



Oak Park Elementary School District 97

970 Madison ▪ Oak Park ▪ Illinois ▪ 60302 ▪ ph: 708.524.3000 ▪ fax: 708.524.3019 ▪ www.op97.org

**TO: Members, Board of Education
Dr. Carol Kelley, Superintendent**

FROM: Chris Jasculca

RE: Update on FOIA Requests and Responses

DATE: September 13, 2016

Below is a summary of the recent Freedom of Information Act (FOIA) requests that the district has received and/or processed.

1. On July 28, 2016, Katy Smyser, who is a producer for NBC 5 Chicago, submitted the following FOIA request via email.

“I am sending this FOIA request to all public school districts in the greater Chicago, Illinois area, including Oak Park ESD 97.

I would like to find out:

- Does Oak Park ESD 97 currently have any leases or agreements with telecommunications providers for cellular antennae and/or towers installed by the provider on your school property?
- If so, I would like copies of all current lease agreements, including documents showing:
 - a. the location(s) of all cellular antennae and/or towers on Oak Park ESD 97’s school property, and
 - b. the amount paid to the school district each year by the telecommunications company.

If you don’t lease any of your school property to telecommunications providers for their towers or antennae, I would appreciate it if you could send me a quick e-mail reply, just letting me know that.

But if your district does currently have such leases, please send the current agreements to me. If for some reason you cannot send these agreements via e-mail, please let me know as soon as possible, so I can make arrangements to get them from you. And if there is any way in which I can help gather these documents or otherwise assist you in getting this information and documentation, I would be happy to do so.

Because these records are in the public interest, I ask that you waive any reproduction fee. And if you deny this request, please tell me on what grounds, and to whom I should appeal.”

We issued our response to Ms. Smyser’s request on July 28, 2016.

2. On August 10, 2016, Mr. Joshua Dwyer, who is the policy director for One Chance Illinois, submitted the following FOIA request via email.

“This is a request under the Freedom of Information Act for records showing the following information:

- Does your district have an acceleration policy?

- If yes, does it allow students to enter Kindergarten early?
- If yes, does it allow students to enter first grade early?
- If yes, does it allow students to take classes at a higher level than their current grade?
- If yes, does it allow students to skip grades?
- If yes, does it allow students to graduate high school early?

Please send me the records in the electronic format in which you keep the records. If the records are only in paper format, please scan them into PDFs. Please email me the records, or if that is not possible, mail them to me on a CD. If you are unable to send the records in one of the formats I requested, please contact me to discuss alternatives. Please contact me for my authorization of any charge in excess of \$10. I am not making this request for a commercial purpose.”

We issued our response to Mr. Dwyer’s request on August 15, 2016.

3. On August 12, 2016, Mr. Ben Newton submitted the following FOIA request via email.

“I would like to make a Freedom of Information Act Request regarding the Spanish Language Immersion Program at Lincoln Elementary School. Please provide the following information for the past 5 years:

- 1) Number of children enrolling in the lottery
- 2) Number of children enrolled in the class not subject to the lottery
- 3) Number of children chosen via lottery for the class
- 4) Number of children leaving each cohort on an annual basis
- 5) Number of children per class at Lincoln for Spanish immersion and non-immersion programs.
- 6) Number of Spanish speaking kindergartners not offered a place in the Spanish Immersion.
- 7) Hours of Spanish language immersion per grade at Lincoln for the Spanish speaking classes.”

On August 17, 2016, we emailed Mr. Newton to inform him that, as is permissible under FOIA, we were extending the time to respond to his request by five business days. Based on this extension, we issued our final response to the request on August 29, 2016.

4. On August 26, 2016, Mr. Mark Templeton, who is an associate clinical professor of law and the director of the Abrams Environmental Law Clinic at the University of Chicago, submitted the following FOIA request via email.

“This letter requests records pursuant to the Illinois Freedom of Information Act (5 ILCS 140). The records relate to the testing of drinking water quality testing at Oak Park Elementary School District 97 (District 97) schools that was reported to or is otherwise in the possession of District 97 that are related to the message sent by Superintendent Kelley on August 26, 2016, attached.

Please produce the following records relating to the drinking water testing at Brooks, Julian, Holmes, Lincoln, Mann, Beye, Hatch, Irving, Longfellow and Whittier:

- (1) The individual results of each test, i.e. the lab reports; and
- (2) Any additional records related to such testing.

As defined in 5 ILCS 140/2, "[p]ublic records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body.

A full fee waiver is requested under 2 Ill. Adm. Code 1828.603.

The University of Chicago is a not-for-profit corporation eligible to receive public records without charge. 2 Ill. Adm. Code 1828.603(b). The University is on file and in good standing with the Illinois Department of State, file number 05223580. If additional evidence of good standing is required, please contact me.

In addition, the disclosure of these records is in the public interest. 2 Ill. Adm. Code 1828.603(a). The records are not requested for commercial or personal benefit. They will be used to help maintain a healthful environment to the residents of the State of Illinois, in the public interest as defined in IL Const. Art. 11 §1.

If you deny the full fee waiver, please provide a justification for why the request does not fall under the fee exemption provisions listed above as well as estimated costs for producing the documents. After the estimated costs are provided, my colleagues and I will be back in touch with you about how we will proceed.”

On August 29, 2016, we emailed Mr. Templeton to inform him that, as is permissible under FOIA, we were extending the time to respond to his request by five business days. We were in the process of drafting/compiling our response to Mr. Templeton’s request at the time this information was submitted for inclusion in this evening’s board meeting packet.

5. On September 8, 2016, Mr. Jared Rutecki, who is a digital journalist for the Better Government Association, submitted the following FOIA request via email.

“This is Jared Rutecki at the Better Government Association with a request for documents under the Illinois Freedom of Information Act.

Specifically, under FOIA, I am requesting copies of:

- 1.) **Collective Bargaining Agreements:** Any and all current collective bargaining agreements, including but not limited to union contracts with teachers. If a union is currently operating under an expired contract, please include it.
- 2.) **Administrator Contracts:** Any and all employment/personnel agreements and contracts with current administrators, including but not limited to superintendents and principals.
- 3.) **Budget:** The approved operating and capital budgets for the 2016-17 school year.
- 4.) **Legal Settlements:** Any and all legal settlements entered into, signed, or otherwise adopted from August 1, 2015 to present.
- 5.) **Payroll:** Documents sufficient to show the **names and corresponding job titles and salaries of any and all district employees and board members** as of today (In other words, the current payroll records that include names, positions and pay for all employees, **not just teachers and administrators**).

If possible, please provide budget and payroll documents in a spreadsheet format, and a PDF for the collective bargaining agreements, administrator contracts and legal settlements.

I am making this request on behalf of the Better Government Association (BGA). The BGA is a registered non-profit organization in the State of Illinois.

The principal purpose of this request is to access and disseminate information concerning news and current or passing events for articles of opinion or features of interest to the public regarding the health, safety and welfare or the legal rights of the general public. The information sought will not be used for sale, resale, or solicitation or advertisement for sales or services.

This request is not made for commercial or personal purposes. More information about the BGA is available on the BGA website, www.bettergov.org, and on file with the Illinois Secretary of State. I ask that you waive fees as the law allows.

For any written correspondence, please send to:

223 W Jackson Blvd.
Ste. 900.
Chicago, IL 60606

However, in the interest of saving money and paper, I ask that you send all responses to my email address.”

Our response to Mr. Rutecki’s request is due on September 15, 2016.