

**BOARD OF EDUCATION
COMMUNITY CONSOLIDATED SCHOOL DISTRICT 64
Minutes of the Special Board of Education Meeting held at 6:30 p.m.
August 17, 2017
Jefferson School - Multipurpose Room
8200 N. Greendale Avenue, Niles, IL 60714**

Board President Anthony Borrelli called the meeting to order at 6:05 p.m. Other Board members in attendance were Eastman Tiu, Rick Biagi, Larry Ryles and Fred Sanchez. Board member Tom Sotos participated in the meeting by phone. Board member Mark Eggemann arrived at during the closed session. Board member Tiu departed prior to the special meeting. Also present were Superintendent Laurie Heinz, Assistant Superintendent for Human Resources Joel Martin, Chief School Business Official Luann Kolstad, and three members of the public.

Board of Education meetings are videotaped and may be viewed in their full length from the District's website at: <http://www.d64.org>.

BOARD RECESSES AND ADJOURNS TO CLOSED SESSION

At 6:07 p.m., it was moved by Board President Borrelli and seconded by Board member Tiu to adjourn to closed session to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the District or legal counsel for the District, including hearing testimony on a complaint lodged against an employee or against legal counsel for the District to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act [5 ILCS 120/2(c)(1)], student disciplinary cases [5 ILCS 120/2(c)(9)], and to consider individual student matters [5 ILCS 120/2(c)(10)].

The votes were cast as follows:

AYES: Sanchez, Ryles, Sotos, Borrelli, Tiu

NAYS: Biagi

PRESENT: None.

ABSENT: Eggemann

The motion carried.

The Board adjourned from closed session at 7:28 p.m. and took a short recess before resuming the special Board meeting at 7:40 p.m.

In addition to those mentioned above, approximately 20 members of the public also were present.

PLEDGE OF ALLEGIANCE

Board member Ryles was invited to lead the Pledge.

PUBLIC COMMENTS

Board President Borrelli invited public comments on items not on the agenda, which were

received as follows:

- Steven Kahnert, District 64 parent, addressed the Board concerning the gun provisions of the District's Student Behavior policy.

BOARD PRESIDENT REMARKS

Board President Borrelli noted that the purpose of tonight's special meeting was to follow up on the discussion regarding communications concerning student discipline and behavior initiated at the August 14, 2017 Board meeting. Speaking on behalf of the Board, Board President Borrelli stated that the first day of school today had thankfully passed peacefully and safely. He acknowledged that stemming from the August 14 meeting, members of the community have questions as to how this process was conducted. He noted that the District has been consistent in saying that the Board takes student discipline and in particular, incidents involving guns, very seriously, and that the Board and District have followed current Board Policy 7:190 to the letter. He reaffirmed that bringing a weapon to any activity or event that bears a reasonable relationship to school is grounds for removal from the District for at least one calendar year. Board President Borrelli further stated that the Board has endeavored to create through any means, following policy, to make a safe environment for all members of the District and for Lincoln Middle School, in particular. He affirmed that in this instance, the Board had achieved this through a settlement agreement. He noted that this settlement, which was approved by the Board on August 14, is consistent with Board policy as stated and that the Board feels that District 64 students through this are safe.

DISCUSSION ON STUDENT DISCIPLINE AND PRIVACY RIGHTS

Board President Borrelli stated that the District's legal counsel had been asked to provide further information to the Board and the community on these matters, and to offer an opportunity for additional Board discussion about communications going forward. He noted that the Board is still constrained by numerous legal restrictions and therefore, the Board and administration cannot speak as freely as they would like, but that the intention is to seek greater communication with parents and community members within the confines of the law.

Dr. Heinz introduced the District's legal representatives Tony Loizzi and Michelle Todd from Hodges, Loizzi, Eisenhammer, Roddick and Kohn, to provide the Board with background on privacy rights of students and the impact on communications. She reaffirmed that the goal of the discussion is to determine whether and how the Board and District can expand communications while keeping within the required guidelines.

Ms. Todd and Mr. Loizzi provided an overview of what they termed the landscape of the law concerning student privacy. Ms. Todd reviewed what is defined as a student record and what can or cannot be disclosed under state and federal laws, without signed parental consent. She pointed out that the law uses a very broad definition of what is a student record. She noted the various penalties the District faces for disclosure. In response to Board member questions, Ms. Todd clarified her communications with Dr. Heinz as the settlement agreement had been developed based on the Board's directives. She also noted that she and Dr. Heinz had repeatedly discussed the extent of the public communications that would be allowable within the legal boundaries of the various privacy laws. The Board then turned to a discussion of the presence of legal counsel at meetings, and the circumstances that lead to their attendance. Board President Borrelli and Dr.

Heinz reviewed the current practice of requesting legal counsel to be present only when Board members are expected to need legal guidance during the meeting itself on particular agenda items, and that the cost of having counsel attend every meeting on an ongoing basis is not within the current budget. Mr. Loizzi pointed out that the Board may determine if it would like to change its practices in this regard, which was then discussed further by the Board. Ms. Todd stated that legal counsel had not believed that its presence would be needed at the August 14 meeting during the discussion of the settlement agreement, and apologized for not suggesting that it would be helpful to have representation there during the Board's deliberations.

Turning toward future communications regarding student discipline issues, Board members then discussed with Dr. Heinz and the attorneys how communication to the Board itself from administration could potentially be broadened to include a wider range of student behavior incidents. They also discussed how in turn, communication with parents could also be expanded to provide information on behavior incidents that occur that could be useful to parents in taking action as a "teachable moment" with their own children about their family's expectations for their behavior. Dr. Heinz affirmed that according to the current Student Behavior policy, administration is required to notify the Board and local authorities only of incidents involving drugs or weapons. Board members discussed whether having a procedure or protocol in place about communications on other discipline matters should be developed, which could include expected communication to Dr. Heinz from the schools, from Dr. Heinz to the Board, and from the schools or District to parents. It was affirmed that communication would have to be in keeping within the privacy laws, but would be useful to quell rumors and focused on helping parents use these opportunities to open conversations with their children. A number of hypothetical topics were discussed when communication would be helpful, such as vaping, drugs or alcohol. Dr. Heinz and the Board also discussed the use of additional public relations resources to assist the District in developing these communications around student behavior incidents, keeping in mind the legal guidelines regarding privacy and the potential cooperation needed if local law enforcement are involved. Board President Borrelli summarized that the consensus of the Board was to have administration develop a protocol for communication to the Board about a wider range of student behavior matters, and in turn to parents, keeping in mind the legal privacy guidelines, but that would be helpful to families in dealing with student behavior situations and taking action with their own children.

At 8:58 p.m., it was moved by Board member Eggemann and seconded by Board member Biagi to adjourn, which was approved by voice vote.

President

Secretary