



**Central
School District #104**

Imagine, Inspire, Achieve

12 June 2015

Mr. Kipp Reed
1449 Manchester Drive
Shiloh, IL 62269

VIA ELECTRONIC MAIL ONLY

Dear Mr. Reed,

This letter is provided in reference to the recent Freedom of Information Act request dated 10 June 2015 and a previously denied FOIA request dated 20 May 2015 and delivered to the Central School District #104 District Office via email regarding:

1. You [sic] previous e-mail related to this FOIA request indicates my request cannot be honored until after the June 8th meeting. The meeting was held yesterday, June 9th, at which time the subject items included in my original FOIA request were approved. I would like to have my FOIA request fulfilled [sic] at this time. If it cannot be filled please provide the reasoning and justification.
2. Additionally, please include in this request a secondary request to provide the last time the School Board conducted a semi-annual review of executive meeting minutes and verbatim records and also when the next semi-annual meeting will be conducted.
3. Minutes of the Central District #104 Special Board Meeting on May 11th, 2015 pertaining to board member vacancy interview of Mr. Kipp Reed on May 11th, 2015.
4. Audio recording of the Central District #104 Special Board Meeting on May 11th, 2015 pertaining to board vacancy interview of Mr. Kipp Reed on May 11th, 2015.
5. Minutes of the the [sic] Central District #104 Special Board Meeting on May 11th, 2015 pertaining to any board member discussion related to Mr. Kipp Reed.
6. Audio recording of the the [sic] Central District #104 Special Board Meeting on May 11th, 2015 pertaining to any board member discussion related to Mr. Kipp Reed.

The information you have requested is as follows:

1. Your request for items #1, #3, #4, #5, and #6 above is denied. Section 2.06(b) of the Illinois Open Meetings Act (Act) expressly provides that “[a] public body shall approve the minutes of its open meeting within 30 days after that meeting or at the public body's second subsequent regular meeting, whichever is later”, and “[t]he minutes of meetings open to the public shall be available for public inspection within 10 days after the approval of such minutes by the public body” 5 ILCS 120/2.06(b). However, Section 2.06(d) requires that minutes of its closed meeting remain confidential until the public body periodically reviews such minutes and at least a semi-annual basis and determines “that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection” 5 ILCS 120/2.06(d). Furthermore, Section 2.06(e) provides that “[u]nless the public body has made a determination that the verbatim recording no longer requires confidential treatment or otherwise consents to disclosure, the verbatim record of a meeting closed to the public



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shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce the Act" 5 ILCS 120/2.06(e). Of course, under Section 2.06(c) of the Act, "[t]he verbatim record may be destroyed...no less than 18 months after the completion of the meeting recorded but only after: (1) the public body approves the destruction of a particular recording; and (2) the public body approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section" 5 ILCS 120/2.06(c). Therefore, the requested executive session minutes and audio recordings are not subject to public disclosure until the District Board of Education formally determines that same shall not remain confidential.

2. The most recent review of closed session minutes was at the April 13, 2015 meeting. I would anticipate the next review to be at the October 13, 2015 meeting – (April 2015 Regular Minutes).

Warm regards,

John M. Bute
Superintendent