

Subject: Fwd: outside group bylaws
From: Eric Bush <bushe@mokena159.org>
Date: 8/23/2023, 9:28 AM
To: Lisa Zielinski <zielinskil@mokena159.org>

----- Forwarded message -----

From: Kelli MacMillan <macmillank@mokena159.org>
Date: Tue, Aug 22, 2023 at 1:04 PM
Subject: Re: outside group bylaws
To: Mark Cohen <cohenm@mokena159.org>
CC: Eric Bush <bushe@mokena159.org>

Hi Dr. Cohen, thankyou for acknowledging it is the Superintendent's duty to collect these bylaws and ensure they are compliant to our **(7)** requirements. Any responsibility of past superintendents' shifted to you when you became superintendent 3 years ago. Can you please collect the bylaws from each of our parent organizations so that you have them on file within the next 30 days, pursuant to our board policy 8.9, since you do not have on file at this time. If you cannot meet that deadline, please just advise the BOE as a whole a more reasonable time you can have them. This is a simple fix, the burden to ask is ours but the burden to provide the bylaws is on the group(s). If you find a group is not able to provide what we need, just bring it back to us at a BOE meeting, so we can make a decision on the path forward with the recognition or potential revision to the policy.

Mr. Bush,

I will plan to discuss this at our next BOE meeting in open session as recommended by Dr. Cohen. As we discussed last week, BOE policies are not all being executed, I have multiple examples, some of which I spoke to you about already. Following BOE policy is not a "nice to have" or "optional thing" that we decide to do or not. Following policy is necessary for many reasons, including compliance with law and protecting the district from liability. I will have an outline to you this week on how I recommend the BOE do a complete review to ensure we are executing what our BOE policies dictate. I appreciate your willingness to explore this in more detail, it is the right thing for the BOE to do.

Thank you both,
Kelli MacMilan

On Tue, Aug 22, 2023 at 10:05 AM Mark Cohen <cohenm@mokena159.org> wrote:
Kelli,

On August 6th you asked me via email for outside group bylaws. On a subsequent phone call on August 7th I asked you for patience in your inquiry; they were likely archived and our office was busy launching the school year. I only have digital records available to me in Google Drive for the last 8 years or so; I believe all of our organizations are older than that. I am happy to have Cathy

search the archives for the records you requested.

Board Policy 8:90 requires the Superintendent to obtain bylaws when recognizing outside groups and ensure that the bylaws contain the information you mentioned. This is standard school practice when an organization uses the District name. I was not the Superintendent when these groups were formed. These groups were approved by other administrators and I cannot speak to their processes.

The regular collection or "maintenance" of bylaws is not standard practice, nor is it required in the policy. It can be if it is the will of the Board.

The District is responsible for the maintenance of personnel records (5:150), student records (7:100, 7:340), financial records (4:80), etc. This "maintenance" is generally secure storage in paper or digital form. If there is an expectation of me that I or another member of my team regularly review outside group bylaws in addition to all of these documents then I would suggest you discuss this with the rest of the board to determine if this is a productive use of time.

I would be happy to get a signed copy of the bylaws. As of now I do not believe officers are finalized, and I have given you all I have. If this makes the Board uncomfortable then the District has only one recourse, which is to pull the Boosters recognition as an outside group. I would not recommend that, of course, so for now I believe we are doing all we can. If you would like to discuss this matter I would suggest that you bring it up in open session at a Board meeting where all members can have input and I can get clear direction. I am no longer comfortable having these conversations one Board member at a time.

Mark

On Mon, Aug 21, 2023 at 5:17 PM Kelli MacMillan <macmillank@mokena159.org> wrote:

Hi Dr. Cohen,

I wanted to follow up with you on the parent organization bylaws. I will send a separate email regarding the Music Boosters follow up to our conversation last week.

Do you agree that it is the duty of the Superintendent to collect and maintain our parent organization's bylaws and to ensure those bylaws meet the requirements we've laid out in our BOE policy? And as with anything else, it is up to you to delegate as you see fit - the BOE doesn't need to get involved at that level (we are in the balcony).

If you do not agree with that, let's discuss at your soonest convenience. The BOE develops policy and that the administration will execute (e.g. balcony vs. dance floor). I would like you to acknowledge it is your job to collect the bylaws and work with Mr. Fester to ensure those documents meet our needs pursuant to BOE policy 8.9.

Neither document you've attached here is dated or signed, which doesn't work. The version from last year lacks the clauses we require and I'm surprised John Fester approved them like that. Are

you sure Mr. Fester approved these bylaws from last year? The financial clause, for example, is not there.

Assuming you agree this is your duty, let's just move forward. Since we have nothing complete on file, and in light of recent concerns I believe we need to get ourselves compliant as soon as possible. Can you please get caught up in 30 days and report back to the BOE? If that is not a reasonable amount of time, please provide me a specific time frame you think is better for you. Please note: this is not something that would require "the will of the BOE" as it has already been dictated by the BOE. Also, this is not one BOE member giving direction, it is the entire BOE direction via our policy manual. I believe this can easily get accomplished with a simple email to each group.

If you do not think this is your job, let's schedule a call at your convenience so that I can understand that and we can formulate an alternative plan.

Thanks,
Kelli MacMillan

On Thu, Aug 10, 2023 at 10:13 AM Mark Cohen <cohenm@mokena159.org> wrote:

Dear Board Members,

This past Sunday Aug. 6th Kelli asked me for the following:

At your soonest convenience, kindly forward me the bylaws covering SY 2021/22, SY2022/23 and SY2023/24 for our Parent Organizations:

- 1. PTA*
- 2. Athletic Boosters*
- 3. Music Boosters*
- 4. Mokena Educational Foundation*

Each of these outside groups must have the following information in their bylaws according to policy 8:90:

1. The organization's or club's name and purpose, such as, to enhance students' educational experiences, to help meet educational needs of students, to provide extra athletic benefits to students, to assist specific sports teams or academic clubs through financial support, or to enrich extracurricular activities.
2. The rules and procedures under which it operates.
3. An agreement to adhere to all Board policies and administrative procedures.
4. A statement that membership is open and unrestricted, meaning that membership is open to all parents/guardians of students enrolled in the school, District staff, and community members.
5. A statement that the District is not, and will not be, responsible for the organization's or club's business or the conduct of its members, including on any organization or club websites or social media accounts.

6. An agreement to maintain and protect its own finances.
7. A recognition that money given to a school cannot be earmarked for any particular expense. Booster clubs may make recommendations, but cash or other valuable consideration must be given to the District to use at its discretion. The Board's legal obligation to comply with Title IX by providing equal athletic opportunity for members of both genders will supersede an organization or club's recommendation.

I do not have anything from the PTA, Foundation, or Athletic Boosters in my Google drive. Finding these documents may take time; I will have to have Cathy look in the archives. I have two documents for the music boosters; the most recent update to their bylaws for this year, and the bylaws they had last year. I cannot find any documents for years previous to last year.

Please let me know if you have any questions.

Mark

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Mokena School District 159

