COMMUNITY HIGH SCHOOL DISTRICT 117
1625 DEEP LAKE ROAD
COUNTY OF LAKE, LAKE VILLA, ILLINOIS 60046
MINUTES OF SPECIAL MEETING OF THE BOARD OF EDUCATION
TUESDAY, MAY 5, 2015 – 5:00 P.M.

Present Absent

BOARD MEMBERS
Mr. Wayne A. Sobczak, President
Mr. Ronald Vickers, Vice President
Mrs. Sandy Jacobs, Secretary
Mr. Nick Ciko
Mr. Geoffrey Guttschow
Mr. Randy Mathias
Mr. Bart Winkler

ADMINISTRATION
Mr. James McKay, Superintendent
Dr. David Bain, Asst. Supt.
Ms. Jennifer Nolde, Asst. Supt.
Mr. Bradford Hubbard, Principal
Mr. David Newberry, Principal

STUDENT AMBASSADORS
Alexandra Comer, ACHS
Alexandria Gigliotti, ACHS
Gretchen Metzger, LCHS
Ryan Mullen, LCHS

RECORDING SECRETARY
Mrs. Nancy Hendrickson

The speical meeting of the Board of Education of Community High School District 117 was held on Tuesday, May 5, 2015 in the Silo Room at the District Office. Mr. Wayne Sobczak, President, presided over the meeting, calling it to order at 5:05 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS - None

PUBLIC HEARING

Mr. Sobczak opened the Public Hearing at 5:07 pm to receive oral testimony or public comments on an Application for Waiver or Modification of State Board rules and/or School Code Mandates, specifically to modify 105 ILCS 5/27-6(b)(1) of the *School Code*, in order to allow the District to allow for the exemption from physical education of 11th and 12th grade students participating in cheerleading and pom pons.

No Members of the public attended
Board Comments: Mr. Mathias, Board Member, asked what students were exempt from PE. Mr. McKay, Superintendent, clarified that any 11th & 12th grade Varsity athletes (IHSA approved sports) were exempt from PE.
No written testimony was received.
No oral testimony or public comments were received concerning the exemption from physical education of 11th and 12th grade students participating in cheerleading and pom pons.

Mr. Winkler moved the Board to close the public hearing at 5:10 pm. Second by Mr. Mathias.

Voice Vote: Ayes: 7 Nays: None Absent: 0 Motion carried.

APPLICATION FOR WAIVER OF SCHOOL CODE MANDATE

Mr.Mathias moved the Superintendent be authorized to submit to the Illinois State Board of Education the Application for Waiver of School Code Mandates, specifically, to modify the *School Code*, in order to allow for the exemption from physical education of the 11th and 12th grad D117 students participating in cheerleading and pom pons. Second by Mr. Vickers.

Voice Vote: Ayes: 7 Nays: None Absent: 0 Motion carried.

ADJOURNMENT SINE DIE

At 5:11 pm Mr. Mathias moved the May 5, 2015 Special Meeting of Community High School District 117 Board of Education be adjourned sine die. Second by Mrs. Jacobs.

Voice Vote: Ayes: 7 Nays: None Absent: 0 Motion carried.

The meeting adjourned at 5:12 pm.

President Secretary

COMMUNITY HIGH SCHOOL DISTRICT 117
1625 DEEP LAKE ROAD
COUNTY OF LAKE, LAKE VILLA, ILLINOIS 60046
MINUTES OF REORGANIZATION MEETING OF THE BOARD OF EDUCATION
TUESDAY, MAY 5, 2015 – 5:15 P.M.

Present Absent

BOARD MEMBERS
Mr. Wayne A. Sobczak, President
Mr. Ronald Vickers, Vice President
Mrs. Sandy Jacobs, Secretary
Mr. Nick Ciko
Mr. Geoffrey Guttschow
Mr. Randy Mathias
Mr. Bart Winkler

ADMINISTRATION
Mr. James McKay, Superintendent
Dr. David Bain, Asst. Supt.
Ms. Jennifer Nolde, Asst. Supt.
Mr. Bradford Hubbard, Principal
Mr. David Newberry, Principal

STUDENT AMBASSADORS
Alexandra Comer, ACHS
Alexandria Gigliotti, ACHS
Gretchen Metzger, LCHS
Ryan Mullen, LCHS

RECORDING SECRETARY
Mrs. Nancy Hendrickson

The Reorganization meeting of the Board of Education of Community High School District 117 was held on Tuesday, May 5, 2015 in the Silo Room at the District Office. Mr. Wayne Sobczak, President, presided over the meeting, calling it to order at 5:15 p.m.

PUBLIC COMMENTS - None

OLD BUSINESS
GOVERNANCE

Approval of Minutes
Mr. Mathias moved the Board approve the minutes of the Regular Board Meeting April 16, 2015 and the Closed Session April 16, 2015. Second by Mr. Winkler.
Voice Vote: Ayes: 7 Nays: None Absent: 0 Motion carried.

Board Policies
The following policies were presented for the first reading at the April board meeting.

2:40 – Board Member Qualifications
2:70 – Vacancies on the Board of Education – Filling Vacancies
2:70E – Checklist for Filling Board Vacancies by Appointment

Mr. Mathias moved the Board approve board policies as presented. Second by Mr. Vickers.

Voice Vote:	Ayes: 7	Nays: None	Absent: 0	Motion carried.

The Board reviewed the letter sent by Scariano, Himes & Petrarca. Mr. Vickers moved the Board adopt revisions to policies 2:40, 2:70, 2:70E based the legal opinion of Scariano, Himes & Petrarca. Second by Mr. Mathias.

Voice Vote:	Ayes: 7	Nays: None	Absent: 0	Motion carried.

NEW BUSINESS

Declare Results of Board Election
Mr. Sobczak reported that the following candidates are being elected to Community High School District 117 Board of Education as result of the April 7, 2015 Consolidated Election as certified by the Lake County Clerk's Office: Sandy Jacobs and Geoffrey Guttschow.

Recognition of Retiring Board Member
Mr. Sobczak recognized retiring board member Randy Mathias.

Mr. Mathias left the meeting at 5:15pm.

Administer Oath of Office to Newly-Elected Board Members
The oath of office was administered by Mr.Sobczak, President of the Board to Sandy Jacobs and Geoffrey Guttschow.

Appointment of President Pro Tem
Mr. Vickers moved that Mr. McKay be appointed to serve as President pro tem, and that he preside over the meeting until a President is elected. Second by Mr. Winkler.

Voice Vote:	Ayes: 6	Nays: None	Absent: 0	Motion carried.

Appointment of Secretary Pro Tem
Mr. Winkler moved that Nancy Hendrickson be appointed to serve as Secretary pro tem of the Board until such time as a new Secretary is elected. Second by Mr. Vickers.

Voice Vote:	Ayes: 6	Nays: None	Absent: 0	Motion carried.

ELECTION OF BOARD OFFICERS

Nominations for President

Mr. Vickers nominated Mr. Sobczak for President.
Mr. Vickers moved the nominations for President of Community High School District 117 Board of Education be closed. Second by Mrs. Jacobs.

Voice Vote: Ayes: 6 Nays: None Absent: 0 Motion carried.

Mr. Winkler moved Mr. Sobczak be elected President of Community High School District 117 Board of Education. Second by Mr. Guttschow.

Roll Call Vote: Ayes: Ciko, Guttschow, Jacobs, Sobczak, Vickers, Winkler
Nays: None Absent: None Motion Carried.

Nominations for Vice President

Mrs. Jacobs nominated Mr. Vickers for Vice President.
Mr. Guttschow moved the nominations for Vice President of Community High School District 117 Board of Education be closed. Second by Mrs. Jacobs.

Voice Vote: Ayes: 6 Nays: None Absent: 0 Motion carried.

Mr. Winkler moved Mr. Vickers be elected Vice President of Community High School District 117 Board of Education. Second by Mr. Guttschow.

Roll Call Vote: Ayes: Ciko, Guttschow, Jacobs, Sobczak, Vickers, Winkler
Nays: None Absent: None Motion Carried.

Nominations for Secretary

Mr. Winkler nominated Mrs. Jacobs for Secretary.
Mr. Winkler moved the nominations for Secretary of Community High School District 117 Board of Education be closed. Second by Mr. Ciko.

Voice Vote: Ayes: 6 Nays: None Absent: 0 Motion carried.

Mr. Winkler moved Mrs. Jacobs be elected Secretary of Community High School District 117 Board of Education. Second by Mr. Vickers.

Roll Call Vote: Ayes: Ciko, Guttschow, Jacobs, Sobczak, Vickers, Winkler
Nays: None Absent: None Motion Carried.

Nominations for SEDOL Representative

Mrs. Jacobs nominated Mr. Ciko for SEDOL Representative.
Mr. Vickers moved the nominations for SEDOL Representative of Community High School District 117 Board of Education be closed. Second by Mrs. Jacobs.

Voice Vote: Ayes: 6 Nays: None Absent: 0 Motion carried.

Mr. Guttschow moved Mr. Ciko be elected SEDOL Representative of Community High School District 117 Board of Education. Second by Mr. Winkler.

Roll Call Vote: Ayes: Ciko, Guttschow, Jacobs, Sobczak, Vickers, Winkler
Nays: None Absent: None Motion Carried.

Nominations for IASB Delegate

Mrs. Jacobs nominated Mr. Winkler for IASB Delegate.
Mrs. Jacobs moved the nominations for IASB Delegate of Community High School District 117 Board of Education be closed. Second by Mr. Guttschow.

Voice Vote: Ayes: 6 Nays: None Absent: 0 Motion carried.

Mr. Guttschow moved Mr. Winkler be elected IASB Delegate of Community High School District 117 Board of Education. Second by Mr. Ciko.

Roll Call Vote: Ayes: Ciko, Guttschow, Jacobs, Sobczak, Vickers, Winkler
Nays: None Absent: None Motion Carried.

Appointment of School Treasurer

Mr. Guttschow moved the Board appoint Jennifer Nolde, Assistant Superintendent for Business & Human Resources as School Treasurer. Second by Mr. Vickers.

Voice Vote: Ayes: 6 Nays: None Absent: 0 Motion carried.

Appointment of Recording Secretary

Mr. Winkler moved the Board appoint Nancy Hendrickson as Recording Secretary. Second by Mrs. Jacobs.

Voice Vote: Ayes: 6 Nays: None Absent: 0 Motion carried.

Meeting Dates and Times

DATE	DAY	LOCATION
July 9	Thursday	ACHS
August 20	Thursday	LCHS
September 17	Thursday	DISTRICT
October 15	Thursday	ACHS
November 18	Wednesday	LCHS
December 10	Thursday	ACHS
January 20	Wednesday	LCHS
February 18	Thursday	ACHS
March 3	Thursday	LCHS
March 17	Thursday	ACHS
April 21	Thursday	LCHS
May 19	Thursday	ACHS
June 16	Thursday	LCHS

Mr. Winkler moved the Board set its regular meeting dates and times for the third Thursday of the month at 6:00 pm at ACHS and LCHS Libraries, with the provision that such dates and times may be changed as provided by law. Second by Mr. Ciko.

Voice Vote: Ayes: 6 Nays: None Absent: 0 Motion carried.

Employment – Increment Position
Mrs. Jacobs moved Brian Phelan be employed as Head Girls Basketball Coach at a level of 1D for 2015-16 as recommended. Second by Mr. Vickers.

Voice Vote: Ayes: 6 Nays: None Absent: 0 Motion carried.

QUESTIONS/COMMENTS – BOARD MEMBERS
Mr. McKay reviewed the timeline for electing a member to the Board of Education. June 1st was selected for a Special Board meeting to interview candidates for appointment at the June board meeting.

Mr. McKay informed the newly elected board members of the mandatory training needed by IASB.

CLOSED SESSION
At 5:47 pm Mr. Vickers moved the Board enter into Closed Session for the purpose of discussing the following exceptions to the Open Meetings Act:

A. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the District or legal counsel for the District, including hearing testimony on a complaint lodged against an employee or against legal counsel for the District to determine its validity. 5 ILCS 120/2(c)(1)
B. Litigation, when an action against, affecting or on behalf of the particular District has been filed and is pending before a court or administrative tribunal, or when the District finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the closed meeting minutes. 5 ILCS 120/2(c)(11)
C. Student disciplinary cases. 5 ILCS 120/2(c)(9)

Second by Mr. Winkler.

Roll Call Vote: Ayes: Guttschow, Jacobs, Vickers, Winkler, Ciko, Sobczak
Nays: None Absent: None Motion Carried.

ADJOURNMENT
At 6:30 Mr.Winkler moved the May 5, 2015 Reorganization Meeting of the Community High School District 117 Board of Education be adjourned. Second by Mr. Guttschow.

Voice Vote: Ayes: 6 Nays: None Absent: 0 Motion carried.

President Secretary

SCARIANO, HIMES AND PETRARCA

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April 15, 2015

Mr. Jim McKay, Superintendent
Members of the Board of Education
Community High School District No. 117
1625 Deep Lake Road
Lake Villa, IL 60046

Re: Requirement That At Least Two Board Members Reside In The Unincorporated Areas Of The District

Dear Superintendent McKay and Members of the Board of Education:

Community High School District 117 was formed some time prior to 1965 as a community high school district. District 117 has historically operated under the belief that at least two Board members had to be from the unincorporated areas of the District. Recently, a Board member changed his residence from the incorporated area to the unincorporated area shortly after he was re-elected. A question arose as to whether he was no longer qualified for his seat since he no longer lived in the incorporated area. That Board member will not lose his seat because the requirement that at least two Board members reside in the unincorporated area no longer exists.

Prior to 1996, Section 12-1 of the *School Code* provided a procedure for creating community high school districts. However, no community high school districts could be formed after 1965 because Section 12-1 required that a petition to do so had to be filed by 1965. Section 12-2 provided that if 15% to 30% of the taxable property of a community high school district was located in unincorporated territory, at least one board member had to be a resident of the unincorporated territory, and if 30% or more of the taxable property was located in unincorporated territory at least two board members had to be residents of the unincorporated territory. Article 12 did not contain any provision for changing that requirement thru a referendum. From 1965 to 1996 Section 12-1 was part of the *School Code* even though its procedure for creating community high school districts could not be used. Section 12-2 continued to require those community high school districts that were already created to include residents from the unincorporated territories on their boards if certain requirements were met.

Effective January 1, 1996, Sections 12-1 and 12-2 were repealed in their entirety. The Act that repealed them did not discuss whether the requirement that board members be elected from unincorporated territory remained, it simply deleted all reference to community high school districts contained in Article 12. However, Section 9-12 of the *School Code* provides various forms for the ballots for school board elections. Formats 7, 7a, 8, 8a and 8b are used when high school districts have more than 15% but less than 30%, or more than 30%, of its taxable property

in unincorporated territory. Those ballots were not removed from Section 9-12 and remain in it today.

The fact that the legislature repealed both Section 12-1 and Section 12-2 but failed to remove the ballots for electing school board members from unincorporated territory from Section 9-12 is confusing. Did it intend that community high school districts already in existence continue to have representatives from unincorporated territory on their boards?

Because community high school districts could not be formed since 1965, there was no reason to keep Section 12-1 in effect. However, Section 12-2 did not have to be repealed to effectively repeal Section 12-1. Section 12-2 could have been left in effect if the legislature wanted community high school boards to continue to have representatives from unincorporated territory. Instead, it repealed Section 12-2 also. The effect of the repeal of Section 12-2 without a savings clause is that it destroys the effectiveness of Section 12-2 and Section 12-2 is considered to have never existed. It is obliterated from the *School Code* as if it was never part of the *Code*. *Isenstein v. Rosewell*, 106 Ill.2d 301, 478 N.E.2d 330 (1985); *Atkins v. Deere and Company*, 177 Ill.2d 222 (1997).

We have reviewed the public act that repealed Sections 12-1 and 12-2 and there is no savings clause. Section 15 of P.A. 89-159 contained one sentence that simply stated that the *School Code* is amended through the repeal of Sections (about 15 sections were listed). There was nothing else. Since there was no savings clause for Section 12-2 when it was repealed the requirement for representatives from unincorporated territories no longer exists and is treated as if it never existed. Board members from District 117 should be elected at-large. Therefore, there is no reason for the Board member who changed his residence within the District to lose his seat.

There are three Board Policies that refer to the areas in which Board members reside as being a requirement for being a Board member. Those policies are 2:40, 2:70 and 2:70-E. Enclosed are three motions that can be made to revise those policies by removing those references.

Please feel free to contact me if you have any questions regarding this matter.

Very truly yours,

SCARIANO, HIMES AND PETRARCA, CHTD.

A. Lynn Himes

A. LYNN HIMES

ALH:ksm
Enclosure
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