

**MINUTES OF SPECIAL MEETING,
BOARD OF EDUCATION, SCHOOL
DISTRICT #225, COOK COUNTY,
ILLINOIS, FEBRUARY 21, 2000**

A special meeting of the Board of Education, School District No. 225 was held on Monday, February 21, 2000, at approximately 7:30 p.m. at the Glenbrook High Schools Administration Building pursuant to due notice of all members and the public.

The president called the meeting to order and announced the reasons for the special meeting of the Board of Education. Upon calling of the roll, the following members answered present: Beyne, Lerner, Long, Rogal, Seymour, Shact. Absent: Olson. Also present: Hales, Lacivita.

RECOGNITION OF COMMUNITY VISITORS FOR COMMENTS LIMITED TO TOPICS ON THIS AGENDA

No member of the audience requested to address the board.

DISCUSSION REGARDING TEACHER EXCHANGE PROGRAM FOR 2000-2001 SCHOOL YEAR

Board Members were asked if they had questions regarding the teacher exchange program.

Mr. Seymour stated that he understands there is no additional cost to the district to participate in the Spanish teacher exchange program.

Dr. Hales said that is true.

MOTION TO APPROVE TEACHER EXCHANGE PROGRAM FOR 2000-2001 SCHOOL YEAR

Motion by Mr. Shact, seconded by Mrs. Long, to approve participation in the Spanish teacher exchange program for 2000-2001 school year as described in Dr. Hales' memorandum dated February 17, 2000.

Upon calling of the roll:

aye: Lerner, Long, Rogal, Seymour, Shact, Beyne

nay: none

Motion carried.

Note: See attached agenda item #3

**DISCUSSION REGARDING OPERATING BUDGET BUILDING PROJECTS FOR
2000-2001**

Mrs. Rogal stated there have been no changes to the operating budget building projects for 2000-2001 since the last board meeting. There were no questions.

MOTION TO APPROVE OPERATING BUDGET BUILDING PROJECTS FOR 2000-2001

Motion by Mrs. Beyne, seconded by Mr. Shact, to approve the operating budget building projects for 2000-2001 as contained in Dr. Schilling's memorandum dated February 21, 2000.

Upon calling of the roll:

aye: Long, Rogal, Seymour, Shact, Beyne, Lerner

nay: none

Motion carried.

Note: See attached agenda item #4

**DISCUSSION REGARDING THE USE OF HEARING OFFICERS FOR DISCIPLINARY
CASES**

Dr. Hales would like the board to consider using a hearing officer in lieu of the board hearing every disciplinary case. Dr. Hales introduced Rick Neuman who has served as a hearing officer for the Niles board. Mr. Neuman provided redacted copies of some of his findings so the board would have an idea of the information he provides. Dr. Hales stated if the board decides to use an impartial hearing officer, the hearing officer's function would be to hear the case to determine whether in fact there is a violation and submit the findings of fact to the board. Dr. Hales stated that some board members were uncomfortable with the fact that the parents may not have an opportunity to address the board. Dr. Hales stated that at Niles parents are given a few minutes before the board if they so choose to make any statements before the board makes a determination. That is one issue we discussed before and one Dr. Hales would like the board to consider.

Dr. Hales stated the second issue he would like the board to consider is a waiver of the hearing itself. Dr. Hales said his previous district used waivers very successfully. Other neighboring districts use waivers, but some use them differently than the administration is proposing. For example, one district's waiver involves the withdrawal of the student from school, with the understanding that that student would not reenroll for the length of the recommended expulsion. Dr. Hales said there were no services provided and the relationship between the school district and the student and the family was severed. That has not been our philosophy. Dr. Hales stated with the waiver provision we are proposing, the parents and student would meet with school officials and have the opportunity to waive their right to a hearing and accept an alternative educational placement and the recommendations of the Multi-Disciplinary Committee. Should they do that, they can start receiving services immediately. That is one benefit. The other benefit is they are working directly with the people that are the closest to them; the school officials. The third benefit is they don't have the emotionalism and anxiety of a hearing in front of the board or a hearing examiner. The fourth benefit is that in most cases these situations are pretty clear-cut. There will be some students and parents that will contest the charges against them and they will go to a hearing. In 75% to 90% of the cases the evidence is so strong that the administration believes the parents would opt for the waiver in lieu of an expulsion. It is the perception of this expulsion that the administration would see as a benefit to the parents. Parents are concerned about having an expulsion on their student's record. Even though the expulsion is not on their record and expulsion will be recommended, this moves a student immediately to an alternative placement without a hearing before the board or a hearing examiner. The school district maintains full leverage over the student because if the student doesn't comply the expulsion is invoked.

Mrs. Rogal asked Mr. Neuman if he bills on an hourly basis or on a flat hearing basis.

Mr. Neuman stated that he bills on an hourly basis.

Mrs. Rogal asked how many hours are involved per hearing.

Mr. Neuman stated it depends. When an attorney is representing the student and there are a number of witnesses it could take three hours for a hearing and a couple hours or more to write the report. If there aren't any disputes it could take an hour.

Mrs. Rogal asked if a court reporter is present.

Mr. Neuman stated he generally uses a tape recorder. If the student wants a court reporter, they can request one. Mr. Neuman said that he believes there is case law that suggests that due process might be best served with a court reporter present, but he doesn't think the law requires one if the hearing officer's report is sufficiently comprehensive and factual, that serves due process so that the reviewing court can review what actually happened.

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Mrs. Beyne stated the most compelling reason for going this route is that she believes it is a process that is far easier for the parents and the family. She believes it is sometimes emotionally difficult for families to have to go before seven strangers for a disciplinary hearing. She said that a waiver would make the process more tenable for the families involved.

Mrs. Beyne asked if the waiver language presented was standard language used by schools in the State of Illinois or if this was drafted specifically for our purposes.

Dr. Hales stated the waiver is a modification of the waiver used at his previous district in Ft. Wayne.

Mr. Lerner stated he has a problem philosophically with hearing officers. He believes the waiver circumvents the district's zero tolerance policy because by allowing a student the right to elect not to go forward with a hearing and accept an alternative education, there is no finding that he has ever violated the zero tolerance policy. The way our zero tolerance policy is established now, if you violate it you are expelled. This is a way to circumvent the policy. Mr. Lerner stated he believes it is OK to have a waiver waiving the right to a hearing and admitting to a violation of policy, but then there should be some type of penalty phase to the waiver. This should be used to eliminate the guilt phase of the hearing, not to eliminate the policy, which it could be used for. Mr. Lerner stated that he does not support the waiver.

Mr. Shact asked Lawri Weiner, Esq. if Mr. Lerner's assessment of the waiver is correct, that it circumvents the zero tolerance policy.

Mr. Weiner stated the waiver can be drafted any way we want. If we wanted to put in an acknowledgement of the violation of this school district's zero tolerance policy; that could be done. Mr. Weiner said that most school districts will allow a student to voluntarily withdraw from school and be transferred to an alternative school without this kind of policy. Mr. Weiner thought this was an excellent idea because a lot of the students admit guilt and are willing to accept whatever punishment the board will impose. In many districts, they counsel students out and transfer them to an alternative program.

Mr. Lerner stated that is not the underlying purpose of our policy. Mr. Lerner stated our policy is formulated and enforced for a reason.

Dr. Hales stated they struggled with the wording of the waiver. There are two ways that we can go with it. They went this way which doesn't speak to the expulsion. What we would probably have is the multi-disciplinary committee acknowledging there is a violation, recommending an expulsion and allowing the expulsion to be waived with the alternative placement and the following of the recommendations. It would be absolutely clear that the policy was violated, that the expulsion was recommended because if the student doesn't comply, that's what kicks in. We can make the waiver very clear that the students are not only accepting guilt, but they are accepting the expulsion.

Mr. Lerner stated the philosophy when he ran for the board was zero tolerance. The whole theory of zero tolerance revolved around expulsion because that is what made it self-enforcing.

Mr. Shact stated not all board members agreed.

Mr. Lerner stated the majority agreed. Mr. Lerner said he understands, but now they are talking about changing the policy. He said the waiver says if you agree you get an alternative education, it doesn't affect your record, and you have in effect circumvented the policy.

Dr. Hales stated the waiver can be worded to say we are waiving the hearing and accept the expulsion.

Mr. Seymour stated the issue of having parents come before the board and having them feel as if they are in front of seven strangers is not really an issue. The people Mr. Seymour has spoken with after a hearing said that they felt as if they were treated very fairly by their neighbors and fellow parents that live within the district. Mr. Seymour stated when he saw the waiver, the first thing he thought of was how many kids would have just signed off and blown out of here knowing that they were caught red-handed. Mr. Seymour said he is not in favor of the waiver as presented. Mr. Seymour stated the expulsion is the driving tool to make sure there is some teeth in our policy. Mr. Seymour stated he is not in favor of changing the policy, nor the process. Mr. Seymour acknowledged that these hearings take time, but he believes that the board protects the students of this district.

Dr. Hales stated that he understands Mr. Seymour's point. Dr. Hales stated that the board's time could be put to better use than serving as judge and jury in discipline issues. Dr. Hales said we should consider some alternatives to that.

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Mrs. Beyne stated she and Mr. Seymour are in agreement as to the tenor of compassion exhibited by this board. However, Mrs. Beyne has spoken with parents who have been through an expulsion hearing and told how painful it was and how they would never want to go through that again. They would prefer to deal with one person rather than seven and sign a waiver and begin the recovery process. Mrs. Beyne likes the idea of a waiver as long as it doesn't denude the policy. She is a firm believer in zero tolerance; we have it to keep our schools safe. Mrs. Beyne is in favor of a hearing officer for those who do not sign the waiver.

Mr. Lerner stated it is OK to have a waiver that admits guilt and waives the right to a hearing. Mr. Lerner said there should still be a punishment phase to determine the appropriate punishment. Mr. Lerner agreed with Mr. Seymour that every student will waive the hearing if they know they will receive an alternative education and they are not expelled. Now you have to decide if you are going to do that in exchange of the policy or in support of the policy.

Mr. Weiner stated the policy has to be supported.

Mr. Lerner said that the teeth behind the policy is that you're out if you get caught.

Dr. Hales stated that is what they intend to do.

Mr. Lerner disagreed. The waiver says if you get caught you will receive an alternative education.

Mrs. Long said that the majority of the parents are not contesting their child's guilt. If the waiver can be reworded so that the policy is not circumvented, then she could see the waiver as being beneficial to not having the first part and proceed to the discipline phase. Mrs. Long was asked for her opinion on the hearing officer. She stated it would depend on how we do it.

Dr. Hales asked what would make Mrs. Long comfortable.

Mrs. Long stated she would not want to discourage people from appearing before the board if they choose to. We should let them know consciously that they have the opportunity to a hearing and encourage them to come. If that could be done, she could support having a hearing officer.

Mr. Shact said he is in favor of the waiver. Mr. Shact thinks the way the board has executed the policy is good. He stated that the most important aspect of the program is to remove these students from the school environment, providing an alternative form of education, and not rewarding them for their behavior. Mr. Shact stated he is in favor of the hearing examiner.

Mrs. Rogal stated she agrees with Mr. Lerner that the waiver needs to include acknowledging a violation of the policy. Mrs. Rogal said the hearing officer is phase one and the waiver is waiving phase one. Mrs. Rogal stated when you offer a waiver the numbers will drop tremendously and the need for the hearing officer would also drop if that is the way the board proceeds. Mrs. Rogal doesn't see where we gain much with the hearing officer. We will probably gain more with the waiver. Since we have to conduct phase two anyways, she doesn't know that it is something she wants to go to the hearing officer for. Mrs. Rogal would like to first see what happens with the waiver. She would like to go with the waiver for phase one and if someone doesn't want to sign the waiver, they come in front of the board.

Dr. Hales stated that the waiver will be revised to incorporate the language that the zero tolerance policy has been violated, waiving the hearing for the guilty phase and bringing it to the board for a final determination. Dr. Hales stated there is nothing in board policy that would prevent the board from using a hearing officer or implementing a waiver.

Mrs. Rogal asked board members if they are in favor of the hearing officer. Mrs. Rogal polled the board and 2 out of 6 board members are in favor of the hearing officer.

Dr. Hales said he will put something together for the board's consideration.

Note: See attached agenda item #5

MOTION TO MOVE INTO CLOSED SESSION

Motion by Mrs. Beyne, seconded by Mr. Shact, to move into closed session at approximately 8:30 p.m. to consider the appointment, employment, compensation, discipline, performance, or dismissal of specific employees; and collective negotiating matters (Sections 2 (c) (1) and (2) of the Open Meetings Act).

Upon calling of the roll:

aye: Long, Rogal, Seymour, Shact, Beyne, Lerner

nay: none

Motion carried.

The Board returned to open session at approximately 9:25 p.m.

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**ACTION REGARDING APPOINTMENT, EMPLOYMENT, COMPENSATION, DISCIPLINE,
PERFORMANCE OR DISMISSAL OF SPECIFIC EMPLOYEES**

Motion by Mrs. Beyne, seconded by Mr. Shact, to suspend Employee 1-2000 without pay.

Upon calling of the roll:

aye: Seymour, Shact, Beyne, Lerner, Long, Rogal

nay: none

Motion carried.

ADJOURNMENT

Motion by Mrs. Beyne, seconded by Mr. Shact, to adjourn the meeting at approximately 9:30 p.m.

Upon call for a vote on the motion, all present voted aye.*

Motion carried.

* Means Beyne, Lerner, Long, Rogal, Seymour, and Shact all voted aye.

CERTIFIED TO BE CORRECT:

PRESIDENT - BOARD OF EDUCATION

SECRETARY - BOARD OF EDUCATION

NEXT REGULAR MEETING: FEBRUARY 28, 2000 Glenbrook Admin. Building
7:30 P.M. 1835 Landwehr Road
Glenview, Illinois