

Monday, November 18, 2024

**Via Electronic Mail**

**Sharron Hagge**

215 Atwell St.

Elgin, IL 60124

SharronHagge23@gmail.com

**RE: RESPONSE TO FOIA REQUEST NOTICE OF PROCESSING OF REQUESTS UNDER ISSRA**

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Dear Ms. Hagge:

Thank you for writing to Central Community Unit School District No. 301 (“District”) with your requests for information pursuant to the Illinois *Freedom of Information Act* (“FOIA”), 5 ILCS 140/1 *et seq.*, received on November 11, 2024.

Your requests are restated below (we have numbered them for our convenience):

1. “*Copy of any and all emails, text messages, memorandums, or phone notes related to [student], or his vehicle, between any of the following district staff: Esther Mongan, Patrick Podgorski, Edgar Pereda, Kristen Nowicki; and/or Board President Jeff Gorman between August 21, 2024 and November 11, 2024*”
2. “*Copy of emails, text messages, or phone notes, related to or about [student], between Dr. Esther Mongan and Jeff Gorman between August 21, 2024 and November 11, 2024*”
3. “*Copy of any photos and/or videos taken of [student], or his vehicle, by ANY district staff including, but not limited to: Esther Mongan, Patrick Podgorski, Edgar Pereda, Kristen Nowicki, and Board President Jeff Gorman between August 21, 2024 and November 11, 2024*”

Your request is denied under FOIA, but it will be granted to the extent applicable under the *Illinois School Student Records Act* (“ISSRA”). FOIA does not allow access to individually identifiable student information, which is prohibited from disclosure to the public under ISSRA; the federal *Family Educational Rights and Privacy Act* (“FERPA”), 20 U.S.C. § 1232g; and their implementing rules and regulations. 5 ILCS 140/7(1)(a), 7(1)(c); 7.5(r); *see also* 5 ILCS 140/7(1)(f), 7(1)(m); *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247 (1st Dist. 2003). Parents must use the procedures and timelines under the student records laws to make such requests. That said, on a non-precedential basis, we will process your requests pursuant to ISSRA and will provide a response within the timelines set forth in that law (10 business days, with an optional 5 business day extension). 105 ILCS 10/5(c), 5(c-5).

Please note, however, that ISSRA only gives parents/guardians or their designated representative the right to inspect and copy their own students’ records. 105 ILCS 10/5(a). The District is prohibited from disclosing other students’ records. Therefore, the District will redact or withhold any identifying information concerning students other than your own student. Moreover, the availability of video surveillance footage is limited under

ISSRA, as stated in Board Policy 7:340, *Student Records*. School video surveillance camera footage generally is exempt entirely under FOIA; in addition to implicating the privacy of other students depicted in the videos, the security cameras are security measures whose release to the public could jeopardize their effectiveness. *See* 5 ILCS 140/7(1)(v); *Chicago Sun-Times v. Chicago Transit Authority, et al.*, 2021 IL App (1st) 192028, ¶ 49 (release of videos to public “revealed the quality, resolution, field of view, and blind spots of the CTA’s surveillance cameras, and that information could enable individuals to evade these security devices when targeting passengers, planning attacks, or evading capture by law enforcement.”); 5 ILCS 140/7(1)(c).

I have forwarded your request to the District’s Student Record Custodian, Patrick Podgorski, who will respond to your ISSRA requests.

To the extent you believe any part of your FOIA request has been improperly denied, 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](mailto: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 your partial 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 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**