



**OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS**

**Lisa Madigan**  
ATTORNEY GENERAL

August 16, 2010

Oak Lawn-Hometown School District 123 Board of Education  
c/o Mr. Alan T. Sraga  
Sraga Hauser  
2215 York Road, Suite 206  
Oak Brook, IL 60523

RE: Open Meetings Act Request for Review – 2010 PAC 5963

Dear Mr. Sraga:

On February 24, 2010, the Office of the Public Access Counselor received a Request for Review regarding the Oak Lawn-Hometown School District 123 Board of Education's compliance with the Illinois Open Meetings Act in relation to actions taken by the Board at its February 22, 2010 meeting. The Request for Review questioned the propriety of the Board's vote, under its consent agenda, to close a school, to terminate its Science Center program and to dismiss staff. The Request for Review also raised questions regarding whether any improper discussions of those matters had been held outside of open meetings.

In a letter dated March 5, 2010, we asked the Board to respond to the concerns raised in the Request for Review. In particular, we asked the Board to advise whether these matters had ever been discussed by the Board outside of an open meeting, and also to explain the Board's basis for determining that the vote on those matters satisfied the requirements of the Open Meetings Act for taking final action.

The District's attorney responded on behalf of the Board explaining that the Board had not discussed the closings or terminations outside of an open meeting or a meeting that was properly closed in accordance with the requirements of the Act. The Board noted that it did, at its February 22, 2010, meeting, hold a closed meeting discussion which included, among other things, discussion of the dismissal of certain teachers and staff and the reassignment of teachers who had been assigned to the school that the Board later voted to close. The Board explained, and the meeting minutes indicate, that the meeting was closed pursuant to Sections 2(c)(1) and 2(c)(2) of the Open Meetings Act. Section 2(c)(1) allows a public body to hold a closed meeting to discuss "appointment, employment, compensation, discipline, performance, or dismissal of specific employees." 5 ILCS 120/2(c)(1). Section 2(c)(2) allows a public body to hold a closed meeting to discuss "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).

After reviewing the relevant materials, we have determined that there is no evidence indicating that the Council held improper closed meetings to discuss the matters in question. The Open Meetings Act requires that “[a]ll meetings of public bodies shall be open to the public unless excepted in subsection c and held in accordance with Section 2a.” 5 ILCS 120/2(a). The Act defines a meeting as “any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussion public business.” 5 ILCS 120/1.02. No evidence has been presented to indicate that any such gathering took place.

Similarly, there is no evidence to support a finding that the Board’s February 22, 2010 closed meeting discussion was not properly limited to the scope of the cited exceptions. The Board has indicated that it did discuss teacher dismissals and staff reassignments during that closed session. The Board has also explained, and the minutes reflect, that those discussions revolved around the employment status of specific employees. Such closed meeting discussions of the employment and dismissal of specifically identified employees is permitted by Section 2(c)(1) of the Open Meetings Act.

Further, we conclude that the Board did not violate the Open Meetings Act by acting upon the closure of Brandt School, the closure of the Science Center program and staff reductions in its Consent Agenda. The Board has explained that the measures to be considered under the Consent Agenda were specifically listed in its meeting agenda, which was available to the public prior to and at the meeting. The meeting minutes also indicate that the proposals were presented by the Superintendent and that there was significant public comment on those proposals before the Board’s vote. In the context of the meeting as a whole, the Board’s approval of these items as part of its Consent Agenda was sufficiently “preceded by a public recital of the nature of the matter being considered and other information [to] inform the public of the business being conducted.” 5 ILCS 120/2(e). Although the votes on the closures and the staff dismissals were not preceded by separate motions, it appears that sufficient information was made available to inform members of the public of the nature of those matters being considered within the Consent Agenda.

In summary, the materials presented do not support a finding that the Oak Lawn-Hometown School District 123 Board of Education engaged in improper discussions of the matters at issue outside of open meetings, or that the Board failed to follow the proper procedures in taking final action on those matters at its February 22, 2010 meeting. The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. If you have any questions, please feel free to contact me at (217) 785-7438. This letter will serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By: 

Amanda M. Lundeen  
Assistant Public Access Counselor