

ILLINOIS BOARD OF EDUCATION CLOSED SESSIONS: DOES THE SUPERINTENDENT MAKE A DIFFERENCE?*

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1 Sumario en español

Teniendo sesiones a puertas cerradas en reuniones de tabla de escuela para alcanzar decisiones de principio mayores son desalentadas generalmente; pero, las tablas de la escuela utilizan ocasionalmente esta táctica si conflicto y tensión surgen (Lunenburg& Ornstein, 2000). Por lo tanto, las preguntas de " con qué frecuencia hace un conflicto de encuentro de Consejo de Educación y tensión" y "cómo es la decisión que es hecha para planificar una sesión a puertas cerradas para discutir asuntos de escuela" son muy pertinentes en estos tiempos de transparencia pública.

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2 Introduction

Holding closed sessions in school board meetings to reach major policy decisions is generally discouraged; but, school boards occasionally use this tactic if conflict and tension arise (Lunenburg& Ornstein, 2000). Therefore, the questions of "how often does a Board of Education encounter conflict and tension" and "how is the decision made to schedule a closed session to discuss school issues" are extremely relevant in these times of public transparency.

All school board meetings should remain open to do school business and transactions. Most States, including Illinois, have set statutes spelling out specific reasons to call a closed session and detailed procedures and processes to follow in order to maintain a legal meeting. Meetings must remain open to the public and can be closed only under certain exceptions cited in the law. In the Illinois Open Meetings Act the following exceptions are provided:

1. Personnel - (discipline matters, complaints, etc.)
2. Review closed session minutes
3. Collective bargaining - (salaries, working conditions, contracts)
4. Student discipline
5. Litigation
6. Board vacancy
7. Real estate
8. Special education - (student placement, services)
9. Security procedures - (drug testing, police enforcement)
10. Sale or purchase of securities/investment contracts
11. Evidence/testimony presented in an open or closed meeting
12. Board evaluation
13. Establishment of reserves or settlement of claims

The management of closed sessions depends, in part, on the leadership styles of both the superintendent as well as the president of the Board. The conduct and discussion of a closed session is typically less formal than an open meeting. Once again, the leadership of the Board will determine the type of participation by individuals and the parameters of the discourse. In some districts the president leads the discussion while in other districts the superintendent manages the session. Experience of the superintendent and Board members determines the scenario as well as the volatility of the issue to be discussed. With the economy struggling and school district budgets being strained there is greater pressure and stress placed on decision-making by Boards of Education. In the latest nationwide survey of school board members, (Hess, 2010) student achievement and financial management were considered to be the most critical factors in evaluating school leaders. All of these factors create situations where Boards of Education look to use the closed session as a means to discuss issues where conflict and tension are almost guaranteed.

In this age of openness and transparency in government it behooves Board members and superintendents to know and understand open meetings laws and focus on potential abuses. If a closed meeting agenda item looks questionable the school district attorney should be called upon to review the matter. Board members must remember that closed sessions are permitted to discuss litigation; not to simply discuss a legal issue with the attorney.

The relationship between the school district superintendent and the Board of Education may become a challenging dynamic. The superintendent is employed by the local Board of Education at its discretion to follow their policies and pursue goals established by the Board. Superintendents must have the necessary communication skills to diplomatically lead the Board through difficult decision making. Effective leaders must use what Heifetz (1994) calls informal authority. Since a superintendent does not have formal authority over the Board of Education they must be able to establish a level of trust between themselves and the Board so that the Board is comfortable with trusting the superintendent to be the authority on issues that the Board is not expert. When the superintendent is no longer trusted, the superintendent's informal authority no longer exists as well their ability to lead the Board on critical issues. The success of the superintendent's

authority comes from the trust maintained with the Board and the healthy working relationship that follows effective communication. Wheatley (2006) wrote if power is the capacity generated by our relationships, then we need to be attending to the quality of those relationships.

Greenleaf (2002) describes members of Boards of Education as leaders who stand outside but are intimately concerned and oversee the active leaders. They place their ultimate trust in the superintendent. The lack of background knowledge in school administration can lead to troublesome circumstances when the trusting relationship deteriorates. This may lead to the Board of Education micromanaging school district affairs. Houston (2009) refers to some Board members whom went to the school and that fact leads them to believe they are experts on schools.

The superintendent must begin to open lines of communication and initiate the necessary dialogue to provide information and valuable input into various procedures and strategies. The superintendent, as leader, must build, facilitate, and promote a team approach to decision making. Bolman and Deal (2008) calls it a creation of a community of believers united by shared faith and shared culture.

3 The Research Study

This research studied the perceptions of superintendents regarding closed sessions of the Board of Education. A survey was sent electronically to all current superintendents in Illinois. The survey was sponsored by the Center for The Study of Education Policy housed at Illinois State University. The Center conducts an annual statewide survey of superintendents to explore areas related to the state of student learning and school administration in Illinois and provides timely information on vital issues to the superintendency.

This study gathered electronic survey demographic data on the superintendents' experience, age, gender, and years in the current position along with the district's size, type, geographic area, and socioeconomic status of the school population. This study examined superintendents' perceptions of the reasons to meet in closed session, the decision-making regarding the agenda, who lead the closed session discussion, the final board action following the closed session, and other pertinent issues. A comprehensive analysis of the data is discussed along with recommendations for further research.

4 Limitations

This study is limited to the school districts in Illinois. This research is further limited to legislation and current statutes governing Illinois school districts. The survey is limited to voluntary responses sent electronically.

5 The Findings

There were 286 responses from superintendents across the state including 112 from Unit Districts, 39 from High School Districts and 104 superintendents from Elementary School Districts. The average years of experience of these superintendents were 7.87 with an average of 5.43 years of experience in their current school district. The school district descriptive breakdown was the following: 4% Urban; 32% Suburban; 22% Small Town; and 40% Rural.

Fifty-three percent of the superintendents reported that their Board of Education conducts a closed session at every Board Meeting. Yet 54% of the School Districts did not have a separate agenda for the closed session. Fifty-six percent of the responses indicated the superintendent decided if the Board should go into a closed session.

There were several reasons provided for going into closed session; personnel matters in general were cited the most often with 83%. Student discipline was the next most cited reason for a closed session with a 7% response. The scheduling of the closed session occurs before the open meeting in 13% of the school districts; in the middle of the agenda for 20% of the districts; and at the end of the open meeting for 66% of the districts.

Of the 218 superintendents that provided comments on the reasons for going into closed sessions all but two would be considered legal and legitimate. One superintendent cited “straw polling, arguing over policy implications, and micromanagement to the nth degree, directives to administrators, while the superintendent reminded them that these topics did not meet the requirements of the Open Meetings Act. Another superintendent reported the following reasons for going into closed session: whether a substitute teacher could work at the school, what was on the school lunch menu in November, if soda should be allowed in the gym, and how many crackers were served during kindergarten snack time.

Forty-two percent of the superintendents reported wandering off topic when asked the question of whether discussion in closed session stayed within the purview of the purpose of the meeting. In 53% of the school districts other administrators were invited into closed session on a regular basis while 47 % attended only when requested.

Finally, the duration of the closed sessions had a range from less than 15 minutes to over 60 minutes. The data provided the following results: 3% reported less than 15 minutes; 9% said about 15 minutes; 44% reported 30 minutes; 11% said 60 minutes; and 13% stayed in closed session over 60 minutes.

6 Discussion

What are superintendents indicating through this brief study? How can this information be used to help Boards of Education serve their publics with more transparency and better service? Are there any other lessons to be learned from this study?

While on the surface or face value, it seems that most Boards of Education stay on track during closed sessions and only do so to address issues that are exempt from the open meetings law, there exists a degree of inconsistency that makes interpretation of the data skeptical. Whereas all but two superintendents provided legal comments on the reasons their Boards entered into closed session, 42% of these same superintendents also reported that their boards “wandered off topic” during closed sessions. What happened when 216 reported legal topics for Board closed sessions? Where the sessions called for the correct reason, but the Board wandered off into other non-closed session topics in approximately 91 of the other reported cases?

How can this study help Boards of Education? It seems that Boards have legal topics for which to go into closed session as reported by 216 of the 218 superintendents. However, getting into the closed session legally does not seem to be the issue. What happens inside the closed session seems to be of issue as reported by 42% of the superintendents that Boards tend to get “off topic”. Methods need to be provided to Boards to help them understand their role and the consequences of staying within the legal requirements of the open meetings law.

Are there any other lessons to be learned from this study? Clark and Estes (2008) identify five leadership principles in decision making.

1. The Board of Education must maintain a clear and consistent set of expectations of success. The proverbial bar cannot be raised and lowered arbitrarily. Expectations are hard to live up to when you do not know what they are.
2. If there is a program or philosophical change, it must be implemented in the open and with the engagement of stakeholders. Sudden unpredicted change can lead to suspicion and inevitably a loss of trust.
3. Unnecessary rules and work barriers need to be eliminated. The Board and leadership must ensure that expectations are reasonable and provide flexibility.
4. Refrain from constant competition with everyone. While some competition can be productive, everyone in the district is on the same team and working for the betterment of the students.
5. Limit negative, critical, biased, and prejudicial feedback. Feedback should be designed to improve performance, not to punish and degrade.

It does seem that Boards of Education need additional training and insight into the purpose of both their open meetings and closed meetings. Open meetings are for the purpose of conducting business in order to not only run the school organization, but to also communicate to the public they serve. A large part of

that communication process is to let the public see, hear, and understand the discussions that take place in decision making. That important part of communication cannot take place if it is done in a closed session. Maintaining open sessions as much as possible is not only good legally; it is a good communication technique for Boards.

7 Recommendations

Since this study was limited to an anonymous electronic survey with a short answer response to very limited questions the topic merits further research with more in depth questioning and qualitative analysis. With the addition of a more personal and confidential process for gaining information and data, the study could investigate leadership styles, decision-making strategies, and the local politics that establishes policies and administrative procedures. This could truly shed additional light on what is really happening in closed sessions and what can be done to help both Boards and the public meet the intended legal requirements.

As public education continues to be criticized and scorned by the media it becomes imperative that examine their role in systemic change. Superintendents encounter serious challenges when leading an organization through a process of change. These challenges may come internally or externally and can prevent any process of change to occur. Besides working with the local Board of Education the superintendent must have the ability to motivate staff including teachers and principals. The superintendent must further navigate the district with parents and students in mind because they are the clients and must accept recommended changes.

Superintendents, along with their Boards of Education must analyze their leadership styles and discuss decision-making strategies. Policies and procedures need to be reviewed and updated if necessary. School reform strives to find out why systemic change in schools fails. Elmore (2007) cites incapacity to provide incentives. Strong school board and superintendent leadership, governance, and teamwork are the foundation for raising the achievement of every child in America according to Goodman and Zimmerman(2000).

Closed sessions create opportunities to fulfill the ethics of leadership while also attending to closed session purposes which in turn can help create an atmosphere of trust within the community. By fostering and maintaining open, interactive communication, the public is less likely to feel that the Board has ignored their wishes for transparent decision making and instead used a “backdoor” approach to railroad decisions. The open discussion of topics before the public also gives the Board the opportunity to demonstrate that they truly do debate the issues and that they are not merely a rubber stamp of the administration. Foss and Foss (2003) refer to the willingness of the Board of Education to genuinely listen to each other. The community needs to feel that the Board and superintendent are open to their concerns, ideas, and thoughts.

Further research needs to be conducted on closed sessions of boards of education. The information from this study points to diversity found between school districts as to how closed sessions are utilized. Furthermore, the differences found in the makeup of board members and their practices, creates a “playing field” where much can be learned from their “best practices” and, unfortunately, from their horrible mistakes.

Survey

[Click to Access Study Survey²](#)

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²See the file at <<http://cnx.org/content/m41413/latest/Survey.pdf>>

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