

**MID VALLEY SPECIAL EDUCATION COOPERATIVE
FREEDOM OF INFORMATION REQUESTS**

**REPORT TO THE EXECUTIVE ADVISORY BOARD
February 6, 2013**

Mid Valley has responded to four (4) Freedom of Information requests.

1. On December 18, 2012, Mrs. Patti Lopuszanski of South Elgin, Illinois requested the following information:

- Documentation sent to Kane County ROE and ISBE requesting short-term emergency certificate for Sarah McCafferty.

RESPONSE: Sent letter from Cooperative to Kane County ROE

- Provide names of the Mid Valley Executive Advisory Board directors that had knowledge when the Board approved the hiring of Ms. McCafferty that she did not hold an LBS1.

RESPONSE: No responsive records

- Provide Mid Valley Board Policy regarding hiring highly qualified teachers and ethics and Illinois School Code as it related to hiring highly qualified teachers

RESPONSE: Sent Board Policies

- Provide written documentation of discussion that was conducted on this matter at any Mid Valley Advisory Board Open Meeting during 2012/12 or 2012/13

RESPONSE: Sent minutes from the August 2012 Board meeting

- Did Mid Valley Special Education Cooperative send a letter to parents of students placed in Ms. McCafferty's New Pathways Autism class to inform them that the teacher hired was not certified

RESPONSE: No responsive records. Please note that FOIA does not require a public body to answer questions where no record contains the answers to the questions.

- Since 2011-12 list all teachers hired by Mid Valley Special Education Cooperative that did not have proper certification at the time of hire and had to secure a special emergency certificate, and list all teachers that Mid Valley knowingly placed in a classroom that they were not properly grade level certified as documented under ISBE ECS system to teach in.

RESPONSE: Carissa Mingo – Provisional certificate

- List the names of all Cooperative superintendents that were aware that a highly qualified middle school teacher was being placed in a high school Kane County ROE grant funded program and not grade level certified to meet the needs of all students placed.

RESPONSE: No responsive records

- Provide the teacher certification requirements for the Kane County ROE Safe Schools Program.

RESPONSE: Sent job description for the position

- Please list any and all agencies the personnel information is released to in order to obtain salary/personnel/funding reimbursement and provide the requirements necessary to claim special education teachers for those reimbursements.

RESPONSE: Personnel Reimbursement claims are filed with the State Board of Education at the end of each school year.

- List the date Ms. McCafferty's information was released to be first qualified and recognized for any salary/personnel/funding reimbursements from the State of Illinois and any other agency and for what amount.

RESPONSE: No responsive records

PERSONNEL TIME TO COMPLETE:

Total hours: Approx 2

Total cost: \$94

Attorney cost: Will be reported when invoice is received

2. On December 28, 2012, Mrs. Patti Lopuszanski of South Elgin, Illinois requested clarification of the Cooperative's response to her December 28, 2012 FOIA request.

OPENING RESPONSE: Please be advised that the Cooperative fully responded to your December 18 FOIA by providing you with copies of the records responsive to your various requests. Portions of the December 18 request, as well as the December 28 request, are framed as questions rather than requests for records, and as we have previously advised, FOIA does not require a public body to answer questions where no record contains the answers. Consistent with its obligations under FOIA, the Cooperative responds as follows to the December 28 request for clarification.

- Please provide all documentation that was provided to the Kane County ROE and sent to the ISBE requesting a short term emergency certificate for Sarah McCafferty. Based on the two letters you sent to the Kane County ROE in May, 2012 I would like clarification on your request as you state Ms. McCafferty's hiring as a teacher for the Autism Program was dependent upon obtaining a short term emergency special education certification. Did Mid-Valley Special Education Cooperative hire and have the Executive Advisory Board approve the hiring of Ms. McCafferty in August 2012 as a special education teacher without getting this approved by the Kane County ROE and ISBE in the form of a short term emergency special education certificate? What information did you base the need for this request? Please provide the response documents from Sharon of the Kane County ROE that you sent the two letters to (May 2 & 9, 2012), any documentation from Mid-Valley administrators/program coordinator backing up the need for a short term emergency certificate request. Did the ISBE issue a special emergency certificate to Sarah McCafferty and provide any documentation received by Mid Valley Special Education Cooperative from the Kane County ROE and ISBE related to the approval or denial of securing a special emergency certificate in order for Ms. McCafferty to be in compliance to teach as a special education teacher in the New Pathways autism program as of the first day of school in August 2012. Please provide the date Ms. McCafferty completed her special education teaching degree and received the LBS1 endorsement.

RESPONSE: Please see the Cooperative's response to your December 18, 2012 FOIA request. In response to your new request for "the date Ms. McCafferty completed her special education teaching degree and received the LBS1 endorsement", please be advised that she completed her teaching degree and pass the required test to receive her LBS1 endorsement in August, 2012, and she received the LBS1 endorsement in December, 2012.

In accordance with and pursuant to FOIA, there are no other records responsive to your December 18 FOIA request or your December 28, 2012 request for clarification.

- Please clarify and confirm that you are representing each Mid-Valley Executive Advisory Board member when you state that no cooperative superintendent had knowledge, ever discussed at any open meeting, or was ever informed during any open session; such as the June 14, 2012 special meeting open session regarding the hiring of uncertified teachers, the placement of a tenured teacher in the Safe Schools Kane County ROE grant funded high school program they were not grade level certified to teach in, allowing the hiring of teachers without interviewing any applicants and hiring teachers without proper credentials as noted as a job requirement in the job postings. I respectfully request a signed affidavit by each of the superintendents verifying what role they played in the hiring of uncertified teachers and their position on the hiring of highly qualified special education teachers with proper certification at the time of hire. Please provide the date(s) the Executive Advisory Board gave the directive to the Mid-Valley Special Education Cooperative administrators to pursue securing emergency short term certificate(s) through the Kane County ROE due to the hiring of uncertified teachers and a copy of the Mid-Valley Board Policy on short term emergency special education certificates and when they approved it. Please note discussions on this matter would also include Board Workshops, open meetings taped discussions of any FOIA requests related to questions regarding the directive to secure an emergency certificate through the Kane County ROE and ISBE for any uncertified special education teachers, any conversations or emails shared amongst administrators and Advisory Board members that would be considered public record based on the Open Meetings Act and this topic being addressed under FOIA requests.

RESPONSE: Please see the Cooperative's response to your December 18, 2012 FOIA request. In accordance with and pursuant to FOIA, there are no other records responsive to your December 18, 2012 FOIA request or your December 28, 2012 request for clarification.

PERSONNEL TIME TO RESPOND:

Total hours: 1

Total cost: \$47

Attorney costs: Will be reported when invoice is received

3. On January 14, 2013, Mr. Brian Lopuszanski of South Elgin, Illinois requested the following information under the Illinois Freedom of Information Act. The Cooperative responded on January 17, 2013 with notification of an extension of time for response by five (5) additional days.

On January 29, 2013, the Cooperative responded to the requests as follows:

- (a) Date(s) the Mid-Valley Advisory Board (Board) met, discussed and/or voted on as an action item giving Mid-Valley Special Education Cooperative the directive to make program changes which included no longer writing and including in student's transition plans on their IEP the days per week, hours per day and location they would receive on-the-job training as a student in the Vocational Instructional Program at Geneva High School and/or any transition program, for special education students. Include a copy of the Board meeting agenda(s), approved minutes for the Board meetings where a discussion took place and the verbatim written details of the specific directive given to

Mid-Valley Special Education Cooperative from the Mid-Valley Advisory Board to make changes to the vocational program and why and the specific date that directive was given on. (b) A side by side comparison of what transition services had been provided to special education students in the past and what current changes were being made per a directive regarding the Vocational program.

RESPONSE: Since this is a multi-part request, please note that I have assigned each sub-request a letter for ease of response. There are no records responsive to 1(a). However, for your reference, enclosed please find a copy of Board Policy 6:30, which addresses organization of instruction and curriculum development for the Cooperative. See record marked 1a.

With respect to 1(b), there is no record which contains the “side by side comparison” you have requested. However, the Cooperative is providing you with copies of the program descriptions for the VIP (Vocational Instructional Program) and the Transition Programs: ToTAL (Transition to Adult Living) and S.A.I.L. (Students Attaining Independent Living). The Cooperative is also providing you with a copy of the June 4, 2012 e-mail sent to all VIP teachers and vocational coordinators re: clarification about pre-vocational training. See records marked as 1(b), with redactions. Please note that the Cooperative has redacted the names of students involved in the program from the June 4, 2012 e-mail as this constitutes school student record information which is exempt from disclosure under FOIA Section 7(1)(r) and FOIA Section 7(1)(a), citing the Family Educational Rights and Privacy Act (FERPA).

- Provide the name of who gave the directive to discontinue writing specific details related to vocational and transition services, on a student’s IEP including points 1-5 noted below:
- (1) on-the-job training; (2) days per week; (3) hours per day; (4) location in the community; (5) location within a school setting.

Response: There are no records responsive to your request.

- (a) How many students are currently enrolled in the Vocational Instructional Program and Transition Program? (b) Of those students how many have a transition plan that includes on-the-job training in the community with a business partner? (c) How many students are receiving transition training in their school only; list their jobs. (d) How many students per job coach? (e) How many students per vocational specialist? (f) Provide a spreadsheet of current community vocational business partners that Mid-Valley Special Education students receive on-the-job training for the 2012/2013 school year listing the number of students from each cooperative district for SAIL, ToTAL, and VIP. (g) Provide the list of business partners and same information as requested above for the following school years: (1) 2009/2010; (2) 2010/2011; (3) 2011/20.

Response: Since this is a multi-part request, please note that I have assigned each sub-request a letter for ease of response.

In response to 3(a), there are 15 students enrolled in VIP, 41 students enrolled in SAIL, and 11 students enrolled in ToTAL.

In response to 3(b), enclosed please find a chart titled “Geneva High School Work-Training (OJT)” and a chart titled 2012-2013 2nd Semester Worksite ECC-SAIL/WCC-SAIL/ToTAL”. Based upon these charts, 52 students receive on-the-job training. See records marked 3(a), with redactions. Please note that the Cooperative has redacted the names of students and their time schedules from the charts as this constitutes school student record information which is exempt from disclosure under FOIA Section 7(1)(r) and FOIA Section 7(1)(a), citing FERPA.

In response to 3(c), enclosed please find a chart titled “Geneva High School Building Vocational Schedule”. Based upon this chart, 4 students receive in-school training. See records marked 3(c), with redactions. Please note that the Cooperative has redacted the names of students and their time schedules from the charts as this constitutes school student record information which is exempt from disclosure under FOIA Section 7(1)(r) and FOIA Section 7(1)(a), citing FERPA.

In response to 3(d), see enclosed charts.

In response to 3(e), The District employs three (3) vocational specialists: 1 is responsible for all VIP and ToTAL students and the other 2 split the SAIL students. See also response to 3(a) above.

In response to 3(f), see enclosed charts. There are no other records responsive to this request.

There are no records responsive to 3(g). Please note, however that some of the business partners listed in the enclosed charts may also have been business partners in past years.

- Copies of e-mails between and amongst: Carla Cumblad, Linda Koch, Tim Stoudt, the vocational specialists; Amy Roger, Nicole Claeson, Kim Payne, Mid-Valley liaisons, and Mid-Valley Advisory Board acknowledging the date the directive of the changes was made to the Vocational Program, how the changes were to be implemented and directing staff to not include written details regarding on-the-job training in the transition plan on a student’s IEP. (b) Copies of Mid-Valley liaison meeting agendas and minutes, Mid-Valley leadership team agendas and minutes, Mid-Valley program/staff department meeting agendas and notes that documents the specific date each group learned of the directive of the changes being made to the Vocational Program.

Response: Since this is a multi-part request, please note that I have assigned each sub-request a letter for ease of response.

The Cooperative has identified several e-mails and attachments responsive to 4(a). The non-exempt and/or redacted records are enclosed and marked 4(a). See also the June 4, 2012 e-mail which is part of the records marked 1(a). The following is a brief description of only the responsive records which are entirely, or in part, exempt from disclosure under FOIA, along with the applicable FOIA exemption and rationale:

- ♣ Attachments to December 18, 2012 e-mail from Timothy Stoudt: December 18, 2012 Transition Team Meeting Minutes and *draft* of proposed letter to students and parents re: evaluation. The Cooperative has redacted the names of students in the program specifically identified in the minutes and/or handout. This information constitutes school student record information which is exempt from disclosure under FOIA Section 7(1)(r) and FOIA Section 7(1)(a), citing FERPA. The draft letter to parents is *per se* exempt under FOIA Section 7(1)(f).
- ♣ E-mails dated November 26, December 13, 15 and 16, 2012 between Amy Rogers and Timothy Stoudt, etc. re: opinions and recommended changes to a revised draft document Mid-Valley Hierarchy of Vocational Placements (the “Hierarchy”) and a *draft* revised version of the Hierarchy attached to the December 16, 2012 e-mail.
 - The opinions and recommended changes are exempt from disclosure under FOIA Section 7(1)(f) as part of the Cooperative’s deliberative process. *See* PAC pre-authorization decisions 2010-6680 and 2010-7032 (e-mail communications in which opinions or recommendations are expressed) and 2010-7873 (internal discussion and notes to aid in final decision), in which the Illinois Attorney General’s Public Access Counselor (“PAC”) upheld the use of FOIA Section 7(1)(f) under similar circumstances.
 - The draft Hierarchy is *per se* exempt under FOIA Section 7(1)(f). However, please note that the Cooperative is providing you with a copy of the finalized version of the Hierarchy, which is enclosed herewith and marked Hierarchy.
- ♣ Attachment to the April 20, 2012 e-mail from Linda Koch: April 19, 2012 VIP Team Meeting Notes. The Cooperative has redacted the names of students in the program specifically identified in these minutes. This information constitutes school student record information and is exempt from disclosure under FOIA Section 7(1)(r) and FOIA Section 7(1)(a), citing FERPA.
- ♣ Attachment to the November 15 and December 12, 2012 e-mail between Amy Rogers and Timothy Stoudt, etc: *draft* revised version of the Hierarchy. As previously noted, draft documents are exempt from disclosure under FOIA Section 7(1)(f). The Cooperative has provided you with a copy of the finalized Hierarchy document.
- ♣ Attachment to the January 13, 2013 e-mail between Kimberley and Timothy Stoudt: *draft* letter to student and parents re: evaluation. As previously noted, draft documents are exempt from disclosure under FOIA Section 7(1)(f).

- ♣ Attachments to the January 13 and 14, 2013 e-mail between Timothy Stoudt and Linda Koch: *draft* letter to parents re: vocational training program. As previously noted, draft documents are exempt from disclosure under FOIA Section 7(1)(f). The finalized letter is provided in response to 5(a) below.
- ♣ Attachments to the January 16, 2013 e-mail between Timothy Stoudt and Linda Koch: *draft* letter re: vocational programs. As previously noted, drafts are exempt from disclosure under FOIA Section 7(1)(f). The finalized letter is provided in response to 5(a) below.

The Cooperative has identified several minutes responsive to 4(b). The non-exempt and/or exempt records are enclosed and marked 4(b). The following is a brief description of only the responsive records which are entirely, or in part, exempt from disclosure under FOIA, along with the applicable FOIA exemption and rationale:

- ♣ April 19, 2012 VIP Team Meeting Notes; December 18, 2012 Transition Team Meeting Minutes; January 10, 2013 VIP Meeting Minutes and corresponding handout. The Cooperative has redacted the names of students in the program specifically identified in the minutes and/or handout. This information constitutes school student record information which is exempt from disclosure under FOIA Section 7(1)(r) and FOIA Section 7(1)(a), citing (FERPA).
- ♣ *Draft* of a proposed letter to students and parents attached to the December 18, 2012 Transition Team Meeting Minutes. Draft documents are *per se* exempt from disclosure under FOIA Section 7(1)(f).
- ♣ Leadership Team Meeting Minutes dated September 24, 2012, October 15, 2012, and November 17, 2012. The Leadership Team is comprised of Cooperative administrators only, no teachers or staff are members of this team. The minutes are not shared with anyone other than the administrators on this team. Each of the identified minutes includes a summary of a brief discussion amongst these administrators concerning strategic future planning and goals relative to the Cooperative's vocational programs which were preliminary in nature and proposed next steps. As such, these minutes are exempt from disclosure under FOIA Section 7(1)(f) as part of the Cooperative's deliberative process. *See* PAC pre-authorization decisions 2010-7015 (internal memoranda in which opinions are expressed) and 2010-7873 (internal discussion and notes to aid in final decision), in which the PAC upheld the use of FOIA Section 7(1)(f) under similar circumstances. The remaining summary of other discussions during these minutes did not pertain to the Cooperative's vocational programs.

- (a) Copy of letter(s) sent to parents informing them of any changes to the Vocational Instructional and/or Transition Program. (b) Copy of letter sent to liaisons from Mid-

Valley Special Education Cooperative informing them of changes to the Vocational Instructional and/or Transition Program.

Response: Since this is a multi-part request, please note that I have assigned each sub-request a letter for ease of response.

In response to 5(a), enclosed please find copies of the letters dated January 23, 2013. See records marked 5(a).

There are no records responsive to 5(b).

PERSONNEL TIME TO COMPLETE ABOVE RESPONSE:

Total hours: 13 hours

Total cost: \$712.65

Postage: \$8.57

Attorney cost: will be reported when invoice is received

4. On January 14, 2013, the Therapy Association for Special Children (TASC) requested the following information for the 2011-12 and 2012-13 school years.
- Itemized charges to each of the following school districts: D101, D301, D302, D303, and D304 for anything related to OT and PT services listed separately. Projected charges for the same for the 2013-14 school years, minus Batavia.

RESPONSE: Copies of OT/PT costs by district for the requested years, and projected costs for 2013-14 were sent.

PERSONNEL TIME TO COMPLETE ABOVE RESPONSE:

Total hours: .5

Total cost: \$17

Respectfully submitted,

Susan J Caddy
Director of Business & Human Resources
FOIA Officer