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Community Consolidated School District 15

Joseph M. Kiszka Educational Service Center
580 North 1st Bank Drive
Palatine, IL 60067

Daniel W. Lukich, Ph.D.
Superintendent of Schools

(847) 963-3000 • Fax (847) 963-3200
www.ccsd15.net

VIA FIRST-CLASS MAIL AND E-MAIL

February 12, 2010

Jennifer Mondy
106 S. Roberts Road
Inverness, IL 60067
fcwnews@comcast.net



RE: RESPONSE TO FOIA REQUEST

Dear Ms. Mondy:

Thank you for writing to Community Consolidated School District No. 15 with your request for information pursuant to the Illinois *Freedom of Information Act* ("FOIA"), 5 ILCS 140/1 et seq.

On February 10, 2010, you requested the following documents:

All emails from and/or to CCSD15 Board of Education members in regards to an anti-nepotism policy in the months of December 2009 and January 2010. Redacted documents are acceptable.

Your request is granted in part and denied in part as follows.

Copies of all non-exempt e-mails in the District's possession are enclosed with this letter.

The District is denying your request for redacted portions of e-mails and for three e-mails and/or attachments for the following reasons: First, three confidential legal opinions were prepared by the District's attorneys for the Board of Education—an e-mail dated December 28, 2009, from Michael Loizzi to Gerald Chapman, a letter dated January 12, 2010, from Steven Richart to James Garwood, and a memorandum dated January 13, 2010, from Steven Richart and Heather Brickman to James Garwood—and were distributed as e-mails and/or e-mail attachments to Board members during the requested period. In addition, a brief summary restating the attorneys' confidential legal advice was distributed by e-mail to Board members on January 13, 2010. These materials are based on and reflect confidential communications made by Dr. Chapman and Mr. Garwood to the District's attorneys.

Please be advised that Section 7(1)(m) of FOIA exempts communications between a public body and an attorney representing the public body that would not be subject to discovery in litigation. 5 ILCS 140/7(m). Further, the attorney-client privilege shields documents from discovery in litigation, and has been stated as follows: (1) where legal advice of any kind is sought, (2) from a professional legal advisor in his capacity as such, (3) the communications relating to that purpose, (4) made in confidence, (5) by the client, (6) are permanently protected, (7) from disclosure by himself or the legal advisor, (8) except the protection be waived. *Illinois Education Association v. Illinois State Board of Education*, 204 Ill. 2d 456, 467-71 (2003). Here, the above-described legal opinions and summary are covered by the attorney-client privilege, and, thus, are exempt under FOIA Section 7(1)(m).

February 12, 2010

Page 2 of 2

Jennifer Mondy
106 S. Roberts Road
Inverness, IL 60067
jcwnews@comcast.net

Further, the personal e-mail addresses of Board members have been redacted from certain e-mails, since these are specifically defined as "private information" under FOIA and are exempt. See 5 ILCS 140/2(c)(5) & 7(1)(b).

As the District's FOI Officer, I am responsible for the District's response to your request. If I have misunderstood your request in any way, please clarify your request in writing to me.

You have a right to have the denial of your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

You also have the right to seek judicial review of your denial by filing a lawsuit in the Circuit Court of Cook County. 5 ILCS 140/11.

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

Sincerely,



James Garwood
Assistant Superintendent for Administrative Services
CCSD 15 FOIA Officer

(847) 963-3208
garwoodj@ccsd15.net

cc: Board President

Due 2/17/10

February 10, 2010

Dr. Daniel Lukich
District 15 Superintendent
Kiszka Educational Service Center
580 North 1st Drive
Palatine, Illinois 60067

RECEIVED

FEB 10 2010

Per JB 4:30 ym

Dear Dr. Lukich:

Pursuant to the Illinois *Freedom of Information Act* ("FOIA"), 5 ILCS 140/1 et seq. , I am requesting copies of the following public records:

All emails from and/or to CCSD15 Board of Education members in regards to an anti-nepotism policy in the months of December 2009 and January 2010. Redacted documents are acceptable.

If you have any questions, please do not hesitate to contact me via email.

Sincerely,

Jennifer Mondy
106 S. Roberts Road
Inverness, Illinois 60067
fcwnews@comcast.net

From: Sue Quinn [REDACTED]
To: "Daniel Lukich" <LukichD@cesd15.net>; "Tim Millar BOE" <millart@cesd15.net>; "James Ekeberg BOE" <ekebergJ@cesd15.net>; "Jerry Chapman BOE" <chapmanG@cesd15.net>; "Peggy Babcock" [REDACTED]; "Sue Quinn BOE" <quinns@cesd15.net>; "Rich Bokor" <BokorR@cesd15.net>; "Mark Bloom" <BloomM@cesd15.net>; "Peggy Babcock" <babcockm@cesd15.net>
Date: Sat 26 Dec 2009 07:22:04 PM -0600
Cc:
Subject: Anti-Nepotism Policy

Dr. Lukich and Fellow Board Members,

Back in May 2009, I requested that the Board consider the addition of an anti-nepotism policy (see Board Minutes 5/5/2009):

From the Official Minutes:

Dr. Quinn requested the board review Board of Education Policy: 2:80 Board of Education-Board Member Ethics, to consider the addition of an anti-nepotism component to the policy. Consensus was to have the above ethics policy reviewed by the policy committee and brought back to a future Board of Education meeting.

The consensus of the board was to have the policy committee bring back consideration of an anti-nepotism policy. Although 8 months have elapsed, this has not occurred. Meanwhile, I understand that Ann Bokor has taken a position as substitute assistant principal at Jane Addams. I have not seen this appointment come across in the personnel report and assume that this hiring decision has not been approved by the board.

I would like to see a draft of an anti-nepotism policy at our January board meeting.

Regards,

Sue Quinn

Sue Quinn

District 15 Board of Education

quinns@ccsd15.net

From: chapmanga@ccsd15.net
To: "Tim Millar" <MillarT@ccsd15.net> "Susan Quinn" <QuinnS@ccsd15.net> "Margaret Babcock" <BabcockM@ccsd15.net> "Mark Bloom" <BloomM@ccsd15.net> "Richard Bokor" <BokorR@ccsd15.net> "James Ekeberg" <EkebergJ@ccsd15.net> "Daniel Lukich" <LukichD@ccsd15.net> [REDACTED]
Date: Sun 27 Dec 2009 08:29:56 AM -0600
Cc:
Subject: Nepotism Policy

Sue,

I recall the discussion about the nepotism policy, and, while I agree that the consensus of the board was to refer the policy issue to the policy committee, no specific direction was given to the committee as to specific language and/or time line. In my recollection, there was no consensus that the a policy change was needed.

While you can request tha the policy be placed on the January agenda, it is beyond your authority as a board member to demand a revision of the policy. That direction would have to be from the board as a whole.

As for me, I would prefer a discussion and status report from the policy committee.

Jerry Chapman

>>> "Sue Quinn" [REDACTED]
12/26/09 7:22 PM >>>
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this has not occurred. Meanwhile, I understand that Ann Bokor has taken a

position as substitute assistant principal at Jane Addams. I have not seen

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Regards,

Sue Quinn

Sue Quinn

District 15 Board of Education

quinns@ccsd15.net

From: Sue Quinn [REDACTED]
To: "'Gerald Chapman"' <chapmang@ccsd15.net> "'Margaret Babcock"'
BabcockM@ccsd15.net> "'Mark Bloom"' <BloomM@ccsd15.net> "'Richard Bokor"'
BokorR@ccsd15.net> "'James Ekeberg"' <EkebergJ@ccsd15.net> "'Daniel Lukich"'
<LukichD@ccsd15.net> "'Tim Millar"' <MillarT@ccsd15.net> "'Susan Quinn"'
<QuinnS@ccsd15.net> [REDACTED]
Date: Tue 05 Jan 2010 07:27:01 AM -0600
Cc:
Subject: RE: Nepotism Policy

Dr. Lukich,
Please add a discussion of an anti-nepotism policy to the January BOE meeting agenda.
Regards,
Sue

-----Original Message-----

From: Gerald Chapman [mailto:chapmang@ccsd15.net]
Sent: Sunday, December 27, 2009 8:30 AM
To: Margaret Babcock; Mark Bloom; Richard Bokor; James Ekeberg; Daniel Lukich; Tim Millar; Susan Quinn; [REDACTED]
Subject: Nepotism Policy

Sue,

I recall the discussion about the nepotism policy, and, while I agree that the consensus of the board was to refer the policy issue to the policy committee, no specific direction was given to the committee as to specific language and/or time line. In my recollection, there was no consensus that the a policy change was needed.

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Regards,

Sue Quinn

Sue Quinn

District 15 Board of Education

quinn@sced15.net

From: LukichD@ccsd15.net
To: "Tim Millar" <MillarT@ccsd15.net> "Susan Quinn" <QuinnS@ccsd15.net> "Margaret Babcock" <BabcockM@ccsd15.net> "Mark Bloom" <BloomM@ccsd15.net> "Richard Bokor" <BokorR@ccsd15.net> "Gerald Chapman" <ChapmanG@ccsd15.net> "James Ekeberg" <EkebergJ@ccsd15.net> [REDACTED]
Date: Tue 05 Jan 2010 09:00:20 AM -0600
Cc: "June Becker" <BeckerJ@ccsd15.net> "Jim Garwood" <GarwoodJ@ccsd15.net>
Subject: Re: Nepotism Policy

Sue,
 I have discussed with Gerry, and will place on agenda under board discussion your request for nepotism policy.
 Dan

-----Original Message-----
From: "Sue Quinn" [REDACTED]
To: Millar, Tim <MillarT@ccsd15.net>
 To: Quinn, Susan <QuinnS@ccsd15.net>
 To: Babcock, Margaret <BabcockM@ccsd15.net>
 To: Bloom, Mark <BloomM@ccsd15.net>
 To: Bokor, Richard <BokorR@ccsd15.net>
 To: Chapman, Gerald <ChapmanG@ccsd15.net>
 To: Ekeberg, James <EkebergJ@ccsd15.net>
 To: Lukich, Daniel <LukichD@ccsd15.net>
 To: [REDACTED]

Sent: 1/5/2010 7:27:01 AM
 Subject: RE: Nepotism Policy

Dr. Lukich,
 Please add a discussion of an anti-nepotism policy to the January BOE meeting agenda.
 Regards,
 Sue

-----Original Message-----
From: Gerald Chapman [mailto:chapmang@ccsd15.net]
Sent: Sunday, December 27, 2009 8:30 AM
To: Margaret Babcock; Mark Bloom; Richard Bokor; James Ekeberg; Daniel Lukich; Tim Millar; Susan Quinn; [REDACTED]
Subject: Nepotism Policy

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Jerry Chapman

>>> "Sue Quinn" [REDACTED]
12/26/09 7:22 PM >>>
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Regards,

Sue Quinn

Sue Quinn

District 15 Board of Education

quinns@ccsd15.net

From: [REDACTED]
To: Gerald Chapman <chapmang@ccsd15.net>
Date: Thu 14 Jan 2010 08:25:19 PM -0600
Cc:
Subject: Re: Issues-Questions

Thank you for your quick response

Jack

----- Original Message -----

From: "Gerald Chapman" <chapmang@ccsd15.net>
To: [REDACTED]
Sent: Thursday, January 14, 2010 6:51:04 PM GMT -06:00 US/Canada Central
Subject: Re: Issues-Questions

Jack,

I will try to address your questions. But please understand that I can only respond as an individual and not on behalf of the school board.

I do not disagree with respect to the need for a union for bus drivers. However, Illinois laws are "union friendly" in the sense that the formation of unions is at the discretion of the employees and employers have no say. Also, under state law, both parties -- the school board and union members -- have to agree, through collective bargaining, on issues such as salary and benefits. The district hired an attorney who did the bargaining on behalf of the school board.

This year we do not have a budget deficit, and I will do my best to avoid deficit spending in the future. These decisions will be made by the full school board when the district's annual budgets are adopted.

The decisions about recess are made at each school, because of the differences in sizes of lunch rooms and playground areas. Principals, in conjunction with their staffs, make decisions that are best for their students. The board has asked the administration to evaluate the recess issues by the end of this school year.

The school district has ethics policies, which include nepotism provisions, in place that prevent board members from having any role in recommending employment. The Human Rights Act also must be followed when hiring decisions are made by the administration. The goal is to hire the best person for each position without discrimination. The district's attorney has reviewed our policies and recommended no change.

I hope this is helpful.

Gerald Chapman

>>> [REDACTED] 01/14/10 6:23 PM >>>

Gerald - I thought I could ask you and receive a fair response. Could you please help me understand why the board voted for these issues. Why do we need to give Bus Drivers a Union and a pay raise. State laws protect people and I don't feel the union is necessary for school bus drivers. With budget deficits why are we paying for this increase?

What is the logic of the board voting the way you did for the recess policy? It seems inconsistent.

There should be a Nepotism policy in place. Most companies have a Nepotism policy in place? What is the logic behind this.

I appreciate you taking time to help me understand the logic of this board.

Sincerely ,

Jack Setnan

[REDACTED] and Palatine Tax Payer

Bus Driver's New Union Contract Approved

Recess Policy across the District

Anti-Nepotism Policy

From: "RICHARD bokor" [REDACTED]
To: Gerald Chapman <chapmang@ccsd15.net>
Date: Sun 27 Dec 2009 12:30:15 PM -0600
Cc:
Subject: RE: Nepotism Policy

What the hell is going on? If Ann is brought into this, I will be very upset. She has been acting as a substitute assisstant principal for seven years. Rich bokor

-----Original Message-----

From: Gerald Chapman <chapmang@ccsd15.net>
Sent: Sunday, December 27, 2009 9:29 AM
To: Margaret Babcock <BabcockM@ccsd15.net>; Mark Bloom <BloomM@ccsd15.net>; Richard Bokor <BokorR@ccsd15.net>; James Ekeberg <EkebergJ@ccsd15.net>; Daniel Lukich <LukichD@ccsd15.net>; Tim Millar <MillarT@ccsd15.net>; Susan Quinn <QuinnS@ccsd15.net>; [REDACTED]
Subject: Nepotism Policy

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Jerry Chapman

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12/26/09 7:22 PM >>>
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I would like to see a draft of an anti-nepotism policy at our January board meeting.

Regards,

Sue Quinn

Sue Quinn

District 15 Board of Education

quinnss@ccsd15.net

From: beckerj@cesd15.net
To: "Tim Millar" <MillarT@cesd15.net> "Susan Quinn" <QuinnS@cesd15.net> "Margaret Babcock" <BabcockM@cesd15.net> "Mark Bloom" <BloomM@cesd15.net> "Richard Bokor" <BokorR@cesd15.net> "Gerald Chapman" <ChapmanG@cesd15.net> "James Ekeberg" <EkebergJ@cesd15.net>
Date: Wed 13 Jan 2010 03:21:05 PM -0600
Cc:
Subject: Fwd: Nepotism Policy Discussion

• Garwood 1-12-10 opinion letter.pdf (44 kb) Garwood 1-13-10 supplemental nepotism memorandum.pdf (20 kb)

Good Afternoon,
 Please see references below related to Agenda Item No. 10-109 Anti-Nepotism Policy Discussion for tonight's meeting. Hard copies will be available on the board table prior to 6 pm.
 Thank you,
 June
 June Becker
 Board of Education Secretary
 Senior Executive Assistant
 CCSD 15
 580 North 1st Bank Drive
 Palatine, IL 60067
 Phone: 847-963-3208
 Fax: 847-963-3200

>>> Daniel Lukich 1/13/2010 3:03 PM >>>
 Thank you for the update from our attorneys. Since this relates to a board discussion item, I will have June forward to members immediately and will ask June to bring hard copies of the entire packet for 600 PM.
 Dan Lukich

----- Original Message -----
From: Jim Garwood
To: Lukich, Daniel <LukichD@cesd15.net>
Sent: 1/13/2010 1:52:37 PM
Subject: Nepotism Policy Discussion

>>> Daniel Lukich 1/13/2010 3:11 PM >>>
 Daniel W. Lukich, Ph.D.
 Superintendent of Schools

Community Consolidated School District 15
580 N. 1st Bank Drive
Palatine, IL 60067
Ph: 847-963-3205
F: 847-963-3200

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>>> Jim Garwood 1/13/2010 1:52 PM >>>

Dr. Lukich,

At the end of last week, as I was preparing relevant information for the board's discussion of nepotism policies in general as well as how our current policy has been administered in light of our temporary employment of Ann Bokor as the assistant principal of Jane Addams School, I asked our attorneys for a legal opinion. Late Tuesday afternoon, HLERK attorney Steven Richart emailed me the attached opinion statement (1st attachment) on the administration's employment of Ann Bokor in light of current district policies. [REDACTED]

[REDACTED]

At the end of yesterday, I spoke with Steven Richart to clarify some points in the opinion letter, I then asked if he could provide the district with guidance as to [REDACTED]

[REDACTED] This afternoon he sent a supplementary memorandum (second attachment) offering their legal advice in response to my request. [REDACTED]

[REDACTED] I apologize for not being able to have these documents prepared in time for inclusion of the board packet on Friday.

James Garwood
Assistant Superintendent for Administrative Services
Community Consolidated School District 15
580 N. First Bank Drive
Palatine, IL 60067
Phone: 847-963-3202
Fax: 847-963-3200

