



# GLENBARD TOWNSHIP HIGH SCHOOL DISTRICT #87

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## POLICY COMMITTEE MEETING MINUTES

### GLENBARD DISTRICT 87 ADMIN. CENTER

Monday, December 14, 2020

The Policy Committee held its monthly meeting via a Zoom Web Conference on Monday, December 14, 2020. The meeting was called to order at 5:31 p.m.

#### In attendance:

Cindy Christiansen, Committee Member  
Jennifer Jendras, Board Member  
John Kenwood, Board Member  
Richard Mazzolini, Committee Member  
Martha Mueller, Board Member  
Josh Chambers, Asst. Superintendent  
for Human Resources

David Hennessey, GEA Representative  
Patris Haxhiaj, Student Liaison  
Grace Chambers, Student Liaison  
J. Todd Faulkner, Board Attorney  
Diana Flint, Recording Secretary

Quorum requirements were met and the meeting was able to proceed.

#### Approval of Minutes

The minutes of the Policy Committee meeting for November 9, 2020 were reviewed.

Action: Motion made to accept, seconded, and carried.

#### Public Participation

Chambers welcomed the individuals who requested the link to attend the virtual committee meeting and explained the guidelines for public participation. A roll call was performed by the recording secretary to see if any audience member would like to speak. All members of the community audience advised that they were only there to observe and listen. Grace Daigel, of Glen Ellyn, asked permission to video record the session after public participation was over. Faulkner advised this was permissible.

#### Items for Discussion

1. Policy 4:180, *Pandemic Preparedness; Management; and Recovery*

Chambers advised that at the last policy meeting, the committee had approved several policies to proceed to the Board with one of them being 4:180 *Pandemic Preparedness, Management, and Recovery*. There was discussion at the Board level and after clarification from the Board's attorney who is in attendance, Todd Faulkner, it was decided to bring 4:180 back to this Policy Committee meeting. It was returned in order to discuss potential changes in language to the

policy so that the district can put together a resolution to have the Board vote on the plan that the district is currently using for its remote and blended remote pandemic response. The agenda packet had the version currently before the Board, a copy of the attorney's initial draft revision, and one with final input from committee members. At this time, Chambers turned the meeting over to Faulkner to talk about some of the changes proposed.

Faulkner stated that after considering questions, comments, and suggestions from the Board meeting; additional discussion with Chambers; and comments and questions received from Policy Committee members, he took another approach to the policy to try to address those questions and concerns. It was substantially shortened from two pages to about a half a page with the substance of the policy contained in the third and fourth paragraphs. The third paragraph addresses the responsibilities of the Superintendent in developing the policy and implementing it. The last or fourth paragraph clearly provides for the Board's approval of the plan and identifies essentially eight different elements that need to be addressed. If the Policy Committee is comfortable with what has been presented and what is discussed tonight during this meeting, it could be presented to the Board at tonight's meeting and approved. Then in January, in accordance with policy, the Superintendent would present the pandemic plan for action by the Board. The policy generally sets the stage for the plan, and the action by the Board come January would formally approve the plan. All Board members would have an opportunity at that time to see the substance of the whole plan, make comments, and ultimately vote. At this point we are trying to simplify the policy to be more process oriented versus substantive oriented. This makes the policy more generic to apply to the future should we have another pandemic or should we continue with CoVid into the next school year.

Jendras stated that there have been a lot of revisions to the policy and in her discussions with other Board members on the Policy Committee it would be preferred to go back to the original language issued by P.R.E.S.S. with the addition of the sentence that the attorney inserted which stated the initial plan shall be approved by the Board; with a new insertion that the Board would also approve any modifications made to the plan in the future. Jendras advised that what we want to convey to the public is what the Board's role is in the pandemic plan. We discussed this could be a lot of voting and that it could be difficult to pivot, but we cannot seem to agree or be comfortable with any definitions found for "substantive" or "interim." In that absence, we would feel more comfortable with always voting.

Discussion took place on the mark-up from the November 9 meeting where the committee had to choose one of two paragraphs, as well as the requirement that the Board vote on the plan. Clarification was provided that the version in the packet labeled "second reading 12/14/20" was the one approved by the committee with only the word "new" removed. It reads "When the Governor declares a disaster due to a public health emergency pursuant to 20 ILCS 3305/7, and the State Superintendent of Education declares a requirement for the District to use Remote Learning Days or Blended Remote Learning Days, the Superintendent shall approve and present to the Board for adoption a Remote and/or Blended Remote Learning Day Plan" which basically says that there needs to be a vote by the Board. Jendras stated she wanted to ensure there was no language containing the terminology "substantive" or "interim." Further discussion took place on the topic of when a Governor declares a disaster. The committee was advised that the attorney's version addresses the concern.

The question was raised: if there was an issue in the language in the version marked “final recommendation by the attorney?” It’s a nice, clean, simple to read version. At this point, it was determined that Jendras had been referencing a previous attorney version.

Kenwood stated he had concerns with the third paragraph, item (2). Verbiage noted as “such as” should be stricken and insert “including.” He would also like it to tie back to the exhibit which clarifies teams at both the building and district level.

Kenwood then made recommendations for revisions to the Exhibit. Discussion took place on GEA involvement and ensuring teachers at the forefront are also selected -- not just looking from a contractual perspective and being represented by an officer. Parent involvement was also stressed at both the building and district level. In addition, Kenwood stated he had no issue that the Board President would choose someone to be on the Pandemic Planning Team, but it should be written “and communicates to the Board who is on the team.” Kenwood shared his interpretation of the exhibit is that the charge is actually reversed -- it starts at the district level and then goes down to the building level to be tailored. Kenwood deferred to Faulkner for his legal opinion.

Faulkner stated that the changes to item (2) of the policy are doable, although he wanted to clarify for the rest of the group that the exhibit being referenced was 4:180-E1. Under the District Pandemic Planning Team it states that the Board members are selected by the Board President which puts it at risk of being a Board committee under the Open Meetings Act (OMA). He suggested that the two Board members be chosen by the Superintendent, but done so in consultation with the Board President and notice provided to the Board on who those members will be. That would leave the group as a Superintendent’s committee and takes it out of risk of the requirements under the OMA. This could be important because this committee may have to meet quickly and frequently. Ultimately, the community would know what the Board is doing and there is ample opportunity for the Board to give input on the plan because of how the policy is written.

Question was posed if it were only two Board members would it still be subject to the OMA. Clarification - Not necessarily, but if it becomes a Board committee, even if it is not a majority, it becomes subject to the OMA. In other words, if the Board President selects the members it opens the door. The question was asked if it were also true it would be restricted to only two board members? Faulkner advised that if other board members intended to go to one of the meetings, the safest way to approach it would be to post the meeting. The other option, which is riskier, would be if another Board member planned to attend the meeting, they have to sit separate from the Pandemic Planning Team and cannot participate or comment so a majority or quorum is not inferred. There is a process to follow or you call an emergency Board meeting.

Terminology such as “substantive,” “interim,” and “exigent circumstance” was again debated. It was suggested to take paragraph three, item (1) out of the policy. Faulkner stated that what the lead in says is that the plan includes provisions for modifications by the Superintendent to meet exigent circumstances. That does not preclude the plan from providing that the Superintendent has to come to the Board for approval. That is where you address the question of the

Superintendent's authority. This does not give the Superintendent the authority in this policy; it simply says the plan is going to address this issue. Concern was raised that a pandemic was a "big deal" and that things make sense for the future -- we should get alignment among Board members and staff on how we proceed in everything we do. Faulkner stated that nothing he is recommending to the committee prevents that from happening or requires a different result. This requires the Board when the plan is developed, and when the Board approves the plan, to address that question in the plan or in the Board's action to approve the plan. This does not give the Superintendent the authority by itself to make decisions in exigent circumstances. It does require the issue of exigent circumstances to be addressed on whether it will give that authority or to make it clearly defined. A suggestion was made to insert additional verbiage at the end of item (1) preceded by a comma: "modifications to meet these circumstances, *if necessary*."

Clarification was asked if paragraph four's statement, "The Plan shall be approved by the Board." would mean that all eight of these items had to be approved by the Board? Faulkner replied yes. Clarification was asked on item (7) "enforcement of the plan" -- what does that mean? The plan would make it clear that the Superintendent has the power to enforce the plan so a staff member or student who did not follow the plan could have disciplinary action (wearing a mask and social distancing). Suggestion was made to change verbiage to "enforce the plan requirements."

Chambers asked Kenwood if he was okay with the changes being made on the Exhibit regarding committee structure and the last sentence; and if he was okay with this policy which would then cause the district to vote on the plan which encompasses these eight elements for a resolution in January. Kenwood reiterated his suggested changes and recapped that the policy states to "learn and understand" the roles of the State and Federal agencies, but that the district is not under any obligation and gives us local control; it specifies the forming of a team and their roles; it requires Board approval of the plan and now any subsequent modifications by the Board. Jendras stated that the main two issues she felt were not readily conveyed before are now covered in the policy. Clarification was asked if the word "shall" signifies "must" in the sentence -- "The Plan, and/or the Board's action approving the Plan, shall include provisions for," The question was raised on whether verbiage should be changed to the Plan and the Provisions of the plan "shall" be approved by the Board. Faulkner stated both are implied and confirmed "shall" is interpreted that all eight important items must be included.

Chambers asked Faulkner: based on this conversation tonight, can we make these changes so that when the Board votes on the policy packet before it currently, they may approve your final version with John's latest recommendations as well as those to the Exhibit? Or do we need to pull those off the Board agenda and address all these changes on January 11? Faulkner advised he could make the changes to the policy and have it submitted tonight by 7:30 to Chambers and Jendras via email. The 4:80-E1 revisions could just be described to the Board.

Faulkner was asked to revise within the policy:

- third paragraph, item (2) "such as" should be stricken and insert "including" and tie the sentence back to the exhibit
- fourth paragraph, item (1) "modifications to meet these circumstances, as necessary" and item (7) change verbiage to "enforcement of the plan requirements."

