



River Forest
Public Schools

Administration Building

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

August 17, 2020

VIA E-MAIL – [REDACTED]

On August 11, 2020, District 90 received your request under the Illinois Freedom of Information Act for nineteen discrete requests for records encompassing the following:

FOIA A1:

Please produce all documents revealing, referring to, reflecting or otherwise sufficient to show the District 90 student COVID 19 positivity rate (or any investigation by District 90 into same).

FOIA A2:

Please produce all documents revealing, referring to, reflecting or otherwise sufficient to show the District 90 faculty and staff COVID 19 positivity rate (or any investigation by District 90 into same).

FOIA B:

The August 8 Communication refers to “mounting concern about the sustained increase of the COVID-19 positivity rate in Cook County, shifting guidance from local, state and national public health agencies, and lack of specific directives for schools about responding to potential disease transition.”

- Please produce all documentary “mounting concern about the sustained increase of the COVID-19 positivity rate in Cook County” upon which the Board or District relied in order to move from the District’s Return to School plan to full-remote instruction for all students.
- Please produce all documentary “shifting guidance from local, state and national public health agencies” upon which the Board or District relied in order to move from the District’s Return to School plan to full-remote instruction for all students.
- Please produce all documentary “directives for schools about responding to potential disease transition” of which the Board or District was aware on August 8, 2020
- Please produce all documentary evidence of “lack of specific directives for schools about responding to potential disease transition” upon which the Board or District relied in order to move from the District’s Return to School plan to full-remote instruction for all students.
- Please produce all emails between Board members, or between Board members and Ed Condon, regarding any of “mounting concern about the sustained increase of the COVID-19 positivity rate in Cook County,” or “shifting guidance from local, state and national public health agencies,” or “lack of specific directives for schools about responding to potential disease transition.” You may limit your response to the period of July 20, 2020 to date.

FOIA C1:

produce all scientific or medical evidence considered by the Board and/or District prior to the July 27, 2020 Board Meeting, or relied upon in reaching its COVID 19 related decisions at that meeting.

FOIA C2:

Please produce all scientific or medical evidence considered by the Board and/or District prior to the August 3 Communication, or relied upon for that communication.

FOIA C3:

Please produce all scientific or medical evidence considered by the Board and/or District prior to the August 8 Communication, or relied upon for that communication.

FOIA D:

Please produce all emails between Board Members, or between Board Members and Ed Condon (or any other senior administrator of District 90), regarding scientific or medical evidence to be considered by the Board and/or District prior to the August 8 Communication.

FOIA E:

Please produce all emails or other communications between any representative of the Teachers Union, and the Administration or Board, concerning COVID 19 or the pandemic.

FOIA F:

Please produce all emails or other communications between any representative of the Teachers Union, and the Administration or Board, concerning the District's Return to School plan.

FOIA G:

Please produce all emails or other communications between any representative of the Teachers Union, and the Administration or Board, concerning full-remote instruction for all students.

FOIA H:

Please produce any emails or other communications of the Board Members concerning Board Members' conflicts of interest as it pertains to any of COVID-19, the pandemic, full-time remote learning and/or the District's Return to School plan.

FOIA I:

Board Policy 2:100 "Board Member Conflict of Interest" states that "No Board of Education member shall: (1) have a beneficial interest directly or indirectly in any contract, work, or business of the District unless permitted by State or federal law." Please produce any emails or other communications about potential Board Member Conflicts of Interest, or consideration of same, prior to the Board's consideration of any of COVID-19, the pandemic, full-time remote learning and/or the District's Return to School plan.

FOIA J:

Please produce documents sufficient to show whether any member of the Board of Directors is a member of, spokesman for, holds a leadership position in, or is otherwise associated with any teachers union.

FOIA K:

Please produce documents referring to, reflecting, comprising, or otherwise revealing the Administration's and/or Board's criteria for returning students to school for in-person learning on or after October 1, 2020.

FOIA L:

Please produce the list of all types or categories of records currently under District 90's control, as provided in 5 ILCS 140/5; and a description of the manner in which public records stored by means of electronic data processing may be obtained from the District 90 (in a form comprehensible to persons lacking knowledge of computer language or printout format), as provided in 5 ILCS 140/5.

Pursuant to the Illinois Freedom of Information Act and Board Policy 2:250, available on the District's website at https://boardpolicyonline.com/?b=river_forest_90, as the District's Freedom of Information Officer, I have determined the following applies to your request for records:

Upon initial review, the District is unable to comply with your extensive requests for information without unduly burdening District operations and the burden on the School District outweighs any public interest in the requested information. In accordance with FOIA Section 3(g), (5 ILCS 140/3), you are notified as follows:

- A preliminary search for responsive records has identified thousands of pages of potentially responsive documents in response to your requests for "documentary evidence," including in response to your requests in "FOIA B" through "FOIA C3."
- The District conservatively estimates that thousands of communications exist collectively in response to your requests "FOIA D" through "FOIA I", in addition to the thousands of pages of documentary records responsive to "FOIA A1" through "FOIA D."
- A full search for responsive communications, including in response to your categorical requests in "FOIA D" through "FOIA I" will require additional time, effort and review to coordinate, and the District estimates that conducting the search for responsive records alone would exceed eight hours of dedicated staff time.
- Once the District has identified potentially responsive records, those records will need to be reviewed to determine whether they specifically relate to your request, whether they are exempt from disclosure, or whether they should be provided only with appropriate redactions. Based on the nature of your request, the District anticipates that responsive records will require exclusion or redaction of private information, predecisional/deliberative information, attorney-client privileged information, and records relating to collective negotiating matters.

- In addition to the extensive search for responsive records, responding to your requests would require District 90 to expend an unreasonable amount of time compiling, reviewing and redacting the records. The District estimates that this review would exceed thirty hours of dedicated staff time.
- The District operates with a limited administrative staff, whose time and attention is under significant strain in the current environment. While the District has preliminarily determined that the effort to respond to your request is unduly burdensome under any conditions, the District's personnel and operational resources are especially consumed with the start of school in unprecedented conditions.

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 response 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.

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.

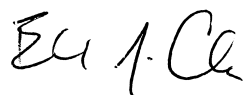
Additional Response to "FOIA L"

Notwithstanding the above, attached is the District 90 list of "Immediately Available District Public Records and Web-Posted Reports."

Contact Information

Please contact the undersigned if you would like to amend the request or confer with us to attempt to reduce the request to manageable proportions, or if you have questions regarding this correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "EJ. Condon". The signature is fluid and cursive, with the first name "EJ" and the last name "Condon" clearly distinguishable.

Edward J. Condon, Ph.D
Superintendent

From: Paul Steadman steady.p@gmail.com

Subject: FOIA Requests

Date: August 11, 2020 at 10:54 PM

To: simmons@district90.org, Ed Condon condone@district90.org, MooreR@district90.org

PS

To: Illinois School District 90 (c/o Ms. Simmons and/or Mr. Condon, Superintendent)
To: Illinois School District 90 Board of Education (c/o Mr. Moore, Board President)

Re: FOIA Requests

It is the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of this Act. It is also the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public bodies at all levels of government. It is a fundamental obligation of government to operate openly and provide public records as expeditiously and efficiently as possible in compliance with the Freedom of Information Act. See Illinois Freedom of Information Act, 5 ILCS 140.

According to 5 ILCS 140/3.5(a) each public body shall designate one or more officials or employees to act as its Freedom of Information officer or officers. I was unable to find on the River Forest Public Schools website any designation of a FOIA officer for District 90 or for the Board of Education. Accordingly, I am sending you the following requests, and asking that you forward them to your designated FOIA Officer(s).

According to 5 ILCS 140/4, a public body that maintains a website shall post its FOIA information on its website. I was unable to find any FOIA information on the district website or the pages of same dedicated to the Board of Education. In the interest of cooperation and compliance with law, you may wish to consult with the District's attorney to determine whether your current website conforms to Illinois law in this regard.

In accordance with the Illinois Freedom of Information Act, 5 ILCS 140, I request that District 90 provide the following public records in its possession, custody or control (as enumerated below). It is unclear whether District 90 comprises a separate entity or agency from the School District 90 Board of Education. To the extent that the Board considers itself a separate entity or agency from School District 90, this set of FOIA requests is simultaneously served on the Board and I request that the District 90 Board of Education also provide any non-duplicative public records in its possession, custody or control (i.e. in order not to be unduly burdensome, only to the extent not duplicated by the production of District 90).

ENUMERATION OF REQUESTED DOCUMENTS

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DEFINITIONS

"August 8 Communication" refers to the email from Ed Condon to District 90 Students, Families, Faculty and Staff announcing full-remote instruction for all students.

"August 3 Communication" refers to the email from Dawne Simmons to District 90 Families, Faculty and Staff referring to the July 27, Special Board of Education Meeting and the Board's approval of the District's Return to School plan.

"Board" refers to the Board of Education of District 90, as referred to on <https://www.district90.org/boe>

"positivity rate" has the same meaning ascribed to it as used in the August 8 Communication

FOIA INSTRUCTIONS

I do not request any records that may reveal personal information of any student, faculty or staff member. To the extent that requested records would reveal personal information of any student, faculty or staff member, please redact only such personal information or otherwise de-identify the record. Email addresses and names of senior administration officials or Board Members on requested communications are not considered personal information protected by law, and should not be redacted.

If the agency withholds any document or information pertinent to the requests made herein, please identify the document or information in as much detail as is possible, and detail in specific language why each document or piece of information is being withheld.

If any information requested herein is withheld on the basis of a claim of privilege or other protection as material prepared in anticipation of litigation or trial, then that claim shall be made expressly in a writing that describes the nature of the Documents, Communications, or Things not produced or disclosed in a manner that will enable us to assess the applicability of the privilege or protection. With regard to each claim of privilege or protection, the following information should be provided in the response or the objection:

- (a) the type of Document, e.g., letter or memorandum;
- (b) general subject matter of the Document;
- (c) the date of the Document;
- (d) such other information as is sufficient to identify the Document for a subpoena duces tecum, including, where appropriate, the author, addressee, and any other recipient of the Document, and, where not apparent, the relationship of the author, addressee, and any other recipient to each other; and
- (e) the nature of the privilege or protection.

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(f) if applicable, the litigation or trial of which the document was created in anticipation.

If any Document identified herein has been lost, discarded, or destroyed, each such Document should be identified as completely as possible, including as to each such Document, its date, general nature (e.g., letter, memorandum, telegram, telex, photograph, computer printout), subject matter, each author or originator, each person indicated as an addressee or copy recipient, and its former custodian(s). In addition, as to each such Document, the following information shall be supplied:

- (a) date of disposal, loss, or destruction;
- (b) manner of disposal, loss, or destruction;
- (c) reason for disposal or destruction, or any explanation of loss;
- (d) persons authorizing the disposal or destruction;
- (e) persons having knowledge of the disposal, destruction, or loss; and
- (f) persons who destroyed, lost, or disposed of the Document or Thing.

I look forward to hearing from you in writing within five working days, as required by the Act 5 ILCS 140(3). Please direct all questions or responses to this FOIA request to this email address by responding to this email. I can be reached at p@steadmans.org or by responding to this email.