

OFFICE OF THE ASSISTANT SUPERINTENDENT
FOR EDUCATIONAL SERVICES

TO: Dr. Mike Riggle

FROM: Rosanne Williamson

RE: Clark FOIA Request

DATE: July 28, 2010

Attached you will find a response to the Clark FOIA request.

The district received an e-mail from Matt Sebek, Assistant Attorney General, indicating Mr. Clark's verbal assent to receiving the requested documents with the full extent of the redactions proposed in the District's pre-authorization request to the Public Access Counselor (PAC), for use of exemption 7(1)(c) relative to request 4(c) through 4(h), request 5 regarding 4(c) through 4(h), request 7, request 8, request 9 and request 10(d), (f), & (h) of Mr. Clark's FOIA request dated March 9, 2010, received March 10, 2010.

The information requested was sent via CD. Information was redacted that would constitute a clearly unwarranted invasion of personal privacy. The documents compiled in response to this request are voluminous and were not copied for the Board packet. Documents will be made available electronically or in hard copy for Board members if requested.

THE
GLENBROOK
HIGH SCHOOLS

Northfield Township High School District 225
1835 LANDWEHR ROAD
GLENVIEW, ILLINOIS 60026-1241
PHONE: (847) 486-4701

July 29, 2010

Mr. James A. Clark
1261 Thornapple Lane
Northbrook, IL 60062

Re: Freedom of Information Act Request Dated March 9, 2010

Dear Mr. Clark:

The district received an e-mail from Matt Sebek, Assistant Attorney General, indicating your verbal assent to receiving the requested documents with the full extent of the redactions proposed in District 225's pre-authorization request to the Public Access Counselor (PAC), thus rendering the pre-authorization from the PAC for use of exemption 7(1)(c) moot relative to request 4(c) through 4(h), request 5 regarding 4(c) through 4(h), request 7, request 8, request 9 and request 10(d), (f), & (h) of your FOIA request dated March 9, 2010, received March 10, 2010.

This letter is in response to items 4(c) through 4(h), request 5 regarding 4(c) through 4(h), request 7, request 8, request 9 and request 10(d), (f), & (h) of your FOIA request dated March 9, 2010, received March 10, 2010. Our original responses to your FOIA request dated February 5, 2010 along with your replies to our response and your additional requests are repeated below for the requests mentioned above, with the District's response to each request.

4. Documents sufficient to determine the total number of students in each of the subcategories of Requests 1, 2 and 3 above that are:
 - (a) Male.
 - (b) Female.
 - (c) White.
 - (d) Black.
 - (e) Hispanic.
 - (f) Asian or Pacific Islander.
 - (g) Native American.

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(h) Multiracial or Multiethnic.

District Response: Regarding 4(a) and 4(b) above, see Master Schedules for GBN and GBS available on the CD.

Regarding 3(a) and 3(b), and 4(c) through 4(h) above, no documents are available except the Profile of Special Education Data for the 2007-2008 School Year which is provided on the CD. The Profile is not yet available for the 2008-2009 or 2009-2010 school years.

(Previously provided in response to your FOIA request dated February 5, 2010)

***Reply:** It is the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public bodies. 5ILCS 140/1. Indeed, based on the fundamental philosophy of the American Constitutional form of government, it is a primary duty of public bodies to provide records in compliance with the Freedom of Information Act and to do so as expediently and efficiently as possible. Id. All records in the custody or possession of a public body are presumed to be open to inspection by the public. 5 ILCS 140/1.2.*

The District is therefore obligated to produce the underlying source documents sufficient to determine the information sought in Requests 3(a) and (b) and 4 (c) through (h). Simply stated, the school knows which students are in every listed class in the District and knows the race and disability status of each such student, as well as whether a student has an IEP. Just as the District has the ability to identify the gender of students in every class (see, e.g., GBN Master Schedule), it has access to the documents to enable it to identify the other classifications of students. The District may not deny the public access to such underlying data unless the data fall within the itemized exemption from open access and those few exemptions are to be narrowly construed in light of the overriding broad principles of openness and the presumption of access. Although the District has failed to claim any exception, it may seek to avoid production of the requested documents under federal or state laws regarding privacy, or the personal privacy exception of 5 ILCS 140/7(c), but I seek nothing that would be covered by those exceptions since the District was invited to redact such information.

District Response: Regarding 4(c) through 4(h) above, the underlying source documents to the Profile of Special Education Data for the 2007-2008 School Year, entitled, *FACTS APPROVAL TRANSMITTED TO ISBE* and the *FACTS APPROVAL TRANSMITTED TO ISBE* that will be used by the Illinois State Board

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of Education to create the Profile of Special Education Data for the 2008-2009 and the 2009-2010 school years contain personal information and the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c). As such, per your verbal assent to Public Access Counselor, Matt Sebek, information has been redacted that would constitute a clearly unwarranted invasion of personal privacy.

See redacted *FACTS APPROVAL TRANSMITTED TO ISBE* documents, ISBE Codes for Gender and Ethnic and ISBE Codes for Related and Other Services available on the CD. No additional documents are available.

5. Documents sufficient to determine the total number of students in each of the subcategories of Requests 1, 2, 3 and 4 above that have been:

District Response: In response to Request 5, with respect to the subcategories of Requests 1, 2, and 3 above, see Master Schedules for GBN and GBS. No additional documents are available in response to Request 5 regarding 4(c) through 4(h) except the Profile of Special Education Data for the 2007-2008 School Year which is provided on the CD. The Profile is not yet available for the 2008-2009 or 2009-2010 school years.

(Previously provided in response to your FOIA request dated February 5, 2010)

***Reply:** Again, the District knows the race and disability status of each student, as well as whether a student has an IEP, and knows which students it selects to receive the itemized supports. The District may not deny the public the same information to which the District has access simply because it has not compiled that information since 2007-08. Rather, it must provide the documents containing the data so that the public can do the compilation that the District surprisingly says it has not done. Please either produce the requested documents (properly redacted) or state that the requests are denied.*

District Response: In response to Request 5, regarding 4(c) through 4(h), the underlying source documents to the Profile of Special Education Data for the 2007-2008 School Year, entitled, *FACTS APPROVAL TRANSMITTED TO ISBE* and the *FACTS APPROVAL TRANSMITTED TO ISBE* that will be used by the Illinois State Board of Education to create the Profile of Special Education Data for the 2008-2009 and the 2009-2010 school years contain personal information and the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c). As such, per your verbal assent to Public Access Counselor, Matt Sebek, information has been redacted that would constitute a clearly unwarranted invasion of personal privacy.

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See redacted *FACTS APPROVAL TRANSMITTED TO ISBE* documents, ISBE Codes for Gender and Ethnic and ISBE Codes for Related and Other Services available on the CD. No additional documents are available.

7. All invoices to the District for legal services.

District Response: In order to identify any documents that may respond to this request, you must identify the time period for which you are requesting the invoices, and the type of legal services for which information is requested.

Reply: The time period for the requested documents is since 2007. The request is for any and all legal services to the District. Please produce those documents responsive to Request 7 or state that you are denying access to such documents.

District Response: In response to Request 7, the legal invoice information includes personal information contained within the public record that would constitute a clearly unwarranted invasion of personal privacy in that the invoices identify students (or personnel, as applicable) by name and/or by using unique identifiers. The disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c). As such, per your verbal assent to Public Access Counselor, Matt Sebek, information has been redacted that would constitute a clearly unwarranted invasion of personal privacy.

See redacted legal invoice information available on the CD. No additional documents are available.

8. All invoices to the District for services provided to students by outside (i.e., other than employees of the District) psychiatrists, psychologists, social workers, and speech or language therapists.

District Response: In order to identify any documents that may respond to this request, you must identify the time period for which you are requesting the invoices.

Reply: The time period for the requested documents is since 2007.

District Response: In response to Request 8, invoices to the District for services provided to students by outside psychiatrists, psychologists, social workers, and speech or language therapists identify students by name and/or by using unique identifiers. The disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c). As such, per your

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verbal assent to Public Access Counselor, Matt Sebek, information has been redacted that would constitute a clearly unwarranted invasion of personal privacy.

See redacted invoices to the District for services provided to students by outside psychiatrists, psychologists, social workers, and speech or language therapists available on the CD. No additional documents are available.

ADDITIONAL FOIA REQUEST

9. Any and all settlement agreements entered into by or on behalf of the District where the underlying claim refers, relates or pertains to Special Education, an Individual Education Plan as defined by the Individuals with Disabilities Act.

District Response: In response to Request 9, the information in the settlement agreement identifies a student and his/her family by name and the services provided to the student. The disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c). As such, per your verbal assent to Public Access Counselor, Matt Sebek, information has been redacted that would constitute a clearly unwarranted invasion of personal privacy.

See redacted settlement agreement available on the CD. No additional documents are available.

10. Documents sufficient to determine the number of GBN IEP's that provide for services to a student by each of the following:

(d) a school psychologist.

District Response: In response to Request 10(d), the underlying source documents to the Profile of Special Education Data for the 2007-2008 School Year, entitled, *FACTS APPROVAL TRANSMITTED TO ISBE* and the *FACTS APPROVAL TRANSMITTED TO ISBE* that will be used by the Illinois State Board of Education to create the Profile of Special Education Data for the 2008-2009 and the 2009-2010 school years contain personal information and the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c). As such, per your verbal assent to Public Access Counselor, Matt Sebek, information has been redacted that would constitute a clearly unwarranted invasion of personal privacy.

See redacted *FACTS APPROVAL TRANSMITTED TO ISBE* documents, ISBE Codes for Gender and Ethnic and ISBE Codes for Related and Other Services available on the CD. No additional documents are available.

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(f) A school social worker.

District Response: In response to Request 10(f), the underlying source documents to the Profile of Special Education Data for the 2007-2008 School Year, entitled, *FACTS APPROVAL TRANSMITTED TO ISBE* and the *FACTS APPROVAL TRANSMITTED TO ISBE* that will be used by the Illinois State Board of Education to create the Profile of Special Education Data for the 2008-2009 and the 2009-2010 school years contain personal information and the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c). As such, per your verbal assent to Public Access Counselor, Matt Sebek, information has been redacted that would constitute a clearly unwarranted invasion of personal privacy.

See redacted *FACTS APPROVAL TRANSMITTED TO ISBE* documents, ISBE Codes for Gender and Ethnic and ISBE Codes for Related and Other Services available on the CD. No additional documents are available.

(h) A school speech and language therapist.

District Response: In response to Request 10(h), the underlying source documents to the Profile of Special Education Data for the 2007-2008 School Year, entitled, *FACTS APPROVAL TRANSMITTED TO ISBE* and the *FACTS APPROVAL TRANSMITTED TO ISBE* that will be used by the Illinois State Board of Education to create the Profile of Special Education Data for the 2008-2009 and the 2009-2010 school years contain personal information and the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c). As such, per your verbal assent to Public Access Counselor, Matt Sebek, information has been redacted that would constitute a clearly unwarranted invasion of personal privacy.

See redacted *FACTS APPROVAL TRANSMITTED TO ISBE* documents, ISBE Codes for Gender and Ethnic and ISBE Codes for Related and Other Services available on the CD. No additional documents are available.

You have the right to seek review by the Public Access Counselor in the Illinois Attorney General's Office (Office of the Illinois Attorney General, Attention: Cara Smith, Esq., Public Access Counselor, 500 South Second Street, Springfield, IL 62706, 1-877-299-3642; or 100 W. Randolph Street, Chicago, IL, 60601).

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Should you have any questions regarding the above responses, please contact me in writing.

Very truly yours,

GLENBROOK HIGH SCHOOL
DISTRICT 225

A handwritten signature in cursive script that reads "Rosanne Williamson".

Rosanne Williamson, Ed. D.
Assistant Superintendent for Educational Services

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