

**KANKAKEE AREA SPECIAL EDUCATION COOPERATIVE
POLICY MANUAL
TABLE OF CONTENTS
SECTION 2 - GOVERNING BOARD**

Governance

- 2:10 Governing Board - Legal Status
- 2:20 Powers and Duties of the Governing Board
- 2:30 Executive Committee

Governing Board Member

- 2:70 Resignation/Filling a Vacancy
- 2:90 **OPEN**
- 2:100 Governing Board Member Conflict of Interest
- 2:105 Ethics and Gift Ban
- 2:110 Governing Board Officers

Governing Board Relationships

- 2:140 Communications To and From the Governing Board
- 2:160 Board Attorney
- 2:170 Procurement of Architectural, Engineering, and Land Surveying Services
- 2:180 **OPEN**

Governing Board Meetings

- 2:190 **OPEN**
- 2:200 Types of Governing Board Meetings
- 2:210 Organizational Governing Board Meeting
- 2:220 Governing Board Meeting Procedure
- 2:230 Public Participation at Governing Board Meetings and Petitions to the Governing Board

Governing Board Policy

- 2:240 Governing Board Policy Development

Governing Board Records

2:250 Access To Cooperative's Public Records

Uniform Grievance Procedure

2:260 Uniform Grievance Procedure

Governing Board

Governing Board - Legal Status

The governance of the Kankakee Area Special Education Cooperative consists of a Governing Board. The Governing Board of the Cooperative shall consist of:

One (1) School Board member from each of the Cooperative's Member Districts. The designation for Governing Board membership shall be made by each Member District

If the delegate cannot attend the Governing Board meeting, the Member District may appoint an alternate. The alternate will count toward a necessary quorum, and once quorum is reached, the alternate constitutes one (1) vote.

Each Member District shall notify the Secretary of the Governing Board of the name and address of its Governing Board delegate and the name and address of its Superintendent.

Term of Office

Membership of elected School Board members on the Governing Board is contingent upon continuing Board membership at the local school district level.

Official action by Board members must occur at a duly called and legally conducted meeting.

As stated in the Board member oath of office prescribed by the School Code, a Board member has no legal authority as an individual.

LEGAL REF.: 105 ILCS 5/10-1, 5/10-10, 5/10-12, 5/10-16.5, 5/10-16.7, and 5/10-20.5.
5 ILCS 120/1.02.

CROSS REF.: 1:10 (School District Legal Status), 2:20 (Powers and Duties of the Governing Board), 2:80 (Board Member Oath and Conduct), 2:200 (Types of Governing Board Meetings), 2:220 (Governing Board Meeting Procedure)

ADOPTED: March 15, 2001

AMENDED: September 15, 2011

Governing Board

Powers and Duties of The Governing Board

The Governing Board shall be responsible for establishing, maintaining, and evaluating the educational activities of the Kankakee Area Special Education Cooperative. The Governing Board shall establish policies to ensure provisions of service for students with disabilities identified by Member Districts. The Board shall be responsible for carrying out mandatory laws and shall consider and accept or reject the provisions of permissive legislation.

The Governing Board shall be the final authority for the management of KASEC. The powers and duties of the Governing Board shall be as outlined in the Joint Agreement for Special Education.

LEGAL REF.: 105 ILCS 5/10-1 et seq.
23 Ill. Admin. Code § 1.210(b).
Mary Doyle et al. v. Holy Cross Hospital, (1999, Ill. S.Ct.)

CROSS REF.: 1:10, 2:10, 2:240

ADOPTED: March 15, 2001

Governing Board

Executive Committee

The Governing Board may establish an Executive Committee to assist it in the performance of its functions and duties under Article II of the Joint Agreement for Special Education. The Executive Committee shall be composed of the President, Vice-President, Secretary and four other individuals selected by the Governing Board from among its members, each of whom shall serve for one year.

Members of the Executive Committee shall be appointed annually during the Governing Board's Organizational Meeting. In the event that an executive committee member becomes unable to attend executive committee meetings, or gives notice of his/her resignation from the Committee, the President may appoint a replacement from among the other Member Districts.

The Executive Committee shall hold its meetings only after scheduled meetings of the Governing Board. It is the intent of the Governing Board to convene the Executive Committee only if there is a lack of a quorum at a Regular Governing Board meeting or Special Governing Board meeting. The Governing Board shall provide notice of Executive Committee Meetings in the same manner as required for Regular Governing Board Meetings, or, in the case of an Executive Committee meeting held after a Special Meeting, in the same manner as required for Special Governing Board Meetings. Further, the Governing Board shall post an agenda for each Executive Committee Meeting in the Governing Board meeting room, or other location where the meeting is to be held, at least 48 hours before the meeting, in accordance with State law.

The Governing Board shall establish rules, regulations and procedures to govern the operation of the Executive Committee and, further, may delegate to the Executive Committee the authority to perform all functions and duties granted to the Governing Board under Article II of the Joint Agreement for Special Education, except for the duties set forth in Sections 9e, 9f, 9h, and 9j.

ADOPTED: September 19, 2002

Governing Board

Resignation/Filling a Vacancy

Any Governing Board member wishing to resign shall give written notice to his/her local School Board President or Secretary and such resignation shall take effect as indicated therein. The Member District shall notify the Kankakee Area Special Education Cooperative Governing Board President. The Member District shall select another Board member to fill the vacancy as soon as possible and give notification of same to the Governing Board Secretary.

LEGAL REF.: 105 ILCS 5/10-10 and 5/10-11.

ADOPTED: March 15, 2001

Governing Board

Governing Board Member Conflict of Interest

No Governing Board member shall have a beneficial interest directly or indirectly in any contract, work, or business of the Kankakee Area Special Education Cooperative unless permitted by State Law.

Governing Board members must annually file a "Statement of Economic Interests" as required by the Illinois Governmental Ethics Act. Each Governing Board member is responsible for filing the statement with the county clerk of the county in which the administrative office of the Member District is located by May 1.

LEGAL REF.: 5 ILCS 420/4A-101, 420/4A-105, 420/4A-106.
50 ILCS 105/3.
105 ILCS 5/10-9.

CROSS REF: 2:105 (Ethics and Gift Ban), 5:120 (Ethics)

ADOPTED: March 15, 2001

AMENDED: May 15, 2003
July 15, 2004
September 17, 2009
November 16, 2010

Governing Board

Ethics and Gift Ban

Prohibited Political Activity

The following precepts govern political activities being conducted by Cooperative employees and Board members:

1. No employee shall intentionally perform any “political activity” during any “compensated time,” as those terms are defined herein.
2. No Board member or employee shall intentionally use any Cooperative property or resources in connection with any political activity.
3. At no time shall any Board member or employee intentionally require any other Board member or employee to perform any political activity: (a) as part of that Board member’s or employee’s duties, (b) as a condition of employment, or (c) during any compensated time off, such as, holidays, vacation, or personal time off.
4. No Board member or employee shall be required at any time to participate in any political activity in consideration for that Board member or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise; nor shall any Board member or employee be awarded additional compensation or any benefit in consideration for his or her participation in any political activity.

A Board member or employee may engage in activities that: (1) are otherwise appropriate as part of his or her official duties, or (2) are undertaken by the individual on a voluntary basis that are not prohibited by this policy.

Limitations on Receiving Gifts

Except as permitted by this policy, no Board member or employee, and no spouse of or immediate family member living with any Board member or employee shall intentionally solicit or accept any “gift” from any “prohibited source,” as those terms are defined herein, or that is otherwise prohibited by law or policy. No prohibited source shall intentionally offer or make a gift that violates this policy.

The following are exceptions to the ban on accepting gifts from a prohibited source:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which the Board member or employee, or his or her spouse or immediate family member, pays the fair market value.
3. Any: (a) contribution that is lawfully made under the Election Code, or (b) activities associated with a fund-raising event in support of a political organization or candidate.
4. Educational materials and missions.

5. Travel expenses for a meeting to discuss business.
6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other Board members or employees, or their spouses or immediate family members.
8. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are: (a) consumed on the premises from which they were purchased or prepared; or (b) catered. "Catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of a Board member or employee), if the benefits have not been offered or enhanced because of the official position or employment of the Board member or employee, and are customarily provided to others in similar circumstances.
10. Intra-governmental and inter-governmental gifts. "Intra-governmental gift" means any gift given to a Board member or employee from another Board member or employee, and "inter-governmental gift" means any gift given to a Board member or employee by an officer or employee of another governmental entity.
11. Bequests, inheritances, and other transfers at death.
12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the listed exceptions is mutually exclusive and independent of every other.

A Board member or employee, his or her spouse or an immediate family member living with the Board member or employee, does not violate this policy if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code.

Enforcement

The Board President and Director shall seek guidance from the Board attorney concerning compliance with and enforcement of this policy and State ethics laws. The Board may, as necessary or prudent, appoint an Ethics Advisor for this task.

Written complaints alleging a violation of this policy shall be filed with the Director or Board President. If attempts to correct any misunderstanding or problem do not resolve the matter, the Superintendent or Board President shall, after consulting with the Board attorney, either place the alleged violation on a Board meeting agenda for the Board's disposition or refer the complainant to Board policy 2:260, *Uniform Grievance Procedure*. A Board member who is related, either by blood or by marriage, up to the degree of first cousin, to the person who is the subject of the complaint, shall not participate in any decision-making capacity for the Board. If the Board finds it more likely than not that the allegations in a complaint are true, it shall notify the State's Attorney and/or consider disciplinary action for the employee.

Definitions

Unless otherwise stated, all terms used in this policy have the definitions given in the State Officials and Employees Ethics Act, 5 ILCS 430/1-5.

"Political activity" means: Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

1. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
2. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
3. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
4. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
5. Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
6. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
7. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
8. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
9. Preparing or reviewing responses to candidate questionnaires.
10. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

11. Campaigning for any elective office or for or against any referendum question.
12. Managing or working on a campaign for elective office or for or against any referendum question.
13. Serving as a delegate, alternate, or proxy to a political party convention.
14. Participating in any recount or challenge to the outcome of any election.

With respect to an employee whose hours are not fixed, “compensated time” includes any period of time when the employee is on premises under the control of the Cooperative and any other time when the employee is executing his or her official duties, regardless of location.

“Prohibited source” means any person or entity who:

1. Is seeking official action by: (a) a Board member, or (b) an employee, or by the Board member or another employee directing that employee;
2. Does business or seeks to do business with: (a) a Board member, or (b) an employee, or with the Board member or another employee directing that employee;
3. Conducts activities regulated by: (a) a Board member, or (b) an employee or by the Board member or another employee directing that employee; or
4. Has an interest that may be substantially affected by the performance or non-performance of the official duties of the Board member or employee.

“Gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of a Board member or employee.

LEGAL REF.: 5 ILCS 430/1-1 et seq.
10 ILCS 5/9-25.1.

CROSS REF.: 5:120 (Ethics)

ADOPTED: July 15, 2004

AMENDED: November 18, 2008

Governing Board

Governing Board Officers

The Governing Board shall elect from among its members at the annual organizational meeting a President, Vice President, and Secretary, each of whom shall serve for one year.

The Governing Board shall elect from among its members, or shall appoint someone not a member, to serve as Treasurer of the Cooperative.

LEGAL REF.: 5 ILCS 420/4A-106.

CROSS REF.: 2:210 (organizational meeting)

ADOPTED: March 15, 2001

Governing Board

Communications To and From the Governing Board

Staff members, parents, and community members should submit questions or communications for the Governing Board's consideration to the Director. The 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, Governing Board Members will refer the person to the appropriate level of authority, except in unusual situations. Governing Board Members questions' or communications to staff or about programs will be channeled through the Director's office. Governing Board Members will not take private action that might compromise the Governing Board or Cooperative. There is no expectation of privacy for any communication sent to the Governing Board or its members individually, whether sent by letter, email, or other means.

Governing Board Member Use of Electronic Mail

E-mail to, by, and among Governing Board members, in their capacity as Governing Board members, shall not be used for the purpose of discussing Cooperative business. Email among Governing Board members shall be limited to:

1. Disseminating information; and
2. Messages not involving deliberation, debate, or decision-making.

Email may contain:

1. Agenda item suggestions;
2. Reminders regarding meeting times, dates, and places;
3. Governing Board meeting agenda or public record information concerning agenda items;
4. Individual responses to questions posed by community members, subject to the other limitations in this policy.

LEGAL REF.: 23 Ill. Admin. Code § 1.220.

CROSS REF.: 2:220, 8:50, 8:110

ADOPTED: March 15, 2001

AMENDED: September 20, 2007

Governing Board

Board Attorney

The Governing Board may enter into an agreement for legal services with a specific attorney or law firm. The Board Attorney serves on a retainer or other fee arrangement as determined in advance. The Board Attorney will provide services as described in the agreement for legal services. The Cooperative will only pay for legal services that are provided in accordance with the agreement for legal services or are otherwise authorized by this policy or a majority of the Board.

The Director, his or her designee, and Board President, are each authorized to confer with and/or seek the legal advice of the Board Attorney. The Board may authorize a specific member to confer with legal counsel on its behalf.

The Director may authorize the Board Attorney to represent the Cooperative in any legal matter until the Board has an opportunity to consider the matter.

The Governing Board retains the right to consult with or employ other attorneys and to terminate the service of any attorney.

CROSS REF: 4:60 (Purchases and Contracts)

ADOPTED: March 15, 2001

AMENDED: July 21, 2005
September 16, 2010

Governing Board

Procurement of Architectural, Engineering, and Land Surveying Services

The Governing Board selects architects, engineers, and land surveyors to provide professional services to the Cooperative on the basis of demonstrated competence and qualifications, and in accordance with State law.

LEGAL REF.: Shirley v. Belleville Township High School District 201, 769 N.E.2d 1062 (5th Dist. Ill. App. 2002), *appeal denied*.
50 ILCS 510/0.01 et seq.
105 ILCS 5/10-20.21.
40 U.S.C. § 541.

ADOPTED: March 15, 2001

AMENDED: May 15, 2003

Governing Board

Types of Governing Board Meetings

General

For all meetings of the Governing Board and its committees, the Director or designee shall satisfy all notice and posting requirements contained herein as well as the Open Meetings Act. This shall include mailing meeting notifications to news media that have officially requested them and to others as approved by the Governing Board. Unless otherwise specified, all Governing Board meetings shall be held at the Kankakee Area Special Education Cooperative main office. Board Policy 2:220, *School Board Meeting Procedure*, governs meeting quorum requirements.

Regular Meetings

The Governing Board announces the time and place for its regular meetings at the Annual Organizational Meeting. The Director shall prepare and make available the calendar of regular Governing Board meetings in accordance with The School Code. The Governing Board may determine that additional meetings will be held. The regular meeting calendar may be changed with 10 days' notice in accordance with State law.

A meeting agenda shall be posted at the Cooperative's main office and the Governing Board's meeting room, or other location where the meeting is to be held, at least 48 hours before the meeting. Items not specifically on the agenda may still be considered during the meeting.

Closed Meetings

The Governing Board and Governing Board committees may meet in a closed meeting to consider the following subjects:

1. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity. 5 ILCS, 120/2(c)(1).
2. Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees. 5 ILCS 120/2(c)(2).
3. The selection of a person to fill a public office, as defined in the Open Meetings Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance. 5 ILCS 120/2(c)(3).
4. Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in the Open Meetings Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning. 5 ILCS 120/2(c)(4).

5. The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired. 5 ILCS 120/2(c)(5).
6. The setting of a price for sale or lease of property owned by the public body. 5 ILCS 120/2(c)(6).
7. The sale or purchase of securities, investments, or investment contracts. 5 ILCS 120/2(c)(7).
8. Security procedures and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. 5 ILCS 120/2(c)(8).
9. Student disciplinary cases. 5 ILCS 120/2(c)(9).
10. The placement of individual students in special education programs and other matters relating to individual students. 5 ILCS 120/2(c)(10).
11. Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting. 5 ILCS 120/2(c)(11).
12. The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member. 5 ILCS 120/2(c)(12).
13. Self-evaluation, practices and procedures, or professional ethics, when meeting with a representative of a statewide association of which the public body is a member. 5 ILCS 120/2(c)(16).
14. Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. 5 ILCS 120/2(c)(21).
15. Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America. 5ILCS 20/2(c)(28).

The Governing Board may hold a closed meeting, or close a portion of a meeting, by a majority vote of a quorum, taken at an open meeting. The vote of each Governing Board member present, and the reason for the closed meeting, shall be publicly disclosed at the time of the meeting and clearly stated in the motion and the meeting minutes.

A single motion calling for a series of closed meetings may be adopted by a Governing Board quorum when such meetings will involve the same particular matters and are scheduled to be held within 3 months of the vote.

No final Governing Board action shall be taken at a closed meeting.

Reconvened or Rescheduled Meetings

A meeting may be rescheduled or reconvened. Public notice of a rescheduled or reconvened meeting shall be given in the same manner as that for a special meeting, except that no public notice is required when the original meeting is open to the public and: (1) is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda.

Special Meetings

Special meetings of the Governing Board may be called by the President or by any three members of the Board by giving notice thereof in writing, stating the time, place and purpose of the meeting. Such notice may be served by mail forty-eight (48) hours before such meeting or by personal service at least 24 hours before such meeting.

Public notice of a special meeting is given by posting a notice at the Kankakee Area Special Education Cooperative main office at least 48 hours before the meeting and by notifying the news media that have filed a written request for notice. A meeting agenda shall accompany the notice.

All matters discussed by the Board at any special meeting must be related to a subject on the meeting agenda.

Emergency Meetings

Public notice of emergency meetings shall be given as soon as practical, but in any event, before the meeting to news media that have filed a written request for notice.

Posting on the District Website

In addition to the other notices specified in this policy, the Director or designee shall post the following on KASEC website: (1) the annual schedule of regular meetings, which shall remain posted until the Board approves a new schedule of regular meetings; (2) a public notice of all Governing Board meetings; and (3) the agenda for each meeting which shall remain posted until the meeting is concluded.

LEGAL REF.: 5 ILCS 120/Open Meeting Act.
5ILCS 140/, Freedom of Information Act.
105 ILCS /5/10-6 and 5/10-16.

CROSS REF.: 2:110 (Qualifications Term, and Duties of Board Officers), 2:120 (Board Member Development), 2:210 (Organizational Governing Board Meeting), 2:220 (Governing Board Meeting Procedure), 2:230 (Public Participation in Governing Board Meetings), 6:235 (Access to Electronic Networks)

ADOPTED: March 15, 2001

AMENDED: February 20, 2003
July 15, 2004
September 20, 2007
March 18, 2010
March 15, 2012
December 20, 2012

Governing Board

Organizational Governing Board Meeting

The Governing Board's annual Organizational Meeting shall be the first regular meeting of the calendar year, or as otherwise provided by law.

The order of business shall include:

1. Election of officers of the Governing Board
2. Appointment of the Treasurer
3. Adoption of a time and date for its regular meetings.

Once the President is elected, the remainder of the meeting may include, but is not be limited to:

1. Selection of the Board's attorney.
2. Naming of a newspaper in which to publish all Board informational and/or legal notices.
3. Appointment of auditors
4. Appointment of Depositories

LEGAL REF.: 10 ILCS 5/2A et seq.
105 ILCS 5/10-5 and 5/10-16.5

CROSS REF.: 2:210 (Organizational Governing Board Meeting), 2:220 (Governing Board Meeting Procedure), and 2:230 (Public Participation at Governing Board Meetings and Petitions to the Governing Board)

ADOPTED: March 15, 2001

AMENDED: February 20, 2003
January 15, 2009
December 20, 2012

Governing Board

Governing Board Meeting Procedure

Agenda

The Board President is responsible for focusing the Board meeting agendas on appropriate content. The Director shall prepare agendas in consultation with the Board President. The President shall designate a portion of the agenda as a consent agenda for those items that usually do not require discussion or explanation before Board action. Upon the request of any Board member, an item will be withdrawn from the consent agenda for independent consideration.

Each Board meeting agenda shall contain the general subject matter of any item that will be the subject of final action at the meeting. Items submitted by Board members to the Director or the President shall be placed on the agenda for an upcoming meeting. KASEC residents may suggest inclusions for the agenda. The Board will take final action only on items contained in the posted agenda; items not on the agenda may still be discussed.

The Director shall provide a copy of the agenda, with adequate data and background information, to each Board member at least 48 hours before each meeting, except a meeting held in the event of an emergency. The meeting agenda shall be posted in accordance with policy 2:200, *Types of School Board Meetings*.

The Board President shall determine the order of business at regular Board meetings. Upon consent of a majority of members present, the order of business at any meeting may be changed.

Voting Method

Unless otherwise provided by law, when a vote is taken upon any measure before the Board, with a quorum being present, a majority of the votes cast shall determine its outcome. A vote of "abstain" or "present" or a vote other than "yea" or "nay," or a failure to vote, is counted for the purposes of determining whether a quorum is present. A vote of "abstain" or "present," or a vote other than "yea" or "nay," or a failure to vote, however, is not counted in determining whether a measure has been passed by the Board, unless otherwise stated in law. The sequence for casting votes is rotated.

On all questions involving the expenditure of money and on all questions involving the closing of a meeting to the public, a roll call vote shall be taken and entered in the Board's minutes. An individual Board member may request that a roll call vote be taken on any other matter; the President or other presiding officer may approve or deny the request but a denial is subject to being overturned by a majority vote of the members present.

Minutes

The Board Secretary shall keep written minutes of all Board meetings, (whether open or closed), which shall be signed by the President and the Secretary.

The minutes include:

1. The meeting's date, time, and place;
2. Board members recorded as either present or absent;
3. A summary of the discussion on all matters proposed, deliberated, or decided, and a record of any votes taken;
4. On all matters requiring a roll call vote, a record of who voted "yea" and "nay";

5. If the meeting is adjourned to another date, the time and place of the adjourned meeting;
6. The vote of each member present when a vote is taken to hold a closed meeting or portion of a meeting, and the reason for the closed meeting with a citation to the specific exception contained in the Open Meetings Act authorizing the closed meeting;
7. A record of all motions, including individuals making and seconding motions;
8. Upon request by a Board member, a record of how he or she voted on a particular motion; and
9. The type of meeting, including any notices and, if a reconvened meeting, the original meeting date.

The minutes shall be submitted to the Board for approval or modification at its next regularly scheduled open meeting.

At least semi-annually in an open meeting, the Board: (1) reviews minutes from all closed meetings that are currently unavailable for public release, and (2) decides which, if any, no longer require confidential treatment and are available for public inspection. The Board may meet in a prior closed session to review the minutes from closed meetings that are currently unavailable for public release.

The Board's meeting minutes must be submitted to the Board Treasurer on the first Monday of April and October, and at other times as the Treasurer may require.

The official minutes are in the custody of the Board Secretary. Open meetings minutes are available for inspection during regular office hours within 7 days after the Board's approval; they may be inspected in KASEC's main office in the presence of the Secretary, the Director or designee, or any Board member. Minutes from closed meetings are likewise available, but only if the Board has released them for public inspection. The minutes shall not be removed from the Director's office except by vote of the Board or by court order.

The Board's open meeting minutes shall be posted on KASEC website within 7 days after the Board approves them; the minutes will remain posted for at least 60 days.

Verbatim Record of Closed Meetings

The Director, or the Board Secretary when the Director is absent, shall audio record all closed meetings. If neither is present, the Board President or presiding officer shall assume this responsibility. After the closed meeting, the person making the audio recording shall label the recording with the date and store it in a secure location. The Director shall ensure that: (1) an audio recording device and all necessary accompanying items are available to the Board for every closed meeting, and (2) a secure location for storing closed meeting audio recordings is maintained close to the Board's regular meeting location.

After 18 months have passed since being made, the audio recording of a closed meeting is destroyed provided the Board approved: (1) its destruction, and (2) minutes of the particular closed meeting.

Individual Board members may listen to verbatim recordings when that action is germane to their responsibilities, e.g., in order to check the accuracy of minutes. In the interest of encouraging free and open expression by Board members during closed meetings, the recordings of closed meetings should not be used by Board members to confirm or dispute the accuracy of recollections.

Quorum and Participation by Audio or Video Means

A quorum of the Board must be physically present at all Board Meetings. A majority of the full membership of the Board constitutes a quorum.

Provided a quorum is physically present, a Board member may attend a meeting by video or audio conference if he or she is prevented from physically attending because of: (1) personal illness or disability, (2) employment or KASEC business, or (3) a family or other emergency. If a member wishes to attend a meeting by video or audio means, he or she must notify the recording secretary or Director at least 24 hours before the meeting unless advance notice is impractical. The recording secretary or Director will inform the Board President and make appropriate arrangements. A Board member who attends a meeting by audio or video means, as provided in this policy, may participate in all aspects of the Board meeting including voting on any item.

Rules of Order

Unless State law or Board-adopted rules apply, the Board President, as the presiding officer, will use Robert's Rules of Order Newly Revised, (10th Edition), as a guide when a question arises concerning procedure.

Broadcasting and Recording Board Meetings

Any person may record or broadcast an open Board meeting. Special requests to facilitate recording or broadcasting an open Board meeting, such as seating, writing surfaces, lighting, and access to electrical power, should be directed to the Director as least 24 hours before the meeting.

Recording meetings shall not distract or disturb Board members, other meeting participants, or members of the public. The Board President may designate a location for recording equipment, may restrict the movements of individuals who are using recording equipment, or may take such other steps as are deemed necessary to preserve decorum and facilitate the meeting.

LEGAL REF.: 5 ILCS 120/2a, 120/2.02, 120/2.05, and 120/2.06.

105 ILCS 5/10-6, 5/10-7, and 5/10-16.

Prosser v. Village of Fox Lake, 438 N.E.2d 134 (1982).

CROSS REF.: 2:200 (Types of Governing Board Meetings), 2:210 (Organizational Governing Board Meeting), 2:230 (Public Participation at Governing Board Meetings and Petitions to the Board)

ADOPTED: March 15, 2001

AMENDED: January 15, 2004
January 20, 2005
April 21, 2005
September 20, 2007
January 15, 2009
December 20, 2012

Governing Board

Public Participation at Governing Board Meetings and Petitions to the Governing Board

All meetings are open to the public except for Executive Sessions allowed by law. All actions shall be taken in open meetings. A time is provided for public comment. A limit of up to five (5) minutes for individuals or thirty (30) minutes collectively will be allowed for comments.

Individuals or groups of citizens may present pertinent matters to the Governing Board for consideration and action at a regular scheduled meeting of the Governing Board. The following steps must be taken to be placed on the agenda:

- A written request must be made to the Secretary of the Governing Board stating questions on which a decision is desired.
- A written request must be made to the Secretary for personal appearance before the Governing Board meeting stating matters to be presented.
- All requests for decisions for personal appearance must be received at the Cooperative office at least seven (7) days prior to the scheduled meeting in order that items may be included on a printed agenda.
- The Governing Board may, in case of emergency, by majority decision, waive the seven (7) days requirement.
- Action on any matter presented to the Governing Board shall be taken at the regular meeting.
- The Governing Board may, in case of emergency, by majority decision, take action at the same meeting as presented. However, usually it is not in the best interest of the community to make a hasty decision on a proposal without research and study and for this reason, emergency action will be taken only under unusual and compelling circumstances.
- The Governing Board may, in case of emergency, call a special meeting to consider a matter to be presented.
- Requests for a hearing before the Governing Board should only be made after the usual channels have been exhausted. If individuals or groups feel they have a problem at a particular school or department, solutions should be sought there before going to the Director and ultimately to the Governing Board.

LEGAL REF.: 105 ILCS 5/10-6 and 5/10-16.

CROSS REF.: 2:220

ADOPTED: March 15, 2001

Governing Board

Governing Board Policy Development

The Governing Board governs using written policies. Written policies ensure legal compliance, establish Governing Board processes, articulate Cooperative ends, delegate authority, and define operating limits. Governing Board policies also provide the process for monitoring progress toward Cooperative ends.

Policy Development

Anyone may propose new policies, changes to existing policies, or deletion of existing policies. Staff suggestions should be processed through the Director. Suggestions from all others should be made to the Governing Board President or the Director.

A Governing Board Policy Committee will consider all policy suggestions, and provide information and recommendations to the Governing Board.

The Director is responsible for: (1) providing relevant policy information and data to the Governing Board, (2) notifying those who will implement or be affected by or required to implement a proposed policy and obtaining their advice and suggestions, and (3) having policy recommendations drafted into written form for Governing Board deliberation. The Director shall seek the counsel of the Governing Board attorney when appropriate.

Policy Adoption and Dissemination

Policies or policy revisions will not be adopted at the Governing Board meeting at which they are first introduced, except when: (1) appropriate for consent agenda because no Governing Board discussion is required, or (2) necessary or prudent in order to meet emergency or special conditions. Further Governing Board consideration will be given at a subsequent meeting(s) and after opportunity for community input. The adoption of a policy will serve to supersede all previously adopted policies on the same topic.

The Governing Board policies are available for public inspection in the Cooperative's main office during regular office hours. Copy requests should be made pursuant to Governing Board policy 2:250, *Access to Cooperative's Public Records*.

Governing Board Policy Review and Monitoring

The Governing Board will periodically review its policies for relevancy, monitor its policies for effectiveness, and consider whether any modifications are required. The Governing Board may use an annual policy review and monitoring calendar.

Director Implementation

The Governing Board will support any reasonable interpretation of Governing Board policy made by the Director. If reasonable minds differ, the Governing Board will review the applicable policy and consider the need for further clarification.

In the absence of Governing Board policy, the Director is authorized to take appropriate action.

Suspension of Policies

The Governing Board, by a majority vote of members present at any meeting, may temporarily suspend a Governing Board policy except those provisions that are controlled by law or contract. The failure to suspend with a specific motion does not invalidate the Governing Board action.

LEGAL REF.: 105 ILCS 5/10-20.5.

CROSS REF.: 2:250 (Access to Cooperative's Public Records), 3:40 (Director)

ADOPTED: March 15, 2001

AMENDED: September 20, 2007
September 17, 2009

Governing Board

Access To Cooperative's Public Records

Full access to KASEC's *public records* is available to any person as provided in the Illinois Freedom of Information Act (FOIA), this policy, and implementing procedures.

Freedom of Information Officer

The Director shall serve as KASEC's Freedom of Information Officer and assumes all the duties and powers of that office as provided in FOIA and this policy. The Director may delegate these duties and powers to one or more designees but the delegation shall not relieve the Director of the responsibility for the action that was delegated. The Director or designee(s) shall report any FOIA requests and the status of KASEC's response to the Board at each regular Board meeting.

Definition

KASEC's *public records* are defined as records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials 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 KASEC.

Requesting Records

A request for inspection and/or copies of public records must be made in writing and may be submitted by personal delivery, mail, telefax, or email directed to KASEC's Freedom of Information Officer. Individuals making a request are not required to state a reason for the request other than to identify when the request is for a commercial purpose or when requesting a fee waiver. All requests for inspection and copying shall immediately be forwarded to KASEC's Freedom of Information Officer or designee.

Responding to Requests

The Freedom of Information Officer shall approve all requests for public records unless:

1. The requested material does not exist;
2. The requested material is exempt from inspection and copying by the Freedom of Information Act; or
3. Complying with the request would be unduly burdensome.

Within 5 business days after receipt of a request for access to a public record, the Freedom of Information Officer shall comply with or deny the request, unless the time for response is extended as specified in Section 3 of FOIA. The Freedom of Information Officer may extend the time for a response for up to 5 business days from the original due date. If an extension is needed, the Freedom of Information Officer shall: (1) notify the person making the request of the reason for the extension, and (2) either inform the person of the date on which a response will be made or agree with the person in writing on a compliance period.

Notwithstanding the above, the Freedom of Information Officer shall respond to requests for *commercial purposes* and to *recurrent requesters* (as those terms are defined in Section 2 of FOIA) according to Sections 3.1 and 3.2 of FOIA.

When responding to a request for a record containing both exempt and non-exempt material, the Freedom of Information Officer shall redact exempt material from the record before complying with the request.

Copying Fees

Persons making a request for copies of public records must pay any applicable copying fee. The Freedom of Information Officer shall, as needed, recommend a copying fee schedule for the Board's approval. Copying fees, except when fixed by statute, are reasonably calculated to reimburse KASEC's actual cost for reproducing and certifying public records and for the use, by any person, of its equipment to copy records. No copying fee shall be charged for the first 50 pages of black and white, letter or legal sized copies. After the initial 50 pages, the fee per copy shall not exceed 15 cents per page. No copying fee shall be charged for electronic copies other than the actual cost of the recording medium.

Fees for Responding to a Request for a Commercial Purpose

In addition to copying fees, persons making a request for a commercial purpose, as defined in FOIA, must pay a fee of \$10 for each hour spent by personnel in searching for and retrieving the record. However, no fees shall be charged for the first 8 hours spent by personnel in searching for or retrieving a requested record. KASEC also charges the actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage facility under contract with KASEC. Whenever KASEC charges any fees to a requester making a commercial request, the Freedom of Information Officer shall provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records.

Access

The inspection and copying of a public record that is the subject of an approved access request is permitted at the Cooperative's administrative office during regular business hours, unless other arrangements are made by the Freedom of Information Officer.

Many public records are immediately available from the Cooperative's website including, but not limited to, a description of the Cooperative and the methods for requesting a public record.

Preserving Public Records

Public records, including email messages, shall be preserved and cataloged if: (1) they are evidence of the Cooperative's organization, function, policies, procedures, or activities, (2) they contain informational data appropriate for preservation, (3) their retention is required by State or federal law, or (4) they are subject to a retention request by the Board Attorney (e.g. a litigation hold), Cooperative auditor, or other individual authorized by the Governing Board or State or federal law to make such a request. Unless its retention is required as described in items numbered 3 or 4 above, a public record, as defined by the Illinois Local Records Act, may be destroyed when authorized by the Local Records Commission.

LEGAL REF.: 5 ILCS 140/, Illinois Freedom of Information Act.
105 ILCS 5/10-16.
820 ILCS 130/5.

CROSS REF.: 2:140 (Communications To and From the Board), 5:150 (Personnel Records),
7:340 (Student Records)

ADOPTED: March 15, 2001

AMENDED: May 15, 2003
December 21, 2006
March 18, 2010
January 19, 2012

Governing Board

Uniform Grievance Procedure

A student, parent/guardian, employee, or community member should notify any Cooperative Complaint Manager if he or she believes that the Governing Board, its employees, or agents have violated his or her rights guaranteed by the State or federal Constitution, State or federal statute, or Governing Board policy, or have a complaint regarding any of the following:

1. Title II of the Americans with Disabilities Act;
2. Title IX of the Education Amendments of 1972;
3. Section 504 of the Rehabilitation Act of 1973;
4. Individuals With Disabilities Education Act, 20 U.S.C. § 1400 *et seq.*;
5. Title VI of the Civil Rights Act, 42 U.S.C. § 2000d. *et seq.*;
6. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. § 2000e *et seq.*;
7. Sexual harassment (Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972);
8. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children;
9. Curriculum, instructional materials, and/or programs;
10. Victims' Economic Security and Safety Act, 820 ILCS 180;
11. Illinois Equal Pay Act of 2003, 820 ILCS 112
12. Provision of services to homeless students; or
13. Illinois Whistleblower act, 740 ILCS 174/1 *et seq.*
14. Misuse of genetic information (Illinois Genetic Information Privacy Act (GIPA), 410 ILCS 513/ and Titles I and II of the Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. §2000ff *et seq.*

The Complaint Manager will attempt to resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. All deadlines under this procedure may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, "school business days" means days on which the District's main office is open.

Filing a Complaint

A person (hereinafter Complainant) who wishes to avail himself or herself of this grievance procedure may do so by filing a complaint with any Cooperative Complaint Manager. The Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same gender. The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with a student's parent(s)/guardian(s). The Complaint Manager shall assist the Complainant as needed.

Investigation

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. If the Complainant is a student, the Complaint Manager will notify his or her parent(s)/guardian(s) that they may attend any investigatory meetings in which their child is involved. The complaint and identity of the Complainant will not be disclosed except: (1) as required by law, this policy, or (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

The identity of any student witnesses will not be disclosed except: (1) as required by law or any collective bargaining agreement, or (2) as necessary to fully investigate the complaint, or (3) as authorized by the parent/guardian of the student witness, or by the student if the student is 18 years of age or older.

Within 30 school business days of the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Director. The Complaint Manager may request an extension of time. If a complaint of sexual harassment contains allegations involving the Director, the written report shall be filed with the Governing Board, which will make a decision in accordance with Section 3 of this policy. The Director will keep the Governing Board informed of all complaints.

Decision and Appeal

Within 5 school business days after receiving the Complaint Manager's report, the Director shall mail his or her written decision to the Complainant by U.S. mail, first class, as well as the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the Governing Board. Within 30 school business days of the Governing Board shall affirm, reverse, or amend the Director's decision or direct the Director to gather additional information. Within 5 school business days of the Governing Board's decision, the Director shall inform the Complainant of the Governing Board's action.

This grievance procedure shall not be construed to create an independent right to a Governing Board hearing. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.

Appointing Nondiscrimination Coordinator and Complaint Managers

The Director shall appoint a Nondiscrimination Coordinator to manage the Cooperative's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of employees, students, and others.

The Director shall appoint at least one Complaint Manager to administer the complaint process of this policy. If possible, the Director will appoint 2 Complaint Managers, one of each gender. The Cooperative's Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

The Director shall insert into this policy and keep current the names, addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Managers.

Nondiscrimination Coordinator:

Name

Address

Telephone

Complaint Managers:

Name

Name

Address

Address

Telephone

Telephone

- LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
 Americans With Disabilities Act, 42 U.S.C. § 1201 et seq.
 Equal Pay Act, 29 U.S.C. § 206 (d).
 Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.
 Immigration Reform and Control Act, 8 U.S.C. § 1324a et seq.
 Individuals With Disabilities Education Act, 20 U.S.C. § 1400 et seq.McKinney
 Homeless Assistance Act, 42 U.S.C. § 11431 et seq.
 Rehabilitation Act of 1973, 29 U.S.C. § 791 et seq.
 Title VI Civil Rights Act, 42 U.S.C. § 2000d et seq.
 Equal Employment Opportunities Act (Title VII of the Civil Rights Act),
 52 S.C. §2000e et seq.
 Title IX of the Education Amendments, 20 U.S.C. § 1681 et seq.
 Equal Pay Act of 2003, 820 ILCS 112.
 Victims’ Economic Security and Safety Act, 826 ILCS 180 56 Ill. Admin.
 Code Part 280.
 775 ILCS 5/1-101.
 105 ILCS 5/10-20.7a, 5/10-222.5, 5/22-29, 5/24-4 5/27.1, and 45/1-15.
 Illinois Genetic Information Privacy Act, 410 ILCS 513/.
 Illinois Whistleblower Act, 740 ILCS 174/1 et seq.
 23 Ill. Admin. Code §§ 1.240 and 200-40.

CROSS. REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Sexual Harassment), 7:10 (Equal Educational Opportunities), 7:20 (Sexual Harassment), 7:180 (Preventing Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities), 8:110 (Public Complaints).

ADOPTED: March 15, 2001

AMENDED: February 20, 2003
January 15, 2004
December 21, 2006
March 20, 2008
September 17, 2009