

River Forest
Public Schools

Administration Building
7776 Lake Street
River Forest, IL 60305
Phone: 708-771-8282
Fax: 708-771-8291

June 13, 2022

VIA E-MAIL TO

danielskirschner@gmail.com

emilyekirschner@gmail.com

Dear Mr. and Mrs. Kirschner:

On May 27, 2022, the School District received your request for records, as follows:

Administrative Contracts: Any and all employment and/or personnel agreements and/or contracts with current administrators, including but not limited to Superintendent Edward Condon and Director of Student Services Deborah Lubeck.

Policy Communications: Any and all written communications (whether email, letter, memo, or other) by and between Superintendent Edward Condon and Director of Student Services Deborah Lubeck pertaining to D90 policy for the approval or denial of student eligibility for special education services.

Budget Records: Any and all budget records for the last five (5) years which reflect D90 expenditures on legal fees to the law firm of Engler Callaway Baasten & Sruga, LLC, specifically relating to representation in contested special education services and eligibility determination proceedings, whether 504, IEP, due process, mediation, or trial.

Budget Records: Any and all budget records for the last five (5) years which reflect all specifically earmarked and actually spent sums on special education services for D90 students, excluding D90's fees for legal services, itemized by staffing position, type or nature of service provided, and within-district vs outside service provider vs in-home service, etc.

Aggregate Data: Any and all records or documents reflecting aggregate data for the last five (5) years as to the total number of D90 students who sought special education eligibility, further reflecting the number of students who were initially approved versus denied eligibility, as well as the number of students who were initially denied but later approved following reconsideration, due process, mediation, or trial.

This response is provided in accordance with the Illinois Freedom of Information Act, 5 ILCS 140/1, *et seq.* ("FOIA"):

Administrative Contracts

Please find responsive records enclosed.

Policy Communications

The District has identified no records responsive to this request.

Budget Records

Please find responsive records enclosed. The District has withheld information that constitutes privileged information exempt from disclosure pursuant to Section 7(1)(m) of FOIA, 5 ILCS 140/7(1)(m) and/or student record information that is statutorily exempt from disclosure under FOIA, 105 ILCS 7.5(r). Please note as well that the information you requested is not contained within a separate or specific invoice but rather contained within general invoices for all legal services.

Budget Records

The District has no records that itemize sums budgeted and spent within the identified categories. To the extent your request seeks discrete records within itemized categories, the District denies your request as unduly burdensome. This burden on School District operations outweighs the public interest in the request. In accordance with Section 3(g) of the Illinois Freedom of Information Act, 5 ILCS 140/3(g), you are notified as follows: The District does not retain budget reports reflecting expenditures within the specific categories identified--*itemized by staffing position, type or nature of service provided, and within-district vs outside service provider vs in-home service, etc.* No readily accessible means exists to search for the records identified for the timeframe requested. The School District's expenditures are processed through an accounting software managed by the Township Treasurer, and a high-level report documenting the expenditures, which would be the least burdensome approach, would need to be provided by the Township Treasurer. Due to a change in the accounting software during the period encompassed by your request, the Township Treasurer is unable to simply generate a responsive report with the requested information. As a result, and in order to provide the information you have requested, the School District will need to manually compile the responsive records. To compile the underlying documentation of the categories of transactions requested, the School District would be required to locate and review five years of physical files. The responsive records would need to be reviewed for any student record information to determine whether the information can be provided and whether information within the records must be redacted to comply with applicable laws. A conservative estimate of the effort to review, identify and compile the responsive records is one to two weeks of full-time dedicated staff effort. The School District operates with a limited administrative staff, whose time and attention remains under significant strain as the School District continues to work through pandemic-related changes and other compliance matters. The administrative staffing levels are further reduced during the summer months, adding to the strain on School District operations.

If the intent of your request was to seek specific records of specific expenditures that is unduly burdensome to the District, pursuant to FOIA, you have an opportunity to confer with us to attempt to reduce the request to manageable proportions. If you would like to do so, I ask that you provide any such reduced request within 10 business days after the date of this letter. Please note that should you not wish to reduce your request to manageable proportions, this response is considered a denial of your request for information. Please note additionally that any modified request remains subject to evaluation under the Illinois Freedom of Information Act to determine whether any modified request is a voluminous request, the timeframe for responding to any request, and what fees may be associated with the request, as well as whether records responsive to the modified request are exempt from disclosure or subject to redaction.

Aggregate Data

Please find responsive records enclosed.

Rights Upon Denial

When a request for public records is denied, the requester has the right to seek a review by the Office of the Attorney General's Public Access Counselor, who can be contacted as follows:

Public Access Counselor, Office of the Attorney General
500 South 2nd Street, Springfield, Illinois 62701
Phone: (877) 299-3642 / Fax: (217) 782-1396
E-mail: publicaccess@atg.state.il.us

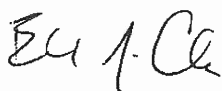
When a request for public records is denied, the requester also has the right to judicial review under Section 11 of FOIA.

Contact Information

Should you have intended the request for budget records to encompass additional information and would like to amend the request to attempt to reduce the request to manageable proportions, please contact me.

Sincerely,

RIVER FOREST SCHOOL DISTRICT NO. 90



By: _____

Edward J. Condon, Ph.D.
Superintendent of Schools and
Freedom of Information Act Officer