

**MID VALLEY SPECIAL EDUCATION COOPERATIVE  
FREEDOM OF INFORMATION REQUESTS**

***REPORT TO THE EXECUTIVE ADVISORY BOARD  
October 3, 2012***

Mid Valley has responded to one (1) Freedom of Information Act Request

- **On August 29, 2012, Patti Lopuszanski of South Elgin, Illinois, requested the following**
  1. "Please provide any form of communication and documentation i.e. all e-mails, memos, letters between and amongst themselves of the following: All members of the Mid-Valley Executive Advisory Board, John Knewitz, Carla Cumblad, Susan Caddy, Tim Neubert, Bob Allison, Mid-Valley Special Education Cooperative legal counsel and any other employee or representative of Mid-Valley Special Education Cooperative, MVSEA union representatives involved in discussing/determining whether a Mid-Valley Special Education Cooperative former or current employee could/would be considered for employment within the five cooperative districts that stated the directive was given that no current, or former Mid-Valley Special Education Cooperative employee, was allowed to be considered for employment in any support staff, or teaching position that became available and/or that any person applied or interviewed for within any school in the State of Illinois. Please note date and time directives were given and by whom for employment opportunities that were being denied to anyone that applied/interviewed and at what position(s) in St. Charles CUSD 303. Names of specific employees to be redacted"
  2. "Please provide all documentation that was provided to Mid-Valley Special Education Cooperative staff members at the time that information was initially presented and discussed that Mid-Valley Special Education Cooperative would become its own entity. Based on the full staff presentation please note all names and their positions of the current/former administrators from St. Charles CUSD 303, Mid-Valley Special Education Cooperative Administrators, union representation and legal counsel in attendance. Please attach the lists of all Mid-Valley employees covered under the Intergovernmental Agreement and their seniority hire date. Based on the presentations to staff and the Intergovernmental Agreement were employees informed that they kept their seniority level within D303 for two years and if a position became available in St. Charles District D303 that they were qualified for and chose to go back to work in St. Charles CUSD 303 they could move into that position without bumping?"
  3. "Please provide any and all forms of communication as it relates to my employment with Mid-Valley Special Education Cooperative, e-mails amongst any and all of the following: Mid-Valley Executive Advisory Board, Susan Caddy, Carla Cumblad, Paige McNulty, Tim Stoudt, Melissa Jackson, Linda Koch, Natalie Assell, Todd Hayden,

Jackie Robbins, Rob Lyons, Mike Lamb, Anne Waters, Kelli Hogan, Karin Alber and Sandra Richmond.”

4. “Please provide any and all forms of communication as it relates to my interest in being hired for a 10 month secretarial position at Munhall School in St. Charles CUSD 303; e-mails amongst any and all of the following: Mid-Valley Executive Advisory Board, Susan Caddy, Carla Cumblad, Todd Hayden, Jackie Robbins, Rob Lyons, Mike Lamb, Anne Waters, Kelli Hogan, Kelly Sculles and Bob Allison.”

***RESPONSE: Mid Valley extended the time period for response by five business days from the original due date of September 6, 2012 due to the inability of the Cooperative to comply with the requests within the time period because the requests are couched in categorical terms and requires an extensive search of records responsive to it, and any responsive records will need to be examined and evaluated by personnel having the necessary competence and discretion to determine if they are exempt from disclosure or should be disclosed only with appropriate redactions.***

***On September 13, 2012, Mid Valley responded to same request as follows: No records responsive to request 1 and 4. Request 3, as phrased, is categorical in nature and has no limiting language or dates, and would unduly burden the operations of the Cooperative. Therefore, the Cooperative extended the opportunity to Ms. Lopuszanski to narrow her request to a management proportion.***

- **On September 14, 2012 Patti Lopuszanski of South Elgin, Illinois, responded with the following, including a narrowed request for item 3.**
  1. “To clarify request item one, are you attesting as the Mid-Valley Special Education FOIA Officer to having no knowledge of any oral directive, written directive or knowledge of meetings that included the discussion between Mid-Valley Special Education Cooperative and St. Charles CUSD 303 administrators that would have prohibited under any circumstances, any former/current employee the option to return to be employed within St. Charles CUSD 303 from July 1, 2011 to the date of this FOIA request August 29, 2012 if a position within their job category became available based on the Intergovernmental and Joint Agreement?”
  2. “FOIA request item three - please note I received a copy of my personnel file in the fall of 2011 prior to a grievance being filed by MVSEA union reps and Jackie Robbins on my behalf. It is my request to have e-mails amongst the following: Carla Cumblad, Susan Caddy, IEA/NEA and MVSEA union representatives, coordinators, Executive Advisory Board, Sandy Richmond and Karin Alber that relate to my grievance, the change in status of my job from union to confidential as presented to me on May 11, 2012, investigation of FOIA request made outside of the workplace, written reprimands, insubordination allegations, and all communication as it relates to witnesses and their names noted during my grievance and evaluation that substantiates the claims that Carla Cumblad wrote and based my termination off of. This should reduce this request substantially. Please feel free to contact me for further clarification.”

***Response: With regard to request #1 and as stated in original response dated September 12, 2012, there are no records responsive. FOIA does not require a public body to answer questions where no record contains the answers to the questions. The Cooperative fully complied with its obligations under FOIA***

***With regard to narrowed request #3, Mid Valley requested clarification about the subject matter of the emails. Mid Valley also responded that embedded in the narrowed request was an additional request for all forms of communications as it relates to the grievance and evaluation. If the Cooperative's understanding is correct, we believe a response could be made, but would require an additional 30 working days for response, due to the extensive search efforts it will have to undergo in order to identify responsive records.***

- **On September 20, 2012 Patti Lopuszanski of South Elgin, Illinois, responded to MV response with the following**
  1. "Ms. Caddy per your FOIA response today you acknowledge the need to extend the time to respond to fulfill Request No. 3 which had been in my initial FOIA request dated August 29, 2012. You first responded to that on September 12, 2012 and you stated you had over 1700 forms of communication from the date of June 14, 2011. I had narrowed the time period down considerably and in light of the fact you had all ready completed a search of this information it should not take 30 additional business days to print out and comply with my request. The additional subject is related to the fact "witnesses" were noted in the final grievance response presented to me and communicated at meetings with the MVSEA union and therefore inclusive under my original request and noted if someone other than those being listed was the "witness" and therefore any form of written/oral communication needs to be provided between them and any other party noted. If you are unable to comply with my request within the mandated period please let me know and I will forward on and have the PAC review."
  2. "Please also note the dates when Mid-Valley Special Education Cooperative Executive Advisory Board Closed Session recordings will be made available for the public to review."

***Response: The Cooperative intends to fulfill its obligations under FOIA by responding to your narrowed request as soon as possible. The Cooperative will search for and identify records responsive to your narrowed request, and will analyze those records to determine if any information contained therein is exempt from disclosure under FOIA and prepare a written response citing any applicable exemptions and the factual and legal basis for those exemptions. The Cooperative intends to provide you with the written response and copies of the non-exempt or redacted records on or before November 5, 2012.***

*With respect to the additional subject of "fact witnesses", there are no records responsive to this request.*

**ESTIMATED PERSONNEL TIME TO RESPOND: Four (4) hours**

**Cost to respond:**

**Personnel time: approximately \$250**

**Postage: \$25.00**

**Attorney: \$1,228.75 (Through Aug 31, 2012. Additional charges will be disclosed upon receipt of monthly legal bill)**