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**OFFICE OF THE ASSISTANT SUPERINTENDENT FOR EDUCATIONAL SERVICES**

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TO: Mike Riggle  
FROM: Barb Dill-Varga  
RE: Semi-Annual Review of Verbatim Recordings and Minutes from Closed Sessions  
DATE: December 2, 2008  
CC: Board of Education

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It is now time for us to conduct our semi-annual review of verbatim recordings and minutes from closed session.

You will recall that effective January 1, 2004, Public Act 93-523 went into effect requiring all school boards to keep a verbatim record (either audio or video) of their closed meetings. We have always audio taped our open sessions, but in order to meet this requirement, effective January 1, 2004 we started the new practice of audio taping the closed sessions of our board meetings, as well.

At our first semi-annual review, we discussed the fact **that the Board will need to make two decisions:**

- 1) After a **semi-annual review** of the summary of the topics discussed on these tapes, they will need to decide if those tapes should remain confidential, and
- 2) The board will need to **decide if it is okay to destroy** the audiotapes *eighteen months after their creation*. Please note that we will always have a copy on file of the written, approved minutes of the closed session meetings for reference, if necessary.

It is now time for the Board to conduct its semi-annual review.

### **A Few Reminders About The Semi-Annual Review of Tapes Regarding Confidentiality**

The law stipulates that the Board of Education must conduct at least a semi-annual review of the closed session meeting minutes, as well as the verbatim recordings, to determine if they should remain confidential. However, neither a board nor its members must listen to the closed session meeting recordings during the semi-annual review. A review of the summary of the topics discussed during those meetings will suffice.

In making these decisions, it is important to remember that closed session meeting verbatim recordings must remain confidential if disclosure would violate state or federal privacy requirements or confidentiality requirements. What follows is just a partial list of details in closed session meeting recordings that should not be disclosed: (1) a named student, (2) an employee's or applicant's personnel file and personal information, (3) school security plans, and (4) communications between the board and an attorney.

In order to facilitate this review process, we have been tracking and summarizing the topics that have been discussed in the closed session of each board meeting. *Attached is a copy for your review.*

The semi-annual review conducted at this December 8, 2008 board meeting will be to review a written summary of the content topics of minutes and recordings from June 26, 2008 through November 10, 2008. **After reviewing the summary of our verbatim recordings and minutes of all closed session meetings I recommend that that the board approve keeping all of the verbatim recordings and minutes confidential.**

### **A Few Reminders About The Destruction of Audiotape Recordings**

Additionally school boards may decide to *destroy* the verbatim recordings of their closed session meetings under certain conditions. Written minutes, however, may never be destroyed. Closed session meeting recordings may be destroyed after (1) eighteen months have passed since they were created, (2) the board formally approves the destruction of the particular recording, and (3) minutes of the particular closed session have been approved. The attached document provides a schedule for disposal of all tapes up for review. **After reviewing the summary of our verbatim recordings of all closed session meetings that have occurred since June 26, 2008 through November 10, 2008, I recommend that that the board approves a recommendation for the destruction of these verbatim recordings once all three of the above conditions have been met.** If the board approves this motion, we will destroy individual tapes eighteen months after the making of each tape.

## Closed Session Tapes - Record 2007- 2008

Board Meeting Date	Topics Discussed	People Present During Closed Session	Biannual Review Date
06.26.08	To consider the appointment, employment, compensation, discipline performance, or dismissal of specific employees, 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, student disciplinary cases and litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, other matters relating to an individual student, namely a determination of a student's residency within the district (Section 2 (c) (1), (2), (9), (10) and (11) of the Open Meetings Act).	Berzon, Boron, Hammer, Shein Taub, Torf, Dill-Varga and Riggle	12.10.08
07.07.08	To consider the appointment, employment, compensation, discipline performance, or dismissal of specific employees, 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, student disciplinary cases and litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, other matters relating to an individual student, namely a determination of a student's residency within the district (Section 2 (c) (1), (2), (9), (10) and (11) of the Open Meetings Act).	Berzon, Boron, Hammer, Shein Taub, Torf, Dill-Varga and Riggle	12.10.08
07.21.08	To consider the appointment, employment, compensation, discipline performance, or dismissal of specific employees, 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, student disciplinary cases and litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, other matters relating to an individual student, namely a determination of a student's residency within the district (Section 2 (c) (1), (2), (9), (10) and (11) of the Open Meetings Act).	Berzon, Boron, Jeffery, Hammer, Shein Taub, Torf, Dill-Varga and Riggle	12.10.08

## Closed Session Tapes - Record 2007- 2008

Board Meeting Date	Topics Discussed	People Present During Closed Session	Biannual Review Date
08.11.08	To consider the appointment, employment, compensation, discipline performance, or dismissal of specific employees, 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, student disciplinary cases and litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, other matters relating to an individual student, namely a determination of a student's residency within the district (Section 2 (c) (1), (2), (9), (10) and (11) of the Open Meetings Act).	Berzon, Boron, Jeffery, Hammer, Shein Taub, Torf, Dill-Varga and Riggle	12.10.08
09.08.08	N/A		
09.22.08	To consider the appointment, employment, compensation, discipline performance, or dismissal of specific employees, 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, student disciplinary cases and litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, other matters relating to an individual student, namely a determination of a student's residency within the district (Section 2 (c) (1), (2), (9), (10) and (11) of the Open Meetings Act).	Berzon, Boron, Jeffery, Hammer, Shein Taub, Torf, Dill-Varga and Riggle	12.10.08
10.27.08	To consider the appointment, employment, compensation, discipline performance, or dismissal of specific employees, 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, student disciplinary cases and litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, other matters relating to an individual student, namely a determination of a student's residency within the district. The purchase or lease of real property for the use of the public body. (Section 2 (c) (1), (2), (5), (9), (10) and (11) of the Open Meetings Act).	Berzon, Boron, Hammer, Shein, Taub, Torf, Dill-Varga, Riggle, Schilling and Helander-Heiser.	12.10.08

## Closed Session Tapes - Record 2007- 2008

Board Meeting Date	Topics Discussed	People Present During Closed Session	Biannual Review Date
11.10.08	To consider the appointment, employment, compensation, discipline performance, or dismissal of specific employees, 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, student disciplinary cases and litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, other matters relating to an individual student, namely a determination of a student's residency within the district (Section 2 (c) (1), (2), (9), (10) and (11) of the Open Meetings Act).	Berzon, Boron, Hammer, Shein, Taub, Torf, Dill-Varga, Helander-Heiser, Riggle, Schilling and Wegley	12.10.08