

School Board

Exhibit - Board Treatment of Closed Meeting Verbatim Recordings and Minutes

The following procedures govern the verbatim audio recordings and minutes of School Board meetings that are closed to the public.

Actor	Action
<i>Before any Board meeting:</i> Superintendent or designee	Arranges to have an audio recording device with adequate storage capacity and a back-up audio recording device in the Board meeting room during every Board meeting regardless of whether a closed meeting is scheduled. ¹ The Board may close a portion of a public meeting without prior notice; it cannot, however, have a closed meeting unless it can record the session.
<i>Before a closed meeting:</i> Board President or presiding officer (#3 and #4 may be delegated to the Board Secretary or Recording Secretary)	On the closed meeting date: (1) convenes an open meeting, (2) requests a motion to adjourn into closed meeting making sure the reason for the meeting is identified in the motion, (3) takes a roll call vote, (4) ensures that the minutes record the vote of each member present and the reason for the closed meeting with a citation to the specific exception contained in the Open Meetings Act (OMA) authorizing the closed meeting (5 ILCS 120/2a), and (5) adjourns the open meeting.
<i>Before a closed meeting:</i> Superintendent or Board Secretary ²	Immediately before a closed meeting, tests and activates the audio recording device.

The footnotes should be removed before the material is used.

¹ A verbatim record of all closed meetings in the form of an audio or video recording must be kept. 5 ILCS 120/2.06. A verbatim recording may be through *audio* or *video* technology. [The IASB Sample policy 2:220, School Board Meeting Procedure](#), and [this sample](#) exhibit use *audio* on the basis that audio is generally more accessible than video *for* recording. In addition, producing an audio recording is generally less challenging and less expensive than producing a video. A board that uses a video recording should amend this exhibit and sample policy 2:220, *School Board Meeting Procedure*.

² This responsibility may be given to anyone. The interests of continuity, efficiency, and ease of holding someone accountable suggest that the superintendent be made responsible for making and storing the verbatim recordings and managing board member requests for later access to them pursuant to 5 ILCS 120/2.06(e). If the superintendent is not present in closed session (e.g., during discussions concerning the superintendent's performance as part of an evaluation in his or her absence) the task should be given to the board secretary. A board may also want to discuss renting a safety deposit box at a local financial institution that only the board president and secretary have access to for placement of audio recordings concerning the superintendent's performance as part of an evaluation in the superintendent's absence. [If such recordings are maintained electronically, the board may want to discuss limiting access to the digital files so that only the board president and secretary can access them.](#) See f/n 5 below for a discussion of board member access to the verbatim recordings pursuant to 5 ILCS 120/2.06-(e). However, consult the board attorney about the logistics of managing a storage location away from the district's administrative offices in light of 5 ILCS 120/2.06(e). This law added another purpose for access to verbatim recordings - allowing board members to listen to them without board approval.

See f/n 4 for a discussion about the logistics of access to these recordings, including the intent of the *in the presence of* language.

Actor	Action
<i>During a closed meeting:</i> Board President or presiding officer	Convenes the closed meeting stating: Seeing a quorum of the <u>School Board of Education</u> gathered today, <u>—[state the date]</u>, at <u>[state the time]—o’clock</u>, at <u> </u> location, for the purpose of holding a closed meeting in order to confidentially discuss <u> </u>, I call the meeting to order. <u>In order to</u> record who is present, I request that each individual state his or her name and position with the District, <u>and whether you are in person or participating remotely by audio or video conference</u>. (Note: This script is an example.) Limits discussion to the topics that were included in the motion to go into a closed meeting. The failure to immediately call a person out-of-order who strays from the purposes included in the motion may result in an appearance of acquiescence. -This responsibility to call a person out-of-order falls on each Board member in the event of the President’s failure.³ Once the closed meeting is finished, announces a return to an open meeting or adjournment, and states the time.
<i>After a closed meeting:</i> Superintendent, Recording Secretary, or Board Secretary⁴	For Verbatim Recordings: Takes possession of the <u>audio</u> recording of the closed meeting and labels it with identification information, specifically the date and items discussed. Adds the identification information contained on the <u>audio</u> recording’s label to a cumulative list of closed meeting recordings. As soon as possible, puts the recording of the closed meeting in the previously identified secure location for storing recordings of closed meetings.

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³ A violation of the Open Meetings Act is a Class C misdemeanor (5 ILCS 120/4) punishable by a fine of up to \$1,500 and imprisonment for up to 30 days (730 ILCS 5/5-4.5-65).

⁴ See the discussion in f/n 2, above. While the responsibilities for the *preparation and storage* of verbatim recordings and closed session minutes may be delegated to anyone, 5 ILCS 120/2.06(e) requires certain individuals to be present when seated board members request access to these items, which in these instances will not allow delegation by the superintendent, recording secretary, or board secretary (as discussed in f/n 2, above) in the context of supervising access to closed session minutes and verbatim recordings only. Delegation is appropriate in all other circumstances. Access to these items no longer requires board approval and must be provided in the public body’s main office or official storage location, *in the presence of*:

- a. A records secretary,
- b. An administrative official of the board, or
- c. Any elected board member.

See f/n 27 of sample policy 2:220, School Board Meeting Procedure, for an at-length discussion about the intent of and challenges with the *in the presence of* language.

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Actor	Action
	Upon request of a Board member: ⁵ 1. Provides access to the verbatim recordings <u>s minutes</u> at a reasonable time and place without disrupting District operations; 2. Supervises the access to the <u>closed-session minutes verbatim recording</u> or delegates it to one of the following individuals in the District: a. The Recording Secretary, b. The Superintendent or designated administrator, or c. Any elected Board member; and 3. Logs the access to the recordings in <u>exhibit 2:220-E7, Access to Closed Meeting Minutes and Verbatim Recordings</u>. For Closed Meeting Minutes: Prepares written closed meeting minutes that include: ⁶ • The date, time, and place of the closed meeting • The Board members present and absent • A summary of discussion on all matters proposed or discussed • The time the closed meeting was adjourned Upon request of a Board member: ⁷ 1. Provides access to the closed session minutes at a reasonable time and place without disrupting District operations; 2. Supervises the access to the closed session minutes or delegates it to one of the following individuals in the District: a. The Recording Secretary, b. The Superintendent or designated administrator, or c. Any elected Board member; and 3. Logs the access in <u>exhibit 2:220-E7, Access to Closed Meeting Minutes and Verbatim Recordings</u>.
<i>After a closed meeting:</i> School Board	Approves the previous closed meeting minutes at the next open meeting.

The footnotes should be removed before the material is used.

⁵ 5 ILCS 120/2.06(e) allows board members to access closed meeting verbatim recordings without board approval. For more discussion, see f/n 4, above.

If the board wishes to mirror the statutory language, delete: ~~the Recording Secretary, the Superintendent or designated administrator, or any elected Board member~~ and replace with: “a records secretary, an administrative official of the public body, or any elected official of the public body.”

⁶ 5 ILCS 120/2.06 requires that minutes contain, at a minimum, the first three items listed.

⁷ See f/n 4, above.

If the board wishes to mirror the statutory language, delete: ~~the Recording Secretary, the Superintendent or designated administrator, or any elected Board member~~ and replace with: “a records secretary, an administrative official of the public body, or any elected official of the public body.”

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Actor	Action
<i>In preparation for the semi-annual review:</i> ⁸ Superintendent or designee	Every six months, prepares a recommendation concerning the continued need for confidential treatment of all of the Board's closed meeting minutes; includes this recommendation in the packet for the meeting in which the Board will conduct its semi-annual review. ⁹ This step is in preparation for the Board's meeting to decide whether the need for confidential treatment of specific closed meeting minutes continues to exist. If the Board wants to discuss closed meeting minutes in closed session, places "review of unreleased closed meeting minutes" on a closed meeting agenda. ¹⁰ Places "result of Board's review of unreleased closed meeting minutes" as an item on a subsequent open meeting agenda.
<i>In preparation for the semi-annual review:</i> Individual Board members	Before the meeting in which the Board will conduct its semi-annual review, examines the material supplied by the Superintendent. Individual Board members should consider: -(1) the Superintendent's recommendation, (2) the recommendation of the Board Attorney, (3) other Board members' opinions, (4) the minutes themselves, and/or (5) whether the minutes would be exempted from public disclosure under the Illinois Freedom of Information Act.
<i>During the semi-annual review:</i> School Board	The Board decides in open session whether: -(1) the need for confidentiality still exists as to all or part of closed meeting minutes, or (2) the minutes or portions thereof no longer require confidential treatment and are available for public inspection. The Board may have an earlier meeting in closed session to discuss the continued need for confidential treatment.
<i>After the semi-annual review:</i> Superintendent or designee	Re-labels and re-files closed meeting minutes as appropriate.
<i>Monthly:</i> Board President	Adds "destruction of closed meeting verbatim audio recording" as an agenda item to an upcoming open meeting.
<i>Monthly:</i> School Board	Approves the destruction of particular closed meeting recording(s) that are at least 18 months old and for which approved minutes of the closed meeting already exist.

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⁸ Required by 5 ILCS 120/2.06(d), ~~amended by P.A. 102-653~~. *Semi-annual* means every six months, or as soon after as is practicable, taking into account the nature and meeting schedule of the board. Id.

⁹ While not required, this is intended to assist board members during the semi-annual review of all closed meeting minutes.

¹⁰ 5 ILCS 120/2(c)(21) allows boards to discuss the confidentiality needs of closed meeting minutes in closed session.

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LEGAL REF.: 5 ILCS 120/, Open Meetings Act.

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