

School Board

Communications To and From the Board ¹

The School Board welcomes communications from ~~the community~~, staff members, parents, students, and community members. ~~should~~. Individuals may submit questions or communications for the School Board's consideration to the Superintendent. ~~or may use the electronic link to the Board's email address(es) that is posted on the District's website.~~ ² 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 District business with a majority of a Board-quorum. ³

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State law controls portions of this policy but does not require a policy on any topic covered.

An alternative to the opening sentence follows: "The School Board welcomes communications from the school community."

² School districts that maintain an Internet website, other than a social media or social networking website, must post a "mechanism, such as a uniform single email address, for members of the public to electronically communicate with elected officials," (50 ILCS 205/20, added by P.A. 98-930, eff. 1-1-2015). This must be done within 90 days of 1-1-2015. The sample policy's default language may be used even when the district provides each board member with an individual e-mail address. The language permits every board member to read all emails sent to the board or its members. This promotes good governance because all members are provided the same information and communications as illustrated below:

- When the district provides individual email addresses to board members, it can post a hyperlink on the district home page to an email address that will forward the communication to all 7 board members' email addresses simultaneously.
- When the district does not provide individual email addresses to board members, it can post a hyperlink on the district's home page to one email address that every board member may access.

Other ways to comply should be avoided unless they allow all board members to have equal access to communications. For example, posting a hyperlink on the district home page to a list of individual board member email addresses will not ensure that all board members have equal access to emails.

Whenever a district provides email addresses to individual board members, all emails sent to individual email addresses are subject to disclosure under the Freedom of Information Act. City of Champaign v. Madigan, 992 N.E.2d 629 (Ill.App.4th, 2013).

If the district does not maintain an Internet website, delete all text in the first paragraph after the word Superintendent and delete the entire second paragraph, i.e.: [The following provision is stricken-through to show the alternative.]

or may use the electronic link to the Board's email address(es) posted on the District's website. 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 District business with a majority of a Board quorum.

The Superintendent or designee shall:

1. Ensure that the home page for the District's website contains an active electronic link to the email address(es) for the School Board, and
2. Provide the Board, such as in the Board meeting packet, with all emails that are received and any feedback regarding them.

³ The oath of office in 105 ILCS 5/10-16.5 requires board members to swear or affirm that they "shall recognize that a board member has no legal authority as an individual and that decisions can only be made by a majority vote at a public board meeting." Deliberations of the board must be conducted openly; a meeting occurs whenever a majority of a quorum discusses public business; meetings must occur at a properly noticed board meeting that is open to the public (5 ILCS 120/1, 1.02, and 2). For additional information, see f/ns below and 2:140-E, *Guidance for Board Member Communications, Including Email Use*.

The Superintendent or designee shall: ~~4 provide the Board with a summary of these questions or communications and provide;~~

1. Ensure that the home page for the District's website contains an active electronic link to the email address(es) for the School Board, and
2. Provide the Board, such as appropriate, his or her in the Board meeting packet, with all emails that are received and any feedback regarding the matter; them.

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 Superintendent's office. Board members will not take private individual action that might compromise the Board or District. There is no expectation of privacy for any communication sent to the Board or its members individually, whether sent by letter, email, or other means.

Board Member Use of Electronic Communications ⁵

For purposes of this section, *electronic communications* includes, without limitation, electronic mail, electronic chat, instant messaging, texting, and any form of social networking. ⁶ Electronic communications ~~to, by, and among a majority or more of a Board-quorum members, in their capacity as Board members;~~ shall not be used for the purpose of discussing District business. Electronic communications among Board members shall be limited to: ⁷ (1) disseminating information, and (2) messages not involving deliberation, debate, or decision-making. The following list contains examples of permissible electronic communications; may contain:

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

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⁴ Directive #1 to the superintendent restates the statutory requirement to post a hyperlink to the email address on the district's home page (50 ILCS 205/20, added by P.A. 98-930, eff. 1-1-2015). Directive #2 is optional; it adds a step to increase efficient responses to communications concerning the operation or management of the district or a school.

A public body is not required to reply to communications. Likewise, the Freedom of Information Act does not require questions to be answered. Chicago Tribune Co. v. Dept. of Financial & Professional Reg., 8 N.E.3d 11 (Ill.App. 4th, 2014).

⁵ With some exceptions, the Open Meetings Act requires that a board conduct its deliberations and business during meetings that the public may attend. A meeting means "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." 5 ILCS 120/1.02. Thus, any *electronic communication* discussing district business that circulates among a majority of a quorum of the board may qualify as a meeting for purposes of the Open Meetings Act and may be illegal. A violation of the Open Meetings Act is a Class C misdemeanor (5 ILCS 120/4).

The Local Records Act, 50 ILCS 205/, governs retention of district records; its definition of *public record* is more narrow than the definition in the Freedom of Information Act. These communications must be retained only when they contain: (1) evidence of the district's organization, function, policies, procedures, or activities, or (2) informational data appropriate for preservation. While this is a slippery slope without definitive parameters, electronic communication among board members that are permissible under this policy may generally be deleted; consult the board attorney for a more thorough analysis and a legal opinion.

⁶ The examples of *electronic communications* are optional and may be amended.

⁷ Complying with these restrictions will help avoid an Open Meetings Act violation.

LEGAL REF.: 5 ILCS 120/.
50 ILCS 205/20.

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