

Cary Community Consolidated School District

400 Haber Road • Cary, Illinois 60013 • 847-639-7788 • Fax 847-639-3898

Freedom of Information Act (FOIA)

District Policy and Administrative Regulations and Procedures



2006-2007

Briargate • Deer Path • Maplewood • 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 *Illinois Freedom of Information Act*.

Policy

The Regulations and Procedures described in this document implement the general policy below adopted by the Board of Education of the Cary Community Consolidated School District regarding the *Freedom of Information Act*.

2:250 – Access to District’s Public 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, that were prepared, used, received, or possessed by, or under the control of, the District, a school, a school official, or an employee. Public records shall be preserved and cataloged, including e-mail messages, if they: (1) are evidence of the District’s organization, function, policies, procedures, or activities, or (2) contain informational data appropriate for preservation. Public records that are required to be preserved and cataloged may be destroyed when authorized by the Local Records Commission.

The Superintendent or designee shall respond to requests made under the *Illinois Freedom of Information Act* from anyone desiring access to and/or copying of a District’s public record. The Superintendent or designee shall approve the request, unless:

1. The requested material is:
 - a. Not a “public record” as defined in this policy;
 - b. Exempt from inspection and copying by the *Freedom of Information Act* or any other State or federal law; or
 - c. Not required to be preserved or cataloged; or
2. Complying with the request would be unduly burdensome.

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. The Board President or Superintendent shall report to the Board at each regular meeting any *Freedom of Information Act* requests as well as the status of the response.

The Superintendent shall implement this policy with administrative procedures. The Board sets copy fees annually.

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.

CROSS REF.: 5:150 (Personnel Records), 7:340 (Student Records)
ADOPTED: November 21, 2005

Administrative Regulations and Procedures

Section I

School District Information Directory

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 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 grades K-8 for the education of all eligible persons in the District.

Purpose

It is the policy 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, all located in Cary.

School	Address	Phone
Briargate School	100 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
Maplewood School	422 W. Krenz Avenue	(847) 639-2152
Prairie Hill School	233 E. Oriole Trail	(847) 516-5513
Three Oaks School	1514 Three Oaks Road	(847) 516-5533

The Administration Center located at 400 Haber Road in Cary, Illinois. The District has approximately 400 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:

Craig Loew, President
David Ruelle, Vice-President
Chris Jenner, Secretary
Randy Lawrence
Kristen Lewis
Gary Wleklinski

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

Committees	Members
Community Engagement Committee	Craig Loew, Steve Bush, Kristen Lewis
Finance Committee	Steve Bush, Dave Ruelle, Craig Loew
Finance Advisory Committee	Chris Spoerl, Adam Brown, Roy Doll
Policy Committee	Randy Lawrence, Chris Jenner, Gary Wleklinski
Sites & Facilities Committee	Dave Ruelle, Craig Loew, Kristen Lewis

Budget Data

The approximate amounts of the operating budgets of the District for the various funds for the 2005-2006 fiscal year are listed below. The 2006-2007 fiscal year funds will be available in late September 2006, and this section will be updated at that time.

Fund	Expenditures	Revenues
Education Fund	\$24,599,540	\$23,055,538
Operations/Maintenance Fund	\$3,134,146	\$2,448,112
Bond and Interest Fund	\$2,828,606	\$3,027,996
Transportation Fund	\$1,134,844	\$1,514,697
Municipal Retirement and Social Security Fund	\$681,539	\$646,324
Working Cash Fund	\$42,000	\$42,000
Site & Construction Fund	\$419,488	\$162,000
2005-2006 Total of all Funds	\$32,840,163	\$30,896,667

Records Available from the District

All records within the scope of the *Illinois Freedom of Information Act* that are under the District's control shall be available pursuant to the requirements of the Act and Board policy. To aid persons in obtaining access to these public records, a reasonably current detailed list of all types or categories of records within the control of the District shall be maintained and made available for inspection and copying. Upon request, the District shall also furnish an explanation of the manner in which any records stored by electronic data processing may be obtained in a form comprehensible to those lacking knowledge of computer language or printout format.

District Organizational Chart

As required by the *Illinois Freedom of Information Act*, the District has prepared and posted a block organizational chart at its Administrative Office.

Section II

Procedures to Follow in Requesting or Copying Documents

1. Cary Community Consolidated School District 26 shall make available, for inspection/copying, all public records, except as exempted under the *Illinois Freedom of Information Act* (the "Act").

All requests are to be submitted, in writing, on a form created by the District (attached as Appendix A), to:

Mr. Michael Smith, Ed.S.
Superintendent of Schools
Cary Community Consolidated District 26
400 Haber Road
Cary, Illinois 60013

The District will not accept any requests submitted by electronic mail or facsimile transmission.

2. All requests for either the inspection or copying of public records shall be made in writing seven (7) working days prior to the time the records are to be inspected or copies are to be made available.
3. Requested records must be specified with reasonable particularity.
4. Unless the requestor is otherwise notified by the 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
400 Haber Road
Cary, Illinois 60013

The requestor must provide a picture identification prior to inspection. Requestors are prohibited from bringing bags, briefcases, or other containers into the inspection area.

5. Time for inspection may be limited by the District so as not to interfere with the District's need for the records.
6. 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.
7. So as to prevent damage to public records: (a) the District may require one of its employees to be present during inspection; and (b) equipment or methods used to copy public records may be subject to the District's prior approval.
8. Unless the requestor is otherwise notified by the District, requested copies shall be available for pick-up from the Administration Center within seven working days after the request is received by the District. An additional seven (7) working days are available for response if:
 - a. records are stored in whole or in part at another location;
 - b. a substantial number of records must be collected;
 - c. the request is couched in categorical terms and requires an extensive search;
 - d. after a search, the records cannot be located and additional efforts are being made to locate them;
 - e. the requested records require an examination and evaluation by a competent person to determine whether the records are exempt under the Act;
 - f. timely compliance would be an undue burden or would interfere with regular operation of the District; or

- g. there is need for consultation with another public body which has a substantial interest in the determination or in the subject matter of the request.

If additional time is required for any of the above reasons, the Superintendent shall notify in writing the person making the request within seven (7) working days of receipt of the request. Notice will be provided on a form created by the District (attached as Appendix B) and shall include the reason for delay and the anticipated date the records will be available or denied. In no instance may the delay in processing last longer than seven (7) working days. A failure to render a decision within seven (7) working days shall be considered a denial of the request.

9. The fees for copies of records are as follows:
 - \$.35 per page
 - \$.10 per certificate if the copies are to be certified

These charges are reasonably calculated to reimburse the District for the actual cost involved in reproducing or certifying the records, and are subject to change annually by resolution of the Board of Education. No charge shall be made for staff time spent searching for or reviewing records.

10. In the event the District deems it appropriate to refer the copying to an outside printer or copying service, due to the size of the request, staffing limitations or other reasons, the fee shall be the actual cost of the vendor charges. If a person requesting public records desires to have them delivered to him or her, the District will include the reasonable cost of postage in the fees charged.
11. The District shall inform all persons requesting copies of public records of the cost of the copying prior to beginning the copying process. The District reserves the right to begin the copying process only upon the payment of fees.
12. The Superintendent may waive or reduce fees if the person requesting the documents states the specific purpose for the request and indicates that a fee waiver or reduction is in the public interest. Fee waiver or reduction is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit. In setting the amount of fee waiver or reduction, the Superintendent may take into consideration the amount of materials requested and the cost of copying them.
13. If a request is denied, in whole or in part, the requestor shall be notified in writing within seven (7) working days of: (1) the reason for denial; (2) the name and title of each person responsible for the denial; (3) if denied on the grounds that the records are exempt, the exemption claimed to authorize the denial; and (4) the requestor's right to appeal the denial to the Board of Education. Notification of denial may be on a form created by the District (attached as Appendix C).
14. An appeal of a denial of a request for access or copying shall be commenced by forwarding a written notice of appeal to the President of the Board of Education at the Administration Center address within fourteen (14) working days of receipt of the denial. The President of the Board of Education shall review the appeal and notify the party of the decision within seven (7) working days after receipt of the appeal. If the denial is upheld, the requesting party shall be informed of his or her right to judicial review as provided under the Act.
15. Copies of all denial notices shall be retained in a central file open to the public.
16. The Board President or the Superintendent shall, at each regular or special Board meeting, report any *Freedom of Information Act* requests made of the District and the status of the District's response.

Sample of Types of Documents Exempt from Act

The list below is intended to provide only a sample of records that are exempt from disclosure under the *Illinois Freedom of Information Act*. In addition to the records on this list, other records may also be fully or partially exempt from inspection and copying under the 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.
3. Files and personal information regarding individuals (particularly students) receiving certain care or services from the 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 the District, but only under certain circumstances specified under 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 Board of Education.
6. Proposals and bids for any contract, grant, or agreement, until an award or final selection is made. Information prepared by or for the 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 the 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 employees, 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, but only to the extent that disclosure would compromise security.
10. Minutes allowed to be kept confidential under the *Illinois Open Meetings Act*.
11. Library circulation and order records identifying library users with specific materials.
12. Certain communications with the attorney for the District, as well as materials prepared for a civil or administrative proceeding upon the request of the attorney.
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 the security of its computer system and its data.
15. Information received by the District under its procedures for the evaluation of staff members by their academic peers. Other types of employee evaluation maybe exempt as part of the employee's personnel file.
16. Documents or materials relating to collective bargaining matters, but not including the final contract or agreement which is entered into.
17. Drafts, notes, recommendations, and memoranda pertaining to the financing and marketing transactions of the District.
18. Records of ownership, registration, transfer and exchange of 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. Proprietary information and records 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. Information related solely to the internal personnel rules and practices of the District.
22. Insurance or self insurance claims, loss, or risk management information, records, data, advice, or communications.

APPENDIX A

FORM FOR REQUESTING RECORDS

This form must be submitted by mail or in person to the Superintendent, Cary Community Consolidated School District No. 26, Administration Center, 400 Haber Road, Cary, Illinois 60013.

Please provide the following information required to inspect and/or copy District records:

_____	_____
Name (Please print)	Signature
_____	_____
Address	Telephone Number
_____	_____
City, State, Zip Code	Date of Request

Please state the purpose for your request:

Please describe the records you are requesting for inspection (be as precise as possible):

<u>Please indicate the records you are requesting to have copied</u>	No. of Copies*	Certified*	
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

*Fees for copies of records: \$.35 per page / \$.10 per certificate (if the copies are to be certified).

Please note that all duplicating and/or certification fees must be paid before the copies are made.

For Office Use Only

Request Received by _____ routed to _____ Date _____

Information provided by _____ Date _____

Cash Check Charge Amount _____ Received by: _____

APPENDIX B

FORM FOR EXTENDING TIME FOR DISCLOSURE

Dear (individual involved):

We have been unable to fill your request dated _____ requesting:

(Insert the record item requested)

for the reason or reasons checked below:

- The requested records are stored in whole or in part in another location(s) than the office having charge of the requested records.
- The request requires the collection of a large number of records.
- The request is couched in categorical terms and requires an extensive search.
- We have failed to locate the requested records in the course of routine search and additional efforts are being made to locate them.
- The requested records require examination and evaluation by a person having the necessary competence and discretion to determine if they are exempt under Section 7 of the Illinois Freedom of Information Act or should be revealed only with appropriate deletions.
- It would unduly burden or interfere with the operations of this School District to fill the request within the initial seven (7) working days.
- There is a need for consultation with another public body which has a substantial interest in the determination or in the subject matter of the request.

With respect to the records you have requested, such records will be available to you by _____^{*}, or we will make a decision denying your request by such date.

Such date will be within seven (7) additional working days from

_____^{**}.

School District: _____

By: _____

Title: _____

Date: _____

*Insert the date of the fourteenth working day after the request for records was received.

**Insert the date of the seventh working day after the request for records was received.

APPENDIX C

FORM FOR DENIAL LETTER

Dear (individual involved):

You are hereby notified that your request for the disclosure of:

(Insert record item requested)

is hereby denied and the reason for such denial is as follows:

(Insert reason for denial, citing to exemptions under the Act; if the request is denied as unduly burdensome, insert the reasons and extent to which the request would unduly burden the operations of the District and provide the requestor with an opportunity to confer in order to reduce the request to manageable proportions.)

The person or persons making this decision to deny and their title or titles are set forth below:

_____	_____
Name	Official Title
_____	_____
_____	_____

You are hereby further notified that you have the right to appeal this decision to the Board of Education which, under the *Illinois Freedom of Information Act*, will make a decision either to affirm the denial of disclosure or to allow disclosure within seven (7) working days after you file a notice of appeal. Such notice of appeal shall be filed within fourteen (14) days of your receipt of this letter and must be addressed to the President of the Board of Education at the District Administration Center address, 400 Haber Road, Cary, Illinois 60013.

School District: _____

By: _____

Title: _____

Date: _____

APPENDIX D

LETTER OF DISCLOSURE WITH DELETION OF EXEMPT MATERIAL

Dear (individual involved):

Pursuant to your written request of _____, enclosed you will find copies of the records you have requested. Please note that pursuant to Section 8 of the *Illinois Freedom of Information Act*, certain material originally contained in such records has been deleted because such material is exempt material under Section 7 of the Act.

By: _____

Title: _____

Date: _____

APPENDIX E
EMPLOYEE MEMORANDUM REGARDING INSPECTION OF RECORDS

On the _____ day of _____, 20____, at the hour of _____ a.m./p.m., the following individual(s) appeared in person at the office of the Board of Education and inspected the following records pursuant to his/her/their written request dated: _____.

Individual(s) making the request:

Records inspected:

Of the records inspected, copies of the below records were provided to or made by the individual(s) making the request:

No. of pages copied: _____

Cost per page: _____

Certificates provided (if certified) _____

Total Cost: _____

Date and Time of Memorandum: _____

Signature of Employee: _____

Title of Employee: _____

Witness: _____