

OFFICE OF THE ASSISTANT SUPERINTENDENT
FOR EDUCATIONAL SERVICES

TO: Dr. Mike Riggle

FROM: Rosanne Williamson

RE: Clark FOIA Request

DATE: March 17, 2010

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

You may recall that Mr. Clark was asked for clarification regarding some items contained in his original FOIA request dated February 5. This most recent request by Mr. Clark dated March 9, 2010 (see attached) provides clarification on some but not all items and contains an additional FOIA request.

The district's response outlines the need for additional time to answer this request. We responded to Mr. Clark's request within the 5 business day rule and are in the process of gathering documents that will be provided by the 5 business day extension as provided in the FOIA legislation.

THE
GLENBROOK
HIGH SCHOOLS

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

March 12, 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 will be unable to fill your request dated March 9, 2010 within five (5) business days, and additional time will be required to respond for the following reasons:

1. The request requires the search for and collection of a substantial number of records.
2. The requested records have not been located in the course of a routine search and additional efforts are being made to locate them.
3. The requested records, if located, will require examination and evaluation by personnel having the necessary competence and discretion to determine whether they are exempt from disclosure or should be revealed only with appropriate deletions.

An additional five (5) business days will be required to respond to the request (to and including March 24, 2010). By that date, the records you have requested, if they exist, will be made available to you or you will be notified of a decision denying your request.

Very truly yours,

GLENBROOK HIGH SCHOOL DISTRICT 225

Dr. Rosanne Williamson
Assistant Superintendent for Education Services

James A. Clark
1261 Thornapple Lane
Northbrook, IL 60062
(312) 258-5632

March 9, 2010

**Freedom of Information Act Request
to Glenbrook High School District 225**

Dr. Rosanne Williamson
Assistant Superintendent for Education Services
Glenbrook High School District 225
1835 Landwehr Road
Glenview, IL 60026

Dear Dr. Williamson:

This responds to your letter dated February 16, 2010 and constitutes a supplemental request for information under the Illinois Freedom of Information Act as amended, 5 ILCS 140/1 *et seq.*

REPLIES TO DISTRICT 225's RESPONSES

1. Documents sufficient to determine the following:
 - (a) the total number of students in District 225.
 - (b) the total number of students at Glenbrook North High School ("GBN").
 - (c) the total number of students at Glenbrook South High School ("GBS").

District Response: See last available School District Report Card and Report Cards for GBN and GBS available on the CD.

2. Documents sufficient to determine the total number of students in each of the subcategories of Request 1 above that are in each of the following academic tracks of classes offered by the District for each grade level (9-12) and subject area (*e.g.*, Chemistry, Introduction to Chemistry, etc.):
 - (a) Advanced Placement.
 - (b) Honors.
 - (c) Regular.
 - (d) "G".

- (e) "GA"
- (f) Team.
- (g) Special Education.
- (h) Other rankings.
- (i) Unranked.

District Response: See Master Schedules for GBN and GBS available on the CD.

3. Documents sufficient to determine the total number of students in each of the subcategories of Requests 1 and 2 above that:
- (a) are identified as having a disability.
 - (b) have an Individual Education Plan as defined by the Individuals with Disabilities Education Act.

District Response: See Master Schedules for GBN and GBS available on the CD.

Reply: The Master Schedules provided appear to indicate the number of students in Special Education as "Sped" but do not distinguish between Requests 3(a) and (b). Please provide documents as requested or state that the Request is denied.

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.
 - (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.

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. 5 ILCS 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 obliged 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 falls within the itemized exemptions 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.

Thus, please either produce the requested documents or state that the requests are denied.

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:
 - (a) placed in Study Strategies classes.
 - (b) placed in more than one Study Strategies class.
 - (c) provided with support from a student tutor.
 - (d) provided with support from The Write Place.
 - (e) provided with support from Raina Niman-Wodatch.
 - (f) provided with support from a school psychologist.
 - (g) provided with support from Russell Katahira.
 - (h) provided with support from a school social worker.
 - (i) provided with support from Jennifer Cicciu.
 - (j) provided with support from a school speech and language therapist.
 - (k) provided with support from Kathleen Marabella.
 - (l) provided with support from outside (i.e., other than an employee of the District) mental health professionals.
 - (m) provided with support from outside speech or language therapists.

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.

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 further response to Requests 5(a) through 5(m) below, be advised as follows:

Reply: *See Reply to Requests 4 and 5 above.*

- (a) placed in Study Strategies classes.

District Response: No additional documents available.

Reply: *See Reply to Requests 4 and 5 above.*

- (b) placed in more than one Study Strategies class.

District Response: No additional documents available.

Reply: *See Reply to Requests 4 and 5 above.*

- (c) provided with support from a student tutor.

District Response: No additional documents available.

Reply: *See Reply to Requests 4 and 5 above.*

- (d) provided with support from The Write Place.

District Response: No additional documents available.

Reply: *See Reply to Requests 4 and 5 above.*

- (e) provided with support from Raina Niman-Wodatch.

District Response: In order to identify if any documents may respond to this request, you must provide a time period and a description of the meaning of “support.”

Reply: *The time period for the requested documents is since 2007. It is inconsistent with the concepts of transparency, accountability, openness and expediency expressly embodied in FOIA for the District to throw up petty semantic quibbles about the meaning of a commonly-understood English word. To determine the meaning of the word “support” the District may refer to the 10 times it uses that word in the District’s Improvement Plan. Alternatively, it may refer to the numerous times it uses the word in the District’s IEPs. Alternatively, the District may refer to the terms “received intervention” or “received assistance,” also as those terms are repeatedly used in the District’s Improvement Plan and in the District’s IEPs. To the extent that the District needs to clarify its production with a reasoned explanation of its interpretation of the word “support”, explaining what documents are produced and what withheld based on some arcane or unique definition of the word “support”, the District is invited to do so. Because the public has less access than the District to the documents, as well as to why the District has difficulty understanding the term “support” it is unreasonable to demand that the public further clarify such a common term for the District. Again, FOIA seeks to foster transparency and accountability and the District’s obstructionism and parsimonious production of public data are antithetical to that goal.*

- (f) provided with support from a school psychologist.

District Response: In order to identify if any documents may respond to this request, you must provide a time period and a description of the meaning of “support.”

Reply: *See Reply to the District’s Response to Request 4(e) above.*

- (g) provided with support from Russell Katahira.

District Response: In order to identify if any documents may respond to this request, you must provide a time period and a description of the meaning of “support.”

Reply: *See Reply to the District’s Response to Request 4(e) above.*

- (h) provided with support from a school social worker.

District Response: In order to identify if any documents may respond to this request, you must provide a time period and a description of the meaning of “support.”

Reply: *See Reply to the District's Response to Request 4(e) above.*

- (i) provided with support from Jennifer Cicciu.

District Response: In order to identify if any documents may respond to this request, you must provide a time period and a description of the meaning of "support."

Reply: *See Reply to the District's Response to Request 4(e) above.*

- (j) provided with support from a school speech and language therapist.

District Response: In order to identify if any documents may respond to this request, you must provide a time period and a description of the meaning of "support."

Reply: *See Reply to the District's Response to Request 4(e) above.*

- (k) provided with support from Kathleen Marabella.

District Response: In order to identify if any documents may respond to this request, you must provide a time period and a description of the meaning of "support."

Reply: *See Reply to the District's Response to Request 4(e) above.*

- (l) provided with support from outside (i.e., other than an employee of the District) mental health professionals.

District Response: In order to identify if any documents may respond to this request, you must provide a time period and a description of the meaning of "support" and "mental health professionals."

Reply: *See Reply to the District's Response to Request 4(e) above. By "mental health professionals," I mean psychiatrists, psychologists, counselors or social workers.*

- (m) provided with support from outside speech or language therapists.

District Response: In order to identify if any documents may respond to this request, you must provide a time period and a description of the meaning of "support."

Reply: *See Reply to the District's Response to Request 4(e) above.*

6. All documents that refer to, relate to, or in any way pertain to the failure of District 225 to meet Adequate Yearly Progress standards under the federal No Child Left Behind Act.

District Response: See last available School District Report Card and District Improvement Plan available on the CD.

Reply: *The District surprisingly represents that it has just two brief documents dealing with this issue that has spanned several years and arisen in the context of several classes of failures to meet AYP. The District is requested to review its Response, search for additional documents, including without limitation internal and external correspondence with, among others, the local and State Boards of Education or the federal Department of Education that refers, relates or pertains to the failure of the District to make AYP, as well as documents referring, relating or pertaining to implementing, monitoring or evaluating existing improvement plans. Please state either that there are no further documents responsive to Request 6 or that you are denying access to such documents.*

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.*

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.*

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 Education Act.

Secretary of the Board of Education
Glenbrook High School District 225
March 9, 2009
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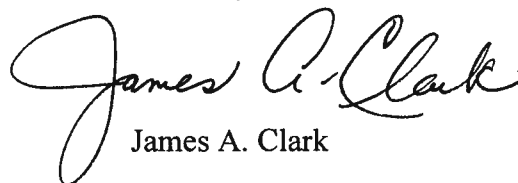
10. Documents sufficient to determine the number of GBN IEPs that provide for services to a student by each of the following:

- (a) a student tutor.
- (b) The Write Place.
- (c) Raina Niman-Wodatch.
- (d) a school psychologist.
- (e) Russell Katahira.
- (f) a school social worker.
- (g) Jennifer Cicciu.
- (h) a school speech and language therapist.
- (i) Kathleen Marabella.
- (j) outside mental health professionals as defined above.
- (k) outside speech or language therapists.

11. Documents responsive to my FOIA Request dated February 5, 2010, that have been created or found since the District's Response dated February 16, 2010.

As before, I am available to discuss my Requests with you.

Sincerely,



James A. Clark