

December 3, 2024

Via Electronic Mail

Sharron Hagge

215 Atwell St.

Elgin, IL 60124

SharronHagge23@gmail.com

RE: RESPONSE TO FOIA REQUEST

Dear Ms. Hagge:

Thank you for writing to Central Community Unit School District No. 301 with your request for information pursuant to the Illinois *Freedom of Information Act* (“FOIA”), 5 ILCS 140/1 *et seq.*, received on November 15, 2024. The District previously notified you of the need for an extension of time, and we now provide the District’s timely response.

Your request is restated below:

The number of Central High School Students who have been issued any Parking Violations at CHS August 20, 2024 through November 15, 2024

Your request is granted. As a preliminary matter, FOIA only provides access to existing records; it does not require a public body to answer questions or create new records. See 5 ILCS 140/3.3; *Kenyon v. Garrels*, 184 Ill. App. 3d 28, 32 (4th Dist. 1989); *see also Chicago Tribune Co. v. Dept. of Financial and Professional Regulation*, 2014 IL App. (4th) 130427 ¶33 (“A request to inspect or copy must reasonably identify a public record and not general data, information, or statistics.”). Nonetheless, on a non-precedential basis, please be advised that four (4) students have received discipline coded as “parking violation” during the requested period. This number does not include student(s) whose discipline was set aside or removed in the District’s student information system. Note that any records relating to the four (4) students receiving parking violations are prohibited from disclosure to you by FOIA Sections 7(1)(a), 7(1)(c) and 7.5(r), as individually identifiable student information is prohibited from disclosure to the public under the *Illinois School Student Records Act*, 105 ILCS 10/1 *et seq.*; the federal *Family Education Rights and Privacy Act*, 20 U.S.C. § 1232g; and their implementing rules and regulations. These laws prohibit not only the release of records in which students are individually identified, but also any records in which a student is identifiable by the information contained in the record. *See, e.g., Garlick v. Oak Park River Forest High School No. 200*, 389 Ill. App. 3d 306 (1st Dist. 2009) (holding that a name blind document that contains other information identifying a student is a student record); *see also* 34 CFR 99.3 (“Personally identifiable information” includes “information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.”); 2018 PAC 55477 (student records laws prohibited disclosure of student discipline referral forms under FOIA, even

in redacted form, where the referral forms contained narratives that would be recognizable and individually identifiable within the school community).

To the extent you believe this response is improper, you may have a right to have this response reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: public.access@ilag.gov

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this letter when filing a Request for Review with the PAC. You also have the right to seek judicial review of any denial by filing a lawsuit in the State circuit court. 5 ILCS 140/11.

As the District's FOIA Officer, I am responsible for the District's response to your FOIA request. If I have misunderstood your request in any way, please clarify your request in writing to me.

Sincerely,

Graydon Engle
FOIA Officer
Director of Grants