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# Freedom of Information Act

(FOIA)

## District Policy and Administrative Regulations and Procedures



2010-2011

Cary Community Consolidated School District

2115 Crystal Lake Road ▪ Cary, Illinois 60013 ▪ 847-639-7788 ▪ Fax 847-639-3898

Briargate ▪ Deer Path ▪ Three Oaks ▪ Prairie Hill ▪ Cary Junior High

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## Introduction

The Cary Community Consolidated School District has developed the enclosed administrative Regulations and Procedures to comply with the conditions and provisions of the Freedom of Information Act.

## Policy

The Board of Education of the Cary Community Consolidated School District has adopted the following policy regarding the Freedom of Information Act.

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### 2:250 – Access to District’s Public Records

It is the intent of the Board that the District comply with Illinois law regarding public records.

#### Local Records

The District’s “public records” are those documents, tapes, photographs, letters, and any other recorded information or material, regardless of physical form or characteristic, made, produced, executed, or received by the District or officer pursuant to law or in connection with the transaction of public business, and 2) are appropriate to preserve either as evidence of the District’s organization, function, policies, procedures, or activities, or because of the informational data contained in the record. Public records shall be preserved and cataloged, including e-mail messages, and may be destroyed only when authorized by the Local Records Commission.

#### Freedom of Information Act Requests

The Board of Education recognizes that all persons are entitled to request information regarding the official acts, decisions, procedures and policies of the School District. Accordingly, the Board shall designate at least two employees as its Freedom of Information Officers, shall maintain and make available public records, and shall grant and deny requests for such information as required by the Illinois *Freedom of Information Act*. The Board President or Superintendent shall, at each regular Board meeting, report any requests made of the District under provisions of the Illinois *Freedom of Information Act* and shall report the status of such requests.

The Superintendent is hereby authorized to establish procedures implementing this policy and prepare the records directory and District description required under the Act. Further, the Superintendent shall ensure that the District description and the procedures for requesting public records, including the names of the designated Freedom of Information Officers, the address where requests for public records should be directed, and any fees, are prominently displayed at the District office and posted on the official District website.

A request for public records may be denied only if:

- a. the records are exempt from public access in accordance with the provisions of the Illinois *Freedom of Information Act* (See Exhibit A); or
- b. a request for all records falling within a category is unduly burdensome, there is no way to narrow the request, and the burden on the District outweighs the public interest in the information.

When responding to a request for a record containing both exempt and non-exempt material, the Superintendent or designee shall delete exempt information from the record before complying with the request.

Voluntary Transparency

- It is the intent of the Board that District operations will be transparent to the greatest extent possible. The District's public records shall be made available on the District website for at least one (1) year from their creation date or Board approval, whichever is later. District public records requiring Board approval shall be placed on the website within 7 days of Board approval, subject to applicable privacy laws.

LEGAL REF.: Chicago Tribune Company v. Bd. of Ed. of the City of Chicago, 773 N.E.2d 674  
(Ill.App.1, 2002).  
5 ILCS 140/1 et seq.  
105 ILCS 5/10-16.  
50 ILCS 205/15

CROSS REF.: 2:250-E (Records to be Made Available), 5:150 (Personnel Records), 7:340 (Student Records)

ADOPTED: November 21, 2005

REVISED: December 15, 2008  
February 22, 2010

# Administrative Regulations and Procedures

## Section I

### School District Information Directory

Cary Community Consolidated School District 26 is a school district located in Cary, Illinois. District 26 is located principally in McHenry County with a small portion being in Lake County. The District is organized under the laws of the State of Illinois for the purpose of providing its residents with schools for grade K-8 for the education of all eligible persons in the District.

#### Purpose

It is the desire of the Board of Education in District 26 to provide the children of this district the finest educational experience possible so as to facilitate the process of preparing them to function as members of society. The Board recognizes and accepts its responsibility for enhancing the academic, personal, and social development of all students.

#### Schools in District 26

The District operates the following schools in Cary.

School	Address	Phone
Briargate School	100 S. Wulff Street	(847) 639-2348
Cary Junior High School	2109 Crystal Lake Road	(847) 639-2148
Deer Path School	2211 Crystal Lake Road	(847) 516-6350
Prairie Hill School	233 E. Oriole Trail	(847) 516-5513
Three Oaks School	1514 Three Oaks Road	(847) 516-5533

The Administrative Office is located at 2115 Crystal Lake Road, Cary Illinois

(847-639-7788). The District has approximately 333 full and part-time employees.

## Board Of Education

The District is governed by a seven-member Board of Education. The present members of the Board of Education are:

Chris Spoerl, President  
 Jason Larry, Vice-President  
 Chris Jenner, Secretary  
 Julie Jette  
 Scott Coffey  
 Vicki Pesch  
 Aimee Williams

The Board also organizes advisory committees comprised of board members, staff, and lay people as the need arises. The Board of Education participates in the following committees:

Committee	Representatives
SEDOM Representative	Julie Jette
Cary 26 Education Foundation	Chris Spoerl
Board Insurance Committee Representative	Scott Coffey
Board Legislative Liaison	Aimee Williams
Curriculum Committee	*Julie Jette, Chris Spoerl, Vicki Pesch
Finance	*Chris Jenner, Jason Larry, Scott Coffey
Policy	*Chris Jenner, Julie Jette, Aimee Williams
Sites and Facilities	This Committee has been combined with Finance
Community Engagement	*Vicki Pesch, Aimee Williams, Jason Larry
*Indicates Committee Chair	

## Section II

### Procedures to Follow in Requesting or Copying Documents

1. Effective July 1, 1984, School District 26 shall make available, for inspection/copying, all public records, except as exempted under the Illinois Freedom of Information Act.

All requests are to be submitted, in writing, to:

Superintendent of Schools  
Cary Community Consolidated District 26  
2115 Crystal Lake Road  
Cary, Illinois 60013

Or

Executive Administrative Assistant to the Superintendent and Board of Education  
Cary Community Consolidated District 26  
2115 Crystal Lake Rd.  
Cary, IL 60013

2. All requests for inspection shall be made in writing five (5) days prior to the time the records are to be inspected.
3. All requests for copies of public records shall be made in writing five (5) working days prior to the time copies are to be received.
4. Requested records must be specified with reasonable particularity.
5. Unless the requestor is otherwise notified by the School District, inspection shall be allowed only between the hours of 8 a.m. and 4 p.m., Monday through Friday, legal holidays excluded, at the following location:

Administration Center  
2115 Crystal Lake Road  
Cary, Illinois 60013

The fees for copies of records are as follows:

First 50 pages are free  
\$ .15 per page if more than 50 copies are requested  
\$1.00 per document if the copies are to be certified

6. Time for inspection may be limited by the School District so as not to interfere with the School District's need for the records.
7. Inspection will not be allowed when the requested records are in immediate use by persons exercising official duties requiring use of the requested records; inspection shall be allowed within a reasonable time thereafter.
8. So as to prevent damage to public records: (a) School District may require one of its employees to be present during inspection; (b) Equipment or method used to copy public records may be subject to the School District's prior approval.
9. Unless the requestor is otherwise notified by the School District, requested copies shall be available for pick-up from the Administrative Center within five working days after the request is received by the School District.

10. An appeal of a denial of a request for access or copying shall be commenced by forwarding a written notice of Request for Review with the Attorney General's Public Access Counselor (PAC) or the requesting party shall have the right to file a lawsuit for judicial review.

### **Documents Exempt from Act**

1. Information specifically prohibited from disclosure by federal or state law, such as records covered by the Illinois Student Records Act. Of course, not all student records would be exempt by virtue of the Student Records Act.
2. Information which, if disclosed, would constitute a "clearly unwarranted invasion of personal privacy," unless disclosure is consented to in writing by the individual whose privacy is being invaded. Included under this exemption are personnel files and personal information regarding employees, officers, and applicants for positions. Disclosure of information that "bears on the public duties" of public employees and officials shall not be considered an invasion of personal privacy. This exemption probably will give school officials some trouble. Absent court interpretations, even the most experienced attorneys can only guess at what the Act means by an unwarranted invasion of privacy, much less an invasion that is clearly unwarranted. How is a school official (or an attorney) to know when an invasion of privacy is warranted or not warranted? Also, what information "bears on" the public duties of public employees and officials?
3. Files and personal information regarding individuals (particularly students) receiving certain care or services from the school district. Such services would include social, medical or educational services. This means the public has no right to inspect records regarding the services being extended, for example, to a particular handicapped student. But the public would be entitled to inspect records regarding the range or types of services made available by the district to handicapped students or even regarding the numbers of students receiving specific services.
4. Investigatory records compiled for internal matters of a school district, but only under certain circumstances specified in Section 7 of the Act. This exemption might apply to school investigations ranging from drug abuse among students to employee job performance. See the text of the Act for the six circumstances under which this exemption can be invoked.
5. Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that specific information shall not be exempt once it is publicly cited and identified by the superintendent or school board.
6. Proposals and bids for any contract, grant or agreement, until an award or final selection is made. Information prepared by or for the school board in preparation of a bid solicitation shall be exempt until an award or final selection is made.
7. Valuable formulae, designs, drawings and research data obtained or produced by any school district when disclosure could reasonably be expected to produce private gain or public loss. This exemption would apply to copyrightable or patentable material developed by faculty members, including computer software.
8. Test questions, scoring keys and other examination data used to administer an academic examination.

9. Architects' and engineers' plans for buildings.
10. Minutes allowed to be kept confidential under the Illinois Open Meetings Act.
11. Library circulation and order records identifying library users with specified materials.
12. Certain communications with the attorney for the school district, as well as materials prepared for a civil or administrative proceeding upon the request of the attorney. (Seek your attorney's advice as to what this exemption may include.)
13. Materials prepared for an internal audit.
14. Certain administrative or technical information associated with automated data processing. This exemption enables the district to protect against unauthorized entry into its computer system.
15. Information received by the school district under its procedures for the evaluation of faculty members by their academic peers. Other types of employee evaluation should be exempted under other exemptions.
16. Documents or materials relating to collective bargaining matters but not including the final contract or agreement which is entered into.
17. Certain documents pertaining to financing and marketing transactions. (What constitutes "financing and marketing transactions" will have to be judicially or legislatively clarified.)
18. Records of ownership, registration, transfer and exchange of school district debt obligations and of persons to whom payment with respect to such obligations is made. This applies to the list of bond holders required under the federal bond registration law.
19. Records regarding real estate (purchases and sales) negotiations up until the time the negotiations are concluded.
20. Certain information relating to an intergovernmental risk management association, self-insurance pool or jointly self-administered health and accident cooperative or pool. This applies to the AMICUS employee benefit program, the Worker's Compensation trust and other "pools" established by the Illinois Association of School Boards.
21. Course materials or research materials used by faculty members.
22. Information related solely to the internal personnel rules and practices of a school district.

## Appendix A

### SAMPLE FOIA REQUEST

\*\*Note to Requester: Retain a copy of this request for your files. If you eventually need to file a Request for Review with the Public Access Counselor, you will need to submit a copy of your FOIA request.\*\*

Cary Community Consolidated School District 26  
2115 Crystal Lake Road  
Cary, IL 60013

Date Requested:

Request Submitted By: \_\_\_ E-mail \_\_\_ U.S. Mail \_\_\_ Fax \_\_\_ In Person

Name of Requester:

Street Address:

City/State/County Zip (required):

Telephone (Optional): E-mail (Optional):

Fax (Optional):

Records Requested: \*Provide as much specific detail as possible . You may attach additional pages, if necessary.

Do you want copies of the documents? \_\_\_\_\_ YES or \_\_\_\_\_ NO

--Do you want Electronic Copies or Paper Copies?

--If you want Electronic Copies, in what format?

Is this request for a Commercial Purpose? \_\_\_\_\_ YES or \_\_\_\_\_ NO

(It is a violation of the Freedom of Information Act for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose, if requested to do so by the public body. 5 ILCS 140.3.1(c)).

Are you requesting a fee waiver? \_\_\_\_\_ YES or \_\_\_\_\_ NO

(If you are requesting that the public body waive any fees for copying the documents, you must attach a statement of the purpose of the request, and whether the principal purpose of the request is to access or disseminate information regarding the health, safety and welfare or legal rights of the general public. 5 ILCS 140/6(c)).

## Appendix B

### SAMPLE RESPONSE DENYING A FOIA REQUEST

Date  
Requester's Name  
Address

Dear [**Requester**]:

Thank you for writing to Cary Community Consolidated School District 26 with your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

On [**insert date received by public body**], you requested the following documents:  
[**insert description of information requested, or restate the request**].

Your request is denied for the following reasons: [**The public body must provide a detailed factual basis for denying the FOIA request and provide the names and titles of each person responsible for the denial. 5 ILCS 140/9(a). If the public body is denying the request based on an exemption in Section 7 of FOIA, the public body must provide the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority. 5 ILCS 140/9(b). If the public body is denying the request, in whole or in part, based on an exemption in Section 7(1)(c) or 7(1)(f) of FOIA, the public body must first give written notice to the Public Access Counselor of the intent to deny the request on this basis.**]

You have a right to have the denial of your request 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 2<sup>nd</sup> Street  
Springfield, Illinois 62706  
Fax: 217-782-1396  
E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us)

You also have the right to seek judicial review of your denial by filing a lawsuit in the State circuit court. 5 ILCS 140/11.

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 denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

Sincerely,

## Appendix C

### SAMPLE FOIA 5 DAY EXTENSION LETTER

Date  
Requester's Name  
Address

Dear **[Requester]**:

Thank you for writing to Cary Community Consolidated School District 26 with your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

On **[insert date received by public body]**, you requested the following documents:  
**[insert a description of the information requested or restate the request].**

Under the Freedom of Information Act, a public body may extend the time to respond to a FOIA request by up to 5 business days for a limited number of reasons. 5 ILCS 140/3(e). We are extending the time to respond to your request by **[insert number of days up to 5 business days]** for the following reason(s) **[Note: public bodies should provide specific facts to support all of the reasons asserted for the extension]:**

- We store the requested records in whole or in part at another location(s).
- Responding to the request requires that we collect a substantial number of specified records.
- The request is couched in categorical terms and requires that we conduct an extensive search for the records responsive to it.
- In order to determine whether the requested records are exempt under Section 7 of FOIA or must be redacted in part before they are disclosed, we must have the documents reviewed by **[insert names or titles of the appropriate personnel with the necessary competence to review the documents]**.
- We cannot comply with the request for records within the 5 business day time limit without unduly burdening or interfering with our operations.
- Before we can determine whether to provide the documents in response to your FOIA request, we must consult with **[insert name of other public body]** which has a substantial interest in the determination of how to respond to this request because **[insert reason that other public body is involved]**.
- Before we can determine whether to provide the documents in response to your FOIA request, we must consult with **[identify two or more components of the public body]** to determine how to respond to this request because **[insert reason that various components of the public body must consult on this request]**.

The public body asserts the following facts in support of the above reasons for an extension of time:

(please add lines for explanation)

We will respond to your request by **[insert date response is due]**.

Sincerely,

## Appendix D

### SAMPLE RESPONSE GRANTING A FOIA REQUEST

Date  
Requester's Name  
Address  
Dear **[Requester]**:

Thank you for writing to Cary Community Consolidated School District 26 with your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

On **[insert date received by public body]**, you requested the following documents: **[insert description of information requested, or restate their request]**.

Your request is granted.

**[If the number of black and white copies is 50 copies or fewer:]** We have enclosed copies of the documents that you requested.

**[If the number of black and white copies is greater than 50, or if the copies are color or in a size other than letter or legal size, state the following:]** In keeping with the copying fees allowed by the Illinois Freedom of Information Act, 5 ILCS 140/6(b), the cost of your copies is \$\_\_\_\_\_. Please send us a check or money order, made payable to \_\_\_\_\_ for this amount.

Sincerely,