



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

April 20, 2023

Via electronic mail

The Honorable Paul Poulosky
President, Board of Education
Urbana School District No. 116
205 North Race Street
Urbana, Illinois 61801
ppoulosky@usd116.org

RE: OMA Request for Review – 2023 PAC 76258

Dear Mr. Poulosky:

The Public Access Bureau has received the enclosed Request for Review under section 3.5(a) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(a) (West 2020)) from Mr. Christopher Hansen alleging that the Urbana School District No. 116 (School District) Board of Education (Board) violated the requirements of the Open Meetings Act (OMA) at its February 21, 2023, meeting. We have determined that further action is warranted.

In his Request for Review, Mr. Hansen alleged that the at the Board's February 21, 2023, meeting, the Board improperly took final action on a matter that was not listed on the meeting agenda. In particular, he alleged that while the meeting agenda indicated the Board planned to vote on contracts for renovation and remediation work at Wiley Elementary School, the Board also voted to close Wiley Elementary School for a year or more.

In order to further evaluate this matter, this office requests that the Board provide this office with copies of the notice, agenda, minutes, and any recordings of open session of the February 21, 2023, meeting. This office also asks the Board to respond in writing to Mr. Hansen's OMA allegations, addressing whether it took final action on closing Wiley Elementary School for any duration.

As required by section 3.5(b) of OMA (5 ILCS 120/3.5(b) (West 2020)), please provide this information to our office within 7 business days after receipt of this letter. As we review this matter, we will notify you if we require additional records or information. Please

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note that under OMA, this office is required to forward a copy of any response to the requester and to provide the requester with an opportunity to reply. 5 ILCS 120/3.5(c) (West 2020). The Act also permits the Board to provide a redacted version of its response for release to the requester. Accordingly, **if you claim that any portion of your written response is confidential, please send two versions of your response letter: a complete copy for this office's confidential review and a redacted version suitable for this office to forward to the requester.**

Please contact me at (872) 276-3608 or katherine.goldsmith@ilag.gov if you have questions or would like to discuss this matter. Thank you.

Very truly yours,

Katie Goldsmith

KATIE GOLDSMITH
Assistant Attorney General
Public Access Bureau

Enclosure

cc: *Via electronic mail*
Mr. Christopher Hansen


From: [Christopher Hansen](#)
To: [Public Access](#); [Public Access](#)
Subject: [EXTERNAL] PAC Request for Review on USD #116 Board of Education Wiley School Closure
Date: Sunday, April 16, 2023 6:14:47 PM
Attachments: [2-21-2023 Amended Business Meeting Agenda.pdf](#)
[2-21-23 Executive Session.pdf](#)
[2-21-2023 Business Meeting Agenda.pdf](#)

Dear Public Access Counselor Bartelt,

I am requesting a review of a meeting or meetings of the Urbana School District #116 Board of Education which occurred on February 21st, 2023.

The meeting agendas posted for this date (attached) showed that the BOE planned to vote on several contracts for renovation/remediation work on Wiley Elementary School in Urbana. The agendas did not make any mention of closing Wiley Elementary. However, my understanding at this point is that the BOE may have previously planned and agreed that, in casting their votes to approve the mentioned contracts, that they were simultaneously voting to fully close Wiley Elementary for a year or more (or perhaps indefinitely).

I am alleging that the Urbana School District #116 Board of Education violated the Open Meetings Act by taking final action on an item which was not properly disclosed on their meeting agenda(s).

In this case, the approval of expenditures related to renovation work was the minor of the issues at hand. The closure of a public school, displacing and disrupting the lives of hundreds of individuals including students, teachers, and families, was the major issue. The OMA requires public bodies to sufficiently describe the subject matter of any items on which they plan to take final action. A review of the meeting agendas for the February 21st meeting do not give any clear indication that the BOE would be voting to close a school.

The seriousness of a school closure and the importance of an open public process has been contemplated and addressed by the legislature. 105 ILCS 5/10-22.13 requires that "the school board must hold at least 3 public hearings, the sole purpose of which shall be to discuss the decision to close a school building and to receive input from the community. The notice of each public hearing that sets forth the time, date, place, and name or description of the school building that the school board is considering closing must be provided at least 10 days prior to the hearing by publication on the school board's Internet website."

The USD #116 BOE did not hold the required public hearings to close Wiley Elementary. Instead, they seem to have attempted to escape the public hearing requirements by cloaking their vote to close the school within more benign sounding agenda items.

The effort to skirt the statutory requirements regarding school closings and their tactic of cloaking the school closure vote ran the BOE afoul of OMA Section 2.02(c).

Especially given the requirements of 105 ILCS 5/10-22.13, the school board should have (in addition to holding three public hearings) openly and notoriously listed in their February 21st agenda an action item on the closure of Wiley Elementary.

My hope in filing this request is that the PAC will direct the Urbana School District #116

Board of Education to take a new vote on the closure of Wiley Elementary with the issue properly disclosed on their agenda, after having conducted the required public hearings.

Thank you,
Christopher Hansen
CheckCU.org



URBANA SCHOOL DISTRICT 116

Executive Session

205 North Race Street

Urbana, IL 61801

Tuesday, February 21, 2023

5:30 p.m.

www.usd116.org

The mission of Urbana School District 116, a multi-cultural community committed to educational excellence, is to ensure that all learners acquire knowledge, develop skills, and build character to achieve personal greatness and help create a better global society, by providing innovative, comprehensive programs, respecting individual learning styles and cultural differences, and fostering caring and nurturing relationships while engaging each student, every family and the entire community.

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Ms. Tori Exum, Vice-President
Ms. Brenda Carter, Secretary
Ms. Anne Hall, Secretary Pro Tem
Dr. Ravi Hasanadka, Member
Brian Ogolesky, Member
Ms. Lara Orr, Member
Dr. Jennifer Ivory-Tatum, Superintendent
Ms. Lori Johnson, Recording Secretary

1.0 CALL TO ORDER

2.0 ROLL CALL

3.0 APPROVAL OF AGENDA

4.0 CITIZEN STATEMENTS

5.0 CALL TO GO INTO CLOSED SESSION

There will be a request to go into closed session for the purpose of: the setting of a price for sale or lease of property owned by the District. [5 ILCS 120/2\(c\)\(6\)](#); the appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors, or specific volunteers of the District or legal counsel for the District, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor, or a volunteer of the District or against legal counsel for the District to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act. [5 ILCS 120/2\(c\)\(1\)](#) amended by P.A. 101-459.

6.0 CALL TO GO BACK INTO OPEN SESSION

7.0 ADJOURNMENT



URBANA SCHOOL DISTRICT #116
BOARD OF EDUCATION
Amended Business Meeting
Board Room
205 North Race Street, Urbana, IL 61801
Tuesday, February 21, 2023
6:30 p.m.
www.usd116.org

The mission of Urbana School District 116, a multi-cultural community committed to educational excellence, is to ensure that all learners acquire knowledge, develop skills, and build character to achieve personal greatness and help create a better global society, by providing innovative, comprehensive programs, respecting individual learning styles and cultural differences, and fostering caring and nurturing relationships while engaging each student, every family and the entire community.

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Ms. Lori Johnson, Recording Secretary

To view the meeting, please go to the UPTV website and access the meeting from the UPTV channel at <http://bit.ly/USDBoard>

- 1.0 CALL TO ORDER
- 2.0 ROLL CALL
- 3.0 ADDITIONS, CORRECTIONS AND MODIFICATIONS OF AGENDA
- 4.0 CITIZEN STATEMENTS
- 5.0 CALL FOR EXECUTIVE SESSION (after current meeting)
- 6.0 APPROVAL OF AGENDA
- 7.0 COMMENDATION/RECOGNITIONS
- 8.0 COMMUNICATIONS
- 9.0 STUDENT AMBASSADOR REPORT

10.0 ADMINISTRATIVE REPORTS

10.1 Update on UHS Band Renovation Project

Scot Wachter, IGW Architecture, will update the Board of Education, plans for the Urbana High School Band Room renovation.

10.2 Update on Thomas Paine Elementary Renovation Project

Scot Wachter, IGW Architecture, will discuss improved traffic flow, dedicated bus lanes and additional parking at Thomas Paine Elementary School with the Board of Education to increase student, staff, and families safety. Administration will share a brief visual update of the current status of the project.

10.3 Wiley Asbestos Abatement

Administration will continue to discuss with the Board of Education a plan and recommendation to abate the asbestos at Wiley Elementary School during the 2023-2024 school year.

11.0 ACTION ITEMS (consent)

11.1 Minutes

- January 17, 2023, Business Meeting
- January 18, 2023, Special Meeting
- January 20, 2023, District Facilities/Property Committee
- January 24, 2023, District Parent Teacher Advisory Committee
- February 7, 2023, Study Session

11.2 Bills/Checks

Education Fund Bills	\$ 1,112,768.93
Operations & Maintenance Fund Bills	\$ 209,025.33
Bond & Interest Fund Bills	\$ 212.00
Transportation Fund Bills	\$ 35,768.37
Working Cash Bonds	\$ 284,957.31
School Facility Occupancy Tax	\$ 65,404.61
TORT	\$ 71,886.30
Life Safety Levy	\$ 29,412.00
Payroll Salary and Benefits	\$ 4,612,125.18
Urbana Adult Education	\$ 166,592.76

11.3 Approval of Personnel Items

Approval of various personnel items will be requested.

11.4 Approval of Administrative Personnel Items

Approval of various administrative personnel items will be requested.

11.5 Interfund Loans

The following interfund loans will be required to cover the necessary operating costs of the school district until the next meeting of the Board of Education:

<u>From</u>	<u>To</u>	<u>Amount</u>
Working Cash Fund	IMRF Fund	500,000

11.6 Resolution Authorizing and Directing the Sale or Disposal of Personal Property in Accordance with 105 ILCS 5/10-22.8

Caty Roland, Chief Financial Officer, will request approval of a resolution authorizing and directing the sale or disposal of personal property in accordance with 105 ILCS 5/10-22.8 Items on the list: K-1 student chairs, wooden round tables, various books (encyclopedias, textbooks, science), miscellaneous electronics, DPW library weeding log, variety of SEL Second STEP kits, duffle bags, lamps, wooden storage box, and shelf

11.7 Approval of Arbor Management Contract Amendment

Caty Roland, Chief Financial Officer, will request approval of a contract amendment with food service contractor, Arbor Management.

11.8 Approval of New Activity Account

Approval will be requested to create a new activity account: UMS - AVID.

12.0 ACTION ITEMS (Individual)

12.1 GIFTS

The Latino Partnership of Champaign County provided funds (537.78) to pay for a students new glasses.

E.Y. Sumption, donated \$1,000 to each of the following scholarships: Cynthia Anne Johnson Scholarship Fund and the Doral Anne Johnson Scholarship Fund.

The following donated to the Bandroom Renovation Fund: Don/Gail Block, Arthur Sievers, John Agnoletti, all gave \$100 each.

Fisher National Bank, donated \$750.00 to the UHS Wrestling Program.

12.2 Resolution Authorizing and Directing the Public Sale of Certain Property in Accordance with 105 ILCS 5/5-22

Caty Roland, Chief Financial Officer, will request approval of a resolution authorizing and directing the public sale of certain property in accordance with 105 ILCS 5/5-22. (205 and 211 North Race Street)

12.3 Resolution Authorizing Non-Reemployment of Full-Time, Non-Tenured Teacher Not in Last Year of Probationary Service

Approval will be requested of a resolution authorizing non-reemployment of full-time, non-tenured teacher not in last year of probationary service.

12.4 Resolution Authorizing Issuance of Notice of Proposed Reclassification of Principals

Approval will be requested of a resolution authorizing issuance of notice of proposed reclassification of principals.

12.5 Wiley Asbestos Abatement (12.5a) and Agreement (12.5b)

12.5a Approval for Wiley Asbestos Abatement

Approval will be requested to move forward with the recommendation to complete asbestos abatement and building upgrades at Wiley School during the 23-24 School Year.

12.5b Approval of Wiley Asbestos Abatement Engineering Consulting Agreement

Approval will be requested to enter into a service agreement with IDEAL Environmental Engineering, Inc., pending final legal review and approval, for the Scope of work with a cost not to exceed \$425,000.

12.6 Approval of Bid - Urbana Middle School Chiller

Randy Ashman, Director of Facilities Services, held a bid opening on February 2, 2023. Mr. Ashman will request approval to award the bid to Davis Houk from Urbana, with a low bid of \$728,000.

12.7 Approval of Bid - UMS Gym Floor Asbestos Abatement

Randy Ashman, Director of Facilities Services, held a bid opening on February 6, 2023. Mr. Ashman will request approval to award the bid to American Asbestos Abatement LLC with a low bid of \$184,984.

12.8 Resolution Approving Emergency Award of Flooring Replacement Contract (UMS Gym)

Randy Ashman, Director of Facilities Services, will request approval of a resolution approving emergency award of flooring contract for Urbana Middle School Gym with Stalker Sport Floors.

12.9 Approval Requested of the 2023-2024 and 2024-2025 District Calendars

Kimberly Norton, Assistant Superintendent of Student Learning, will recommend approval of the 2023-2024 and 2024-2025 district school calendars.

13.0 CALL FOR FUTURE SPECIAL/EXECUTIVE MEETINGS

February 22, 2023 Special Meeting - Student Discipline

14.0 SUPERINTENDENT'S REPORT

FOIA (completed and fulfilled)

LaTasha Foreman Variety of communications.

Tania Campbell bid opening tabulation or apparent low bidder on the Urbana Middle School Asbestos Abatement Project...
Data Bid

Josiah Chattertondirectory of all current students, including all "directory information" as
Local Labs provided by Illinois Administrative Code....

Josiah Chatterton Employee information, specifically teachers, with the following data points
Local Labs for the years 2020, 2021, and 2022: first name, last name, position/job title, department, pay rate, year to date gross pay.

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15.0 BOARD REPORT

16.0 ADJOURNMENT

March

7th	Tuesday	6:30 p.m.	BOE - Study Session
9th	Thursday	4:00-8:00 p.m.	Student Led Parent Teacher Conferences
10th	Friday	8:00 - 11:00 a.m.	Student Led Parent Teacher Conferences
13th - 17th	Mon-Fri		Spring Break - No School
21st	Tuesday	6:30 p.m.	BOE Business Meeting



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