

Received October 5, 2012



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

Lisa Madigan
ATTORNEY GENERAL

October 3, 2012

**The Honorable Betty Owens, Board President
Rich Township High School District #227 Board of Education
20000 Governors Drive
Olympia Fields, Illinois 60461**

**Dr. Donna Simpson Leak, Superintendent
Rich Township High School District #227
20000 Governors Drive
Olympia Fields, Illinois 60461**

RE: OMA Request for Review — 2012 PAC 21560

Dear Ms. Owens and Dr. Leak:

The Public Access Bureau has received the enclosed Request for Review concerning the Rich Township High School District #227 Board of Education (Board) from Mr. Eugene F. Broyls Sr. Among other issues, Mr. Broyls' Request for Review alleges that Ms. Owens continues to interfere with or block certain citizens' and Board members' attempts to address the Board. Additionally, Mr. Broyls asserts that at its September 18, 2012, meeting, the Board passed a "Board Agreement" that Mr. Broyls alleges "denies the full school board and the community its parliamentary and constitutional rights to equal participation, transparency, and accountability of government bodies."

We have determined that further inquiry is warranted with regard to this matter. 5 ILCS 120/3.5(b) (West 2011 Supp.). In the form of a written response, please respond to these allegations as raised in Mr. Broyls' Request for Review. Your response should include a copy of or a detailed explanation of the "Board Agreement" referenced in Mr. Broyls' correspondence. You are required to submit this written response to our office within seven (7) working days after your receipt of this correspondence. 5 ILCS 120/3.5(b) (West 2010). As we conduct our review, we will advise you if we require additional information. If you believe that other information would help us as we review this matter, you may submit an additional response or additional records or affidavits with the requested information. 5 ILCS 120/3.5(c) (West 2010).

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Please note that under OMA, we are required to forward a copy of any response from a public body to the requester and provide the requester with an opportunity to reply (5 ILCS 120/3.5(c) (West 2010)). OMA provides, however, that "Records that are obtained by the Public Access Counselor from a public body for purposes of addressing a request for review under this Section 3.5 may not be disclosed to the public, including the requester, by the Public Access Counselor. Those records, while in the possession of the Public Access Counselor, shall be exempt from disclosure by the Public Access Counselor under the Freedom of Information Act." 5 ILCS 120/3.5(g) (West 2010). Please note that OMA also provides that "upon request, the public body may also furnish the Public Access Counselor with a redacted copy of the answer excluding specific references to any matters at issue. The Public Access Counselor shall forward a copy of the answer or redacted answer, if furnished, to the person submitting the request for review. (5 ILCS 120/3.5(c) (West 2010)). If your response contains information or documents you believe are confidential, please provide us with an additional copy of your response with any confidential information or documents redacted. Please contact me at (312) 793-0865 if you have questions or would like to discuss this matter. Thank you.

Should you have further questions, you may contact me at (312) 793-0865.

Very truly yours,

SARA GADOLA GALLAGHER
Assistant Attorney General
Public Access Bureau

Enclosure

cc: Mr. Eugene Broyles Sr. (will receive letter only)
3432 Ithaca Road
Olympia Fields, Illinois 60461

Request sent to Attorney General's Office on September 23, 2012 for all members of the 227 School District to operate all meetings regarding the rules and policies of the Illinois Open Meetings' Act



September 23, 2012

Office of the Public Access Counselor
Attorney General for the State of Illinois
500 South Second Street
Springfield, Illinois 62706

Re: Repeated Violations of the Open Meetings Act by Rich Township School District 227

Dear Sir or Madam:

We were directed to your office by the Executive Director of Center of Open Government at Kent College. We are requesting the legal assistance of your office to assist us in our repeatedly unsuccessful efforts to improve transparency and accountability and for the controlling members of School District 227 to comply with the laws of the Open Meetings Act.

In a letter from, Attorney Natalie Brouwer Potts, Executive Director, Center for Open Government at Chicago-Kent College of Law Illinois Institute of Technology, urged the School District to comply with the State's Open Meeting Act and Freedom of Information Act laws, the state School Code and the Rich Township High School District 227 Board Policy Book [1] generally. District 227's violations of the Open Meeting Act are specified in the (enclosed) copy of Attorney Potts letter dated February 21, 2012. The specified board members have continued, to be in violations of this Act, to this date.

The public has repeatedly requested that the Board, specifically Mrs. Owens and Mrs. Norwood, comply with the rules and they have blatantly ignored and denied these rights.

On Tuesday, June 21, 2011 a concerned resident attended the District 227 Board meeting, and described it as being run like a "fascist concentration camp". She further stated that, "The hierarchy of the board rule and control with an iron fist allowing only being said what they want to hear. If it pleases them, it's fine. If it displeases them the president gavel you to an instant halt not even allowing one to finish a sentence.

The rudeness, the arrogance, the disrespect and disdain that are shown (to) members of the community are intolerable.

New board members don't seem to be given time to review proposals that were discussed before they came on board. A new member asked that a very important expenditure be tabled until the new members could review the plans, the bids, and the decisions that had been made. To any reasonable person, such a parliamentary movement would have been granted; but not this board that runs rough shod over the newer members and the community.

There is nothing democratic about this manipulation and domineering fiasco."

On September 21, 2012, School Board Member David Morgan reported that, “Although the community was given four minutes to make a point, Betty Owens, sets her own gag rules in open session against anyone who has a different viewpoint, and told Dr. Morgan that he could have only two minutes to get his point across. Dr. Morgan went on to state, “While the school board policy states that community members have four minutes to speak at open forums, Betty Owens has set her own policy where targeted board members can speak for only two minutes, while her cronies can speak as long as they wish. She abuses community members who cannot think in the same fashion. Of course, the school board majority will always vote against a forensic audit for fear of uncovering more corruption that has robbed our children of a decent education.”

School Board Member, Mrs. Cheryl Coleman, addressed School Board 227’s violations of the Open Government issues, as did Dr. Morgan, but unlike the board majority, responded with both gag rules and interruptions from the school board chair. The Center for Open Government at Chicago's Kent College of Law has urged the school board boss to comply with the State's Open Meeting Act, FOIA laws, Robert's Rules of Order, the right of every board member to speak equally in open session on agenda items, to stop trying to strip targeted board members to serve as elected officials and citizens right to speak who don't agree with her failed and corrupt "policies", and Freedom of Information Act laws. Meanwhile, the school board majority has buttoned down in implementing further illegal actions by passing a so-called "Board Agreement" last night (September 18, 2012) that denies the full school board and the community its parliamentary and constitutional rights to equal participation, transparency, and accountability of government bodies.

After the vote, Betty Owens then argued that "Board Agreements" supersede these rights.”

Attorney Potts from the Open Government stated in her letter that “The Attorney General's Public Access Counselor's office “has jurisdiction over open government issues”, and may be required to intercede if the legal violations at issue do not cease. Accordingly, we strongly recommend that the School District review its legal obligations and remedy these matters.”

The majority of the Rich 227’s High School students are performing at low levels on the PSAE test, the majority of the High School students are receiving a sub standard education, and presently, 227 High School Staff members have been reportedly, in two separate incidents, involved in immoral behavior. Because the majority of those individuals who have now controlled the School Board for over 10 years, have refused to comply with the law and have disrespected the rights of the students and people, we now request that your office assist us in our efforts to resolve this matter.

Sincerely yours,

Eugene f. Broyles Sr
President

Cc: File

Encl: February 21, 2012 Kent College Center for Open Government

Chicago Kent College of Law letter received † from richthscoalition.org