

July 17, 2008

A special meeting of the Board of Education of the Oak Park and River Forest High School was held on Thursday, July 17, 2008, in the Board Room of the high school.

- Call to Order** President Conway called the meeting to order at 9:00 a.m. A roll call indicated the following members were present: John C. Allen, IV; Jacques A. Conway, Dr. Ralph H. Lee, Dr. Dietra D. Millard, Sharon Patchak-Layman, and John P. Rigas. Also present were Dr. Attila J. Weninger, Superintendent, Jason Edgecombe, Assistant Superintendent for Human Resources; Nathaniel L. Rouse, Principal; Cheryl L. Witham, Chief Financial Officer; and Gail Kalmerton, Executive Assistant/ Clerk of the Board of Education.
- Visitors** Terry Dean of the *Wednesday Journal* and Bridget Kennedy of the *Oak Leaves*.
- Board Comments** Dr. Lee addressed the creation of the position of African-American Community Outreach Coordinator which would be voted on later in the meeting. He directed his comments to the position description itself. He had not asked whose idea it was to create the position, but he assumed that it was the superintendent's idea. He believed the superintendent took a political risk in proposing such a position. This position is not likely to be like any other position. This person's visibility will be near that of the superintendent and the principal, in spite of the fact that the resources and the statute will not be comparable, nor should they be. The person in that position will be made a focal point for criticisms; there will certainly be pressure from the community, the faculty, and from the school board itself, unlike any other position except for those of the superintendent and principal. All must be careful not to expose this person to undue pressure; but, similarly, the District must be fair to itself, and not make the mistake of over-protecting either the position or the individual. He hoped it would be the same for himself. Mr. Allen thanked Dr. Lee for making these comments.
- Visitor Comments** None
- Virchow Krause & Company Letter** Ms. Witham provided the information from Virchow Krause & Company, the District's auditing firm, regarding the new accounting standards, requiring it to communicate directly with the Board of Education. These new requirements will increase the audit time and fees related to internal control testing.

Mr. Witham informed the BOE that the auditing fees would increase from approximately \$25,000 per year to \$40,000 per year and that Virchow Krause was the most aggressive in the pricing.

**Approval of
Vendor
Distribution List**

Mr. Rigas moved to approve the Vendor Distribution List dated July 17, 2008, as presented (attached to and made a part of the minutes of this meeting); seconded by Dr. Millard. A roll call vote resulted in all ayes. Motion carried.

When asked the time period for the bus company expenses, Ms. Witham reported that they could be for May and June for RD Bus Services and June and Summer School for Grand Prairie. Ms. Patchak-Layman asked whether the bus costs for sports were included in the line item for co-curricular activities, which was \$1.9 million. Ms. Witham explained that the line item was for stipends, equipment, etc., and not transportation.

**Pilgrim Parking
Agreement
Approval**

Mr. Rigas moved to approve a five-year Parking Lot Lease with Pilgrim Congregational Church (attached to and made a part of the minutes of the meeting); seconded by Mr. Allen. A roll call vote resulted in all ayes. Motion carried.

**Approval of
African-American
Outreach
Coordinator
Position**

Dr. Lee moved to approve the African-American Outreach Coordinator position; seconded by Mr. Rigas. A roll call vote resulted in all ayes. Motion carried.

Dr. Lee expressed concern with the job description as written because, to him, it focused on the academic achievement of African-American students as compared to the overall academic achievement of all students. He pointed out that there seemed to be little in the job description aimed at those who were academically at-risk. One of the primary duties of the person in this position would be to get the involvement in the school of a higher number of African-American parents. He felt the Board of Education would agree that if this person went out and got the active involvement of parents, it would be easier to get the involvement of parents of students with C+ averages or better, yet it would not help to close the achievement gap. He wanted to see the job description made clear that the school was attempting to get the involvement of parents of students most academically at risk, rather than creating the goal of getting more involvement from African-American parents. Several suggestions were made as to how to resolve this issue and it was decided that the following enhancement would be made to the job description:

Position Summary: Add “academically at risk” after the words
“and for”
Add “their “after the words “students and”

After “A: Job Responsibilities” add “with primary emphasis for academically at risk students and their parents/guardians.”

Item 7, Line 1: After the words “calendar of” add the word “initial”

Item 7, Line 2: After the words “guardians are” replace the words “are required” with “recommended”

Ms. Patchak Layman, Dr. Lee, and Mr. Conway expressed concern about the expectations, both quantitative and qualitative, and how success would be measured. Dr. Lee was concerned that the expectations of this position would be too high. Dr. Bailey, a community member, had suggested that it would be lucky if a staff of seven or eight people could do all of the things listed. Dr. Lee felt the PSS Teams should be called on to help this person. Ms. Patchak-Layman suggested self-selecting fifty (50) students and families rather than looking at the population across the school.

Mr. Conway asked Mr. Rouse for his opinion regarding the number of students, the relationships within the building, and academics. Mr. Rouse responded that Dr. Bailey had also called him the day before and he would attempt to return the call that day. Mr. Rouse envisioned three or four goals that would encompass the job description, e.g., increasing of participation of African-American parents of students in the 8 to 9 Program, and, then perhaps broadening that to the tenth, eleventh and twelve grades as these students move forward, etc. In addition, students/families that had been identified as having difficulties would be targeted. Mr. Conway stated that 100 students have not yet sent the school anything for enrollment and they will not be prepared to start their first day of school. This number is lower than last year because registration started earlier; he was thankful for that fact. Mr. Rouse noted that transition students and those who have not sent their registration forms could be included on the target list as well.

Dr. Lee noted a preference that the Board of Education be informed about the evaluation of the position.

Ms. Patchak-Layman asked if students were allowed to be with non-certified staff on an individual or small group basis, as this was not a certified position. Mr. Edgecombe was not aware of any restriction on working with students in a nonacademic placement. Dr. Weninger stated that once there was a state law that forbid students to be supervised by a person who was not ISBE accredited, but that was unrealistic at the high school level, e.g., cafeterias, coaching, etc., and that requirement was relaxed. He

noted that the Director of Student Activities, the Athletic Director, and Teachers Assistants are all non-certified positions. Dr. Lee asked Dr. Weninger how he would respond to the following question.

Q: How does the District justify providing services to African-American students that are not available to other students?

A: This position, as well as the programs that the District is initiating, this year and those in the past, is directly related to targeting students identified by the NCLB, e.g., African-Americans, low-income, and Special Education as not meeting state standards. This Board has also established, as a District goal, the academic achievement of all students, specifically African-American students.

Dr. Lee thanked him for that explanation. Dr. Weninger appreciated this discussion.

**Citizens' Council
Membership
Approval**

Dr. Millard moved to appoint Jamie Sullivan to a two-year term as a Citizens' Council member beginning September 2008; seconded by Mr. Allen. A roll call vote resulted in all ayes. Motion carried.

**FY 2009
Preliminary
Budget Discussion**

Mr. Rigas had requested the discussion regarding the FY2009 Budget be placed on this agenda because there was no time to discuss this thoroughly at the Finance Committee meeting. Ms. Witham reviewed the contents of the Management and Budget Analysis as provided in the Board of Education packet.

Discussion ensued. The Board of Education members asked the following questions.

Q: How will the United States economy and the high price of oil affect the District's goal of not going for a tax increase in 2018?

A: The District is still on target; the District has been very conservative in its expenditures and has spent funds on reducing the buildings' use of energy, e.g., new windows, boilers, double airlock doors, etc. Mr. Lanenga will provide a detailed report at the August Finance Committee meeting as to the sizable energy savings the building has realized.

Q: What is the information regarding related salary bumps, estimated ERO payments, 403B, the number of people involved in the salary bumps and the six percent penalty?

A: The District does not pay any six percent penalties. The contract reflects the retirement for individuals under the six

percent negotiated contract, so those retirees are getting monies year over year limited by the six percent. However, it is not a penalty. The District will not be in that situation.

Q: What expenditures are included in the administrative support portion of the pie chart on page six, amounting to 11.16 percent?

A: Ms. Witham will provide this information.

Q: Are the costs for Drivers' Education before or after receipt of the \$700,000 in revenue received.

A: That is the pure cost of the program. The District does receive revenue from the students to offset the costs.

Q: How much was the total fee?

A: The specific revenue line item will be reflected in the budget document when it is complete, and Ms. Witham would provide the estimate.

Ms. Witham reiterated that this was a summary. She will provide detailed information regarding all of the student fees in the Budget document.

**RFQ for
Legal Services
Discussions**

Ms. Witham provided the Board of Education with a list of law firms the District presently uses and their specialties. Board of Education members weighed in on each of the firms of which they had knowledge.

Mr. Allen was aware of a disdain that some community members had with the District's lawyer who dealt with special education issues, Mr. Relias. Dr. Millard concurred with Mr. Allen's comments.

Mr. Allen also noted his disappointment with the attorney's response regarding questions involving the resolution passed last year. While he had not communicated directly with that attorney, he did feel the attorneys at Franczek Sullivan had a right to defend themselves.

Ms. Patchak-Layman asked that the District go out for RFQ's in the following areas: employment law, negotiations, board policy, residency, student rights, special education, and student discipline.

Mr. Rigas did not encourage the Board of Education to go for an RFQ on employment law and negotiations, as the District has been well served in this area. History is very important with regard to negotiations. While he understands Mr. Allen's issue with the response regarding the resolutions, as an attorney, he knows that if

one asks an attorney a question, an answer had been given. Mr. Rigas was unsure what question was asked. Mr. Rigas defended Mr. Relias by saying that he has close relationships with attorneys who have been hired by the parents who say nothing but positive things about Mr. Relias. Mr. Rigas offered to share those names with Mr. Allen and Mr. Allen asked Mr. Rigas to email the names to him.

Mr. Rigas continued that when the District met with Mr. Relias on a one-on-one to ask specific questions about specific cases, per Ms. Patchak-Layman's request, she did not ask any questions. During the time Mr. Relias has been the District's attorney, there have been only two due process hearings, one of them being to get a negotiated settlement on an expulsion. The fact that there have been no other due processes tells Mr. Rigas that the District is on the fair side. Some parents do not like him because he is doing the job of representing the District. This should be what the Board of Education members want. Mr. Rigas was willing to go out for an RFQ on policy issues, however.

Mr. Conway expressed concern about the staff at the law firms' staff, as minority staff seems to be white females only. He wanted them to be cognizant that there were no African-Americans working as attorneys in their firms. Mr. Rigas said it was an industry-wide problem. Mr. Conway also suggested that perhaps Mr. Relias' way of dealing with parents was questionable.

Dr. Weninger understood that many of these are relationship-based and the Board of Education needs to rely on their services. Regarding services for employment law, policy, Special Education, and legislation interpretation, he suggested using other attorneys within Franczek Sullivan who would serve the Board of Education well and with whom they would feel more comfortable. Mr. Relias is the special education expert and regarded as one of the better attorneys. If the District goes out for an RFQ with the requirement that the firm have a certain percentage of minorities, then, for example, Ancel Glink might have less minority representation than Franczek Sullivan. Mr. Conway stated that the District should send letters to the partners of these firms asking them to consider a change.

An RFQ would allow the possibility to specify the qualities wanted. Ms. Patchak Layman commented that the District has a precedence of dividing legal issues between different lawyers. If the District's desire is to broaden the pool and allow more minority representation, then breaking it up into various areas of expertise would allow the District to build relationships with other firms or other members of the firm. The other part of this discussion is

with the Board of Education's fiduciary responsibility. Financially, the District must be comfortable with the decisions.

Mr. Rigas encouraged setting a meeting with Franczek Sullivan again, regardless of what decision is made. Dr. Lee concurred with sending a letter to Franczek Sullivan stating the issues described and offering the opportunity for that personnel to address the Board of Education.

Ms. Patchak-Layman commented that she did not know there was an agreement for life with Franczek Sullivan. This is an opportunity, just as it is for the District to go out for an RFQ for auditing firms. She asked why the District would stick with any one firm; she wanted an opportunity to choose in a contractual situation. Ms. Witham said that there was no contract in place with any of the firms; she then asked who would draft the contract. Would it be the present law firm or would it be the new law firm? Ms. Witham did not feel having a contract was necessary. The District is aware of the fees charged.

Mr. Rigas did not object to going out for an RFQ in all of the areas except the ones he noted. His view of the special education attorney was based on performance and results. The fact that there are no due process hearings was a testament that the District was doing something right. It is Mr. Relias' job to represent the District.

Dr. Weninger will draft a letter to Franczek Sullivan noting the areas of concern. He will also set up a meeting with those attorneys. Mr. Conway and Mr. Allen will review the letter before it is sent.

**Bus Service
Contract Approval**

Mr. Allen moved to approve the increase in fees of 6.2 percent for Grand Prairie Transit; seconded by Dr. Millard. A roll call vote resulted in all ayes. Motion carried.

**Illinois Energy
Consortium
Information**

The administration distributed to the Board of Education information from the Illinois Energy Consortium regarding increased energy costs across the Midwest and nation estimated to be approximately 10 to 15 percent higher.

**Approval of
Personnel
Recommendations**

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

Ms. Patchak Layman questioned the provisional teaching certificate for the auto tech teacher. Dr. Weninger explained that,

while a provisional teaching certificate does not mandate full certification, this person is continuing his/her education to become fully certified. This is not an area that NCLB lists as teachers' needing to be highly qualified. Mr. Rigas stated that what is considered highly qualified is how well one knows the subject matter in which he/she teaches. OPRFHS has employed a teacher of Japanese with a provisional certificate and that person is fully qualified to teach. It is the knowledge of the subject matter versus what certificate is attained; this person has significant subject knowledge.

**Approval of
Policy 5132,
Activity Programs,
For First Reading**

Dr. Lee moved to approve Policy 5132, Activity Programs, for first reading as modified in the Policy Committee; seconded by Mr. Rigas. A roll resulted in five ayes and one nay. Motion carried. Ms. Patchak Layman voted nay.

Ms. Patchak Layman disagreed with the approval of this policy for first reading because she was 1) concerned that parents, staff, and students would not be available during the summer to provide input; and 2) this would move the school in a direction that was more punitive to students rather than in the direction desired.

Dr. Millard added that OPRFHS students deserve this policy. It was for their benefit and that was the reason that she approved this moving forward. She added, however, that policies were always subject to review at any time.

Closed Session

Dr. Millard moved to go into closed session at 10:30 a.m. on Thursday, July 17, 2008, for the purpose of discussing 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. 5 ILCS 120/2(c)(1), as amended by PA.93—57; 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); 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 probable 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); seconded by Mr. Allen. A roll call vote resulted in all ayes. Motion carried.

At 11:33 a.m., the Board of Education reconvened its open session.

Adjournment

At 11:33 a.m. on Thursday, July 17, 2008, the meeting was dismissed due to the lack of a quorum.

Jacques A. Conway
President

Dr. Ralph H. Lee
Secretary