

February 21, 2012

Dr. Donna Simpson Leak, Superintendent  
Mrs. Betty Owens, Board President  
Rich Township High School District 227  
20000 Governors Drive Olympia Fields, IL 60461

Re: Open Government Issues Regarding School District 227

Dear Superintendent Leak and Board President Owens:

This letter is on behalf of Rich Township High School District 227 ("School District") School Board members Cheryl Coleman and Dr. David E. Morgan by the Center for Open Government at the Chicago-Kent College of Law ("Center"). The Center advises and represents individuals in litigation who seek legal assistance in their efforts to improve transparency and accountability of government bodies. In addition, the Center regularly examines open government issues with respect to public bodies, including school districts, in Illinois. Mrs. Coleman and Dr. Morgan have asked the Center for assistance with the matters described below. Based on the Center's review, there are serious legal issues that must be remedied by the School District.

The Center for Open Government urges the School District to comply with the state 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 and with regards to School Board members Dr. Morgan and Mrs. Coleman. Please allow me to explain with specifics:

School Board members must be permitted to timely obtain copies of closed session transcripts. Members of the public generally cannot do so, but it is a legal requirement that School Board members are entitled to these materials.

School Board members must have full opportunity to place items on the Agenda for meetings. An inconsistent, unreliable process for placing items on the Agenda subverts the law.

School Board members must be able to speak as board members in open session. This is an especially troublesome issue in the School District, confirmed by the Center's investigation and reported on by the local media. Mrs. Coleman and Dr. Morgan -and all board members may not be silenced with a banging gavel when they have the right to speak. No board member should speak twice on the same issue or a motion until all board members have spoken once. This means taking turns (Robert's Rules of Parliamentary Procedure). Besides being bad public policy, it strips board members of their right to serve as elected officials in open sessions.

No School Board member should be required to submit a Freedom of Information Act ("FOIA") for any school-related records. Dr. Morgan has reported that he has been forced to resort to FOIA requests for information he needs to do his job. This is not legal and undermines his role as an elected official.

Since the School District has established public comment for open session meetings (as nearly all public bodies in Illinois have also done), the process is protected by the First Amendment of the U.S. Constitution. No one should be prevented from finishing a comment within the allocated time so long as he or she is not posing a verifiable threat to anyone. Our reports indicate some commenters are inappropriately shut down during public comment. This exposes the School District to a First Amendment lawsuit.

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. Your School District should be in the news for the high quality of education provided to students in

Rich Township High School District 227, not losing a costly lawsuit, low PSAE scores and open government violations.

Thank you for your prompt attention to this matter. If you have any questions, please contact me at (312) 906-5047 or via email at [npotts@kentlaw.edu](mailto:npotts@kentlaw.edu).

Sincerely,

Atty. Natalie Brouwer Potts  
Executive Director, Center for Open Government  
Chicago-Kent College of Law  
Illinois Institute of Technology

cc: Dr. David E. Morgan (via electronic mail) Mrs. Cheryl Coleman (via electronic mail) Rich Township High School District 227 Board Policy Book sets forth specific requirements in Section 2 that govern many of the issues described therein.