

OFFICE OF THE ASSISTANT SUPERINTENDENT  
FOR EDUCATIONAL SERVICES

TO: Dr. Mike Riggle

FROM: Rosanne Williamson

RE: Whitted FOIA Request

DATE: July 23, 2009

Attached you will find a response to a FOIA request written by Terri E. Engler, of Sraga Houser, LLC. As an attorney representing District 225, Ms. Engler wrote the response to this FOIA request on my behalf in my role as secretary of the Board of Education given the extensive nature of the inquiry. Ms. Engler worked closely with Dr. Tuttle and his staff in gathering materials for the response.

A letter outlining the items requested dated June 26, 2009 (see attached) was received via fax from Brooke R. Whitted, of Whitted, Cleary & Takiff, LLC. The purpose of the request as stated in the letter is "To safeguard the educational interests of a particular child and to protect the health, safety, welfare and legal rights of the general public."

Given the scope of this request, Ms. Engler contacted Brook Whitted and agreement was reached regarding an extension of the normal required response time under FOIA to the date of Friday, July 24, 2009.

Please note in Ms. Engler's response that not all of the items requested were provided because in some cases, no public record existed or the request was denied because the records requested are school student records which are *per se* exempt under Section 7(b)(i) of FOIA.

The information collected in response to this request is voluminous and will be made available for review by Board members as requested, but was not copied for the Board packet.

# SRAGA HAUSER, LLC

ATTORNEYS AT LAW

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Alan T. Sraga • Teri E. Engler • John M. Izzo • Raymond A. Hauser  
Daniel M. Boyle • Joel R. DeTella • Christopher L. Petrarca • William F. Gleason

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TERI E. ENGLER  
OAK BROOK OFFICE  
tengler@sragahauser.com

July 23, 2009

**SENT BY FEDERAL EXPRESS DELIVERY**

Brooke R. Whitted, Esq.  
Whitted & Cleary, L.L.C.  
3000 Dundee Road, Suite 303  
Northbrook, Illinois 60062

**Re: *Freedom of Information Act ("FOIA") Request***

Dear Mr. Whitted:

On behalf of the Secretary of the Board of Education of Northfield Township High School District 225, I am submitting herewith District 225's response to your June 26, 2009 *FOIA* request, with referenced enclosures:

- 1. The total number of students enrolled in Glenbrook [sic] School District No. 225 ("District 225");**

Response: See enclosed public records with respect to the 2003-2004, 2004-2005, 2005-2006, 2006-2007, and 2008-2009 school years; no public records exist with respect to the 2008-2009 or 2009-2010 school years.

- 2. The total number of requests for case study evaluations received by District 225 and number of students enrolled in District 225 who were deemed eligible for special education services during each applicable year;**

Response: No public record exists which identifies the total number of requests for case study evaluations received by District 225 during each applicable year. With respect to the total number of students enrolled in District 225 who were deemed eligible for special education services during the 2003-2004, 2004-2005, 2005-2006, 2006-2007, and 2007-2008 school years, see enclosed public records provided in response to #1 above; no public records exist with respect to the 2008-2009 or 2009-2010 school years.

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3. **The total number of special education students who have been identified as having the disability "specific learning disability" and "other health impairment" pursuant to the special education rules,**

Response: See enclosed public records provided in response to #1 above for the 2003-2004, 2004-2005, 2005-2006, 2006-2007, and 2007-2008 school years; no public records exist with respect to the information requested for the 2008-2009 or 2009-2010 school years.

**and, under this category:**

- a. **The number of students identified in this request who have been declared eligible for special education services and placed by District 225 in a District 225 operated special education placement;**

Response: See enclosed public records provided in response to #1 above with respect to the 2003-2004, 2004-2005, 2005-2006, 2006-2007, and 2007-2008 school years; no public records exist with respect to the 2008-2009 or 2009-2010 school years.

- b. **The number of students identified in request 3(a) who were placed in a special education for 20% or less of their day outside the regular classroom. For the students identified in this request please specify the types of services provided for such students.**

Response: See enclosed public records provided in response to #1 above with respect to the 2003-2004, 2004-2005, 2005-2006, 2006-2007, and 2007-2008 school years; no public records exist with respect to the 2008-2009 or 2009-2010 school years. With respect to the types of services provided for the students identified in this request, per Superintendent Riggle this request is denied because the information is contained in school student records which are *per se* exempt under Section 7(b)(i) of FOIA. You may appeal this decision by sending a written notice to Superintendent Riggle, at 1835 Landwehr Road, Glenview, IL 60025, within 30 days of the date of this letter.

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- c. The number of students identified in request 3(a) who were placed in special education for 21-60% of their day outside the regular classroom. For each child identified in this request please specify the types of services provided for each child.**

Response: See District 225's response to #3(b) above.

- d. The number of students identified in request 3(a) who were placed in special education for over 60% of their day outside the regular classroom. For the students identified in this request please specify the types of services provided for such students.**

Response: See District 225's response to #3(b) above.

- e. The number of students identified in request 3 who have been placed and funded by District 225 in a full time special education class in a separate public day school that does not house programs for students without disabilities.**

Response: No public records exist.

- f. The number of students identified in request 3 that have been placed in a private day or out-of-state public day school and the annual cost per student of the placements.**

Response: With respect to the number of students that have been placed in private day or out-of-state public day schools, no public records exist. With respect to the annual cost per each student placed in a private day school, per Superintendent Riggle this request is denied because the records sought are school student records which are *per se* exempt under Section 7(b)(i) of FOIA. You may appeal this decision as specified in District 225's response to #3(b) above. No public records exist with respect to the annual cost per student of students placed in out-of-state public day schools.

- g. The number of students identified in request 3 that have been placed in a private residential in-state placement and the annual cost per student of the placement.**

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Response: With respect to the number of students that have been placed in a private residential in-state placement, no public records exist. With respect to the annual cost per each student placed in a private residential in-state placement, per Superintendent Riggle this request is denied because the records sought are school student records which are *per se* exempt under Section 7(b)(i) of FOIA. You may appeal this decision as specified in District 225's response to #3(b) above.

- h. The number of students identified in request 3 that have been placed in a private residential out-of-state placement and the annual cost per student of the placements.**

Response: With respect to the number of students that have been placed in private residential out-of-state placements, no public records exist. With respect to the annual cost per each student placed in a private residential out-of-state placement, per Superintendent Riggle this request is denied because the records are school student records which are *per se* exempt under Section 7(b)(i) of FOIA. You may appeal this decision as specified in District 225's response to #3(b) above.

- i. The number of students identified in request 3 that have been placed in a homebound instructional program.**

Response: No public records exist.

- 4. The total number of special education students, not identified in 3(g) or 3(h) who have been placed in a private residential in-state setting and the annual cost for each student of the placements.**

Response: No public records exist.

- 5. The total number of special education students, not identified in 3(g) or 3(h) who have been placed in a private residential out-of-state setting and the annual cost for each student of the placements.**

Response: No public records exist.

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**6. For each student identified in request 3(g), request 3(h), request 4, and request 5:**

- a. Identify the facility code and facility name of each residential placement as it is submitted to the Illinois State Board.**

Response: To the extent that records with this information exist, per Superintendent Riggle this request is denied because they are school student records which are *per se* exempt under Section 7(b)(i) of FOIA. You may appeal this decision as specified in District 225's response to #3(b) above.

- b. Identify the history of services provided for the last two school years as reported to the Illinois State Board on the student's 34-37 form for each year the 34-37 form was submitted for the student.**

Response: See District 225's response to #6(a) above.

- c. Identify the services provided to the student in the most recent placement as reported to the Illinois State Board of Education on the student's 34-37 form. Provide the list in the order of importance as determined on the student's 34-37 form.**

Response: See District 225's response to #6(a) above.

- d. Identify any other services listed on the 34-37 form, including a [sic] services provided by other agencies in cooperation with the school district.**

Response: See District 225's response to #6(a) above.

**7. Any current or proposed procedures, policies, standards, guidelines or practices, whether or not intended for public distribution, followed or to be followed governing decisions made by personnel of all schools regarding mainstreaming, inclusion, or the least restrictive environment of eligible students requiring special education and related services;**

Response: See enclosed public record.

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8. Any current or proposed procedures, policies, standards, guidelines or practices, whether or not intended for public distribution, followed or to be followed governing decision making by District 225 personnel in all schools regarding the placement of students requiring special education and related services in private residential or private day facilities;

Response: See District 225's response to #7 above.

9. Copies of all legal bills paid by District 225 for special education matters during the past three (3) years;

Response: See enclosed public records.

10. Any information, including but not limited to resumes, licenses or certifications concerning each teacher, aide or teacher's assistant in District 225 who has ever worked with [REDACTED]

Response: No one in District 225 has ever "worked with" [REDACTED].

11. Any current or proposed job descriptions, policies, standards, guidelines, practices or criteria to be used in selecting candidates to be employed by District 225 in the capacity of a psychologist, social worker, occupational therapist, speech and language therapist, special education teacher, aide or teacher's assistant; and Special Education Director;

Response: See enclosed public record.

12. Any current or proposed descriptions of the special education services and related services available in District 225 for students identified with a disability, including but not limited to each and every element of the mandated continuum of services that is available, including early childhood programs;

Response: See enclosed public records. District 225's transition website also has transition-related information and may be accessed at: <http://gbn.glenbrook.k12.il.us/academics/SpecEd/Staff/rgatchalian/index.html>.

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- 13. The number of requests for due process hearings filed against District 225, and redacted copies of each request;**

Response: With respect to the number of requests for due process hearings filed against District 225 is concerned, no public records exist. With respect to redacted copies of each request, per Superintendent Riggle this request is denied because they are school student records which are *per se* exempt under Section 7(b)(i) of FOIA. You may appeal this decision as specified in District 225's response to #3(b) above.

- 14. The disposition of each request for a due process hearing identified in request 14, i.e., "placement ordered was \_\_\_\_\_; prevailing party was \_\_\_\_\_." Redacted copies of the written decisions of hearing officers resulting from each of the requests for due process hearings will satisfy this request.**

Response: With respect to the disposition of each request for a due process hearing, no public records exist. With respect to redacted copies of the written decisions of hearing officers resulting from each of the requests for due process hearings, per Superintendent Riggle this request is denied because they are school student records which are *per se* exempt under Section 7(b)(i) of FOIA. You may appeal this decision as specified in District 225's response to #3(b) above.

- 15. A full and complete list of every member of the District 225 Board of Education, with all contact addresses and phone numbers;**

Response: See enclosed public records. (Note: These documents were included in the high school student handbooks. Complete copies of the student handbooks are available upon request.) With respect to a full and complete list of all contact addresses, no public records exist. However, District 225's website provides a general e-mail address to contact Board of Education members and may be accessed at [www.glenbrook.k12.il.us](http://www.glenbrook.k12.il.us).

- 16. A full, complete, and current copy of any active intergovernmental agreements between District 225 and any other unit of local government, including but not limited to special education cooperatives; and**

Response: See enclosed public records.



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17. **Copies of any complaints against District 225 lodged by any other agency, including but not limited to the Office for Civil Rights of the U.S. Department of Education; OSERS; and the state education agency.**

Response: No public records exist.

18. **All Recognition and Supervision reports for the last five years.**

Response: See enclosed public records.

Should you have any questions, feel free to contact me or Mr. Sraga.

Very truly yours,

SRAGA HAUSER, LLC

*Teri E. Engler (nm)*

TERI E. ENGLER

TEE:nm

Enclosures

cc: Dr. Michael Riggle, Superintendent, School District 225  
Dr. Rosanne Williamson, Assistant Superintendent, School District 225  
Dr. George Tuttle, Director of Special Education, School District 225  
Alan T. Sraga, Esq.



JUN 29 2009

3000 Dundee Road, Suite 303, Northbrook, Illinois 60062

June 26, 2009

office 847.564.8662  
fax 847.564.8419  
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**VIA FACSIMILIE AND REGULAR MAIL**

Dr. Michael Riggle, Superintendent  
Glenbrook School District 225  
1835 Landwehr Road  
Glenview, IL 60026

Brooke R. Whitted  
Lara A. Cleary  
Neal E. Takiff  
Jennifer L. Hansen

**Re: FOIA Request**

Dear Dr. Riggle:

Malcolm C. Rich  
Hon. Charles I. Bansch  
Tracy E. Kollarz  
Linda J. Murakishi  
Laura M. O'Connor  
Margot K. Andersen  
Julie M. Wilson

Please consider this correspondence a formal request for documents pursuant to the Illinois Freedom of Information Act ("FOIA"). If any part of this request is denied, please reference the specific document denied and the legal basis upon which disclosure is being denied. Pursuant to FOIA, please provide the following:

For each request below please provide any and all information available, including but not limited to written and computerized statistical information, for the last five years<sup>1</sup> (please list by year). Pursuant to FOIA, please provide the following:

1. The total number of students enrolled in Glenbrook School District No. 225 ("District 225");
2. The total number of requests for case study evaluations received by District 225 and number of students enrolled in District 225 who were deemed eligible for special education services during each applicable year;
3. The total number of special education students who have been identified as having the disability "specific learning disability" and "other health impairment" pursuant to the special education rules, and, under this category:
  - a. The number of students identified in this request who have been declared eligible for special education services and placed by District 225 in a District 225 operated special education placement;

<sup>1</sup>The last five years refers to the last five school years, specifically the 2003-2004, 2004-2005, 2005-2006, 2006-2007, and 2007-2008 school years, as well as the current year to date.

- b. The number of students identified in request 3(a) who were placed in special education for 20% or less of their day outside the regular classroom. For the students identified in this request please specify the types of services provided for such students.
  - c. The number of students identified in request 3(a) who were placed in special education for 21-60% of their day outside the regular classroom. For each child identified in this request please specify the types of services provided for each child.
  - d. The number of students identified in request 3(a) who were placed in special education for over 60% of their day outside the regular classroom. For the students identified in this request please specify the types of services provided for such students.
  - e. The number of students identified in request 3 who have been placed and funded by District 225 in a full time special education class in a separate public day school that does not house programs for students without disabilities.
  - f. The number of students identified in request 3 that have been placed in a private day or out-of-state public day school and the annual cost per student of the placements.
  - g. The number of students identified in request 3 that have been placed in a private residential in-state placement and the annual cost per student of the placements.
  - h. The number of students identified in request 3 that have been placed in a private residential out-of-state placement and the annual cost per student of the placements.
  - i. The number of students identified in request 3 that have been placed in a homebound instructional program.
4. The total number of special education students, not identified in 3(g) or 3(h) who have been placed in a private residential in-state setting and the annual cost for each student of the placements.
  5. The total number of special education students, not identified in 3(g) or 3(h) who have been placed in a private residential out-of-state setting and the annual cost for each student of the placements.

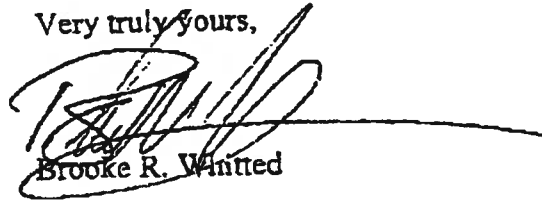
6. For each student identified in request 3(g), request 3(h), request 4, and request 5:
  - a. Identify the facility code and facility name of each residential placement as it is submitted to the Illinois State Board.
  - b. Identify the history of services provided for the last two school years as reported to the Illinois State Board on the student's 34-37 form for each year the 34-37 form was submitted for the student.
  - c. Identify the services provided to the student in the most recent placement as reported to the Illinois State Board of Education on the student's 34-37 form. Provide the list in the order of importance as determined on the student's 34-37 form.
  - d. Identify any other services listed on the 34-37 form, including a services provided by other agencies in cooperation with the school district.
7. Any current or proposed procedures, policies, standards, guidelines or practices, whether or not intended for public distribution, followed or to be followed governing decisions made by personnel of all schools regarding mainstreaming, inclusion, or the least restrictive environment of eligible students requiring special education and related services;
8. Any current or proposed procedures, policies, standards, guidelines or practices, whether or not intended for public distribution, followed or to be followed governing decision making by District 225 personnel in all schools regarding the placement of students requiring special education and related services in private residential or private day facilities;
9. Copies of all legal bills paid by District 225 for special education matters during the past three (3) years. Please note here it is our position that attorneys working for and paid by a public entity may not invoke attorney-client privilege;
10. Any information, including but not limited to resumes, licenses or certifications concerning each teacher, aide or teacher's assistant in District 225 who has ever worked with

11. Any current or proposed job descriptions, policies, standards, guidelines, practices or criteria to be used in selecting candidates to be employed by District 225 in the capacity of a psychologist, social worker, occupational therapist, speech and language therapist, special education teacher, aide or teacher's assistant; and Special Education Director;
12. Any current or proposed descriptions of the special education services and related services available in District 225 for students identified with a disability, including but not limited to each and every element of the mandated continuum of services that is available, including early childhood programs;
13. The number of requests for due process hearings filed against District 225, and redacted copies of each request;
14. The disposition of each request for a due process hearing identified in request 14, i.e., "placement ordered was \_\_\_\_\_; prevailing party was \_\_\_\_\_." Redacted copies of the written decisions of hearing officers resulting from each of the requests for due process hearings will satisfy this request.
15. A full and complete list of every member of the District 225 Board of Education, with all contact addresses and phone numbers;
16. A full, complete, and current copy of any active intergovernmental agreements between District 225 and any other unit of local government, including but not limited to special education cooperatives; and
17. Copies of any complaints against District 225 lodged by any other agency, including but not limited to the Office for Civil Rights of the U.S. Department of Education; OSERS; and the state education agency.
18. All Recognition and Supervision reports for the last five years.

The principal purpose of these information requests is to safeguard the educational interests of this particular child and to protect the health, safety, welfare and legal rights of the general public. These requests for information are not for the purpose of personal or commercial gain. Accordingly, pursuant to 5 ILCS 104/6(b), we request a waiver of any copying fee. Please be aware that FOIA requests require a response within seven (7) working days of your receipt. We look forward to your timely compliance, since this correspondence is being received by you, as agent for District 225, today by facsimile.

If you have any questions regarding this letter, please contact me.

Very truly yours,



Brooke R. Whitted

BRW/rxm

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BRW FOIA Request for M. Riggle.doc