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# Freedom of Information Act (FOIA)

## District Policy and Administrative Regulations and Procedures



2009-2010

Cary Community Consolidated School District

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

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 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, 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.

#### Freedom of Information Act Requests

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.

#### 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 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.. The records to be made available include, but are not limited to:

- Current District budget, and minimally past 3 years’ budgets;
- Meeting minutes, including all Board actions and votes, and meeting agendas;

- Names of elected officials and contact information, including email addresses;
- Names of administrative officials and contact information, including email addresses;
- Name of the District's FOIA compliance contact, and FOIA procedures;
- Information about any organizations or associations supported by District funds that perform political lobbying or advocacy, including the organization names, the amount expended on each, and each organization's or association's legislative agenda;
- A list of all vendors the District does over \$5,000 in business annually with, and the budgeted and actual amounts expended on each vendor;
- Copies of audits (including Audited Financial Reports) and compliance reports;
- The District's checkbook register.

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.: 5:150 (Personnel Records), 7:340 (Student Records)

ADOPTED: November 21, 2005

REVISED: December 15, 2008

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

(847-639-7788). The District has approximately 425 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
Curriculum Committee	*Julie Jette
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

\$.35 per page if more than 50 copies are requested

\$.10 per certificate 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 appeal to the Superintendent. If the denial is upheld; the requesting party shall have the right to 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**

**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 another location.
- \_\_\_\_\_ The request requires the collection of a large number of records.
- \_\_\_\_\_ The request is categorical in nature and requires an extensive search.
- \_\_\_\_\_ We have failed to locate the requested records in our initial attempt and the search is continuing.
- \_\_\_\_\_ The requested records require examination by a competent person in order to determine which, if any, are exempt under Section 7 of the Act.
- \_\_\_\_\_ It would unduly burden or interfere with the operations of this school district to fill the request within the initial seven 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 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 B**

**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 the exemptions under the Act)*

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

<b>Name</b>	<b>Official Title</b>
_____	_____
_____	_____
_____	_____

You are hereby further notified that you have the right to appeal this decision to the Board of Education who, under the Illinois Freedom of Information Act, will make a decision either to affirm the denial of disclosure or to allow disclosure within seven working days after you file a notice of appeal. Such notice of appeal should be filed within fourteen days of your receipt of this letter. If the decision to deny your request for disclosure was made by the head of the public body, you have the right to appeal the decision of the head of the public body to the Circuit Court of this county under Section 11 of the Freedom of Information Act.

School District \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Appendix C**

**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 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: \_\_\_\_\_

