

# **Handbook of Model Rules of Procedure for Meetings**

**for Chicago Local School Councils**

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# Chapter 1

## INTRODUCTION

The Chicago Lawyers' Committee for Civil Rights Under Law is pleased to provide you with this Handbook of Model Rules of Procedure for Meetings.

### **Why Have Rules for Running a Local School Council Meeting?**

Rules of procedure, or parliamentary procedures, help people get things done in meetings. They also help ensure that all participants are treated fairly and have a chance to be heard. The best rules of procedure for a specific type of meeting are rules that have been tailored to that type of meeting. This Handbook gives a set of model rules of procedure that have been tailored to Local School Councils of the Chicago Public Schools. It was developed because of the many requests The Chicago Lawyers' Committee has received from LSC members for such guidance.

### **What Is in this Handbook?**

Chapters 2 through 5 contain the model rules. Chapter 2 gives the rules for running a meeting. Chapter 3 gives the specific rules for taking action on specific agenda items at an LSC meeting. Chapters 4 and 5 discuss specific types of motions that members of the LSC use to take action at a meeting. Chapters 6 through 9 and Appendices A through E contain other useful information related to the rules and motions in the earlier chapters. The descriptions of motions set forth in this handbook are generally consistent with those set out in Robert's Rules of Order and in *The Link*, published by the Chicago Public Schools.

### **How Can You Use this Handbook?**

This Handbook can be used in a number of ways. One way is to keep it nearby as a helpful tool in running your meetings. Another way is to have your LSC actually use the model rules in this Handbook to run its meetings. This can be done by informally deciding to abide by these rules, or by formally adopting these rules as the LSC's rules of procedure.

Either way you should check your LSC's bylaws before using these model rules. Those by-laws may already establish a set of rules of order according to which you must run your LSC meetings. If so (or if the bylaws do not specify any rules of procedure and you want to make the model rules in this Handbook part of your LSC's bylaws), then you must amend your bylaws before using these model rules to run your LSC meetings. Use the procedures in your LSC's bylaws to amend them.

If you adopt the rules in this Handbook, you may change some, but not all, of them. Some of the rules are dictated by laws that apply to LSCs. Those are the rules that cannot be changed. Before you make any changes you should consult an attorney to make sure the changes you want to make do not affect rules dictated by law.

If you use these rules, try to apply them with common sense. Although the examples of wording in this handbook can be used if you wish, any words that express your thoughts clearly are just as good. Too strict adherence to any set of rules of order (except rules required by law) can make things harder, not easier.

### **Why not adopt Robert's Rules of Order instead of these rules?**

As stated above, rules of procedure help people get things done in meetings and the best rules of procedure for a specific type of meeting are rules that have been tailored to that type of meeting. This Handbook gives a set of model rules of procedure that have been tailored for meetings of the Local School Councils of the Chicago Public Schools.

Robert's Rules are much longer and more complicated than are needed for the context of LSC meetings. Also, they are not tailored to the LSC setting and do not necessarily conform to the laws that govern LSCs.

You are of course free to rely solely on Robert's Rules of Order if you wish.

## Chapter 2

### MODEL RULES FOR RUNNING AN LSC MEETING

#### 2.1. The Role of the Chair of the LSC.

##### A. *Who Is the Chair?*

The Chair must be a parent representative.

If the Chair is not present, then the meeting should be run by the Vice-chair, an acting Chair or the person specified in the bylaws of the LSC. If the bylaws of the LSC designate a means of deciding which member of the LSC is to chair a meeting when the Chair is not present, then the LSC should follow the rules set by the bylaws. In that case, the person designated by the bylaws presides at the meeting.

If the bylaws of the LSC do not specify a person, then the meeting will be run by the Vice-chair if the LSC has designated a Vice-chair. If LSC also has not designated a Vice-chair, then the LSC's first order of business at the meeting should be to appoint an acting Chair just for that meeting. The motion to appoint an acting Chair is discussed in detail in Section 4.10 of Chapter 4. An acting Chair, for purposes of running an LSC meeting, may be any member of the LSC.

##### B. *What Does the Chair do?*

The Chair runs the LSC meeting. The Chair:

- (i) starts the meeting.
- (ii) manages the meeting. The Chair brings items up from the agenda. The Chair controls the discussion and handling of the items on the agenda.
- (iii) decides questions about the LSC's rules of order. The other members of the LSC can overrule the Chair's decisions by using the motion described in Section 5.9 of Chapter 5.
- (iv) may stop and re-direct discussion of something when the Chair decides that the discussion has moved too far off point.

The LSC's by-laws probably contain at least a general statement of the role of the Chair.

*C. There Are Limits on What the Chair Can do.*

The Chair's role is to help the meeting run smoothly and the LSC get things done. The Chair does not have the power to:

- (i) make decisions for the LSC.
- (ii) do anything on its own that requires an LSC vote.

That means that the Chair, on its own, cannot authorize, sign or approve anything that requires an LSC vote.

The Chair's powers are subject to the LSC's bylaws, the applicable rules of order, and all applicable laws. By using certain motions, as described in Chapter 5, the other members of the LSC can challenge the Chair's rulings. Also, the Chair must follow the agenda for that LSC meeting.

## **2.2. The Role of the Secretary of the LSC.**

*A. Who is the Secretary?*

Each LSC must have a Secretary. Any member of the LSC may be the Secretary. The LSC's bylaws usually establish how a secretary is appointed and what the Secretary's role is.

If the Secretary is not present at a meeting, then the members at the meeting should appoint an acting Secretary. The motion to appoint an acting Secretary is discussed in detail in Section 4.11 of Chapter 4. An acting Secretary may be any member of the LSC.

*B. What Does the Secretary do?*

In general, the secretary:

- (i) takes attendance at the meetings;
- (ii) is responsible for the minutes of the meetings, as described below;
- (iii) is responsible for having the agenda posted in a timely manner before each meeting;
- (iv) provides copies of minutes (and other materials relevant to the next meeting) to members before each meeting; and
- (v) does the other jobs that the LSC (and/or the LSC's by-laws) allocate to the secretary.

### C. *What Are the Minutes of an LSC Meeting?*

The minutes are a record of each LSC meeting. The LSC must keep written records (minutes) of all of its meetings. The Secretary is responsible for the minutes of the meeting. The Secretary should take notes of the meeting during the meeting. After the meeting, the Secretary should type the notes into a written document.

The minutes should include, at a minimum, the following information about each LSC meeting:

- (i) the date, time and place of the meeting;
- (ii) the names of the LSC members who were present and the fact that these members were present;
- (iii) the names of the LSC members who were absent and the fact that these members were absent;
- (iv) a summary of the meeting, including an indication of all items that were discussed, and the results of all votes that were taken (including on what issue, and the number of members in favor, opposed, and abstaining).

The minutes should not include details of discussions and individual statements, unless a member specifically requests certain details and/or individual statements be included.

## **2.3. The Role of the Members of the LSC.**

### A. *Who Are the Members?*

The Illinois School Code establishes who the members of an LSC are. In general, the members are either (a) elected or appointed to the LSC, or (b) made members by virtue of their other positions. An elementary school LSC has 11 members. A high school LSC has 12 members. The members are: the principal, six parents, two community residents, two teachers and, for high school LSCs only, one student. There are certain restrictions on who qualifies for these positions. There are also rules as to how these members are chosen or elected.

Chapter 9 has references to additional sources (such the reference in Section 9.2 of Chapter 9 to [The Link](#)) for more information on these points.

Each LSC's by-laws establish positions that members of the LSC may hold. At a minimum, these positions include the Chair and the Secretary.

*B. What Do the Members Do?*

In general, the members, acting together, do everything that the LSC has the power to do. The members meet to take action on the items that need or require LSC attention. During the meetings, for example, the members discuss items, vote on matters before the LSC, listen to reports, listen to public comments, and set the agendas for the LSC's meetings. The members may challenge the Chair's decisions on how to run the meeting.

There are many publications that explain in detail what the LSC and the members of the LSC are responsible for. See Chapters 8 and 9 for lists of additional sources of information.

This Handbook gives a set of model rules that an LSC can use to help its members run their LSC meetings and take care of the LSC's business in an efficient and productive manner.

## **2.4. The Agenda for Each LSC Meeting.**

*A. What Is the Agenda and What Is In the Agenda?*

Each regular and special LSC meeting must have an agenda, which is a written outline of the order of business to be conducted at the meeting. The agenda must be developed in advance of each LSC meeting. Usually the agenda will follow a standard outline for the LSC's business. Chapter 7 has an example of an agenda for an LSC meeting. An actual LSC agenda may omit some items or provide more detail on others or add new items.

The LSC members can designate a member (or a committee, or a staff person) who is responsible for developing the agenda for each meeting, but all members should have the right to put items on the agenda. Whoever is selected to develop the agenda must give a copy to the secretary for posting.

The agenda for a special meeting is set by the Chair or the four members who called the special meeting. The difference between a regular and a special meeting is discussed in the next section of this Chapter.

One agenda item at each regular LSC meeting should be the approval, by vote, of the typed minutes of the last meeting. Prior to the vote to approve (and, even better, prior to the meeting), each member of the LSC should have tried their best to have reviewed the minutes so that members do not have to spend time at the meeting reviewing the minutes before they can vote to approve the minutes. If there are mistakes, the LSC should fix the minutes before approving them. See Section 4.9.

### *B. An Agenda Must be Posted Before Each Meeting.*

In order to hold a meeting, the LSC must post an agenda at least forty-eight (48) hours before the meeting that sets out the items for discussion as well as the date, time and location of the meeting.

The Illinois Open Meetings Act (the AOMA<sup>®</sup>) sets specific rules that require the agenda for each meeting to be posted in advance of each meeting. This covers all meetings of an LSC at which a quorum of members are present. The OMA also applies to other LSC-related meetings, such as the LSC's committee meetings and informal LSC meetings if LSC business is discussed. See Appendix E (a copy of the Open Meetings Act).

### *C. When Can the Agenda Be Changed at a Meeting?*

The LSC can change the posted agenda for a regular meeting at any time during the meeting.

An LSC can only change the posted agenda for a special meeting during that special meeting if the LSC is adding an item for discussion, but the members may not vote on any agenda item that was not on the posted agenda. The members may discuss any matter at a special meeting, but the members may act only on items that were on the posted agenda.

## **2.5. Types of LSC Meetings.**

### *A. Regular Meetings.*

The LSC must set a time, date and location for its regular meetings. These must be held at a place that is convenient and open to the public. Frequently, these meetings are held in a meeting room at the school.

### *B. Special Meetings.*

A special meeting is any meeting other than a regular meeting. Special meetings are also sometimes called **emergency meetings** or **called meetings**.

## **2.6. Control of Public Comments.**

The LSC may establish a policy that sets a limited period of time for public discussion. In fact, it may be a good idea for the LSC to do this. Other than the public comment period of an LSC meeting, there are other ways for the public to make comments. For instance, the LSC can establish a suggestion box; LSC members can take phone calls; the LSC can take written comments from the public; and the LSC can have committees that can hold meetings where the public can make comments.

If the LSC has not established a public comment policy, then, as part of the Chair's role in running the meeting, the Chair can place limits on the public comment part of the agenda. The Chair can give non-members a limited time to make their comments. However, the Chair should try to allow non-members approximately equal amounts of time to speak (such as two minutes each), subject to the over-all time constraints on the LSC meeting. The LSC members do not have to respond to the non-members' comments, and the Chair has the right to set time limits on responses (or rule that there will be none) by LSC members.

## **2.7. How to Start An LSC Meeting.**

### *A. Meet at the Appointed Time and Place.*

The members of the LSC should meet at the appointed time and place for the LSC meeting.

### *B. Call the Meeting to Order.*

The Chair starts the meeting by calling the meeting to order. The Chair says something like: *“This meeting of the LSC will now start,”* or *“I call this LSC meeting to order,”* or *“This LSC meeting will now come to order.”* The Chair should also state the time and date at which the meeting is starting.

### *C. Call the Roll.*

The Secretary does a roll call. The roll call consists of calling each person's name who is a member of the LSC. The Secretary should note in writing which members are present and which members are absent.

### *D. Check If There Is a Quorum.*

The Chair checks if there is a quorum. The Chair should add up the number of members present to determine if there is a quorum.

A majority of the full membership of the LSC must be present at the meeting. For high school LSCs, this means that there must be at least seven (7) members present. For all other school LSCs, this means that there must be at least six (6) members present. There may be a quorum present at the beginning of a meeting, but part of the way through, enough members leave so that there is no longer a quorum. In that case, as soon as there is no quorum, the LSC cannot take any more action, such as a vote, on any items until there is again a quorum. The LSC may continue discussion without a quorum present.

Also, there may be a quorum for purposes of taking action on some agenda items, and no quorum for purposes of taking action on other agenda items. Only members who can vote can be counted for determining whether there is a quorum. So, if the principal or the student member cannot vote on an item, as discussed in Section 3.5.B. of Chapter 3, then they cannot be counted in determining whether there is a quorum for taking action on those items. Look in Appendix D for a guide to the numbers required for a quorum.

A member can be present by speaker phone if the LSC's bylaws permit it, the member can hear everybody at the meeting and everyone at the meeting can hear the member.

*E. If There Is a Quorum.*

If there is a quorum, then the meeting continues according to the rules in the next section of this Handbook.

*F. If There Is Not a Quorum.*

If there is not a quorum, the formal part of the meeting has to stop because no business can be done by the LSC without a quorum of its members. The Chair should end the meeting by saying something like: "This meeting of the LSC is ended because a quorum of the members of this LSC is not present." That is the end of the LSC meeting. If there is no quorum at the scheduled start time for a meeting, the members must wait a reasonable period of time after the scheduled start time for the meeting to allow other members to arrive.

An informal discussion may take place when there is no quorum, including public comments and a discussion regarding when the next meeting is to take place, but no voting or other action may be taken by the LSC.

## **2.8. How to Do the Business of the Meeting.**

*A. Meet at the Posted Time and Location, and Get a Quorum.*

The meeting must have started and there must be a quorum of the LSC members present for business to begin.

*B. Do the Business of the Meeting by Following the Posted Agenda.*

The business of each LSC meeting is set in the agenda posted for each meeting. The business is accomplished by the members discussing and voting on motions on each item on the agenda.

Section 2.4 of this Chapter 2 has a general discussion of issues related to the agenda. Chapter 7 has a sample agenda.

At special meetings of the LSC, the LSC cannot take action on items that are not on the agenda that was posted for that meeting. However, the LSC can discuss an item, as long as no action is taken.

The Chair should have the LSC members address the items on the LSC's agenda for that meeting from first item to last. Some items require that the LSC take action on them. For example, there may be an agenda item to approve the school improvement plan. Other items on the agenda do not require action by the LSC. For example, an agenda item may be that the LSC is to listen to someone give a report. Items can be switched if necessary, for example, to accommodate a guest speaker's schedule.

*C. The Difference Between a Motion and an Agenda Item.*

The difference between a motion and an item on the agenda is as follows. An agenda item can be very general. A motion on an agenda item is a specific action regarding that item. There can be more than one motion for any one item on the agenda.

*D. How to Take Action on an Item on the Agenda.*

For each item on the agenda, follow the rules in Section 2.9 of this Chapter 2.

*E. Items Not on the Agenda.*

It should always be part of the agenda of a regular meeting to have an item that is called something like *A new business* or *Another business*. When this item comes up, members can bring in a new issue to the meeting by passing a motion to put the new issue on the agenda for the current meeting.

## **2.9. How to Take Action on a Specific Agenda Item.**

### *A. Put the Item up for Discussion.*

The Chair should say something like "This LSC meeting will now discuss the first [or next] item on the agenda." Then the Chair should describe the agenda item.

If the agenda item requires action by the LSC, the Chair may suggest that a motion be made that reflects the will of the LSC. In some circumstances, the Chair, the Principal or an LSC committee may prepare a motion before the meeting, usually in writing, related to that agenda item.

### *B. Use Either an Open Discussion or a Controlled Discussion.*

The Chair decides whether the item should be discussed in an open discussion or a controlled discussion. The members may override the Chair's decision by passing a motion for either an open or a controlled discussion.

#### (i) Open Discussion

Basically, this is an open conversation between the members, with the members having the right to talk about and discuss the current agenda item for as long as the members want. Open discussion is the rule by which discussion of items and motions will run at the LSC meetings, unless the Chair decides to impose a controlled discussion (or a motion for a controlled discussion passes) according to the next section.

If too many members are trying to speak at once, or a member is not getting a fair chance to speak, the Chair should intervene to recognize specific speakers on an orderly basis.

#### (ii) Controlled Discussion

The Chair, or the members by a vote on a motion for controlled discussion, can decide to keep the discussion narrow by allowing only a very controlled discussion.

If controlled discussion is used, the Chair should state the rules for controlled discussion before the discussion begins. In a controlled discussion, the Chair determines the order in which members are allowed to speak and the amount of time each will have. Each member must have equal time to speak. Frequently, the person who made the motion would be allowed to speak first. Each member has a turn to discuss the motion for the specified time, for example two minutes; then each person, in the same order, can have additional specified time to make more comments; then the Chair calls a vote (or there is a motion that otherwise takes care of the item).

A controlled discussion is most useful for (a) items that are so controversial that they are best discussed in a tightly controlled format, or (b) for items that have been fully discussed before but the members want a last chance to quickly state their positions before a vote is taken.

### (iii) Other Discussion Rules

In both a controlled and an open discussion, the Chair should limit discussion to the subject matter of the item.

Discussion ends when the members pass a motion that takes action on an item in a way that addresses the item as far as the LSC wants to take it for that meeting.

## C. *Take Action on an Item.*

The LSC takes action on an item by making, debating and passing motions. Chapter 3 has more information on making, debating and passing motions. There can be more than one motion on an agenda item. The following describes the basic steps involved in making, debating and passing on a motion. Not all motions require all of these steps.

### (i) Make a Motion

At any time during discussion of an item, a member may make a motion on the item currently being discussed. Look in Chapter 3 for the rules on how to make and vote on motions. Look in Chapters 4 and 5 for what motions are allowed.

The Chair may suggest that a motion be made on an item. For instance, the Chair can say something like, "The Chair will now entertain a motion to approve the principal's evaluation," or "Is there a motion to approve the principal's evaluation?"

(ii) Chair Re-States the Motion

After a member makes a motion, the Chair should re-state what the motion is.

(iii) Seconding the Motion

If the motion requires another member to second the motion, the Chair should ask for a second. If the motion requires a second, and there is no second, then the Chair should say something like "There is no second," the motion dies, and the meeting continues as if the motion did not happen. If there is a second, or if the motion does not require a second, then the substance of the motion must be addressed immediately.

(iv) Debating the Motion

If the motion is a type of motion that allows debate, then the members should debate the motion.

(v) Voting on the Motion

If the motion is a type of motion that requires a vote, then the members vote to approve (pass) or to disapprove (fail) the motion on the item.

(vi) Announcing the Result of the Motion

The Chair should announce the result of each motion and the effect of the motion.

For example, after the LSC votes to pass a motion to table the second item on the LSC's agenda for that meeting, the Chair should say something like "The motion to table item number 2 on the agenda has passed. That item is tabled. The LSC will now discuss item number 3 on the agenda." When an item is tabled, it means that the item will no longer be addressed and the meeting will move on. An item that has been tabled can be addressed again at the same meeting only after a motion to take up that item has been passed. The motion to table is discussed in Section 5.2 of Chapter 5, and the motion to take up a tabled item is discussed in Section 5.3 of Chapter 5.

(vii) After the Motion

The Chair then starts discussion of the next item on the agenda if the motion was a final motion on the last item. Otherwise, the Chair re-starts discussion of the current item based on what happened to the most recent motion.

## **2.10. How to End the LSC Meeting.**

A motion to adjourn the meeting must be passed by the LSC. A member can make this motion at any time during a meeting. Generally, a motion to adjourn is made only after all items on the agenda for the current meeting have been addressed. Look in Section 19 of Chapter 5 for a discussion of the motion to adjourn.

## Chapter 3

### MODEL RULES FOR MAKING MOTIONS.

#### 3.1. What Are Motions?

*A. A Motion Is a Proposal for the LSC to Take Action.*

A motion is a proposal that the LSC take a particular action regarding the agenda item currently being discussed by the LSC, or on an issue related to that agenda item.

If there is an issue that is not on the agenda, then a member must first move to put the item on the agenda (and that motion must be passed) before the LSC can discuss and take action on that issue at that meeting.

At special meetings of the LSC, the LSC cannot take action on items that are not on the agenda that was posted for that meeting. The LSC can discuss an item that is not on the posted agenda at a special meeting, as long as no action is taken.

*B. Any Voting Member of the LSC Can Make a Motion.*

A motion may be made by any voting member of the LSC, even one who is not in favor of the motion. When a member makes a motion, it means that the member supports discussion about and a vote on the motion, not necessarily that the member is in favor of (or will vote to pass) the motion.

*C. No Special Wording Is Required.*

As long as the members of the LSC are clear about what is being discussed and what action the member is suggesting, these rules do not require that a member use any specific wording to make a motion.

*D. Lists of Specific Motions.*

Chapters 4 and 5 list and discuss specific motions. These chapters also give examples of each motion that is discussed.

### **3.2. How to Make and Second a Motion.**

#### *A. How to Make a Motion.*

A member makes a motion by saying something like: **AI** move to ...**@** or **AI** make a motion to ...**@**. As long as the members of the LSC are clear about what is being discussed and what action the member is suggesting, these rules do not require that a member use any specific wording to make a motion. However, the Chair can ask a member to clarify his or her motion. Also, a member can move to have a motion put in writing.

#### *B. What Happens after a Motion Is Made (And Is Seconded, If That Is Required).*

After a motion has been made, the Chair should re-state the motion so all members of the LSC understand what is the most current issue before the LSC.

Follow the rules in Chapters 4 and 5 regarding each specific motion for whether that motion requires a second, a debate and/or a vote. If a motion requires a second, the way to second is discussed below. If a motion requires a debate, the way to debate is discussed in Section 3.3 of this Chapter 3. If a motion requires a vote, the way to vote is discussed in Section 3.5 of this Chapter 3.

#### *C. How to Second a Motion.*

If a motion requires a second, another member seconds the motion by saying something like: **AI** second the motion,**@** or **Asecond.****@**

When a member seconds a motion, it means that the member supports discussion about the motion, not necessarily that the member is in favor of (or will vote to pass) the motion.

#### *D. Other Information about Motions.*

Some LSCs use a form for tracking the status of motions. See the sample form in Appendix C.

Chapters 4 and 5 contain discussions of and rules for specific motions.

### **3.3. Debating/Discussing Motions.**

#### *A. Most Motions are Debatable.*

Most motions are debatable, that is, all members have the right to state their opinion about the motions. Check in Chapters 4 and 5 for which motions are debatable and which are not.

#### *B. How to Debate a Motion.*

The debate on a motion is done in the same manner and according to the same rules as are described in Section 2.9.B. of Chapter 2.

#### *C. Non-Debatable Motions.*

A motion that is non-debatable goes straight to a vote (or whatever is next required by the rules of that motion) without discussion. The Chair should call a vote (or take, or have the LSC take, the next action required by the rules of that motion).

### **3.4. Amending Motions.**

#### *A. There is a Motion to Amend a Motion.*

A member may move to amend a motion. Look at the discussion regarding the motion to amend in Section 5.11 of Chapter 5.

#### *B. There are Limits on Amendments.*

Amendments must relate to the subject presented in the motion that is currently being discussed. The Chair makes the determination whether an amendment is sufficiently related to the subject of the motion to be allowed.

### **3.5. How to Approve (Pass) or Disapprove (Fail) a Motion.**

#### *A. How to Vote.*

Members vote on the motion. The Chair calls for the members to vote **Ayes,** or **Abstain.** The members vote by indicating **Ayes,** or **Abstain.**

A vote can be done by voice, show of hands, speaker phone (as long as both sides can hear and speak to each other), or roll call. Secret ballots, such as written ballots, cannot be used for LSC voting.

A motion may also be passed by common consent of the members. If the Chair thinks there is no opposition, he or she may say something like: **If there is no objection, the motion shall be passed by the consent of the members.** The members show agreement by remaining silent. If anyone says, **I object,** a vote must be taken. This is helpful when there is a noncontroversial matter before the LSC, such as, a motion to send a letter of thanks to the parents who voluntarily fixed up a room for the LSC.

#### *B. Who Can Vote.*

Every member, including the Chair, may vote, except as follows:

(i) The principal cannot vote on matters relating to the principal, including, in particular, matters relating to the principal's evaluation and contract; and

(ii) for high school LSCs, the student member cannot vote on personnel matters, including matters relating to the principal.

(iii) currently, the Code of Ethics of the Board of Education states that an LSC member who has a relative employed at the school may not vote on the approval of the budget or the school improvement plan.

#### *C. When Does a Motion Pass ( Be Approved) or Fail (Be Disapproved) ?*

In general, a motion passes or fails according to whether or not it gets a majority vote. Check in Chapters 4 and 5 for which motions require a majority vote and which do not.

Voting is carefully controlled by law. For instance, the number of votes that constitute a majority vote is determined by calculating the majority based on the number of serving members of the LSC. A majority is *not* based on the number of members present at the meeting. Appendix D has a chart to help in calculating a majority (or other number) that is required to pass certain motions.

If a motion requires a certain number of votes to pass, at least that many members of the LSC must vote for the motion in order for the motion to pass. Otherwise the motion fails. For instance, if a motion requires seven (7) votes, but only six (6) members vote for it, then the motion fails.

Another example: If the majority is six (6) votes, and a motion requires a majority vote to pass, then if six (6) or more members vote in favor, the motion passes. If fewer than six (6) members vote in favor, the motion fails.

#### *D. Not All Motions Need a Vote.*

For instance, some only require a member to second the motion for the motion to pass. Look in Chapters 4 and 5, and Appendix A and B, for which motions require a vote and which do not.

#### *E. More Information on Voting.*

It is very important to be specific and clear about what the LSC members are voting on. That is why it is frequently a good idea for motions to contain very specific wording, and even to put the motion in writing for all the members to read before voting. The Chair should restate the motion, including any amendments, before a vote is taken.

Chapter 6 has more information regarding voting rights and rules.

## Chapter 4

### DESCRIPTION OF SOME SUBSTANTIVE MOTIONS

#### 4.1. Introduction to Substantive Motions.

A substantive motion is a motion that asks the LSC to vote on whether or not to take particular action on a specific business item on the agenda.

The wording of the motions described below is for example purposes only and is not the only acceptable wording for that motion. The key is that the members of the LSC clearly understand what is being proposed. If it is not clear, the Chair can ask the member making the motion to clarify the motion. If a member is especially concerned about what action is being proposed, the member should make a motion to put the proposed action in writing.

This list is intended to give quick examples of some of the most frequently used substantive motions, and to show how substantive motions fit in these model rules of order for LSC meetings. This is not a full list of all possible substantive motions that may be made by members of the LSC. This is also not a full description of all issues and rules set by law that may apply to a particular substantive motion. Other publications, such as The Link and the Legal Forms Book for Local School Councils, cover these other issues. For complete references to those publications, look in Chapter 9.

#### 4.2. Motion to Approve the School Improvement Plan.

This motion requires another member to second it.

This motion is debatable.

To pass, this motion requires a **Ayes** vote of the majority of the serving members.

*Example:* **AI** move that the school improvement plan for the 1999 to 2000 school year, dated as of [month] [day], [year], be approved in all respects.@

*Example:* **AI** move that the school improvement plan for the 1999 to 2000 school year, dated as of [month] [day], [year], be approved as amended.@

### **4.3. Motion to Approve the School Budget.**

This motion requires another member to second it.

This motion is debatable.

To pass, this motion requires a **Ayes@** vote of the majority of the serving members.

*Example: AI* move that the school budget for the 1999 to 2000 school year, dated as of [month] [day], [year], be approved in all respects.@

*Example: AI* move that the school budget for the 1999 to 2000 school year, dated as of [month] [day], [year], be approved as amended.@

### **4.4. Motions to Amend Allocation of Discretionary Funds in a School Budget**

#### *A. Motion to Transfer Previously Allocated Discretionary Funds*

This motion requires another member to second it.

This motion is debatable.

This motion requires at least seven (7) votes to pass for an elementary school LSC and eight (8) votes to pass for a high school LSC.

*Example: AI* move to transfer the previously allocated discretionary funds in the amount of [x] dollars from being allocated to [\_\_\_\_\_] to being allocated to [\_\_\_\_\_].@

#### *B. Motion to Allocate New, Rollover and/or Previously Unallocated Funds*

This motion requires another member to second it.

This motion is debatable.

This motion requires a **Ayes@** vote of the majority of the serving members.

*Example: AI* move that the previously unallocated discretionary funds in the amount of [x] dollars be allocated to [\_\_\_\_\_].@

#### **4.5. Motion to Renew a Principal=s Contract.**

This motion requires another member to second it.

This motion is debatable.

To pass, this motion requires a **Ayes@** vote of the majority of the serving members.

Note: Neither the principal nor a student member can vote on this motion. Also, they cannot be counted in determining if there is a quorum for purposes of taking action on this motion.

*Example: AI* move that the current Principal=s contract be renewed for a new four year term starting on [month] [day], [year].@

*Example: AI* move that the current Principal=s contract, as it has been amended by the additional terms attached, be renewed for a new four year term starting on [month] [day], [year].@

#### **4.6. Motion to Offer a Contract to a Principal Candidate.**

This motion requires another member to second it.

This motion is debatable.

This motion requires at least seven (7) **Ayes@** votes to pass.

Note: Neither the principal nor a student member can vote on this motion. Also, they cannot be counted in determining if there is a quorum for purposes of taking action on this motion.

*Example: AI* move that we offer to [name of person] a contract for the four-year term beginning on [month] [day], [year].@

#### **4.7. Motion to Submit a List of Three (3) Persons for the Position of Principal**

This motion requires another member to second it.

This motion is debatable.

To pass, this motion requires a **Ayes@** vote of the majority of the serving members.

Note: Neither the principal nor a student member can vote on this motion. Also, they cannot be counted in determining if there is a quorum for purposes of taking action on this motion.

*Example:* AI move that the attached list of three names, in the order of priority listed with the first name being the first choice, be submitted to the general superintendent for one of them to be chosen for the position of principal for the school, for a four year term commencing on [month] [day], [year].@

#### **4.8. Motion to Approve a Principal's Evaluation.**

This motion requires another member to second it.

This motion is debatable.

To pass, this motion requires a Ayes@ vote of the majority of the serving members.

Note: Neither the principal nor a student member can vote on this motion. Also, they cannot be counted in determining if there is a quorum for purposes of taking action on this motion.

*Example:* AI move that the evaluation of [name of principal] who is principal of [name of school], which evaluation is dated [month] [day], [year], be approved in all respects.@

#### **4.9. Motion to Adopt the Minutes of an LSC Meeting.**

This motion requires another member to second it.

This motion is debatable.

To pass, this motion requires a Ayes@ vote of the majority of the serving members.

Prior to a vote to adopt (approve), and, even better, before the meeting even starts, each member of the LSC should have tried their best to have reviewed the minutes so that members do not have to spend time at the meeting reviewing the minutes. If there are mistakes in the minutes, the LSC should fix the minutes before approving them.

*Example:* AI move that the minutes of the meeting of this LSC that was held on [month] [day], [year] be approved in all respects.@

*Example:* AI move that the minutes of the meeting of this LSC that was held on [month] [day], [year] be approved in all respects, subject to the following changes: [list the changes], which changes shall be made to those minutes.@

#### **4.10. Motion to Appoint an Acting LSC Chair.**

This motion requires another member to second it.

This motion is debatable.

To pass, this motion requires a Ayes@ vote of the majority of the serving members.

Note: This appointment lasts only for the meeting at which the vote is held. Also, if the actual Chair shows up at a meeting late, the acting Chair is replaced by the Chair.

*Example:* AI move to appoint [name of LSC member] to be acting chair of this meeting of the LSC.@

#### **4.11. Motion to Appoint an Acting LSC Secretary.**

This motion requires another member to second it.

This motion is debatable.

To pass, this motion requires a **Ayes@** vote of the majority of the serving members.

Note: This appointment lasts only for the meeting at which the vote is held. Also, if the actual Secretary shows up at a meeting late, the acting Secretary is replaced by the Secretary.

*Example:* AI move to appoint [name of LSC member] to be acting Secretary of this meeting of the LSC.@

#### **4.12. Motion to Establish a Committee**

This motion requires another member to second it.

This motion is debatable.

To pass, this motion requires a **Ayes@** vote of the majority of the serving members.

*Example:* AI move to establish a committee of this LSC for the purpose of [state what the committee is meant to do], and that the committee shall report back to a full meeting of this LSC with a preliminary report on that subject no later than [x months] from today.@

#### **4.13. Motion to Fill an LSC Vacancy.**

This motion requires another member to second it.

This motion is debatable.

To pass, this motion requires a **Ayes@** vote of the majority of the serving members.

Note: This is used to fill a parent, community and/or student vacancy.

*Example:* AI move to fill the LSC [parent/community/student] vacancy with [name] effective immediately.@

## Chapter 5

### DESCRIPTION OF ALL PROCEDURAL MOTIONS

#### 5.1. Introduction to Procedural Motions.

A **Procedural** motion is a motion that asks the LSC to vote on how to handle the discussion, debate, consideration and/or review of another motion or of a specific business item on the agenda.

The wording of the motions described below is for example purposes only and is not the only acceptable wording for that motion. The key is that the members of the LSC clearly understand what is being proposed. If it is not clear, the Chair can ask the member making the motion to clarify the motion. If a member is especially concerned about what action is being proposed, the member should make a motion to put the proposed action in writing.

#### 5.2. Motion to Table a Motion.

This motion requires another member to second it.

This motion is non-debatable.

To pass, this motion requires a **Ayes** vote of the majority of the serving members.

This motion suspends consideration of the motion until the LSC votes at a later time (at the same meeting or a later meeting) to consider the issue again by passing a motion to take up a matter previously tabled.

*Example:* **AI** move to table the motion.@

*Example:* **AI** move to table the motion regarding the issue of [x] until the committee studying the matter has reported back to this LSC.@

#### 5.3. Motion to Take up a Matter Previously Tabled.

This motion requires another member to second it.

This motion is debatable.

To pass, this motion requires a **Ayes** vote of the majority of the serving members.

*Example:* **AI** move to take from the table ....@

*Example:* At the last meeting of this LSC, we tabled a motion regarding [x]. I now move to take from the table the issue of [x] for a full discussion of [x] by this LSC at this meeting and at this point in this meeting's agenda.

#### **5.4. Motion Requesting Information Concerning a Motion.**

This motion is frequently called a Point of Information.

This motion does not require another member to second it.

This motion is non-debatable.

This motion does not require a vote.

The request for information is made to the Chair and the Chair must respond to the request for information, though generally after obtaining the information from others. If another member is speaking, the Chair may defer responding until that person is finished.

*Example:* A member says: Point of Information. I would like to know what this LSC did on this subject last year.

*Example:* A member says: Point of Information. I would like to know what the Illinois Open Meetings Act [or the School Code] requires us to do in this instance.

*Example:* A member says: Point of Information. I would like to know how much is left in the current school budget that can be used to pay for what we are currently discussing.

#### **5.5. Motion to Refer a Matter to a Committee.**

This motion requires another member to second it.

This motion is debatable.

To pass, this motion requires a Ayes vote of the majority of the serving members.

This motion, if passed, sends a matter to a committee of the LSC for more study before other/further action is taken by the LSC. This is useful, for instance, if the matter being discussed needs a more thorough review than the LSC can give it at the current meeting, or if the LSC needs more information than it has in order to make a considered decision on the matter. *Note: non-LSC members may be committee members, and committees are subject to The Open Meetings Act.*

*Example:* AI move to refer the matter to the [x] committee.@

*Example:* AI move that we refer the matter we are discussing, which is the need for new science books in the school library, to the library committee of this LSC, for that committee to study and make a report back to us no later than 3 months from now.@

### **5.6. Motion to Require That a Motion Be Put in Writing Before it Is Voted on.**

This motion does not require another member to second it.

This motion is non-debatable.

There is no vote on this motion.

When this motion is made, the Chair must immediately put the current motion in writing. The Chair usually will ask for the help of the person who made the motion that needs to be put in writing. The form in Chapter 12 can be used as a place to write the motion and to track the motion's status.

*Example:* AI move that the current motion be put in writing.@

### **5.7. Motion to Clarify the Current Motion.**

This motion does not require another member to second it.

This motion is non-debatable.

There is no vote on this motion.

The Chair must respond by stating, as clearly as the Chair understands, what the current motion is.

*Example:* AI move that the Chair clarify the current motion.@

One reason to make this motion is that a member may think that the LSC is discussing two different things at once, and the member wants to get the discussion back on the track of the motion last made.

### **5.8. Motion to Protest Breaking of Rules or Improper Conduct (A Point of Order@).**

This motion is frequently called a A Point of Order.@

This motion does not require another member to second it.

This motion is non-debatable.

There is no vote on this motion.

This motion requires that the Chair immediately ask the member who made the motion what his/her concern is. Then the Chair should make a decision about the concern. If the member is not happy with the Chair's decision, the member can appeal the decision to the whole LSC by using a motion to appeal the ruling of the Chair (which is discussed in Section 5.9 below).

*Example:* A member says: **A**Point of Order. I think that what was just brought up is a different issue from the motion currently before the LSC and that we need to discuss it separately.@"

### **5.9. Motion to Appeal the Ruling of the Chair.**

This motion requires another member to second it.

This motion is debatable.

To pass, this motion requires a **A**yes@" vote of the majority of the serving members.

If this motion only asks whether the ruling of the Chair should be sustained, and the members vote not to sustain the ruling of the Chair, then the LSC must next address what ruling should be made instead of the Chair's ruling.

*Example:* **A**I move to appeal the ruling of the Chair and to change the ruling to ....@"

*Example:* **A**Shall the ruling of the Chair be sustained?@"

*Example:* **A**I move to appeal the ruling of the Chair that we stop discussion and take a vote.@" A reason for making the motion in this example is that the member thinks more discussion is needed.

### **5.10. Motion to Reconsider a Previous Vote.**

This motion requires another member to second it.

This motion is debatable when the motion to be reconsidered is debatable.

To pass, this motion requires a **A**yes@" vote of the majority of the serving members.

This motion may only be made by a member who voted on the majority side or who abstained. This motion can be made at the current meeting or at any later meeting, unless actions have already been taken based on the vote at issue that cannot be undone, or there has been an affirmative vote on a contract and the party to the contract has been informed of the outcome. If this motion passes, then the LSC must next address the issue that is to be re-considered.

*Example:* AI move to reconsider our vote last meeting when we passed the motion to approve the funding of new benches in the school gym. Note: This description of a motion to reconsider is consistent with the description of that motion in Roberts Rules of Order, but differs slightly from the description of that motion in *The Link*.

### **5.11. Motion to Amend a Motion That Is Already on the Table.**

This motion requires another member to second it.

This motion is debatable, but the debate should relate to the desirability of the amendment, not the underlying motion.

To pass, this motion requires a Ayes vote of the majority of the serving members.

Amendments must relate to the subject presented in the motion that is currently being discussed. The Chair makes the determination whether an amendment is sufficiently related to the subject of the motion to be allowed. The LSC first votes to approve the amendment. Then the LSC votes on the amended (or unamended) motion.

*Example:* AI move to amend the motion to read ...

*Example:* AI move to amend the motion currently before the LSC that reads »Motion to establish a committee for the study of school uniforms« to read »Motion to establish a committee for the study of a school dress code for students and teachers.«

Note: This description of a motion to amend is consistent with the description of that motion in Roberts Rules of Order but differs slightly from the description of that motion in *The Link*.

### **5.12. Motion to Call the Question.**

This motion requires another member to second it.

This motion is non-debatable.

To pass, this motion requires a Ayes vote of two-thirds of the serving members.

This motion, if passed, ends discussion and forces a vote. It is used when discussion has become repetitious and no longer informative.

Note: The Chair has the power to end discussion without using this motion.

*Example:* AI move to call the motion to a vote.

*Example: AI move to call to a vote the motion regarding approval of the principal's evaluation to a vote.*

### **5.13. Motion to Close a Meeting to the Public.**

This motion requires another member to second it.

This motion is debatable.

To pass, this motion requires a **Ayes** vote of the majority of the serving members.

The Open Meetings Act sets a number of restrictions on the holding of closed LSC meetings. These restrictions must be followed carefully. The restrictions include a requirement that a closed meeting may only be held for a specified list of issues. The LSC must take a vote to close a meeting. The members' votes must be put in the minutes of the LSC meeting. The OMA exception that allows the closed meeting must also be put in the minutes of the LSC meeting. Both the members' votes and the OMA exception must also be publicly stated at the time of the vote. Further, during the closed meeting members must only discuss the topics which were specified in the vote to close the meeting.

Chapter 9 has references to additional sources (such as [The Link](#)) for more information on these points. Appendix E is the text of the **Open Meetings Act**.

*Example: AI move to close the meeting to the public for the purpose of [x].*

*Example: AI move to close the meeting to the public for the purpose of discussing a personnel issue.*

### **5.14. Motion to Suspend a Rule of Order.**

This motion requires another member to second it.

This motion is debatable.

To pass, this motion requires a **Ayes** vote of the majority of the serving members.

This motion cannot be used to suspend the bylaws. The effect of this motion is to suspend a rule of order just for the issue or the time specified in the motion. If no time is specified in the motion, then the suspension is just for the current item being discussed. The suspension cannot last longer than the current meeting. If, at the next meeting, the members want to suspend the same rule of order, there must be a new motion to suspend and a new vote.

*Example:* AI move to suspend the rule of order that says ...@

*Example:* AI move to suspend the rule of order that the current motion to table is non-debatable.@ One reason to make this motion is that the member thinks that debate is needed.

### **5.15. Motion for Open/Controlled Discussion.**

This motion requires another member to second it.

This motion is non-debatable.

To pass, this motion requires a **Ayes@** vote of the majority of the serving members.

If this motion passes, the rules for controlled discussion are in Section 2.9.B. of Chapter 2.

Note: The Chair has the power to impose an open or a controlled discussion without using this motion. The LSC uses this to overrule the Chair's decision or to impose controlled discussion itself.

*Example:* AI move for an open discussion of this matter.@

*Example:* AI move for a controlled discussion of this matter.@

*Example:* AI move that we use a controlled discussion on the agenda item regarding renewal of the principal's contract.@ A reason for making the motion in this example is that the member thinks that the LSC has already discussed it for hours and hours in previous LSC meetings, that all the members already know what each of the members thinks, and that the LSC now needs to move ahead with a vote.

### **5.16. Motion to Amend the Agenda.**

This motion requires another member to second it.

This motion is debatable.

To pass, this motion requires a **Ayes@** vote of the majority of the serving members.

This motion is functionally very similar to the motion to discuss an item not on the agenda discussed immediately below. However, this motion can be used in a slightly broader fashion. For instance, it can be used to delete an item on the agenda. Also, for example, it can be used at the beginning of the meeting to formally add an item to be discussed at a specific point in the meeting. This would be useful to reassure members or visitors that an issue will get discussed at the meeting, but other things will happen first.

*Example:* AI move to amend the agenda to delete the item on the report by the science studies committee.@ A reason to make this motion is that the members of the committee are not present at this meeting.

### **5.17. Motion to Discuss an Item Not on the Agenda.**

This motion requires another member to second it.

This motion is debatable.

To pass, this motion requires a Ayes@ vote of the majority of the serving members.

This motion, if it is passed by the LSC, places an item on the agenda for the current meeting. Generally, the motion is made only during the new business section on the agenda, and the Chair should usually rule (but can use discretion not to rule) this motion out of order if it is made at some other time. If the motion passes and does not set a different time in the meeting for discussion of the new item, then the Chair should immediately start discussion of the new item.

It is important that the LSC keep itself open to discussion of items that a member or members want discussed. So the voting on this motion should, within reason, be kept in favor of discussing new items. If there is not time at the current meeting, the LSC can still have the item put on the next meeting-s agenda (or, for urgent and important matters, the LSC can hold a special meeting).

Note: At special meetings of the LSC, the LSC cannot take action on items that are not on the agenda that was posted for that meeting. However, the LSC can discuss any matter, as long as no action is taken.

*Example:* AI move to place on the agenda for this LSC meeting the following item [describe the item].@

*Example:* AI move to place on the agenda for this meeting the issue of discussion of the school-s improvement plan.@ A reason to make the motion in this example is that discussion of the school-s improvement plan was not on the agenda for a special meeting, but a discussion or announcement about the matter needs to be made.

*Example:* AI move to place on the agenda, just after public discussion, the matter of cars parking in front of the gates to the school.@ A reason to make the motion in this example is that a number of parents are upset and have come to this meeting to tell the LSC about the matter.

### **5.18. Motion to Recess the LSC Meeting.**

This motion requires another member to second it (or it may be made by the Chair without a requirement for another member to second it).

This motion is non-debatable.

There is no vote on this motion. This motion passes immediately after it has been seconded or immediately after the Chair has made the motion.

This motion cannot be used to adjourn the meeting. It is only for temporary recesses such as to give people a break from the meeting; to give someone a chance to check something; or, for similar, temporary reasons.

*Example:* AI move to recess this meeting starting now for ten minutes.@

### **5.19. Motion to Adjourn the LSC Meeting.**

This motion requires another member to second it.

This motion is non-debatable.

To pass, this motion requires a Ayes@ vote of the majority of the serving members.

This motion cannot be made when a speaker has the floor or a vote is being taken. The Chair can declare adjournment without any motion by saying something like AThe meeting is now adjourned.@ The Chair would generally only do this at the end of the meeting if there are not enough members still there for a majority vote. However, this declaration can be challenged by any member by using the Motion to Appeal the Ruling of the Chair (see Section 5.9 in this Chapter 5).

This motion, if passed, ends the LSC meeting.

*Example:* AI move to adjourn this LSC meeting.@

## Chapter 6

### Some Questions and Answers About LSC Meetings.

#### 6.1. How can an LSC take action on a matter?

The LSC must hold a meeting and there must be a quorum of the members at the meeting. Then, and only then, can the LSC take action on a matter. This means, for example, that the LSC cannot take action by having the Chair or the Principal call each member and take a poll on where each member stands on an issue. It also means that the Chair cannot sign documents without an LSC meeting and a vote of approval by the LSC.

To hold a meeting, the LSC must post an agenda at least forty-eight (48) hours before the meeting that sets out the items for discussion as well as the date, time and location of the meeting.

#### 6.2. Who can be at an LSC meeting and what are their rights and roles?

##### A. Who Can Be Present in Addition to the Members of the LSC?

Any of the following may be present at an LSC meeting:

- (i) any member of the public;
- (ii) employees of the Board of Education;
- (iii) students;
- (iv) representatives of organizations or companies; and
- (v) the press (including television, radio and print).

##### B. Who can vote?

All members of the LSC who are present at the meeting (in person, or by way of a two-way speaker phone) can vote, with the following exceptions:

The principal cannot vote on matters relating to the principal, including, in particular, matters relating to the principal's evaluation and contract.

For high school LSCs, the student member cannot vote on personnel matters, including matters relating to the principal.

No one else can vote.

C. Can there be secret votes or votes by written ballot?

No. The OMA requires public votes, such as by a show of hands, voice vote or a roll call.

D. How many votes does each person with a right to vote get?

Each member of the LSC gets one vote per motion.

E. How many votes are required to do something?

1. To start the meeting: no vote is required.
2. To take action during the meeting: for most motions: see Chapters 4 and 5; special voting rules apply to certain special items, including selection of a principal; contract renewal; and removal from office. Look in Appendix D for a chart that addresses these voting requirements. Also, check the applicable Chicago Public Schools (Board of Education) publication(s) that summarize the Illinois laws on this subject. Currently, that publication is [The Link](#).
3. To end the meeting, use the Motion to Adjourn (discussed in Section 5.19 of Chapter 5).

F. Can non-LSC Members Participate?

Other than the right to be present, nobody other than members of the LSC have a right to participate in the meeting except to make comments during the public comment part of the agenda.

### **6.3. How do you know if there is a quorum?**

See Chapter 2, Section 2.7 D., and Appendix D.

#### **6.4. What if you have a disagreement on how a meeting is to run?**

Various Illinois statutes, the LSC's by-laws, and the LSC's rules of order govern how an LSC meeting is to run. Also, the Chair presides over the LSC's meetings.

There are some motions that a member of the LSC can make at meetings if the member disagrees with how something is being done, such as a decision by the Chair. Look at the motions regarding Point of Order and Motion to Appeal in Sections 5.8 and 5.9 of Chapter 5. A member can also check with an attorney, such as an attorney with the Chicago Lawyers' Committee for Civil Rights under Law. A member can also state, on the record, that the member disagrees with how something is being done.

#### **6.5. Do the minutes of an LSC meeting have to be made public?**

Yes. The minutes of a public meeting of the LSC must be available within 7 days after the LSC has approved them. The minutes of closed meetings may be kept confidential as long as the LSC determines they need to be kept confidential. The LSC must make a determination on whether to keep the minutes of a closed meeting confidential at least every 6 months after the date of the closed meeting. That determination must be reported in an open meeting.

A copy of all approved non-confidential minutes should be kept in one place and made available for review.

#### **6.6. Can the meeting be recorded?**

Any person can record a public meeting of the LSC. That recording can be by tape, film or other means. See OMA, Appendix E, Section 2.05. However, this type of recording should not be used as the minutes of the meeting. If the LSC itself records the meeting in any fashion, the recording is a public document. If someone at the meeting objects to a recording being made, the Chair should explain that recordings are allowed and should let the recording be made.

## Chapter 7

### SAMPLE AGENDA FOR A REGULAR LSC MEETING

The Meeting will be held on [DATE] at [hour].

The location for Meeting will be: \_\_\_\_\_.

The Agenda for the Meeting is:

1. Call to order (the start of the meeting)
2. Roll call (which members are present, which are absent)
3. Approval of the minutes of the LSC-s last meeting
4. Officer-s reports (which might include a report from the Chair)
5. Principal-s report
6. Committee reports (such as, by standing committees, bilingual committee, PPAC, special committees and the IASA Parent Advisory Committee)
7. Public participation  

This agenda item could be moved, for instance, to be #4 or #8 of the agenda.
8. Other items, such as:
  - a. Business previously put into this meeting for consideration
  - b. Unfinished business (from previous meetings)
  - c. New business
9. Announcements (such as the date of next meeting)
10. Adjournment (the end of the meeting)

Note: Although it helps to have a regular order of business that is used at all meetings, if there are important matters that must be discussed, the LSC should feel free to put them on the posted agenda or to vote to add them to the agenda at a regular meeting.

## Chapter 8

### A LIST OF ORGANIZATIONAL DOCUMENTS AND LAWS REGARDING LSCs

#### **8.1. Each LSC should have certain organizational documents and should have access to other guides for doing business.**

A. *Bylaws.* The bylaws of an LSC establish certain structures and rules for the LSC. These bylaws may establish a set of rules of procedure for the LSC's meetings.

B. *Rules of Procedure.* (Such as the model rules in this Handbook).

C. *Other Information/Guidelines.* (Look in Chapter 9 of this Handbook).

#### **8.2. LSCs are also established and governed by certain laws. Some of these laws are:**

A. *Illinois School Code (105 ILCS 5/34-1.1 et seq.).*

Chicago's local school councils are established by a State of Illinois statute. That statute establishes certain rules for local school councils. The statute's rules cannot be changed by a local school council. In particular, the statute establishes:

- (i) the composition, voter-eligibility, elections and terms of LSCs;
- (ii) the manner of operation of LSCs; and
- (iii) the powers and duties of LSCs.

However, the statute does not require the LSCs to use any particular form of rules of procedure to run their meetings.

B. *The Illinois Open Meetings Act (5 ILCS 120/1.01 et seq.).*

The Illinois Open Meetings Act governs meetings of public bodies in Illinois. LSC meetings are covered by the OMA. See Appendix E

C. *Freedom of Information Act(s).*

- (i) Federal (5 USCA Section 552).
- (ii) Illinois (5 ILCS 140/1 et seq.).

## Chapter 9

### A LIST OF SOURCES OF INFORMATION REGARDING LSCs

#### 9.1. Materials from the Chicago Lawyers= Committee for Civil Rights under Law

- A. Being Fair, 2d Edition, 1993.
- B. Legal Forms Book for Local School Councils (Model Forms of Notices, Agendas, Minutes and Resolutions), November 1996.

Contact: Chicago Lawyers= Committee for Civil Rights Under Law  
100 North LaSalle Street, Sixth Floor  
Chicago, IL 60602-2403  
(312) 630-9744 (Voice)  
(312) 630-9749 (TDD)  
(312) 630-1127 (Fax)  
[svanderwicken@clccrul.org](mailto:svanderwicken@clccrul.org), [www.clccrul.org](http://www.clccrul.org)

#### 9.2. Materials from the Chicago Board of Education

The Link, A Quick Reference Guide for Local School Councils, Chicago Public Schools, Department of Schools and Community Relations, 1996.

#### 9.3. Materials from the Illinois Association of School Boards (IASB®)

- A. Pamphlet: !Your School Board and You@.
- B. Successful School Board Meetings, by Stuart A. Anderson, 1989 revised edition (especially Chapter 4, pp. 32-33 regarding parliamentary procedure).
- C. The Effective School Board Member, by William G. Alberts and the IASB, 1998.
- D. The Illinois School Code, IASB.
- E. The IASB has a catalog of its publications that the IASB can send to you.

Contact: Illinois Association of School Boards

430 East Vine Street  
Springfield, IL 62703  
(217) 528-9688

OR

200 West 22nd Street  
Suite 249  
Lombard, IL 60148

#### **9.4. Books on Robert's Rules of Order and on Parliamentary Procedures**

Robert's Rules of Order is an international standard for rules of parliamentary procedure. Robert's Rules of Order have a long history and are time-tested, but are, in general, too complicated for LSC meetings. The United States House of Representatives has its own set of rules of order. So do the U.S. Senate, the Illinois legislature and almost all other government bodies and public groups that have meetings to run. Sometimes laws set restrictions on the rules of order for some types of meetings.

There are lots of books on Robert's Rules of Order in particular, and parliamentary procedures in general. Your local bookstore will probably have at least one version. Some books to consider are:

- A. The A-B-C's of Parliamentary Procedures; Channing L. Bete Co., South Deerfield, MA, 1974.
- B. Robert's Rules of Order, 1990 Edition; Scott, Foresman and Co., Glenview, Illinois.
- C. Robert's Rules in Plain English; by Doris P. Zimmerman; HarperPerennial, 1997.

## Appendix A

### TABLE OF CERTAIN SUBSTANTIVE MOTIONS

<b>Name of Motion</b>	<b>Who can make the Motion?</b>	<b>Is a second required?</b>	<b>Is the Motion Debatable?</b>	<b>Is there a vote in order to pass the Motion?</b>	<b>Additional Information</b>	<b>Reference to Handbook Section on this Motion</b>
Motion to Approve the School Improvement Plan	Any LSC member.	Yes.	Yes.	Yes, a majority vote.		Chapter 4, Section 4.2.
Motion to Approve the School Budget	Any LSC member.	Yes.	Yes.	Yes, a majority vote.		Chapter 4, Section 4.3.

Name of Motion	Who can make the Motion?	Is a second required?	Is the Motion Debatable?	Is there a vote in order to pass the Motion?	Additional Information	Reference to Handbook Section on this Motion
<p>Motions to Amend Allocation of Discretionary Funds in a School Budget</p> <p>A. Motion to Transfer Previously Allocated Discretionary Funds</p> <p>B. Motion to Allocate New, Rollover and/or Previously Unallocated Funds</p>	<p>Any LSC member.</p> <p>Any LSC member.</p>	<p>Yes.</p> <p>Yes.</p>	<p>Yes.</p> <p>Yes.</p>	<p>Yes, at least 7 yes votes for an elementary school and at least 8 votes for a high school.</p> <p>Yes, a majority vote.</p>		<p>Chapter 4, Section 4.4.</p>
<p>Motion to Renew a Principal's Contract</p>	<p>Any LSC member except the principal and except a student member.</p>	<p>Yes.</p>	<p>Yes.</p>	<p>Yes, a majority vote.</p>	<p>Neither the principal nor a student member can vote on this motion. Also, they cannot be counted in determining if there is a quorum for purposes of taking action on this motion.</p>	<p>Chapter 4, Section 4.5.</p>

<b>Name of Motion</b>	<b>Who can make the Motion?</b>	<b>Is a second required?</b>	<b>Is the Motion Debatable?</b>	<b>Is there a vote in order to pass the Motion?</b>	<b>Additional Information</b>	<b>Reference to Handbook Section on this Motion</b>
Motion to Offer a Contract to a Principal Candidate	Any LSC member except the principal and except a student member.	Yes.	Yes.	Yes, requires at least seven (7) yes votes.	Neither the principal nor a student member can vote on this motion. Also, they cannot be counted in determining if there is a quorum for purposes of taking action on this motion.	Chapter 4, Section 4.6.
Motion to Submit a List of Three (3) Persons for the Position of Principal	Any LSC member except the principal and except a student member.	Yes.	Yes.	Yes, a majority vote.	Neither the principal nor a student member can vote on this motion. Also, they cannot be counted in determining if there is a quorum for purposes of taking action on this motion.	Chapter 4, Section 4.7.

<b>Name of Motion</b>	<b>Who can make the Motion?</b>	<b>Is a second required?</b>	<b>Is the Motion Debatable?</b>	<b>Is there a vote in order to pass the Motion?</b>	<b>Additional Information</b>	<b>Reference to Handbook Section on this Motion</b>
Motion to Approve a Principals Evaluation	Any LSC member except the principal and except a student member.	Yes.	Yes.	Yes, a majority vote.	Neither the principal nor a student member can vote on this motion. Also, they cannot be counted in determining if there is a quorum for purposes of taking action on this motion.	Chapter 4, Section 8.
Motion to Adopt the Minutes of an LSC Meeting	Any LSC member.	Yes.	Yes.	Yes, a majority vote.		Chapter 4, Section 4.9.
Motion to Appoint an Acting LSC Chair	Any LSC member.	Yes.	Yes.	Yes, a majority vote.	This appointment lasts only for the meeting at which the vote is held. Also, if the actual Chair shows up at a meeting late, the temporary chair is replaced by the Chair.	Chapter 4, Section 4.10.
Motion to Appoint an Acting LSC Secretary	Any LSC member.	Yes.	Yes.	Yes, a majority vote.		Chapter 4, Section 4.11.

<b>Name of Motion</b>	<b>Who can make the Motion?</b>	<b>Is a second required?</b>	<b>Is the Motion Debatable?</b>	<b>Is there a vote in order to pass the Motion?</b>	<b>Additional Information</b>	<b>Reference to Handbook Section on this Motion</b>
Motion to Establish a Committee	Any LSC member.	Yes.	Yes.	Yes, a majority vote.	A committee can include non-LSC members	Chapter 4, Section 4.12.
Motion to Fill an LSC Vacancy	Any LSC member.	Yes.	Yes.	Yes, a majority vote.		Chapter 4, Section 4.13.

## Appendix B

### TABLE OF ALL PROCEDURAL MOTIONS

<b>Name of Motion</b>	<b>Who can make the Motion</b>	<b>Is a second required?</b>	<b>Is the Motion Debatable?</b>	<b>Is there a vote in order to pass the Motion?</b>	<b>Additional Information</b>	<b>Reference to Handbook Section on this Motion</b>
Motion to table a motion	Any LSC member.	Yes.	No.	Yes, a majority vote.		Chapter 5, Section 5.2.
Motion to take up a matter previously tabled	Any LSC member.	Yes.	Yes.	Yes, a majority vote.		Chapter 5, Section 5.3.
Motion requesting information concerning a motion	Any LSC member.	No.	No.	No.	The Chair must respond to a <del>A</del> Point of Information .@	Chapter 5, Section 5.4.
Motion to refer a matter to a committee	Any LSC member.	Yes.	Yes.	Yes, a majority vote.		Chapter 5, Section 5.5
Motion to require that a motion be put in writing before it is voted on	Any LSC member.	No.	No.	No.	The Chair must immediately put the motion in writing.	Chapter 5, Section 5.6.

<b>Name of Motion</b>	<b>Who can make the Motion</b>	<b>Is a second required?</b>	<b>Is the Motion Debatable?</b>	<b>Is there a vote in order to pass the Motion?</b>	<b>Additional Information</b>	<b>Reference to Handbook Section on this Motion</b>
Motion to clarify the current motion	Any LSC member.	No.	No.	No.	The Chair must respond by stating, as clearly as the Chair understands, what the current motion is.	Chapter 5, Section 5.7.
Motion to protest breaking of rules or improper conduct (Point of Order)	Any LSC member.	No.	No.	No.	The Chair must immediately ask the member who made the motion what his/her concern is. Then the Chair should make a decision about the concern.	Chapter 5, Section 5.8.
Motion to appeal the ruling of the Chair	Any LSC member.	Yes.	Yes.	Yes, a majority vote.		Chapter 5, Section 5.9.
Motion to reconsider a previous vote	Any LSC member.	Yes.	Yes, when the motion to be reconsidered is debatable.	Yes, a majority vote.	A vote should not be reconsidered when certain action has already been taken pursuant to it.	Chapter 5, Section 5.10.
Motion to amend a motion that is already on the table	Any LSC member.	Yes.	Yes.	Yes, a majority vote.		Chapter 5, Section 5.11.

<b>Name of Motion</b>	<b>Who can make the Motion</b>	<b>Is a second required?</b>	<b>Is the Motion Debatable?</b>	<b>Is there a vote in order to pass the Motion?</b>	<b>Additional Information</b>	<b>Reference to Handbook Section on this Motion</b>
Motion to call the question	Any LSC member.	Yes.	No.	Yes. Two-thirds of serving members.	This motion, if seconded and passed, ends discussion and forces a vote.	Chapter 5, Section 5.12.
Motion to close a meeting to the public	Any LSC member.	Yes.	Yes.	Yes, a majority vote.	There are many restrictions on holding closed meetings.	Chapter 5, Section 5.13.
Motion to suspend a rule of order	Any LSC member.	Yes.	Yes.	Yes, a majority vote.	This motion cannot be used to suspend operation of any bylaws.	Chapter 5, Section 5.14.
Motion for open/controlled discussion	Any LSC member.	Yes.	No.	Yes, a majority vote.		Chapter 5, Section 5.15.
Motion to amend the agenda	Any LSC member.	Yes.	Yes.	Yes, a majority vote.		Chapter 5, Section 5.16.
Motion to discuss an item not on the agenda	Any LSC member.	Yes.	Yes.	Yes, a majority vote.		Chapter 5, Section 5.17.

<b>Name of Motion</b>	<b>Who can make the Motion</b>	<b>Is a second required?</b>	<b>Is the Motion Debatable?</b>	<b>Is there a vote in order to pass the Motion?</b>	<b>Additional Information</b>	<b>Reference to Handbook Section on this Motion</b>
Motion to recess the LSC meeting	Any LSC member.	Yes, except, if the Chair makes this motion, it does not have to be seconded.	No.	No.	This motion passes immediately after it has been seconded or immediately after the Chair has made the motion.	Chapter 5, Section 5.18.
Motion to adjourn the LSC meeting	Any LSC member, so long as no other speaker has the floor or a vote is pending.	Yes.	No.	Yes, a majority vote.	This motion passes after a majority votes yes. The Chair can also declare adjournment without a motion, after which the meeting ends unless a member makes a motion to appeal the Chair's ruling to adjourn.	Chapter 5, Section 5.19.

## Appendix C

### A SAMPLE FORM FOR TRACKING THE STATUS OF A MOTION

\_\_\_\_\_ Local School Council

MOTION [FORM] # \_\_\_\_\_

Date: \_\_\_\_\_

Motion Made By: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Motion: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

RESULTS: \_\_ TO \_\_ \_\_\_\_\_ = \_\_\_\_\_. MOTION CARRIED? YES \_\_ NO \_\_

-                      Yes      No      Abstain      Absent      Total

#### RECORD OF VOTES ON MOTION

Note\* In a Transfer of Funds vote, a SUPERMAJORITY vote is needed 7-Elem /8 HS

The student member in a high school may not vote on personnel issues.

The principal and student member may not be considered in a quorum nor vote on principal evaluation, retention/selection.

Council Members	Yes	No	Abstain	Absent
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				

12.				
-----	--	--	--	--

Signed \_\_\_\_\_ Date \_\_\_\_\_ # OF VACANCIES \_\_\_\_\_

## Appendix D

### GUIDE TO QUORUM AND VOTING

This table shows how many LSC members must be present for official voting to take place (quorum) and how many "yes" votes are needed to pass different motions.

	<u>At High Schools</u>	<u>At Other Schools</u>
<b>Quorum (always a majority of full LSC membership):</b>	<b>seven</b> members	<b>six</b> members

#### 1. For Regular Business Motions:

	<u>At High Schools</u>	<u>At Other Schools</u>
Votes needed to pass a motion (a majority of members currently serving on LSC)		
- if no vacant seats on LSC	<b>seven</b>	<b>six</b>
- if one vacant seat:	<b>six</b>	<b>six</b>
- if two vacant seats:	<b>six</b>	<b>five</b>
- if three vacant seats:	<b>five</b>	<b>five</b>
- if four vacant seats:	<b>five</b>	<b>four</b>
- if five vacant seats:	<b>four</b>	<b>four</b>
- if six vacant seats:	<b>NO QUORUM</b>	<b>NO QUORUM</b>

#### 2. For Principal Selection, or Beginning "For Cause" Proceedings:

	<u>At High Schools</u>	<u>At Other Schools</u>
Votes needed to:		
- select new principal:	<b>seven</b> ( <u>not</u> including principal, student)	<b>seven</b> ( <u>not</u> including principal)

- begin principal removal proceedings, Afor cause@	<b>seven</b> ( <u>not</u> including principal, student)	<b>seven</b> ( <u>not</u> including principal)
---	---	--

**3. For Principal Contract Renewal:**

	<u>At High Schools</u>	<u>At Other Schools</u>
- Votes needed to renew the principal's contract (majority of full membership)		
- if no vacant seats on LSC:	<b>six</b> ( <u>not</u> including principal, student)	<b>six</b> ( <u>not</u> including principal)
- if one vacant seat:	<b>five</b> ( <u>not</u> including principal, student)	<b>five</b> ( <u>not</u> including principal)
- if two vacant seats:	<b>five</b> ( <u>not</u> including principal, student)	<b>five</b> ( <u>not</u> including principal)
- if three vacant seats:	<b>four</b> ( <u>not</u> including principal, student)	<b>four</b> ( <u>not</u> including principal)
- if four vacant seats:	<b>NO QUORUM</b>	<b>NO QUORUM</b>

**4. Other Special Motions:**

	At High Schools	At Other Schools
- Votes needed to transfer budget allocations within funds (super majority vote):	<b>eight</b>	<b>seven</b>

## **Appendix E**

### **OPEN MEETINGS ACT**

(Excerpts)

#### **5 ILCS 120/1 [Policy]**

Sec. 1. *Policy.* It is the public policy of this State that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business. In order that the people shall be informed, the General Assembly finds and declares that it is the intent of this Act to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly.

The General Assembly further declares it to be the public policy of this State that its citizens shall be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way. Exceptions to the public's right to attend exist only in those limited circumstances where the General Assembly has specifically determined that the public interest would be clearly endangered or the personal privacy or guaranteed rights of individuals would be clearly in danger of unwarranted invasion.

To implement this policy, the General Assembly declares:

- (1) It is the intent of this Act to protect the citizen's right to know; and
- (2) The provisions for exceptions to the open meeting requirements shall be strictly construed against closed meetings.

#### **5 ILCS 120/1.01 [Short title]**

Sec. 1.01. This Act shall be known and may be cited as the Open Meetings Act.

#### **5 ILCS 120/1.02 [Definitions]**

Sec. 1.02. For the purposes of this Act:

**Meeting** means any gathering of a majority of a quorum of the members of a public body held for the purpose of discussing public business.

**Public body** includes all legislative, executive, administrative or advisory bodies of the state, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue,

except the General Assembly and committees or commissions thereof.....

## **5 ILCS 120/2 [Open Meetings]**

Sec. 2. *Open meetings.* (a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a [5 ILCS 120/2a].

(b) Construction of exceptions. The exceptions contained in subsection (c) are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be strictly construed, extending only to subjects clearly within their scope. The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception.

(c) Exceptions. A public body may hold closed meetings to consider the following subjects:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity.

(2) 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.

(3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

(4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.....

(8) Emergency security procedures and the use of personnel and equipment to respond to actual danger to the safety of employees, students, staff or public property, provided that a description of the actual danger shall be made a part of the motion to close the meeting.

(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.

(11) 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, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act [745

ILCS 10/1-101 et seq.], if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member...

(20) The classification and discussion of matters classified as confidential or continued confidential by the State Employees Suggestion Award Board.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06 [5ILCS 120/2.06].....

(d) Definitions. For purposes of this Section:

**Employee@** means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.

**Public office@** means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign power of this State. The term **public office@** shall include members of the public body, but it shall not include organizational positions filled by members thereof, whether established by law or by a public body itself, that exist to assist the body in the conduct of its business.

**Quasi-adjudicative body@** means an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges.

(e) Final action. No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.

## **5 ILCS 120/2.01 [Meeting times and places]**

Sec. 2.01. All meeting required by this Act to be public shall be held at specified times and places which are convenient and open to the public. No meeting required by this Act to be public shall be held on a legal holiday unless the regular meeting day falls on that holiday.

## **5 ILCS 120/2.02 [Notice]**

Sec. 2.02. Public notice of all meetings, whether open or closed to the public, shall be given as follows:

(a) Every public body shall give public notice of the schedule of regular meetings at the beginning of each calendar or fiscal year and shall state the regular dates, times, and places of such meetings. An agenda for each regular meeting shall be posted at the principal office of the public body and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting. The requirement of a regular meeting agenda shall not preclude the consideration of items not specifically set forth in the agenda. Public notice of any special meeting except a meeting held in the event of a bona fide emergency, or of any rescheduled regular meeting, or of any reconvened meeting, shall be given at least 48 hours before such meeting, which notice shall also include the agenda for the special, rescheduled, or reconvened meeting, but the validity of any action taken by the public body which is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. The requirement of public notice of reconvened meetings does not apply to any case where the meeting was open to the public and (1) it is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda. Notice of an emergency meeting shall be given as soon as practicable, but in any event prior to the holding of such meeting, to any news medium which has filed an annual request for notice under subsection (b) of this Section.

(b) Public notice shall be given by posting a copy of the notice at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be held. The body shall supply copies of the notice of its regular meetings, and of the notice of any special, emergency rescheduled or reconvened meeting, to any news medium that has filed an annual request for such notice. Any such news medium shall also be given the same notice of all special, emergency, rescheduled or reconvened meetings in the same manner as is given to members of the body provided such news medium has given the public body an address or telephone number within the territorial jurisdiction of the public body at which such notice may be given.

### **5 ILCS 120/2.03 [Schedule of meetings]**

Sec. 2.03. In addition to the notice required by Section 2.02 [5 ILCS 120/2.02], each body subject to this Act must, at the beginning of each calendar or fiscal year, prepare and make available a schedule of all its regular meetings for such calendar or fiscal year, listing the times and places of such meetings.

If a change is made in regular meeting dates, at least 10 days' notice of such change shall be given by publication in a newspaper of general circulation in the area in which such body functions. However, in the case of bodies of local governmental units with a population of less than 500 in which no newspaper is

published, such 10 days' notice may be given by posting a notice of such change in at least 3 prominent places within the governmental unit. Notice of such change shall also be posted at the principal office of the public body or, if no such office exists, at the building in which the meeting is to be held. Notice of such change shall also be supplied to those news media which have filed an annual request for notice as provided in paragraph (b) of Section 2.02 [5 ILCS 120/2.02].

**5ILCS 120/2.04 [Notice requirements additional]**

Sec. 2.04. The notice requirements of this Act are in addition to, and not in substitution of, any other notice required by law. Failure of any news medium to receive a notice provided for by this Act shall not invalidate any meeting provided notice was in fact given in accordance with this Act.

**5 ILCS 120/2.05 [Recording of proceedings]**

Sec. 2.05. Subject to the provisions of ~~AA~~An Act in relation to the rights of witnesses at proceedings conducted by a court, commission, administrative agency or other tribunal in this State, which are televised or broadcast or at which motion pictures are taken~~@~~, approved July 14, 1953, as amended, any person may record the proceedings at meetings required to be open by this Act by tape, film or other means. The authority holding the meeting shall prescribe reasonable rules to govern the right to make such recordings.

If a witness at any meeting required to be open by this Act which is conducted by a commission, administrative agency or other tribunal, refuses to testify on the grounds that he may not be compelled to testify if any portion of his testimony is to be broadcast or televised or if motion pictures are to be taken of him while he is testifying, the authority holding the meeting shall prohibit such recording during the testimony of the witness. Nothing in this Section shall be construed to extend the right to refuse to testify at any meeting not subject to the provisions of ~~AA~~An Act in relation to the rights of witnesses at proceedings conducted by a court, commission, administrative agency or other tribunal in this State which are televised or broadcast or at which motion pictures are taken~~@~~, approved July 14, 1953, as amended.

#### **5 ILCS 120/2.06 [Written minutes]**

Sec. 2.06. (a) All public bodies shall keep written minutes of all their meetings, whether open or closed. Such minutes shall include, but need not be limited to:

- (1) the date, time and place of the meeting;
- (2) the members of the public body recorded as either present or absent;

and

(3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.

(b) The minutes of meetings open to the public shall be available for public inspection within 7 days of the approval of such minutes by the public body. Minutes of meetings closed to the public shall be available only after the public body determines that it is no longer necessary to protect the public interest or the privacy of a individual by keeping them confidential.

(c) Each public body shall periodically, but no less than semi-annually, meet to review minutes of all closed meetings. At such meetings a determination shall be made, and reported in an open session that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection.

#### **5 ILCS 120/2a [Closed meetings]**



Sec. 2a. A public body may hold a meeting closed to the public, or close a portion of a meeting to the public, upon a majority vote of a quorum present, taken at a meeting open to the public for which notice has been given as required by this Act. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, provided each meeting in such series involves the same particular matters and is scheduled to be held within no more than 3 months of the vote. The vote of each member on the question of holding a meeting closed to the public and a citation to the specific exception contained in Section 2 of this Act [5 ILCS 120/2] which authorized the closing of the meeting to the public shall be publicly disclosed at the time of the vote and shall be recorded and entered into the minutes of the meeting. Nothing in this Section or this Act shall be construed to require that any meeting be closed to the public.

At any open meeting of a public body for which proper notice under this Act has been given, the body may, without additional notice under Section 2.02 [5 ILCS 120/2.02], hold a closed meeting in accordance with this Act. Only topics specified in the vote to close under this Section may be considered during the closed meeting.

### **5 ILCS 120/3 [Noncompliance; civil action]**

Sec. 3. (a) Where the provisions of this Act are not complied with, or where there is probable cause to believe that the provisions of this Act will not be complied with, any person, including the State's Attorney of the county in which such noncompliance may occur, may bring a civil action in the circuit court for the judicial circuit in which the alleged noncompliance has occurred or is about to occur, or in which the affected public body has its principal office, prior to or within 60 days of the meeting alleged to be in violation of this Act or, if facts concerning the meeting are not discovered within the 60-day period, within 60 days of the discovery of a violation by the State's Attorney.

(b) In deciding such a case the court may examine in camera any portion of the minutes of a meeting at which a violation of the Act is alleged to have occurred, and may take such additional evidence as it deems necessary.

(c) The court, having due regard for orderly administration and the public interest, as well as for the interests of the parties, may grant such relief as it deems appropriate, including granting a relief by mandamus requiring that a meeting be open to the public, granting an injunction against future violations of this Act, ordering the public body to make available to the public such portion of the minutes of a meeting as is not authorized to be kept confidential under this Act, or declaring null and void any final action taken at a closed meeting in violation of this Act.

(d) The court may assess against any party, except a State's Attorney,

reasonable attorney's fees and other litigation costs reasonably incurred by any other party who substantially prevails in any action brought in accordance with this Section, provided that costs may be assessed against any private party or parties bringing an action pursuant to this Section only upon the court's determination that the action is malicious or frivolous in nature.

**5 ILCS 120/4 [Penalty]**

Sec. 4. Any person violating any of the provisions of this Act shall be guilty of a Class C misdemeanor.

**5ILCS 120/5 [Severability]**

Sec. 5. If any provision of this Act, or the application of this Act to any particular meeting or type of meeting is held invalid or unconstitutional, such decision shall not affect the validity of the remaining provisions or the other applications of this Act.

**5 ILCS 120/6 [Home rule units]**

Sec. 6. The provisions of this Act constitute minimum requirements for home rule units; any home rule unit may enact an ordinance prescribing more stringent requirements binding upon itself which would serve to give further notice to the public and facilitate public access to meetings.

