

OFFICE OF THE ASSISTANT SUPERINTENDENT  
FOR EDUCATIONAL SERVICES

TO: Dr. Mike Riggle

FROM: Rosanne Williamson

RE: FOIA

DATE: October 20, 2010

Attached you will find two FOIA requests received by the district and our response.

We responded within the 5 business day requirement for both.

September 24, 2010

Northfield Township High School District 225  
1835 Landwehr Road  
Glenview, IL 60026

Attn: Freedom of Information Office

To Whom It May Concern:

This request is being made under the Illinois Freedom of Information Act. What is requested is the financial statement from Quest for operation of the foodservice program at Northfield Township High School District 225 for the 2009-2010 school year. Also requested are any financial projections for the foodservice program prepared by the District or Quest for the 2010-11 school year, and any correspondence from Quest between January 1, 2010 and the present that contains foodservice program participation or financial performance data.

The requested information is for the purpose of comparison to my local school district, and may be sent electronically or as a hard copy. Thank you.



T. Vorkapic  
218 Anderson Blvd.  
Geneva, IL 60134

tvorkapic@comcast.net

## Geallis, Elaine

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**From:** Williamson, Rosanne Marie  
**Sent:** Wednesday, September 29, 2010 10:49 AM  
**To:** tvorkapic@comcast.net  
**Cc:** Geallis, Elaine  
**Subject:** FW: Draft FOIA response: FOIA Response - UPDATED  
**Attachments:** Attachments.pdf

**Importance:** High

Dear T. Vorkapic,

I am responding to the request for information received September 27, 2010, pursuant to the Illinois Freedom of Information Act. Attached please find the documents/answers to requested items including:

1. Financial Statement from Quest for operation of the foodservice program for 2009 – 2010 school year – [no documents are](#) available.
2. Financial projections for the 2010-2011 school year - please see attached.
3. Correspondence from Quest between January 1, 2010 to present containing foodservice program participation or financial performance data – no correspondence available, please see attached financial performance [information](#).

If you have further questions, do not hesitate to contact me. Please “reply all” to this e-mail to confirm that you have received [this correspondence](#). I have copied my executive assistant, Elaine Geallis, as she helps track completed FOIA requests.

If you have further questions, please do not hesitate to contact me.

Sincerely,

Dr. Rosanne Williamson  
Secretary, Board of Education  
[Assistant Superintendent for Educational Services](#)  
Northfield Township High School District 225

**GLENBROOK HIGH SCHOOLS  
REGULAR BOARD MEETING – SEPTEMBER 27, 2010**

**TO: Dr. Mike Riggle  
Hillary Siena**

**FROM: Kimberly Ptak**

**DATE: September 27, 2010**

**RE: FREE AND REDUCED BREAKFAST PROPOSAL**

Critical Questions

1. Should the District offer a free and reduced breakfast program to students meeting federal free and reduced eligibility requirements?
2. Should the District extend Quest's contract in exchange for Quest's annual funding of the free and reduced breakfast proposal in an amount not to exceed \$15,000?

Recommendation

This topic was discussed at the September 16, 2010 finance committee meeting and it was the consensus of the committee that the District both offer a free and reduced breakfast program and extend Quest's contract in exchange for Quest's funding of the program in an amount not to exceed \$15,000/year.

Legal Requirement

Under the Illinois School Breakfast and Lunch Program Act, the District is required to have a free/reduced lunch program for students meeting the federal eligibility requirements, even though the District does not participate in the federal National School Lunch Program. The District is not required to have a free breakfast program under the Act.

Current Free/Reduced Lunch Program

Among many other lunch offerings, Quest currently offers a choice of three daily value meals at a price ranging from \$2.75 (hot value meal) to \$3.25 (deli value meal and salad value meal). This lunch is free to students meeting the free lunch eligibility requirements and is \$1 for students meeting the reduced lunch eligibility requirements. Under our current contract with Quest Food Management Services (Quest), Quest absorbs this cost, which was approximately \$52,000 in FY 09/10. In FY 09/10 the district had 567 students with free or reduced status. Of these students, an average of 27% participated in the program daily.

Proposed Free/Reduced Breakfast Program

Effective with the FY 10/11 school year, Quest is offering breakfast value meals at a cost of \$2.25 – see attached for menu options. There have been discussions about offering a free/reduced breakfast program to students meeting federal eligibility requirements. Potential costs of this program are –

Maximum Cost (if every free/reduced student participated every day)	\$110,000
Potential Cost based on 27% lunch participation	\$30,000
Potential Cost based on Quest's experience (30% of F/R lunch participation)	\$9,000

Other districts in our immediate area including New Trier, District 207, District 211 and District 214 offer a free and reduced breakfast program.

Funding Options to Consider

1. Beginning with the FY 10/11 school year, fund balance 19 (food services) is \$26,000. We anticipate adding \$230,000 to this fund balance during FY 10/11, thus ending the year with a positive fund balance of \$256,000. The cost of the free/reduced breakfast program could be absorbed in this fund balance.
  
2. Quest has offered to absorb \$15,000 annually for the cost of a free and reduced breakfast program, in exchange for a contract extension. Currently the district is beginning the fourth year of a five year contract with the option to renew for an additional five years. Quest is proposing a new 5 year term, with a five year renewal option. The current contract has provisions for either party to terminate the contract, for any reason, for the next school year with written notice by April 1<sup>st</sup> of the current year.

Historical Financial Information

Following is the financial summary shared with the Board at the August 9, 2010 board meeting.

<u>In-house (through 1992)</u>	<u>Sodexo 1992 - 2006</u>	<u>Quest 2007 - traditional</u>	<u>Quest 2008 = rent based</u>	<u>Quest 2009 - rent based</u>	<u>Quest 2010 - rent based</u>	<u>Quest 2011 projection</u>
		Rent:	\$193,000	\$252,000	\$255,000	\$260,000
		Expense:	(\$50,000)	(\$50,000)	(\$60,000)	(\$30,000)
Average Loss (\$75K)	Average Profit \$35K	Profit \$85K	Net Rent: \$143,000	Net Rent: \$202,000	Net Rent: \$195,000	\$230,000

**GLENBROOK HIGH SCHOOLS  
Regular Board Meeting Monday August 9, 2010  
District Business Office**

**TO: Dr. Mike Riggle  
Hillary Siena**

**FROM: Kimberly L. Ptak**

**DATE: AUGUST 09, 2010**

**RE: DISCUSSION: BOOKSTORE AND FOOD SERVICES – FY 09/10  
RECAP**

**BOOKSTORE**

The district outsourced the bookstores to Follett in July 2007. Per the contract, the district pays Follett an annual management fee of \$160,000. Outsourcing the bookstore is estimated to save \$750,000 over the 5-year contract period, which ends July 2012. In addition, at the time of the transition, Follett purchased textbook and supply inventory from the district in the amount of \$475,000.

**FOOD SERVICES**

Beginning with the FY 07/08 school year, the district entered into a 5-year “rent based” agreement with Quest Food Services. Under the agreement, Quest collects all revenue, pays all expenses and pays the district “rent” in the amount of 10% of sales. The district has historically been responsible for the purchase of small-wares, equipment maintenance and credit card fees which have averaged approximately \$55,000/year. FY 2011 will be the first year credit card fees will be passed on to the parents through Quest’s web-based payment tool, My Lunch Money. This will save the district approximately \$35,000/year.

<b><u>In-house (through 1992)</u></b>	<b><u>Sodexo 1992 – 2006</u></b>	<b><u>Quest 2007 – traditional</u></b>	<b><u>Quest 2008 – rent based</u></b>	<b><u>Quest 2009 – rent based</u></b>	<b><u>Quest 2010 – rent based</u></b>
		Rent:	\$193,000	\$252,000	\$255,000
		Expense:	(\$50,000)	(\$50,000)	(\$60,000)
Average Loss (\$75K)	Average Profit \$35K	Profit \$85K	Net Rent: \$143,000	Net Rent: \$202,000	Net Rent: \$195,000

Prior to 1992, the food services program was managed in house. When Sodexo took over the program in 1992 we were running at a deficit fund balance in Fund 19 of approximately \$1.2M. Over the years we have gradually been reducing this deficit and will enter FY 2011 with a positive fund balance of \$23,000.

It is estimated that an average of 28% of students per day participate in the breakfast program spending an average of \$1.93 and 87% of students per day participate in the

lunch program spending an average of \$4.25. Quarterly food committee meetings are held to review selection, quality, price and overall feedback.

Effective with the new school year, Quest is introducing several choices for the daily value meal which is available for free/reduced students. Students will now have the choice of a daily hot value meal or a cold deli sandwich or salad. Quest fully covers the meal cost of free/reduced students.

**Monday, October 4, 2010**

**RE: FOIA Request for Legal Opinions of the ISBE.**

Dear Superintendent:

This is a request for records under the Freedom of Information Act of Illinois. Please forward it to the appropriate individual serving as your agency's "F.O.I.A. Officer".

Section 2-3.7 of *The School Code* states one of the powers and duties of the State Board of Education is to serve as "legal advisor".

Section 2-3.7: "Legal adviser of school officers - Opinions. To be the legal adviser of school officers, and, when requested by any school officer, to give an opinion in writing upon any question arising under the school laws of the State."

The following was stated in *Board of Educ. v. Regional Board of Sch. Trustees*:

"Statutory interpretations by administrative agencies are an informed source for ascertaining legislative intent; thus, letter opinions stating the position of the legal adviser are, if not binding on courts, persuasive."  
121 Ill. App. 3d 848, 77 Ill. Dec. 241, 460 N.E.2d 100 (5 Dist. 1984)

Section 17-2.11 of *The School Code* was initially passed by the General Assembly on July 28, 1963 and was approved on August 16, 1963. The original title reveals the purpose of the non-referendum tax ... "Tax for fire prevention and safety purposes". This is the original source of authority for the "Nickel Levy" for fire prevention and safety purposes.

Section 17-2.11a of *The School Code* was initially passed by the General Assembly on June 23, 1971 and was approved on July 31, 1971. The original title reveals the purpose ... "School board power to borrow money and issue bonds for alterations for fire prevention and safety purposes." This is the original source of authority for the issuance of bonds for fire prevention and safety purposes.

On September 1, 1992, Senate Bill 1652 was approved and became effective on January 1, 1993 (P.A. 87-984). Section 17-2.11a was repealed within Section 3 of P.A. 87-984. Section 17-2.11 contained major revisions as the two sources of taxation – levy in 17.2-11 and bonds in 17-2.11a – were merged into one statute.

As part of Senate Bill 1652, the General Assembly **explicitly** addressed the issue of "surplus" balances for the first time.

With regard to any "surplus" that was the result of the tax levy, the following language was added to what is now Section 17-2.11.

<<+When taxes are levied by any school district for fire prevention, safety, energy conservation, and school security purposes as specified in this Section, and



**the purposes for which the taxes have been levied are accomplished and paid in full, and there remain funds on hand in the Fire Prevention and Safety Fund from the proceeds of the taxes levied, including interest earnings thereon,** the school board by resolution shall use such excess and other board restricted funds excluding bond proceeds and earnings from such proceeds (1) for other authorized fire prevention, safety, energy conservation, and school security purposes or (2) for transfer to the Operations and Maintenance Fund for the purpose of abating an equal amount of operations and maintenance purposes taxes. If any transfer is made to the Operation and Maintenance Fund, the secretary of the school board shall within 30 days notify the county clerk of the amount of that transfer and direct the clerk to abate the taxes to be extended for the purposes of operations and maintenance authorized under Section 17-2 of this Act by an amount equal to such transfer.+>> (Emphasis added)

With regard to any “surplus” that was the result of the bond authority, the following language was added to what is now Section 17-2.11.

**<<When the purposes for which the bonds are issued have been accomplished and paid for in full and there remain funds on hand from the proceeds of the bond sale and interest earnings therefrom,** the board shall, by resolution, use such excess funds in accordance with the provisions of Section 10-22.14 of this Act.+>> (Emphasis added)

Recently, the issue of permanently transferring “*surplus* life safety taxes” originating from the “Nickel Levy” (17-2.11(j)) authorized by Section 17-2.11 was again addressed by the General Assembly in HB5515. That amendment introduced the term “*surplus*” for the first time to describe the monies remaining after “...the purposes for which the taxes have been levied **are accomplished and paid in full**, and there remain funds on hand in the Fire Prevention and Safety Fund from the proceeds of the taxes levied...” (Emphasis added)

Section 10-22.14 is entitled “Borrowing money and issuing bonds. To borrow money, and issue bonds for the purposes and in the manner provided by this Act.” Section 10-22.14 states the following regarding “*surplus*” FP&S monies resulting from a bond issuance.

“When bonds are issued by any school district for fire prevention, safety, energy conservation, and school security purposes as specified in Section 17-2.11 [105 ILCS 5/17-2.11], and the purposes for which the bonds have been issued **are accomplished and paid in full, and there remain funds on hand from the proceeds of the bonds issued**, the board by resolution shall use those excess funds (1) for other authorized fire prevention, safety, energy conservation, and school security purposes as specified in Section 17-2.11 [105 ILCS 5/17-2.11] or (2) for transfer to the Bond and Interest Fund for payment of principal and interest on those bonds. If any transfer is made to the Bond and Interest Fund, the secretary of the school board shall within 30 days notify the county clerk of the amount of that transfer and direct the clerk to abate the taxes to be extended for the purposes of principal and interest payments on the respective bonds issued

under Section 17-2.11 [105 ILCS 5/17-2.11] by an amount equal to such transfer.” (Emphasis added)

- 1) ( This F.O.I.A. request is for all legal opinions -- labeled “Formal”, “Informal”, “Memorandum” or some other title -- issued by the ISBE since 1963 that mention either the tax levy (Section 17-2.11) and/or the bond proceeds (Section 17-2.11a) of the fire prevention and safety statute(s). The requested opinions may address the usage of “surplus life safety monies” in general that have accumulated as the result of either the “Nickel Levy” (17-2.11(j)) or a Bond Issuance (17-2.11(r)). Or, the requested opinions may address the issue of what is or is not a “violation”. Or, the opinion(s) may discuss whether or not the levy and/or bond authority may be used for asbestos removal via the Tort Fund.)
- 2) ( In addition, this F.O.I.A. request is for all legal opinions -- labeled “Formal”, “Informal”, “Memorandum” or some other title -- issued by the ISBE since 1963 that address the issue of whether or not a school district can **substitute** a new “violation” for an existing “violation” that had already been approved by the ISBE and ordered repaired by ROE.) In other words, does the District need to complete the first set of “violations” in their entirety or can they unilaterally decide **not** to repair one or more of the “violations” and substitute a “newly” approved violation in its place? *The issue is can bonds sold or taxes levied for a list of identified projects be used for other projects that are substituted for the original projects with the intent being the original projects will not be completed or will be completed after the “newly” approved violations are repaired?*
- 3) ( In addition, this F.O.I.A. request is for all legal opinions -- labeled “Formal”, “Informal”, “Memorandum” or some other title -- issued by the ISBE since 1963 that address the issue of whether or not **all** of the code violation repairs need to be “accomplished and paid for in full” before **any new projects** can be undertaken with the original tax proceeds (levy and/or bonds).) *The issue is can taxes raised and/or bonds sold for a list of identified projects be used for other projects before all of the original projects have been accomplished and paid for in full?*
- 4) ( And finally, this F.O.I.A. request is for all legal opinions -- labeled “Formal”, “Informal”, “Memorandum” or some other title -- issued by the ISBE since 1963 that address the issue of whether or not the District has the authority to levy and/or issue bonds under either Section 17-2.11 or Section 17-2.11a at an amount equal to the “estimate” for the repair instead of the “actual” contracted amount when the estimated cost to effectuate the repairs is **greater than** the actual cost contained within a board-approved contract.) *The issue is when taxes are levied and/or bonds sold for a list of identified projects, must the District utilize a known, actual contracted cost when levying taxes or issuing bonds instead of the prior estimate when the estimate is greater than the known contracted cost?* For example, if after 1) both the ROE and ISBE have reviewed the reasonableness of the “estimates” of the licensed architect/engineer (ISBE Forms 35-48 and 35-76) per statutory direction (Section 17-2.11), 2) both the ROE and ISBE have approved the “estimates” as being reasonable and 3) both the ROE and ISBE have approved the use of Fire Prevention and Safety funding in repairing the violations, the Board of Education approves an actual contract for the “violation” project at a cost less than the “estimate”, does the Board of Education have the statutory authority to levy taxes and/or issue

bonds in an amount that exceeds the "actual" known contracted cost for the project knowing full well that there will be a surplus of idle funds remaining when the project(s) is completed?

To be clear, the exact topics of the opinions are not known, therefore, all opinions that mention either Section 17-2.11 or Section 17-2.11a are to be made apart of this request.

In addition, I would like to request that your office do not copy the documents to paper but instead copy them to an electronic file format such as the "portable document format" ("pdf"). Programs such as those developed by Adobe ("Acrobat") are common tools used in both large and small offices to electronically store paper documents. Many copiers, even low-end non-network models, now offer the option of creating a "pdf" output instead of copying to paper. By utilizing this option, the copying process produces an electronic file that can be attached to an e-mail instead of consuming paper products requiring an envelope and postage.

And finally, per the Act, I am hereby requesting that all charges for this F.O.I.A. be waived since dissemination to me would be in the public interest of the property owners of both my community as well as all taxpayers of this State. The opinions of the ISBE on these two statutes are undoubtedly both informative and invaluable especially when reviewing cases where the Fire Prevention and Safety statute may have been abused by a school district attempting to circumvent a direct vote of the public via a referendum.

Thank you for your assistance with this request for public records.

Respectfully yours,

Scott O'Connell  
scott.scotto@yahoo.com

FOIA REQUEST	
Date Received:	10/5/10
Time Received:	12:30
5 Day Response Deadline:	10/12/10
Date Sent:	10/6/10

**From:** Williamson, Rosanne Marie  
**To:** scott.scotto@yahoo.com;  
**cc:** Geallis, Elaine;  
**Subject:** FOIA Response  
**Date:** Wednesday, October 06, 2010 3:07:27 PM

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Dear Mr. O'Connell,

I am responding to the request for information received October 5, 2010, pursuant to the Illinois Freedom of Information Act. Your requests are repeated below, with the District's response to each request.

1. "...request is for all legal opinions – labeled "Formal", "Informal", "Memorandum" or some other title – issued by the ISBE since 1963 that mention either the tax levy (Section 17-2.11) and/or the bond proceeds (Section 17-2.11a) of the fire prevention and safety statute(s). The requested opinions may address the usage of "surplus life safety monies" in general that have accumulated as the result of either the "Nickel Levy" (17-2.11(j)) or a bond issuance (17.211(r)). Or, the opinion(s) may discuss whether or not the levy and/or bond authority may be used for asbestos removal via the Tort Fund.

District Response: No documents are available.

2. "...request is for all legal opinions – labeled "Formal", "Informal", "Memorandum" or some other title – issued by the ISBE since 1963 that address the issue of whether or not a school district can **substitute** a new "violation" for an existing "violation" that has already been approved by the ISBE and ordered repaired by ROE."

District Response: No documents are available.

3. "...request is for all legal opinions – labeled "Formal", "Informal", "Memorandum" or some other title – issued by the ISBE since 1963 that address the issue of whether or not **all** of the code violation repairs need to be "accomplished and paid for in full" before **any new projects** can be undertaken with the original tax proceeds (levy and/or bonds)."

District Response: No documents are available.

4. “...request is for all legal opinions – labeled “Formal”, “Informal”, “Memorandum” or some other title – issued by the ISBE since 1963 that address the issue of whether or not the District has the authority to levy and/or issue bonds under either Section 17-2.11 or Section 17-2.11a at an amount equal to the “estimate” for the repair instead of the “actual” contracted amount when the estimated cost to effectuate the repairs is **greater than** the actual cost contained within a board-approved contract. ”

District Response: No documents are available.

Please “reply all” to this email to confirm that you have received this correspondence. I have copied my executive assistant, Elaine Geallis, as she helps track completed FOIA requests.

Sincerely,

Rosanne Williamson, Ed. D.  
Assistant Superintendent for Educational Services  
Glenbrook High School District 225  
3801 West Lake Avenue  
Glenview, IL 60026  
847-486-4701