

Edison Regional Gifted Center Local School Council Special Meeting

09 OCT 2016

High Level Summary

The following lists key actions/decisions of the meeting. Details can be found in a subsequent section.

- I. **Call to order / Roll call**
 - A. B Whitford called the meeting to order at 6:00PM
 - B. In attendance (quorum present)
 - i. K Valentine
 - ii. D Silvers
 - iii. D Barber
 - iv. M Sevig
 - v. S Quirke
 - vi. B Whitford
 - vii. J Magas
 - viii. J Martensen
 - ix. E Perez
 - C. Unable to attend
 - i. C Gourash
 - ii. B Katz
 - D. Also in attendance were 50+ community members including CPS LSC Compliance Officer L Garcia-Juarez
 - E. There was an audio recording made of the executive session portion of the meeting. This recording is confidential. A video recording of the regular session was made by one of the attendees.
- II. **Chairman's Statement [6:01PM]**
 - A. B Whitford thanked those who attended and explained that there would be two issues that would be discussed in closed session.
 - i. Whether the LSC would want to continue retaining the current lawyer.
 - ii. The lawyer had been following instructions from the previous LSC, which were still binding, and the lawyer had requested that the LSC confirm that they want to continue with those instructions.
 - B. B Whitford explained that if the LSC felt they were satisfied with continuing with both issues there would be no vote. If a vote were to be held it would be in public and the LSC would explain the process beforehand.
 - C. B Whitford explained why the meeting had been held on such short notice and how the possible teachers' strike might impact the next LSC meeting and the arbitration (it would not).
- III. **Approval of agenda [6:07PM]**
 - A. M Sevig moved to amend the agenda to increase the amount of time for the first open forum to 20 minutes, S Quirke seconded
 - B. Passed unanimously
- IV. **Public Participation / Open Forum [6:09PM]**
 - A. There was discussion regarding the LSC's reason for meeting as well as the possible outcomes should the LSC choose to not continue with their legal representation in the arbitration. Questions were raised regarding the communication with the LSC's lawyer and if and when the LSC would review all the materials related to the appeal.
- V. **Vote to Enter Executive Session [6:37PM]**
 - A. B Whitford moved to move into executive session and allow L Garcia-Juarez to participate, S Quirke seconded
 - B. Passed unanimously
- VI. **Executive Session [6:42PM]**
 - A. Topics discussed
 - i. Legal representation
 - ii. Ongoing legal proceedings
 - B. B Whitford moved to move out of executive session, J Magas seconded

C. Passed unanimously

VII. Additional Public Participation / Open Forum [7:42PM]

- A. B Whitford made a statement with the following items:
 - i. The LSC had had a specific issue with the conduct of their lawyer that required urgent discussion. The LSC had discussed it and decided to move forward with her as their legal representative.
 - ii. The LSC intended to move forward with the position statement which they had received on Friday and to allow the lawyer to proceed as previously instructed.
 - iii. The LSC would vote to make B Whitford the liaison in an attempt to provide more transparency.
 - iv. The LSC would discuss the broader issues of the arbitration and the questions that have been raised at the meeting on October 18th. [ACTION]
 - v. The LSC would invite the former LSC to a closed session, preferably prior to the meeting on October 18th to make sure where everyone stands. [ACTION]
- B. There was additional discussion regarding clarification on what steps would be taken next and the FOIA requests from last school year.
- C. E Perez made a motion to continue with the LSC's current legal representation for the arbitration and appoint B Whitford as the liaison for the LSC, M Sevig seconded
- D. Approved unanimously.

VIII. Adjournment [7:50PM]

- A. B Whitford moved to adjourn, M Sevig seconded
- B. Approved unanimously
- C. Meeting adjourned at 7:50PM

IX. Action Items

Date Raised	Action	Assigned	Due Date	Status
09 OCT 2016	Discuss the broader issues of the arbitration and the questions that have been raised	B Whitford	18 OCT 2016	
09 OCT 2016	Invite the former LSC to a closed session	B Whitford	18 OCT 2016	Completed. Met with previous LSC on Nov 09

Meeting Detail

The following provides more comprehensive detail of the meeting however it is not a transcript. Please listen to the audio of the meeting for exact proceedings.

In Attendance

(50+ non-LSC) including W Hong, H Steiner, M Kolath, J Schott, S Colella, N Colella, C Burke, S McNabb, K Fitzgerald, H Chang, M Voulgarelis, R Wilson, S Kowalski, K Stengh, D Drinkwater, F Allende, C Murray, R Wilson, P Clark, K Sieracki, E Sieracki, S Timble, J Mason, N Warden, A Arzadon, T Milton, J Milton, L Garcia-Juarez

II. Call to order / Roll call [6:00PM]

- A. B Whitford called the meeting to order at 6:00PM
- B. In attendance (quorum present)
 - i. K Valentine
 - ii. D Silvers
 - iii. D Barber
 - iv. M Sevig
 - v. S Quirke
 - vi. B Whitford
 - vii. J Magas
 - viii. J Martensen
 - ix. E Perez
- C. Unable to attend
 - i. C Gourash
 - ii. B Katz
- D. There was an audio recording made of the executive session portion of the meeting. A video recording was made by one of the attendees.

III. Chairman's Statement [6:01PM]

- A. B Whitford thanked everyone for attending. He acknowledged that there was speculation surrounding the purpose of the meeting and apologized for not having made it clearer. He cited personal reasons for the lack of communication.
- B. B Whitford explained the purpose of the meeting was not to discuss the merits of the decision not to renew D Oberhardt's contract or to discuss or vote on the arbitration relating to that decision. As in previous meetings, he reiterated that the LSC does not have the power to stop the arbitration process. The meeting was not held to discuss or replace K Valentine, citing that the LSC did not have the power to do that in any case. He stated that even if they did, the LSC fully supported her.
- C. B Whitford explained that on the evening of October 6th the LSC was informed that the lawyer representing the LSC in D Oberhardt's appeal needed to file a position statement that outlined her strategy by October 14th. The following morning the LSC learned of an unrelated issue concerning the LSC's legal counsel that members of the LSC felt required urgent discussion pending the position statement deadline. He said he could not get into details of the issue at that time and that he would be limited in terms of how much he could say in public. He clarified that the issue did not arise from actions by members of the LSC and would not impede the progress of the arbitration. He repeated that the LSC does not have the power to stop the arbitration.
- D. B Whitford stated that there would be two issues that would be discussed in closed session.
 - i. Whether the LSC would want to continue retaining the current lawyer.
 - ii. The lawyer had been following instructions from the previous LSC, which were still binding, and the lawyer had requested that the LSC confirm that they want to continue with those instructions.
- E. B Whitford explained that if the LSC felt they were satisfied with continuing with both issues there would be no vote. If a vote were to be held it would be in public and the LSC would explain the process beforehand.
- F. B Whitford explained why the meeting was being held on such short notice. He made the decision after consulting with members of the LSC and L Garcia-Juarez. Due to the impending legal deadline, a possibility of a strike and not being allowed to meet during public holidays the 9th was the latest the LSC could meet to discuss this. Due to scheduling conflicts B Katz and C Gourash were unable to attend even via electronic means. B Whitford shared some of what the LSC would be discussing and said that they

have not been shut out of the process. B Katz provided a statement to be read at the meeting.

- G. B Whitford explained that there would be a brief Open Forum to allow attendees to make statements or ask questions. He warned that there would be a limit as to how much the LSC could discuss in public before he had a chance to share all the details of the issues with the other LSC members. He stated that if people had questions that could wait until after the closed session to do so as the LSC would be able to provide more information then.
- H. B Whitford explained that the LSC would discuss the new information in the closed session and that they would also discuss how much could be shared with the rest of the attendees after the closed session.
- I. B Whitford acknowledged that the meeting had stirred up pre-existing concerns about the arbitration. He would be addressing those concerns at a later meeting with full public notice and not at this meeting which had a narrower purpose. He would add an item to the October meeting to allow for more explanation and allow for additional participation from the community.
- J. B Whitford explained that in the event that the teachers' strike went beyond the date of the next LSC meeting, that meeting would be rescheduled or postponed. If this were to happen this would not impact the arbitration as that is progressing independently of the LSC. The LSC's legal counsel would meet the deadline set by the arbitrator and defend the LSC at the hearing scheduled in December.

IV. Approval of agenda [6:07PM]

- A. M Sevig moved to amend the agenda to increase the amount of time for the first open forum to 20 minutes, S Quirke seconded
- B. Passed unanimously

V. Public Participation / Open Forum [6:09PM]

- A. B Whitford read a statement written by B Katz.
- B. H Steiner read a statement.
 - i. I will keep this simple. A change in counsel now equals a failure to meet the October 14th deadline and if you blow the deadline to not defend the LSC. This is obvious. The fact that at least one of your members has been actively inquiring about not defending the LSC's position only highlights this fact. I urge you not to make this decision. Vote to keep your attorney and to file the position statement on time because the ramifications of not doing so are severe and you are in no position to be doing so in this meeting. To call a meeting on an emergency basis for the Sunday night of a three-day weekend when two key members of this LSC could not be here, when you've not completed any kind of deliberation as a body on the basis of the former LSC's decision amounts to you taking action which is, at best, premature. Many here have to assume that it was done deliberately and with the purposeful aim of minimizing public participation. Please consider for all of our community the past couple of months since Mrs. Valentine has taken leadership. She has made positive changes in management, communication and building a foundation of trust within this community. She has a vision for our school and the leadership skills to carry it out. Talk to the teachers and parents and children that are part of this community. This has been a fantastic change and don't kid yourselves or try to kid all of us. A vote to fire your attorney on the brink of an important deadline amounts to a vote to not support our current principal.
 - ii. S Colella said she agreed with H Steiner.
 - iii. S McNabb thanked J Magas for posting the LSC agenda on the Facebook Friends of Edison Regional Gifted Center page but had wished someone else could have posted it to the Awesome Parents of Edison Regional Gifted Center page. She was glad to see the turnout due to parents sharing the information with each other but had hoped to have heard earlier from the LSC leadership. She understood why B Whitford and J Magas couldn't do it earlier but wanted to state her desire. B Whitford said it was his responsibility to do so and that it didn't fall to anyone else.
 - iv. H Chang agreed with H Steiner's statement. He added that the idea that the LSC would be making a decision that would affect the appeal, the LSC could not pretend that they were making a decision about the appeal itself. If the LSC

wanted to do that he said that they should debate that. He added that many of the LSC members had won the election on a slate whose explicit purpose was to support D Oberhardt in her appeal. He asked the LSC to inform the community and debate it. He also asked the LSC to consider if they needed to conduct their entire meeting in closed session. B Whitford stated that L Garcia-Juarez would be asked to join the closed session to make sure that the LSC was not discussing matters that were not allowed. L Garcia-Juarez said the LSC would need to vote on a motion to have him in the closed session. B Whitford said he would do so. H Chang asked L Garcia-Juarez if he agreed that the LSC was not obligated to meet in closed session. L Garcia-Juarez responded that he could not comment. He added that H Chang could interpret the Open Meetings Act (OMA) but that he himself was not a lawyer. B Whitford added that he could not speak to the specifics of the incident that the LSC would be discussing in public and that the LSC could not discuss it adequately in a public meeting.

- v. H Chang stated that H Steiner implied that someone had contacted the lawyer and had been advising her. B Whitford clarified that that was not the case. H Chang asked if anyone had contacted the lawyer to which B Whitford answered that E Perez had and that others may have as well. He added that at the last meeting it had been stated that due to the lawyer not being able to meet with the entire LSC that the way of making herself available was to speak by phone. He clarified that he had told the lawyer that no one on the LSC, including himself, was authorized to instruct her unless the LSC voted to do so. H Chang asked in what capacity the members were communicating with the lawyer and B Whitford answered that it was as individual members who have questions. H Chang asked if they were not offering a point of view. B Whitford answered that it was to have questions answered.
- vi. H Chang asked E Perez if he had expressed a point of view to the lawyer. E Perez answered that he had not. He added that he had recently provided, to the rest of the LSC, the answers to the questions he had posed to the lawyer and was unable to do so earlier as he had been waiting for the lawyer to verify that what he was going to send out as accurate. He added that he strictly asked questions and received answers, without voicing opinion and without anything remotely implying that the LSC was leaning toward any action. He said that he was not authorized to do that and that he was raising questions based on the previous answers that she had provided which he felt were vague. He was seeking clarification. He added that the characterization that he was doing anything other than that was a lie and that anyone sharing this view was completely incorrect.
- vii. H Steiner asked what the questions were. E Perez answered that the LSC needed to discuss if they were allowed to share them at this time. B Whitford answered that they were trying to share those at the meeting on the 18th. H Chang said he was unsure of why the LSC could not share those now. B Whitford said he did not have the questions with him. H Chang asked E Perez if he could talk about the questions.
- viii. S Quirke asked H Chang if it made sense to him that the LSC would be interested in speaking to the attorney and that she did not make herself available. She added that the situation posed a challenge and E Perez posed questions of a factual nature regarding moving forward. She said that in the absence of the LSC she did not know how else to handle the situation. K Pearlman said that the previous LSC had designated a liaison.
- ix. M Voulgarelis said that three things should happen before the LSC take any vote regarding the appeal
 1. Include the two members of the LSC who were not present and who were also on the previous LSC
 2. Review all the closed session recordings, budget reports since those were seen as concerns, principal evaluations and parent/teacher surveys
 3. Invite any members of the previous LSC who were present into the closed session so they could share their input.

- x. M Voulgarelis added that if all three of these things were not done before taking a vote that it would reinforce the assumption that the LSC did not run on a platform of facts and transparency but only to get D Oberhardt her job back.
- xi. J Mason deferred her time to K Pearlman who explained that she was the liaison for the previous LSC. She explained that the lawyer had helped with the Freedom of Information Act (FOIA) requests that were submitted during the previous school year and helped explain the arbitration process which did not have precedent in CPS. The appeal process should have been over before K Valentine was offered a contract but do to lack of funds it was still ongoing at this time. She asked the LSC to consider the state of the school in considering their vote and move forward.
- xii. T Hower asked the LSC four questions:
 - 1. What is the timeline for the appeal and what has the LSC done to stay on top of it since July.
 - 2. Based on allegations on social media regarding some members of the LSC running on a platform whose main objective was to restore D Oberhardt, would the LSC make a statement on what it was doing.
 - 3. Based on the assumption that the LSC had listened to all the closed recordings and read all the related documentation, what was the LSC planning to do in terms of the vote.
 - 4. Are any members of the LSC in contact with D Oberhardt, her attorney or anyone else who would have any type of interaction with that.
- xiii. B Whitford addressed the first question by stating that the deadline for filing the Position Statement was on the 14th and should go ahead on schedule and that the hearing would take place in December. This was only confirmed this week due to the arbitrator not being paid. Someone clarified that the question was what the LSC had done in the [sic] four months that they were aware of the appeal. Someone else asked why the position statement was a surprise at this point and why it was being discussed. B Whitford stated that the position statement had been delivered to the LSC on the morning of the 7th and thus why it had not been discussed before. He added that the other questions would be best answered at the meeting on the 18th.
- xiv. T Hower asked what was done to prepare during the past [sic] four months in terms of setting a schedule of when to contact the lawyer. B Whitford answered that it has been a case of waiting to see what happens due to the lawyer not being paid, the arbitrator not being paid and meetings between the two parties not happening. There have been delays. He had asked the lawyer to make him aware of developments and when they have occurred he has shared them with the LSC and during meetings. The reason he had not shared much was due to there not being many developments. T Hower said he was worried that the LSC was talking about dropping the lawyer when there doesn't seem to be a lot going on and the LSC is right at the point when something is going to start.
- xv. E Perez explained that he was unable to talk to the lawyer until after B Whitford gave his report during the August 15th meeting which meant he was unable to contact the lawyer until September. There were issues scheduling time with the lawyer, Mara Georges, due to her being a high-profile lawyer in the city and her busy schedule. Someone asked why E Perez contacted the lawyer if B Whitford was the pointperson and E Perez responded that it was because any member of the LSC was allowed to. He continued that once a meeting time was established and they were able to talk he still had to compile the information from their conversation and send it to her so she could verify it's accuracy before sending it to the other LSC members. He explained that it had not been a case of the LSC waiting until the last minute as much as it was finding time to talk to communicate with her. T Hower said that while he was working on the FOIA requests he had talked to the lawyer daily and suggested the LSC "go after her."
- xvi. S Kowalski asked if all the members of the LSC had listened to all the recordings and read all the documents related to the appeal. Various members of the LSC said they had not. J Martensen explained that the LSC received them after the August meeting and that they had to be cataloged by J Magas. Due to other

commitments and the volume of the recordings they had not all been heard. Some attendees said that the LSC should listen to all the recordings before making a decision. J Martensen went on to explain that the LSC was not aware of the previous LSC's position until Friday. S Kowalski stated that the LSC was making a decision without knowing all the facts. J Martensen responded that the LSC had not decided to decide anything.

- xvii. B Whitford clarified that the intention of the closed session was not to discuss the merits of the decision to not renew, the merits of the arbitration or whether the arbitration should proceed. The LSC would be discussing a very narrow question. Someone asked if it would affect the outcome to which B Whitford responded that it could. Someone else said that the two people who had been on the previous LSC were not present. B Whitford stated that the meeting was behind schedule and that the LSC would need to go into closed session prompting complaints from some of the attendees. There was a request to give the remaining people who had requested to speak more time. B Whitford indicated that there was no one else on the sign-in sheet who had requested to speak.
- xviii. R Clarke asked the LSC to make decisions that make sense to the whole community. She noted that the meeting and vote did not make sense to the whole community since the LSC might not have all the information needed to make that decision. As a result she felt the LSC was asking the attendees to trust them but added that the LSC needed to do things that would make the attendees believe in them. She stated that the attendees made it out to the meeting because they care because they had seen a change in the school and believed in it.
- xix. B Whitford suggested adding a second open forum after the closed session before the scheduled votes. H Chang asked that B Whitford report as much information as he could. B Whitford said he would. M Sevig asked if the LSC needed the full 60 minutes and B Whitford said he did not believe it was necessary but that that was what was scheduled.
- xx. B Whitford moved to add a second open forum before the scheduled votes, J Martensen seconded.
- xxi. Passed unanimously.

VI. Vote to Enter Executive Session [6:37PM]

- A. B Whitford moved to move into executive session and allow L Garcia-Juarez to participate, S Quirke seconded
- B. Passed unanimously

VII. Executive Session [6:42PM]

- A. Topics discussed
 - i. Legal representation
 - ii. Ongoing legal proceedings
- B. B Whitford moved to move out of Executive Session, J Magas seconded.
- C. Passed Unanimously

VIII. Additional Public Participation / Open Forum [7:42PM]

- A. B Whitford made a statement with the following items:
 - i. The LSC had had a specific issue with the conduct of their lawyer that required urgent discussion. The LSC had discussed it and decided to move forward with her as their legal representative.
 - ii. The LSC intended to move forward with the position statement which they had received on Friday and to allow the lawyer to proceed as previously instructed.
 - iii. The LSC would vote to make B Whitford the liaison in an attempt to provide more transparency.
 - iv. The LSC would discuss the broader issues of the arbitration and the questions that have been raised at the meeting on October 18th. [ACTION]
 - v. The LSC would invite the former LSC to a closed session, preferably prior to the meeting on October 18th to make sure where everyone stands. [ACTION]
- B. T Hower asked if the LSC would have a plan by October 18th that outlined timeline and responsibilities and contacts that could be shared. B Whitford said he would discuss that with the LSC.

- C. S Kowalski asked what would happen with the meeting on October 18th if there was a strike. B Whitford answered that it would be rescheduled.
- D. H Chang stated he was puzzled by the LSC apparently being surprised by the Position Statement despite having known about it in previous meetings. J Martensen and E Perez suggested that B Whitford re-read his statement about why the meeting was called. J Martensen stated that the objective of the meeting had been misunderstood and was solely to discuss retaining their lawyer. H Chang asked about the Position Statement and J Martensen responded that the lawyer had asked for confirmation on submitting it.
- E. Someone asked J Martensen if she was the LSC member who said she would resign. J Martensen stated she was.
- F. B Whitford asked if anyone had any other questions.
- G. S McNabb thanked the new parents who had stayed for the entirety of the meeting and stated that the community normally didn't behave as they did during the meeting. She also thanked K Valentine for staying as well.
- H. A parent stated that there were a lot of questions on social media regarding what the purpose of the meeting was and asked why the LSC could not clarify what they were meeting about. B Whitford stated that there may have been issues with how that was handled. He reiterated that he had been dealing with a lot during the last few days. He stated that the agenda stated that the LSC was meeting to discuss an issue with legal representation which is what the LSC did. He added that there was some information that he had to share with the LSC that they were not aware of.
- I. A parent asked when the attendees could expect the LSC to have reviewed all of the information. S Quirke responded that due to some assumptions that were made some of the attendees might be surprised by what she was going to say. She said she relied on the work of the previous LSC, that they had made a decision and that it was immaterial if she agreed or disagreed with it. She stated that she supported that decision and that she did not need to listen to all the recordings to support it. She added that she did not know how else to address the question of mistrust that exists. The parent followed up by asking if anyone on the LSC signed or was involved in the FOIA requests that were submitted during the previous school year. No member answered in the affirmative. [It should be noted that no current member of the LSC filed a FOIA request]. The parent then thanked anyone who had submitted a FOIA request for wasting his time.
- J. E Perez made a motion to to continue with the LSC's current legal representation for the arbitration and appoint B Whitford as the liaison for the LSC, M Sevig seconded.
- K. Approved unanimously
- L. M Sevig asked if a vote was necessary regarding the Position Statement. B Whitford said there wasn't due to there not being a change and the submission of the statement would continue to move forward. M Sevig then stated so as to clarify to those in attendance that the LSC was moving forward with the arbitration and the Position Statement would be filed as planned.

IX. Adjournment [7:50PM]

- A. B Whitford moved to adjourn, M Sevig seconded
- B. Approved unanimously
- C. Meeting adjourned at 7:50PM