again after your redactions, if any, have been made.

Overall, the closed session minutes were very well done as to be in compliance with the law. We did want to caution you regarding using closed sessions to discuss solely the manner for the Superintendent's evaluation, which may or may not have occurred with respect to the January 21, 2025 closed session minutes, as opposed to the content of the evaluation. A PAC Opinion has held that the closed session exception for specific employees only allowed a public body to discuss the actual performance of the District's highest-ranking administrator, and not to discuss the procedure or schedule for the administrator's evaluation. PAC Binding Op. 20-04. We do have some concerns with this PAC opinion in that the two subjects frequently are intertwined, and the opinion fails to address the provisions of the *School Code* and *Personnel Record Review Act* prohibiting the public release of evaluations. Nonetheless, we wanted to provide you with this information so you are aware of a risk involved under the *Open Meetings Act* with respect to a discussion solely of the procedure for evaluating the Superintendent.

Additionally, there is a suggestion in the May 19, 2025, closed session minutes to perform a salary study for non-union administrative employees. One of the "personnel"-related OMA exceptions allows a discussion in closed session of "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..." (emphasis added). But the PAC has ruled that this exception is limited to matters concerning individuals and does not include matters pertaining to classes of employees. (For example, layoff/outsourcing of a class of employees was ruled impermissible in closed. See 2018 PAC 53879 & 2015 PAC 35861, both binding opinions.) In addition, the Board also cited to exception 2(c)(2), which includes both collective bargaining and "**salary schedules** for one or more classes of employees." (emphasis added) No cases or published PAC opinions have construed this provision to my knowledge. We could make a reasonable argument that the discussion fit within the purpose of that exception to allow confidential strategic discussions of compensation. However, the OMA exceptions must be interpreted strictly by the courts, and the language only covers "salary schedules." Thus, a court or the Attorney General's office ultimately could find that this discussion was improper. However, it is quite common for such discussions to occur in closed session, and the discussion is certainly defensible if challenged.

Dr. Griff Powell and Dr. Kyle Schumacher, Interim Superintendents  
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If you would like to discuss the above recommendations or information further, please let us know.

As mentioned above, after any review of these minutes in closed session, assuming the Board does not wish to release redacted closed minutes and agrees with the recommendations above, the Board must report in open session that the May 13, 2025, minutes can be disclosed, and that a continued need for confidentiality exists as to all of the District's remaining closed minutes.

If you have any questions or concerns regarding any of the above, please do not hesitate to contact me.

Sincerely,



Steven M. Richart

Cc: Ms. Angela Scola, Executive Assistant

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