

The regular Board meeting of the Board of Education of the Oak Park and River Forest High School was held on Thursday evening, September 23, 2010, in the Board Room.

**Call to Order** President Millard called the meeting to order at 7:04 p.m. The following Board of Education members were present: John C. Allen, IV, Jacques A. Conway, Terry Finnegan, Dr. Ralph H. Lee, Dr. Dietra D. Millard, Amy McCormack, and Sharon Patchak-Layman. Also present were: Steven T. Isoye, Superintendent; Michael Carioscio, Chief Technology Officer; Amy Hill, Director of Assessment and Research; Philip M. Prale, Assistant Superintendent for Human Resources; Nathaniel L. Rouse, Principal; Lauren M. Smith, Director of Human Resources; Cheryl L. Witham, Chief Financial Officer and Treasurer; and Gail Kalmerton, Executive Assistant/Clerk of the Board.

**Visitors** The Board of Education welcomed the following visitors: Kay Foran, Communications and Community Relations Coordinator; James Paul Hunter, Faculty Senate Executive Committee Chair; Vanessa Hughes and Allison Meyers, OPRFHS faculty members; Nancy Leavy of the League of Women Voters; John Bokum, community member, Jim Jaworksi of the *Chicago Tribune*, and Terry Dean of the *Wednesday Journal*

**Changes to the Agenda** Item XIV. C. Affirm, Amend, or Abandon the Financial Resolution dated January 22, 2008 under "Other" was moved to Agenda Item to X. C. under Finance.

**Status of FOIA Requests** Dr. Millard reported that two FOIA requests were resolved.

**Recognition Resolution** Dr. Millard moved to approve the Resolution Recognizing the 2011 Semifinalists in the National Merit Scholarship Competition, the 2011 Semifinalists in the National Achievement Scholarship Competition and the Student Eligible for the 2011 National Hispanic Recognition Program; seconded by Dr. Lee. A roll call vote resulted in all ayes. Motion carried.

2011 Semifinalists in the National Merit Scholarship Competition

Sophianna R. Banholzer	William B. Hardwicke
Owen J. Brady	Benjamin J. Mildenhall
Benjamin J. Carbery	Lucille J. Msall
Lucy L. Gill	William B. Reynolds-Ejzak
Noah W. Gilmore	Izsak M. Sheft
Jacob S. Ginn	John T. Verticchio
Matthew S. Goodsmith	Mark A. Wallace
James B. Hanley	

2011 Semifinalists in the National Achievement Scholarship Competition

Camille C. Gauthier  
Camille M. Scott  
Anthony R. Stapleton

Student Eligible for the 2011 National Hispanic Recognition Program  
Colin Haber

**Board of Education  
Comments**

Ms. Patchak-Layman was concerned that the public had not had an opportunity to comment on the report presented at the September 14 Finance Committee meeting by the Financial Advisory Committee. Usually the Board of Education offers two readings on something that changes procedures and/or introduces new policies. Unless someone was at the September 14 meeting, he/she would be unaware of the report. The commencement of the Financial Advisory Committee was a Board of Education sub-goal. The process has been truncated. The FAC's recommendations leave many issues unresolved. She continued that there was no documentation on 1) more stakeholder involvement or 2) or the evaluation process after a year or two.

Mr. Finnegan sensed that everyone was working hard on a comfort level and the focus is on bettering the education for all in school. He credited that to the new people in the building for revitalizing a sense of purpose. He took exception to Ms. Patchak-Layman's remarks because the FAC was only to be an advisory committee; nothing happened at the September 14 meeting that would change procedures or policies. He felt its recommendations would provide more transparency, not less. He was complimentary to the work accomplished and added no change in responsibilities had occurred. He found this report to be a win/win at this point.

Dr. Millard added that the composition of the FAC included not only community members with strong experience in the financial and accounting world, but faculty, staff, students, and administration as well. In addition, each Board of Education member had an opportunity to make recommendations on who should serve on the committee.

**Visitor Comments**

No Comments

**Student Council**

Ms. Vogel reported the following:

1. Homecoming is October 9 and its theme is Jungle;
2. Homecoming tickets will be sold on September 29;
3. The week prior to Homecoming is Spirit Week;
4. A Super Fan contest will be held;
5. The class assemblies had received good reports;
6. Student Council is hosting a forum for those who would like to talk to the Board of Education through it; comments are welcome at [StudentCouncil@OPRFHS.yahoo.com](mailto:StudentCouncil@OPRFHS.yahoo.com); and
7. Drill Team is going to the national competition this year.

**Principal's Report**

Principal Rouse reported that 1) the Open House held on September 16 was well attended; 2) first quarter academic progress reports were being prepared; 3) Counselors Jacqueline Hanson, Sara VenHorst, Catherine Marshall and Julie Fuentes sponsored a New Student/Transfer Night on September 21 for approximately 80 new students, parents, and their families at which parents learned what opportunities OPRFHS were available, including sports, clubs/activities, fine arts, and the calendar of events for course selections and four-year plans; 4) approximately 575 people attended the Senior College Information Night on September 22 where Counselor Peter Nixen presented

information on college applications, essay writings, instructions on utilizing Naviance for recommendations, applications, college searches, the transcript request process, admissions and applications terminology and deadlines; 5) the theme of the grade-level assemblies is that everything one does becomes a part of a “story” and each “story” becomes a part of the overall OPRFHS “story;” and 6) the Parent Action Committee is continuing its campaign against substance abuse by hosting the CLEAN MIND-CLEAN SPIRIT March & Rally on Sunday, October 3.

## **District Reports**

Citizens’ Council—Mr. Finnegan reported that thirty (30) members attended the September 2 meeting to talk about what issues should be presented this year. Ms. Robinson and Mr. Orzel will meet with Mr. Isoye next week to talk about collaboration with the school and the Board of Education for the coming year.

BOOSTERS—Ms. McCormack reported the following:

- Sixty to seventh parents attended the September 1 kick off meeting, including new and prospective parents;
- Booster Club paid for the printing of the new parent and student directory.
- Thanks went to Kay Foran, Jack Lanenga, Mike Carioscio, and all others who helped complete the directory in time for the Open House.
- In an effort to support Citizen’s Council and the Parent Action Committee (PAC), language was included in the directory to encourage parents to use it to communicate with other parents in order to help keep students safe. PAC placed stickers on the inside front cover of the directory discouraging use of drugs and alcohol. PAC helped sold directories at the Open House for \$10, which did not include Booster Club membership.
- Membership sales were going well; the \$20 price includes a membership directory;
- The OPRFHS bookstore will sell the directories for \$10 beginning in October;
- Huskie Wear sales were brisk at the Open House and at home football games;
- Last year’s appropriation funds are being spent; and
- The next meeting is Wednesday, October 6 in the Faculty Cafeteria at 7:30 p.m.

Alumni Association—Ms. McCormack reported that the Alumni Association would have its full meeting next month.

Tradition of Excellence – Ms. Patchak-Layman reported that only two out of the three honorees selected would attend the celebration. One honoree had been difficult to find based on the school’s current records. While suggestions have been made to change the date of the selection in order to be more accommodating in the future, the selection process starts after the election of Student Council. A suggestion was made to select the honorees two years in advance.

Concert Tour Association (CTA)—Ms. Patchak-Layman reported that CTA had talked about having music included in the GPA. CTA understands that there are many competing interests at the school, but the desire remains and as does the willingness to participate in whatever activities are assigned. CTA also wants to initiate a special committee to fund projects in the music department. Instead of paying the preliminary payments for trips because that now comes from the Business Office, it will take its additional dollars and prioritize different projects for the music department. October 14 will be the Huskie Music Fest, which is an opportunity to hear different music groups at the high school.

Faculty Senate—Mr. Hunter noted that staff appreciated the work that had been completed this summer, especially in the installation of air-conditioning of some classrooms, making them cooler and quieter.

APPLE – Dr. Lee reported that the first APPLE meeting would be October 5, 2010.

ED-RED—Dr. Lee, as Board of Education liaison, volunteered to provide Board of Education members with a synopsis of the ED-RED newsletter, if they so desired. The Board of Education was appreciative.

**Superintendent**

Superintendent Isoye 1) commended the 2011 Semifinalists in the National Merit Scholarship Competition, the 2011 Semifinalists in the National Achievement Scholarship Competition, and the Student Eligible for the 2011 National Hispanic Recognition Program and their teachers. He also reported that 1) the Back to School Night was a huge success, and the comments he heard were that students enjoyed their classes and their teachers; 2) DLT discussed student achievement at its retreat held at the Oak Park Library, on September 20; 3) Mr. Rouse and he attended a state-sponsored forum on School Improvement Plans where the state announced that a new reporting format would be implemented; 4) On September 27, West 40 and OPRFHS will participate in a data retreat and attempt to chart a course of action; 5) Todd Bloom will begin his work with OPRFHS on the Baldrige Process on Tuesday, September 28; and 6) the IASB had issued its Report to Its Membership.

**Consent Items**

Mr. Allen moved to approve the consent items as follows:

- the Check Disbursements and Financial Resolutions dated September 23, 2010;
- the Treasurer’s Reports for August 2010; and
- additional members for Citizens’ Council;

by Mr. Finnegan. A roll call vote resulted in all ayes. Motion carried.

**Public Hearing  
FY ’11 Budget**

Mr. Allen opened the Public Hearing on the FY 2011 Budget at 7:46 a.m. Receiving no oral or written comments, he closed the Hearing at 7:47 p.m. He thanked the Oak Leaves for writing an article on the school’s budget.

**Approval of  
FY ’11 Budget**

Dr. Lee moved to approve the FY 2011 Budget, as presented; seconded by Dr. Millard.

Ms. Witham highlighted the following budgetary items:

- A Capital Projects Fund, formerly the Restricted Building Fund, was added; previously all expenditures were recorded in the Operations & Maintenance (O&M) Fund. Per the State of Illinois, funds from the O&M are being transferred into the Capital Projects Fund. The O&M Fund will exist for regular custodial and maintenance, salaries, and benefits, etc.;
- Revenues total approximately \$69 million;
- Expenditures total approximately \$65 million;

- The funds from the River Forest TIF will be placed in the Capital Projects Fund and, in 2010, OPRFHS will take advantage of the EAV coming to tax rolls.
- Cost containment included:
  - reducing the number of students off campus
  - reducing the administrative budget
  - saving \$75,000 due to restructuring the copier leases
  - saving \$300,000 due to a health care restructuring
  - saving \$23,000 due to negotiating its own waste management contract
  - saving \$700,000 due to refinancing of debt over the next 7 years
- OPRFHS received the following awards for this document.
  - Association of School Business Officials International “Meritorious Budget Award
  - Association of School Business Officials International “Certificate of Excellence in Financial Reporting”
  - ISBE “Certificate of Financial Recognition”
  - Deficit spending has been pushed off until 2015.
- The Budget has been on display for 30 days and it was presented at the Finance Committee meeting. The District complied with the spirit of the law and it is transparent.

A roll call vote resulted in all ayes. Motion carried.

**Financial Resolution**

Dr. Lee used the analogy of a bus racing at 80 mph and 1,000 feet from the cliff to describe his belief of the District’s financial situation. He felt the District had time to slow the bus down before it went over the cliff only if the Board of Education took that action. He was silent on the adoption of this year’s budget because few changes had occurred. In 2018, the District will spend \$6 to \$10 million more than its revenue. He believed that the action/plan of FAC would only save hundreds of thousands, not millions. The financial resolution being asked to reaffirm, change, or abandon is a Board of Education statement saying it will do its best to limit its expenditures to its revenue over a prolonged period. A sustainable model to not keeping expenses down or not going back to the taxpayers would be that lower income residents of the community would have to be replaced with higher income residents and taxes would continue to be raised in a never-ending spiraling cycle. He believed the District could have started a ten-year program to limit expenses two years ago. Eighty-three percent of the District’s expenditures relate to salaries. The Board of Education agrees to various negotiations, e.g., the faculty contract (the single biggest factor that will determine where the situation in 2018), etc. If the high school continues as it has, it will be broke in 2018 and it will have to ask the taxpayers for another increase. The District has raised taxes every year since the referendum. He felt this cycle could be broken without a great deal of pain at this point.

In 2015, the District should have a breakeven budget. Dr. Lee acknowledged that the breakeven point had been pushed from the year 2014 to 2015, a

significant occurrence. However, he wanted the Board of Education to discuss keeping the District's expenditures equal to its revenue.

Mr. Allen responded that the communities' faith in the District was damaged several years ago due to taking the referendum phase-in money. He reiterated that the District had projected not needing a referendum until 2018, but since the passage of the resolution, a new auditor was hired and deficit spending has been delayed from 2014 to 2015, meaning the school will not have to go for another referendum before 2020 or 2021. This year's budget is 4.45 percent less than last year's budget. Raises for various employees ranged from 1.5 to 2.25 percent last year. The question now becomes how does one slow down even further. Mr. Allen reminded the Board of Education that he had been hesitant to approve the resolution because he believed the Board of Education was incapable of making hard decisions, but it had. The District will need to develop the taxpayers' goodwill in order for a referendum to pass in the future.

Ms. McCormack reiterated how school funding worked, i.e., schools are substantially burdened by state legislature. Tax caps are limited by CPI. CPI is based on an average of products bought by consumers, which has little to do with school expenditures, e.g., salaries, benefits, utilities, facilities, etc., all higher than CPI. The commercial tax base in Oak Park and River Forest is small and is in mainly the TIF districts. OPRFHS only receives the CPI as revenue, as opposed to other Districts in communities that have significant commercial property and are able to collect both CPI and additional funding. OPRFHS has taken strong steps to control costs and delay going for a referendum as long as possible. However, these communities believe in education, as evidenced by their approval of the last referendum, and that is reason she chose to live in this community. The Board of Education must not send the message that spending beyond CPI was not being prudent. Ultimately, it is necessary to spend beyond CPI. She was pleased with the accomplishments of the Board of Education and the District this past year. While she would not have voted for the resolution had she been on the Board of Education at that time, she believed in the spirit of it, i.e., keeping expenditures in line over a long period and to the extent that this resolution impacted the FAC. The FAC process included bringing many in the community together to discuss the finances of education.

At this point, the Board of Education members considered amending the resolution.

Dr. Millard noted she had seen significant "slowing down of the bus" this past year and she asked Dr. Lee what else he thought the Board of Education ought to have done in order to abide by the resolution. Dr. Lee responded that the Board of Education must address the rate of salaries rising at the rate projected in the Five-Year Plan, i.e., a 45.8% increase over the next six-year period. He felt such a discussion should occur before the next negotiations, even though there is a collective bargaining process. Dr. Lee did not believe the Board of Education should continue its present path with regard to salaries and the taxpayers should know the thoughts of the individual Board of Education members

Mr. Finnegan noted that he would not have voted for the resolution initially because it begs the question of the Illinois laws. He did not believe it was possible to change the law. Because CPI was .1 last year, the resolution would have stopped employees from getting increases. He would support amending the resolution by 1) keeping the Board of Education's primary duty of "sustaining, protecting, and improving the quality of public secondary education in this District," and keeping b) Number 4 "A practical showing of its determination to take every available opportunity over the next ten years to contain costs in ways that balance both the District's ability to sustain its financial health and deliver the highest quality of educational services." Numbers 1, 2, and 3 were unsupportable. School districts have to ask the taxpayers for money via a referendum and the District has to provide the best education possible. He continues to pay his taxes in this community even though his children had already finished their high school careers.

Ms. Patchak-Layman would affirm the resolution to honor the resolution and keep it at the forefront of the discussion.

Ms. McCormack concurred with Mr. Finnegan's statement, but she would leave in Number 3, "the District taking an active role in seeking to change the public school funding mechanism in the State of Illinois, along with forming the ability to adapt quickly to any such changes."

Dr. Millard originally supported the resolution primarily because the basic flavor of the discussion was for the Board of Education members to serve as responsible and judicial stewards of the financial resources of this school and the last six words of Number 4 "deliver the highest quality of educational services." CPI was not predicted to be at .1 percent last year. She asked if Dr. Lee would have asked to reopen the contracts. She noted that the faculty had conceded many things during the last negotiations and was aware of the present financial situation. Dr. Lee felt the Board of Education needed to shape the expenditures over an eight to ten year basis to match revenues in order to stay below CPI. His interest was the long-range view, not the short-range view. He did not expect FAC to resolve all the problems or policy positions, as that is the responsibility of the Board of Education.

Mr. Conway would reaffirm his support of the resolution.

Mr. Allen supported the resolution as presented. While the Board of Education wants to develop models, methods, and take certain roles, which it has done, more work is necessary. Voting the resolution down would send a wrong message. It will take longer than ten years to heal the damage done by the phase-in. This Board of Education made tough choices in the past. He had not been part of those decisions and he will not criticize them. This governmental entity needs to run like a business.

Dr. Lee moved to reaffirm the Financial Resolution passed January 2009, as presented; seconded Ms. Patchak-Layman. A roll call vote resulted in five ayes and two nays. Mr. Finnegan and Ms. McCormack voted nay. Motion carried.

## **Approval of Five-Year Plan**

Mr. Finnegan moved to approve the Five-Year Plan as presented; seconded by Dr. Millard. Discussion ensued.

Ms. Patchak-Layman understood 1) FAC had reviewed the Five-Year Plan and 2) FAC was recommending that the ALT Committee would review the present five-year plan and consider recommending changes to keep expenditures from rising at the rate they do. She asked where the Board of Education would offer recommendations as to projections on percentages, etc., before the plan gets to a particular point. Ms. Witham noted that listed on page 25 of the Five-Year Plan were the advisory committees; the Board of Education would have the opportunity to comment many times. The FAC serves at the direction of the Board of Education and only offers comment for the Board of Education to discuss and give final direction. Ms. Witham felt more Board of Education interaction, not less, would occur before final decisions were made with this model. Ms. Patchak-Layman suggested that the Board of Education talk about how it would push spending out further, e.g., moving from a 25 to 20 percent increase, etc. Ms. Witham concurred that lowering the rate at which the expenditures increase would change the contests of the Five-Year Plan. CPI will also be a factor; if it were 1%, it would not make sense to say expenses will not increase. The ALT would be composed of citizens, employees, etc., and would make recommendations as about the long-term stability of finances in this community. ALT could bring something entirely different based on historical experience, union contracts, trending expenses, and retirements. Most expenditures would be pegged at CPI, which is 2 percent, however, expenditures such as tuition, transportation, etc., would be higher. This Five-Year Plan is based on what is now known. If the Board of Education disagrees with the assumptions, it must be changed. Ms. Witham continued that too many districts make changes without a strategy and are surprised at the results. She suggested allowing ALT to 1) do the work, 2) review the gap analysis, and 3) report to the Board of Education.

Mr. Finnegan recapped that the District is talking about living within CPI while historically schools have not been able to do so. Mr. Allen stated that the Board of Education must show the taxpayers 1) it has been good stewards of its money and 2) better education of the children of the next decade, when it asks for more money. One expenditure that OPRFHS has which many schools do not is tuition for students who are not on campus; that cost has risen significantly. The District needs to show the good work it is doing. He rejected the notion that the District will not go back for a referendum.

Dr. Lee continued that on page 25 there was an aggregate projection analysis for all funds. Under expenditures, it listed the anticipated increases through 2015. The Board of Education has not talked about limiting increases. Ms. Witham pointed out that in order for the Five-Year Plan to change, the Board of Education would have to renegotiate the salary schedule and lanes.

Mr. Isoye reflected that the Financial Resolution and FAC's work charged the administration to see how to decrease the expenditures.

Ms. Patchak-Layman suggested discussing how to set a target of going for a referendum two years later than anticipated prior to the budget process



beginning next year. Mr. Allen stated that the Board of Education could not direct Ms. Witham to adjust the Five-Year Plan until it makes such a statement.

A roll call vote resulted in five ayes and two nays. Ms. Patchak-Layman and Dr. Lee voted nay. Motion carried.

**Approval of Insurance Broker**

Ms. McCormack moved to approve Gallagher Benefits Services, Inc. as the District employee health insurance broker; seconded by Mr. Finnegan. A roll call vote resulted in all ayes. Motion carried.

**Gifts & Donations**

Ms. McCormack moved to gratefully accept the gifts and donations as presented (attached to and made a part of the minutes of this meeting); seconded by Mr. Conway. A roll call vote resulted in all ayes. Motion carried.

**Personnel Recommendations**

Mr. Finnegan moved to approve the personnel recommendations, as presented (attached to and made a part of the minutes of this meeting); seconded by Ms. McCormack. A roll call vote resulted in all ayes. Motion carried.

While Ms. Patchak-Layman and Mr. Allen accepted the Food Service employees' employment, they felt the District should be paying more than minimum wage for these positions. Ms. Patchak-Layman felt \$8.25 per hour was inadequate and an embarrassment, as the position's responsibilities include working with students and money. This subject will be discussed further.

**Amendment of Superintendent Contract**

Dr. Millard moved to amend Appendix B of the Contract between Steven T. Isoye and the Board of Education dated April 15, 2010 (attached to and made a part of the minutes of this meeting), as presented; seconded by Mr. Finnegan.

**Standardized Tests**

Ms. Hill had presented the Standardized Test Report at the September Instruction Committee and was representing it for those who could not attend that meeting and for the press.

Ms. Patchak-Layman asked for more information regarding PSAE. Ms. Hill stated the most recent set of data shows that OPRFHS, as a whole, did not make AYP. It fell short in all groups for African-American, multi-racial, ethnic, and white students in both reading and math. OPRFHS met AYP for students with IEPs through Safe Harbor. The District's endeavors to improve its scores include:

- 1) Initiating a reading initiative with students in College Prep whose goal was to raise the reading level growth among freshmen from 1 year to 1.5 years.
- 2) Cross-core division heads are involved with the teaching of reading strategies across the curriculum.
- 3) Teaming teachers of reading with context teachers.
- 4) The Learning Support Program shifted its focus to provide additional support to those students who struggle in reading.
- 5) A number of adaptations in reading have occurred in Special Education, including the implementation of a reading lab.

- 6) Because Agile Mind Program was not found effective, it was replaced with the Inspire Program by Texas Instruments to alter Algebra I and II Courses; additional professional development was provided.
- 7) The Algebra II course for juniors focuses on the PSAE. When seniors, one teacher works with them in the area of formative assessment.

The District is discussing how it can move those subgroups that have not moved consistently near the projected line in Tables 18 and 19. While the outcomes could be affected by placements, attendance, discipline rates, etc., the District must understand the school-related factors and address them. Mr. Prale suggested that the Board of Education and the community vote wisely regarding NCLB at the state level. In the areas of Supplemental Educational Services (SES), OPRFHS is mandated to work with outside vendors to provide these services, a time-consuming endeavor and OPRFHS is a small market for the vendors. If schools were allowed to hire their own tutors to teach their own students, i.e., working in the schools and with their curricula, a difference would be made.

Ms. Hill added that the District is investing in professional development and providing teachers with active feedback to change their teaching strategies. Research on learning targets and formative assessments have shown to move struggling students rather than just those at the top. This could be a gap closure and the District is moving in that direction. Last Friday, a professional development day was devoted to learning targets and training people to train others. Ms. Patchak-Layman asked if that would then become part of the evaluation of school staff. Mr. Prale stated that Division Heads would talk with their faculty about targets when they do their observations, particularly in those basic and core classes where the District is not meeting or exceeding AYP. Mr. Isoye stated that some great work was occurring in the area of formative assessment. Next week, staff was going to a train-the-trainer program and these will be ongoing. The work is being deliberate to give the staff the formative assessment tools. The information is being spread about what to do next.

**Approval of Minutes**

Dr. Millard moved to approve the open and closed session minutes of August 19, 26, September 10, and 14, 2010, and declared that the audiotapes of the closed sessions dated December 2008 be destroyed; seconded by Mr. Finnegan. A roll all vote resulted in six ayes and one nay. Ms. Patchak-Layman voted nay. Motion carried.

**Recognition of Schools**

Dr. Millard moved to approve the application for Recognition of Schools (attached to and made a part of the minutes of this meeting); seconded by Dr. Lee. A roll call vote resulted in all ayes. Motion carried.

Mr. Rouse noted that the administrative rules are reviewed.

**Non Agenda Items**

None

**Closed Session**

At 9:41 p.m., on Thursday, September 23, 2010, Dr. Millard moved to go into closed session to and Litigation, when an action against, affecting or on behalf of the particular District has been filed and is pending before a court or administrative tribunal, or when the District finds that an action is probably or imminent, in which case the basis for the finding shall be recorded and entered into the closed

meeting minutes. 5 ILCS 120/2(c)(11); Collective negotiating matters between the District and its employees or their representatives or deliberations concerning salary schedules for one or more classes of employees. 5 ILCS 120/2(c)(2); seconded by Mr. Finnegan. A roll call vote resulted in all yes. Motion carried.

At 10:30 p.m. on Thursday, September 23, 2010, the Board of Education resumed its open session.

**Agreement with IDPH**

Dr. Millard moved to approve the agreement with the Illinois Department of Public Health, as presented; seconded by Mr. Conway. A roll call vote resulted in all ayes. Motion carried.

**Adjournment**

At 10:33 p.m. on Thursday, September 23, 2010, Dr. Millard moved to adjourn the Board of Education meeting; seconded by Mr. Conway. A roll call vote resulted in all ayes. Motion carried.

Dr. Dietra D. Millard  
President

Terry Finnegan  
Secretary

**DEPARTMENT OF PUBLIC HEALTH  
STATE OF ILLINOIS**

THE DEPARTMENT OF PUBLIC HEALTH, )  
STATE OF ILLINOIS, )  
 )  
Complainant, )  
 )  
v. )  
 )  
OAK PARK AND RIVER FOREST HIGH )  
SCHOOL DISTRICT 200, )  
 )  
Respondent. )

Docket No. SP 10-02

**STIPULATION**

**NOW COMES** the Illinois Department of Public Health (hereinafter “Complainant” or “Department”), and Oak Park and River Forest CUSD 200 (hereinafter “Respondent”), pursuant to Section 100.13(f) of the Illinois Department of Public Health Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) and for purposes of this Stipulation state:

1. That the Director of the Illinois Department of Public Health, or his designee, has jurisdiction of the parties to this action and to consider the issues herein pursuant to the provisions of the Swimming Facility Act (hereinafter “Act”), 210 ILCS 125/1 *et seq.*, and Code (hereinafter “Code” or the “Rules”) (77 Ill. Adm. Code 820).
2. That Complainant, by Notice of intent (hereinafter “Notice”) dated September 8, 2010, (Exhibit A attached) notified Respondent of Complainant’s intention to deny Respondent’s Swimming Pool Construction Permit, deny License to Operate Swimming Facility, Assess Civil Penalty of Allegations and Notice of Opportunity for Hearing due to Noncompliance with provisions of the Act and Code and that Respondent had ten (10) days within which to request a hearing.
3. That the parties, Complainant and Respondent, now wish to dispose of this matter without consuming further time or expense on the part of the litigants.

**NOW THEREFORE**, it is hereby stipulated and agreed by and between Complainant and Respondent:

- A. Respondent admits the allegations of noncompliance contained in Complainant's Notice dated September 8, 2010, (Exhibit A attached).
- B. Respondent agrees to pay a civil penalty of Twenty Two Thousand Four Hundred Dollars (\$22,400.00).
- C. Respondent agrees that prior to Complainant issuing any current or future Swimming Pool Facility Permit(s) and/or License(s) pursuant to the Act and the Code, Respondent must act in complete accordance with the Act and the Rules, including taking any necessary steps to provide plans, specification or other information ("submission") to the Complainant relative to the construction, design, development or installation of the swimming facility and swimming facility appurtenances made subject to the Notice. Respondent further agrees to take any necessary corrective action regarding any named deficiencies relative to the construction or operation of the Respondent's swimming pool made subject to the Notice. Respondent understands that while the Complainant shall exercise due diligence in reviewing any submission provided by the Respondent, the Complainant is under no time obligation to complete a review and evaluation of the Respondent's submission for purposes of issuing a permit. Furthermore, Respondent agrees and understands that any submission provided by Respondent that fails to meet the minimum criteria of the Act and the Code as determined by the Complainant will greatly delay the review and approval of any swimming pool construction permits or swimming facility licenses from the Complainant.
- D. Respondent agrees that it shall not at any time in the future construct, develop, install, alter, open, establish, maintain, or operate a swimming facility without and prior to obtaining any and all necessary and legally required permits, licenses, or any approval, specifically pursuant to, but not limited to, the Act and the Code. Failure to adhere to any portion of this Paragraph D in the future shall subject the Respondent to future repeat of these violations which may result in injunctive action through the Attorney General's Office and/or the local States' Attorney's Office, license and/or permit revocations, denials, suspensions, additional fine amounts, and/or any additional recourse allowed by the full extent of the Act and the Code.
- E. Respondent agrees that this action, specifically, the allegations of noncompliance, shall be considered by Complainant, should Respondent in the future be found to be in noncompliance with the Act and/or Code provisions.

- F. Complainant, in consideration of Respondent's admissions and agreement to pay a civil penalty of Twenty Two Thousand Four Hundred Dollars (\$22,400.00) does hereby agree to dismiss without prejudice the Notice (Exhibit A) while at the same time acknowledging Respondent's admissions as outlined in Paragraph 'A' above.
- G. The terms of this Stipulation, and payment made under the provisions hereto, are made for the purpose of settlement and compromise of certain administrative regulatory matters in controversy between the parties, to avoid the expense, uncertainty and time associated with such administrative proceedings, and for no other purpose. This Stipulation shall not be construed as, or an agreement of, an issuance of any swimming facility license or construction permit.
- H. Respondent will remit an executed copy of the Stipulation and payment of Twenty Two Thousand Four Hundred Dollars (\$22,400.00), payable to "**The Department of Public Health, State of Illinois**" to the **Illinois Department of Public Health, P.O. Box 4263, Springfield, Illinois 62704**. Respondent's failure to deliver any of the necessary payment described herein shall subject the Respondent to the default provision in **Paragraph I** below.
- I. **DEFAULT:** In the event that any of the provisions of this Stipulation are not complied with within the times specified therein, or generally, this Agreement will be held for naught, except for the provisions referred to in Paragraphs A, B, C, D, and E. Furthermore, Respondent's failure to adhere to the provisions of this Stipulation shall result in the necessary injunctive action through the Illinois Attorney General's Office or the local states attorney's office, as well as license and/or permit revocations, denials, suspensions, additional fine amounts, and/or any additional recourse allowed by the full extent of the Act, the Rules, and any other applicable federal and state laws.
- J. This Stipulation shall become binding on, and shall inure to the benefit of, the parties hereto, their successors, or assigns immediately upon the execution of this Stipulation by the Director of Public Health, or his designee, dismissing the above-captioned matter.
- K. It is hereby agreed that this matter be dismissed with prejudice, all matters in controversy for which this matter was brought having been fully settled, compromised, and adjourned.

L. This Stipulation constitutes the entire agreement of the parties, and no other understandings, agreements, or representations, oral or otherwise, exist or have been made by or among the parties. The parties acknowledge that they, through their competent counsel, have read and understood this Consent Agreement in all respects.

COMPLAINANT: DEPARTMENT OF PUBLIC HEALTH  
STATE OF ILLINOIS

By: \_\_\_\_\_ Date: \_\_\_\_\_, 2010  
Kevin P. Jacobs  
Assistant General Counsel  
Illinois Department of Public Health  
Attorney for Complainant

RESPONDENT: OAK PARK AND RIVER FOREST HIGH  
SCHOOL DISTRICT 200

By: Dietra D. Millard Date: 9/23/10, 2010  
Dr. Dietra D. Millard  
President  
Board of Education

**EXHIBIT A**

**DEPARTMENT OF PUBLIC HEALTH  
STATE OF ILLINOIS**

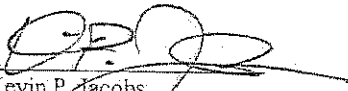
THE DEPARTMENT OF PUBLIC HEALTH, )  
STATE OF ILLINOIS, )  
 )  
Complainant, )  
 )  
vs. ) Docket No. SP 10-02  
 )  
OAK PARK AND RIVER FOREST CUSD 200, )  
 )  
Respondent. )

**PROOF OF SERVICE**

The undersigned certifies that a true and correct copy of the attached Notice of Intent was sent by  
(i) Certified Mail and (ii) First Class U.S. Mail in a sealed envelope, postage prepaid to:

Steven T. Isoye  
Superintendent  
Oak Park and River Forest CUSD 200  
201 N. Scoville Avenue  
Oak Park, Illinois 60302

That said document was deposited with the United States Post Office at Springfield, Illinois, on the  
9<sup>th</sup> day of Sept, 2010.

  
Kevin P. Jacobs  
Assistant General Counsel  
Department of Public Health

cc: Justin Dewitt



DEPARTMENT OF PUBLIC HEALTH  
STATE OF ILLINOIS

THE DEPARTMENT OF PUBLIC HEALTH, )  
STATE OF ILLINOIS, )  
 )  
Complainant, )  
 )  
vs. ) Docket No. SP 10-02  
 )  
OAK PARK AND RIVER FOREST CUSD 200, )  
 )  
Respondent. )

**NOTICE OF INTENT TO DENY SWIMMING POOL CONSTRUCTION PERMIT,  
DENY LICENSE TO OPERATE SWIMMING FACILITY, ASSESS CIVIL PENALTY  
AND NOTICE OF OPPORTUNITY FOR HEARING**

Pursuant to the authority granted the Department of Public Health by the Swimming Facility Act (hereinafter "Act"), 210 ILCS 125/1 *et seq.* NOTICE IS HEREBY GIVEN:

**NOTICE OF INTENT TO DENY AND ASSESS CIVIL PENALTY**

The Department of Public Health intends to deny Oak Park and River Forest CUSD 200 ("Respondent") a swimming pool construction permit, to deny Respondent a license to operate a swimming facility and to assess a civil penalty of Twenty Two Thousand Four Hundred Dollars (\$22,400.00) against Respondent. This action is based upon the Respondent's failure to comply with the following provisions of the Act and the Illinois Swimming Facility Code (hereinafter "Code") (77 Ill. Adm. Code 820):

**ALLEGATIONS OF NONCOMPLIANCE**

The Respondent commencing on or about July 21, 2010 or a date better known to the Respondent, commenced construction of a major alteration of two (2) swimming facilities located at Oak Park and River Forest High School, 201 N. Scoville Avenue, Oak Park, Illinois, without a permit to construct, issued by the Department. This was a violation of the following:

1. (210 ILCS 125/5) no swimming facility shall be constructed, developed, installed, or altered in a major manner until plans, specifications, and other information relative to such swimming facility and appurtenant facilities as may be requested by the Department are submitted to and reviewed by the Department and found to comply with minimum sanitary and safety requirements and design criteria, and until a permit for the construction or development is issued by the Department;
2. 210 ILCS 125/15.1 (d) (2) failure to construct the pool in accordance with the Department issued permit to construct; and

3. 210 ILCS 125/15.1 (d) (3) failure to secure a permit to alter the pool.

PENALTY CALCULATION

Type C violation of 210 ILCS 125/15.1 (d) (2)

Type C violation of 210 ILCS 125/15.1 (d) (3)

Two (2) swimming facilities x Two (2) violations x 56 days x \$100/day/violation = \$22,400

NOTICE OF OPPORTUNITY FOR HEARING

In accordance with Section 16.1 of the Act, the Respondent is hereby offered the opportunity for an administrative hearing before a duly appointed Administrative Law Judge to show cause why this permit and license should not be denied and this civil penalty should not be assessed, provided that Respondent requests such a hearing within fifteen (15) days from the date of mailing of this Notice.

**FAILURE TO REQUEST THE HEARING AS SPECIFIED HEREIN  
SHALL CONSTITUTE A WAIVER OF THE RIGHT TO SUCH HEARING.**

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ANSWER BY RESPONDENT

In accordance with Section 100.7(d) of the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100), a copy of which is enclosed, the Respondent shall file a written answer to the Allegations of Noncompliance, within twenty (20) days after receiving this Notice.

**FAILURE TO FILE AN ANSWER WITHIN TWENTY (20) DAYS  
OF THE RECEIPT OF THIS NOTICE SHALL CONSTITUTE  
RESPONDENT'S ADMISSION OF THE ALLEGATIONS OF NONCOMPLIANCE**

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The Hearing Request and Answer shall be made in writing and directed to Kevin P. Jacobs, Assistant General Counsel, Division of Legal Services, 535 West Jefferson Street, 5th Floor, Springfield, Illinois 62761.

Dated this 8 day of Sept., 2010.

Damon T. Arnold MPH  
Damon T. Arnold, M.D., M.P.H.  
Director of Public Health

