



*A Community of Learners*

## **Action Item - D109 NSSED Withdrawal Resolution**

To: School Board  
Trisha Kocanda, Superintendent

From: Beth Martin, *Director of Student Services*

November 17, 2015

### **Overview**

*Superintendent of North Suburban Special Education District (NSSED), Dr. Tim Thomas*, has communicated with member districts the intent of Deerfield School District 109 (D109) to withdraw from NSSED. D109 submitted their intent to withdraw from NSSED in December 2014 with an anticipated withdrawal date of June 30, 2016.

### **Review of Status**

District 109 is seeking a non-consensual withdrawal from NSSED, as more than one member district has voted against the resolution for D109 to withdraw. D109 has provided all member districts with regular updates and legal opinions regarding possible next steps.

Because New Trier Township is not guided by a Board of Trustees, each school district within the township will have opportunity to hear directly from D109 regarding their desire to withdraw from NSSED and how they intend to provide services to all of their special needs students. Pending further legal review, a hearing with the District 36 School Board will most likely occur sometime in the near future.

### *Legal Opinion*

We have previously sought a legal opinion in this matter and were provided with the following information for consideration:

- As a School Board, it is not necessary to take a vote regarding the ability of another school district to take care of their own special education students.
- If we choose to not approve the resolution for D109 to withdraw, we can be guided by our own philosophical reasons and future operational uncertainties for doing so.

### **Recent Updates**

Legal counsel from District 109 and NSSD are working together to address issues not yet resolved, including specifics on the financial impact D109's withdrawal may have on the cooperative.

It is likely that D109 will be required to hold a hearing regarding their ability to educate their special education students, it is not necessary for the Board to vote either "yes" or "no" on the withdrawal resolution at this time. The Board can make its determination at the time of the hearing.

### **Recommendation**

It is recommended that the School Board abstain from voting on the resolution for D109 to withdraw from NSSD. Action from other member districts has resulted in the need for D109 to proceed through the non-consensual process for withdrawal, and a "yes" or "no" vote from District 36 will not affect this process.