



Board Protocols Committee Meeting

December 5, 2022

SASED Administrative Center

2900 Ogden

Lisle, IL 60532

5:30 PM

AGENDA

1. Call to Order/Roll Call
2. Review and Approve Meeting Minutes from August 23, 2022
3. Committee Structure and Process
4. Feedback on Board/Committees Communication and Board Packet Changes
 - a. Acknowledge Policy 2:130 - Board-Executive Director Relationships
 - b. Acknowledge Policy 2:140 - Communications to and from the Board
 - c. Acknowledge Policy 2:140-E - Guidance for Board Member Communications, including Email Use
 - d. Discuss the addition of a Board@sased.org email address to the SASED website
5. Cooperative Governance Structures
6. Adjournment



SCHOOL ASSOCIATION FOR SPECIAL EDUCATION IN DUPAGE

**PROTOCOLS COMMITTEE MEETING
August 23, 2022 - 5:30 PM
SASED Administrative Center
2900 Ogden Avenue, Lisle, IL 60532**

MEETING MINUTES

1. Call to Order/Roll Call

Dr. Mindy McGuffin called the meeting to order at 5:30 PM and welcomed those in attendance.

Roll call was taken with the following responding:

Present:	District	Representative
	Keeneyville School District #20	Mr. Terry Walloch
	Maercker School District #60	Dr. Sean Nugent
	Cass School District #63	Mr. Mark Cross
	Center Cass School District #66	Dr. Andrew Wise

Absent: Community High School District #99, Joanna Vazquez Drexler

Also in Attendance:

Dr. Mindy McGuffin, Executive Director, SASED
Senga Lowe, Board Recording Secretary, SASED

2. Discussion

Board agreements and protocol

1. Remote Attendance for Board Meetings
 - a. Committee referred to board policy 2:220 and decided to allow remote attendance in the case of an emergency while stating the reminder that a remote participant does not count as a quorum
 - b. Member is responsible for communicating the need for remote participation to board secretary in a timely manner so that remote arrangements can be made
2. Communications Expectations
 - a. Mindy's Friday Update - Short and to the point
 - i. No need to send student accident report to district superintendents unless it involves one of their students
 - b. Board Packet Too Large - Recommendations are as follows:
 - i. Board packet should be condensed to include Agenda and any memos to immediately follow
 - ii. Attachments to be included at the end so that members can reference them if needed
 - iii. Unnecessary to read the complete Consent Agenda at board meetings- just a motion to approve the consent agenda as presented
 - iv. Move financials to the Consent Agenda except multi-year contracts
 - v. Litigation, required personnel items, tuition, policy, and administration contracts should be included in "Discussion With Action"

- vi. Either no presentations or short presentations (5min) 1-2 per year special interest presentations to be included in board meetings to reduce the length of the meeting
 - vii. Reduce Closed Session to 3-4 times a year and include only items that the board is required to take action on
3. Special Education Co-Op
- a. The discussion was raised by committee members whether or not SASSED’s current governance structure meets the long term needs of the organization
 - i. Board of Control
 - 1. Board of Control is responsible for operational decisions
 - 2. Consider changing Board of Control to Board of Directors. “Control” can have a negative connotation
 - 3. Meetings should be held monthly, during the day, to help alleviate the issue of not having a quorum
 - 4. Membership of Board of Control -Superintendents and public school board members, can not be delegated to another administrator per school code
 - a. Board members are volunteers and should not be required to attend monthly meetings
 - ii. Governing Board should consist of School Board Members
 - 1. Governing Board is responsible for making decisions regarding big picture items including budget, hiring of the SASSED Executive Director, defers policy to Board of Control
 - 2. Governing Board meetings should be held in the evening and meet 2-3 times per year
 - 3. Membership of Governing Board-public school board members
 - iii. Co-Op Structure
 - 1. Dr. McGuffin, Dr Wise, Dr. Nugent and Mr. Wise all have previous experience working with cooperatives who have the proposed structure
 - 2. Dr. McGuffin and committee members to provide evidence of research on how other co-ops are structured
 - b. Finance
 - i. Consider having a financial advisory committee meeting before new FY23 budget is finalized
 - ii. Finance Committee should be comprised of finance people - CSBO and Business Managers
 - iii. School finance world connection to the SASSED cooperative finance world
 - iv. Increase engagement of school CSBO’s collaborating with SASSED
 - c. SASSED’s Executive Director should be collaborating with statewide and national Executive Directors
4. Next Board Protocols Committee Meeting
- a. To be determined.

3. Adjournment

Dr. Mindy McGuffin called to adjourn meeting at 7:04 PM.

Approved:

Protocols Committee Representative

Date

Signature
BOC Chairperson

Date

Signature
BOC Secretary

Date

Governance

Board-Executive Director Relationship

The Governing Board employs, and Board of Control evaluates the Executive Director. Both Boards hold him or her responsible for the operation of SASED in accordance with Board policies and State and federal law.

The Board-Executive 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 Boards and Executive Director.

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

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

CROSS REF.: 3:40 (Executive Director)

ADOPTED: February 22, 2017

REVIEWED: August 25, 2021

Governance

Communications To and From the Board

The Board welcomes communications from staff members, parents, students, and community members. Individuals may submit questions or communications for the Board's consideration to the Executive Director. The Executive Director shall provide the Board with a summary of these questions or communications and provide, as appropriate, his or her feedback regarding the matter. 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 Executive Director's office. Board members will not take private action that might compromise the Board or SASED. 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. 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 SASED business with a majority of a Board-quorum.

Board Member Use of Electronic Communications

For purposes of this section, *electronic communications* include, 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 District 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 responses to questions posed by community members, subject to the other limitations in this policy

LEGAL REF.: 5 ILCS 120/1 et seq.
50 ILCS 205/20.

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

ADOPTED: December 19, 2007

UPDATED: February 22, 2017

School Board

Exhibit - Guidance for Board Member Communications, Including Email Use ¹

The Open Meetings Act (OMA) requires the School Board to discuss District 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 District 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 Superintendent Outside of a Properly Noticed Board Meeting

1. The Superintendent or designee is permitted to email information to Board members. For example, the Superintendent may email Board meeting agendas and supporting information to Board members. When responding to a single Board member's request, the Superintendent 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 District 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 District 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 District 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 District 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 District 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.

The footnotes should be removed before the material is used.

¹ This exhibit is not legal advice. Use it after a discussion with the board attorney. To prevent over-loading the District's servers with email messages, the District can annually seek authority from the Local Records Commission to dispose of "all District-wide electronic correspondence" for a year at a time. These types of records are generally not needed in the transaction of current District business and they generally do not have sufficient administrative, legal, or fiscal value to warrant preservation. The board attorney should also be consulted on all legal issues involving the Open Meetings Act (OMA) and record retention.

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 District-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 school District 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 District-issued device or District-issued email address **will be a public record** and subject to FOIA. The electronic communication is under the control of the District.
 - c. Received by an individual Board member on a personal electronic device and then forwarded by the Board member to a District-owned device or server **will be a public record** and subject to FOIA. The electronic communication is under the control of the District.
 - 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 District’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 District’s possession because Board members were functioning collectively as a public body.

The District’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 District'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 District office where it will be stored. If made available, Board members should use their email accounts provided by the District, and the District will automatically store the official record messages. The District 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 District-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.

CO-OP NAME	LEGAL ENTITY	DO YOU HAVE AN ADMIN DISTRICT	HOW MANY BOARDS?	BOARD TITLES	BOARD MEMBERS	BOARD MEMBER BREAKDOWN	BOARD DISTRIBUTION %	HOW OFTEN DO YOU MEET?	MEETING TIMES
SASED	Yes	No	2	Board of Control and Governing Board	18 for each board	Governing Board 18 lay board members, Board of Control approx 50/50 Superintendents and Lay board members	Governing Board 18 lay board members, Board of Control approx 50/50 Superintendents and Lay board members	Board of Control monthly except July and November, Gov Bd 3 x year	Wednesday 6 PM
Northwestern Illinois Association	No	Yes	2	NIA Executive Board, and Administrative District Local SB.	Executive Board=12 Administrative Dst/Local SB=7	Executive Board (12) 4 local school board members from the region, 4 Directors of Special Education, 4 School Administrators, 4 member-at-large	NA	Executive Board 10x/year / Local SB 2xmonth	Executive 4PM monthly
SEDOM	Yes	No	2	Executive Board and Governing Board	Executive Board-7, Gov Board -11	Governing Board- all Board of Education Members, Executive Board- rules specify that it must have at least one BOE member at all times, it is presently 4 Superintendents, and 3 BOE members, rules also say that someone must come from an elementary district, another from a unit or high school district,	at present we have 4 Supt. and 3 BOE however it can change and the only rule is at least one BOE member,	Executive Board- every month, Gov Board- twice a year	Ex- 8:15am, Gov. Board-7:00pm
LADSE	No	Yes	1	Directing Board	15	15 superintendents of member districts	Not mixed	5 times per year	8:30a.m.
AERO	Yes	No	2	Executive Board and Governing Board	11 members on each	11 voting members on each. The Executive Board is comprised of the Superintendents of the AERO Member districts. The Governing Board is one elected Board of Ed member from each of the 11 the AERO ember districts	Not mixed	Executive Board meets monthly (12 meetings per year). The Governing Board meets every 2 months (6 meetings per year)	The Executive Board meets at 8AM on the first Wednesday of every month. The Governing Board meets at 6:30 PM on the third Monday every other month (beginning in July)
Kankakee Area Special Education Cooperative	Yes	No	2	Governing Board (made up of lay board members from the member districts) and Executive Board (Superintendents from the member districts)	7 on Governing Board and 6 on Executive Board (two of my member districts share a Supt)	Every member of each of the boards is a voting member	I do not have a mixed board	Executive (Supts) meets monthly and Governing meets twice in an election year and once on the off year (to approve the budget)	Executive (Supts) in the mornings and Governing at 6:00pm
Leyden Area Special Education Cooperative	No	Yes	1	Executive Committee	9	The superintendent from each member district with equal voting privileges.	N/A	monthly	day
TrueNorth Educational Cooperative 804	Yes	Yes	2	Leadership Council and a Governing Board	Leadership Council = 21 (18 lay board members plus 3 superintendents); Governing Board = 18 lay board members. The LC meets but when agenda items for the GB are on, the 3 supts abstain from those votes. So, they are not 2 different group meetings.	Leadership Council = 21 (18 lay board members plus 3 superintendents); Governing Board = 18 lay board members. The LC meets but when agenda items for the GB are on, the 3 supts abstain from those votes. So, they are not 2 different group meetings.	Leadership Council = 21 (18 lay board members plus 3 superintendents); Governing Board = 18 lay board members. The LC meets but when agenda items for the GB are on, the 3 supts abstain from those votes. So, they are not 2 different group meetings.	Leadership Council meetings are the 2nd Wednesday of most months (except Sept and January)	7p, 2nd Wednesday of each month.
Eisenhower Cooperative	No	Yes	1	Executive Board	9 (1 superintendent from each district))	9 Superintendents	100% Superintendents	1 meeting a month (except December and July)	11:00 am

CO-OP NAME	LEGAL ENTITY	DO YOU HAVE AN ADMIN DISTRICT	HOW MANY BOARDS?	BOARD TITLES	BOARD MEMBERS	BOARD MEMBER BREAKDOWN	BOARD DISTRIBUTION %	HOW OFTEN DO YOU MEET?	MEETING TIMES
LASEC (Lockport)	No	Yes	1	Executive Board	5	Sups		Once a month	Depends
CASE	Yes	No	1	Board of Directors	7	all district sups	not mixed	1x/month	8am Friday
SPEED SEJA School District 802	Yes	No	2	Operating Committee and Governing Board	Operating Committee is made of Superintendent from each member District. The Governing Board is made of a Board member from each member district.	Operating Committee: Each Superintendent (or their designee) gets a vote for the Operating Committee. On the Governing Board, each board member gets a vote. The Governing Board decisions are the binding decisions for SPEED.	N/A	Operating Committee meets 8 times per year. Governing Board meets 7 times per year. There are no Board meetings in the months of November, December or April.	Operating Committee meets at 9:00 a.m. 3rd Thursdays of month. Governing Board meets at 7:00 p.m. 4th Thursdays of month.
The Special Education District of Lake County (SEDOL)	Yes	I am unsure what you mean by this . . .we have a district office with administratio n . . .we are considered a public school district . . .we are throughout Lake County, IL	2	Governing Board and Executive Board	31 on Governing Board and 9 on Executive Board	Governing Boards - one member of each member district's BOE; Executive Board - 4 Governing Board members, 4 Superintendents, and the ROE Superintendent	No - Governing Board all lay Board members; Executive Board mixed	Governing Board - quarterly Executive Board - month	Governing Board 7:00 p.m. Wednesday night quarterly Executive Board 9:30 3rd Thursday of the month
Southwest Cook County Cooperative Association for Special Education (SCCCASE)	No	Yes	1	Board of Directors	11	All Superintendents	n/a	1x/month except July	9:30 am