

# Millburn School District 24



## Freedom of Information Act (FOIA) Requests

### FOIA Officers

Bernadette Hanna [bhanna@millburn24.net](mailto:bhanna@millburn24.net)

FOIA Request for Records form can be found at the end of this document.

### School District Offices

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District Office  
18550 Millburn Road  
Wadsworth, IL 60083  
PH: 847-356-8331  
FX: 847-356-9722

Millburn Elementary School  
18550 Millburn Road  
Wadsworth, IL 60083  
PH: 847-356-8331  
FX: 847-356-9722

Millburn Middle School  
640 Freedom Way  
Lindenhurst, IL 60046  
PH: 847-245-1600  
FX: 847-265-1898

### Records that are on website include:

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- » Board of Education Meeting Dates
- » Board of Education Agendas and Minutes
- » Board of Education Policies
- » Illinois School Report Cards
- » Parent/Student Handbook
- » Administrative Salaries

### District 24 Board of Education

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Carissa Casbon LaTourette, President  
Casandra Slade, Vice President  
Jim Guziak, Secretary

Denise Ide, Member  
Brendan Murphy, Member  
Maggie Wentzell, Member

### District 24 Administration

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Dr. Jason Lind, Superintendent of Schools  
Dr. Stephen Johns, Business Manager/CSBO  
Joanne Rathunde, Director of Technology

Elizabeth Keefe, Director of Special Services  
Bennett Walshire, Principal, Millburn Elementary  
Jake Jorgenson, Principal, Millburn Middle School

### Fee Schedule

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No charge for electronic copies, when available, or the first fifty pages; 15 cents per page, thereafter.

## **Records Immediately Available to the Public-No FOIA Request Required**

These records include, but are not limited to:

Administrative salary reports  
Assessment information  
Athletic schedules by season  
Athletics philosophy  
Board of Education approved meeting minutes  
Board of Education guidelines for public participation in meetings  
Board of Education meeting agendas  
Board of Education member information  
Board of Education policy manual  
Community presentation power points  
Contracts exceeding \$25,000  
Curriculum overviews  
Demographics  
Digital Digest District newsletters  
District budgets  
District vision/mission statements  
Employee benefit information  
Gifted and talented guidelines and overviews  
Grade level brochures  
Health information  
Internet safety documents and links  
Job descriptions  
Listing of administrators  
Long-range technology plan  
Mandated reporting guidelines  
Parent guidelines for special education  
Parent Student handbook  
Request for buildings and grounds use form  
Response to intervention overviews and guides  
School band news  
School bell schedules  
School calendars  
School health news  
School newsletters  
School PTO links/sites  
School Report Cards  
School supply lists  
School virtual backpacks  
Staff directory  
Staff handbooks  
Student admission and registration information  
Student policies  
Substitute user information and guides  
Summer school information  
Technology scope and sequence  
Textbook adoption cycle  
Textbook and publisher information  
Transportation routes

## **Records Available to the Public under FOIA**

These records include, but are not limited to:

- Administrative manuals, procedural rules, and instructions to staff, unless exempted by subsection 7 of the Act
- All information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of public bodies
- All information required by law to be made available for public inspection or copying
- Applications for any contract, permit, grant, or agreement except as exempted from disclosure by subsection 7 of the Act
- Arrest reports maintained by criminal justices (with a juvenile record exception)
- Certain public criminal history records
- Certified payrolls under the *Prevailing Wage Act*
- Each report, document, study, or publication prepared by independent consultants or other independent contractors for the public body
- Factual reports, inspection reports, and studies whether prepared by or for the public body
- Final opinions and orders made in the adjudication of cases, except an educational institution's adjudication of student or employee grievance or disciplinary cases
- Final planning policies, recommendations, and decision
- Information relating to any grant or contract made by or between a public body and another public body or private organization
- Records relating to obligation, receipt and use of public funds
- Settlement agreements, with redaction of information considered exempt under the law
- Statements and interpretations of policy which have been adopted by a public body
- Substantive rules
- The names of every official and the final records of voting in all proceedings of public bodies
- The names, salaries, titles, and dates of employment of all employees and officers of public bodies

## **Records Exempt from Disclosure under FOIA**

There are several exceptions to public disclosure that include, but are not limited to, the following. For a complete list of exemptions, please review Section 7 of the Act.

- Private information – “Private information” is exempt from disclosure under FOIA. FOIA defines “private information” as “unique identifiers, including a person’s social security number, driver’s license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal e-mail addresses.” Under FOIA, “private information also includes home addresses and personal license plate numbers, except as otherwise provided by law or when compiled without possibility of attribution to any person.”
- Personal information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the person who is the subject of the information. Under FOIA, the “unwarranted invasion of personal privacy” means the “disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject’s right to privacy outweighs any legitimate public interest in obtaining the information.” Disclosing information that relates to the public duties of public employees is not considered an invasion of personal privacy.
- Law enforcement records that, if disclosed, would interfere with a pending or reasonably contemplated proceeding or that would disclose the identity of a confidential source
- Information that, if disclosed, might endanger anyone’s life or physical safety.

- Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the district.
- Test questions, scoring keys and other examination data used to administer examinations.
- Information concerning a school's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student.
- Records relating to the district's adjudication of employee grievances or disciplinary cases, but not including the final outcome of cases in which discipline is imposed.
- Communications between the district and its attorney that would not be subject to discovery in litigation.
- Proposals and bids for any contract, grant, or agreement, until a final selection is made.
- Closed meeting minutes not yet available to the public under the Illinois Open Meetings Act
- Collective bargaining documents or information, except for any final contracts or agreements.
- Information regarding real estate transactions until a sale is final
- Requests that are "unduly burdensome."

A request may be considered unduly burdensome if there is no way to narrow the request, and the burden on the district to produce the information outweighs the public interest in the information. However, before relying on this exemption, the district will give the requestor an opportunity to reduce the request to a manageable size.

### **Purpose**

These procedures are intended to implement the provision of the Freedom of Information Act (5 ILCS 140) that was originally enacted on July 1, 1984, revised in fall 2004 (current law) and revised again January 1, 2010. Millburn School District 24 supports the policy of providing public access to the public records in the possession of the district while, at the same time, protecting legitimate privacy interests, and maintaining administrative efficiency and operational priorities.

### **Public Records**

The district's public records are those records and documents, regardless of format, pertaining to the transaction of public business and as further defined by law. The district shall maintain and make available for inspection a reasonably current list of the categories of records under its control, as well as those documents that are immediately available upon request.

Public records are defined in FOIA as "all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body."

## **Requesting Public Records**

Requests to inspect or secure copies of public records shall be submitted to the district's designated Freedom of Information Act (FOIA) officers:

Bernadette Hanna  
Office Manager/FOIA Officer  
Millburn School District 24  
18550 Millburn Road  
Wadsworth, IL 60083  
847-356-9722 (fax)  
[bhanna@millburn24.net](mailto:bhanna@millburn24.net)

In accordance with the FOIA, such requests shall be made by the requestor in writing and sent via fax, email or U.S. mail. Oral requests will not be accepted. While the following information is not required, its inclusion will help in processing the request for public records.

- The requestor's full name, address, and telephone number
- A description of the records sought, being as specific as possible
- Whether the request is for inspection of records, copies of records, or both

If the requestor would prefer to hand deliver the request, the district's central office hours are 8:00 a.m. to 4:00 p.m. Monday through Friday. The office is closed for business on Saturdays, Sundays, and designated school, state, or federal holidays.

All requests will be date stamped upon receipt by the district's designated FOIA officer or designee.

## **District Response**

In accordance with Illinois' current Freedom of Information Act, the district shall respond to a written request for public records within five working days after the receipt of such request and specify what records are available for inspection and copying. The district may give notice of an extension of time to respond which does not exceed an additional five working days, or a total of 10 working days from the written request. Such an extension is allowable only if written notice is provided in the law. Such notice of extension shall state the reasons why the extension is necessary.

The district shall respond to a request for public records in one of the following ways:

- Approve the request in writing within five working days of receipt of the request.
- Notify requestor within five working days that either the district does not maintain or possess the documents requested or that the requested documents could not be found after a diligent search and/or the written request is illegible, incomplete or incomprehensible and must be resubmitted to remedy the identified problem. The district is not obligated to create or maintain a public record solely to respond to a request.
- Notify requestor in writing within five working days of receipt of the request that an additional five working days will be necessary to determine a response and provide the requestor with the specific reason for the delay consistent with the grounds identified in the law, as well as the date the delayed response will be forthcoming. Where a categorical request creates an undue burden, the district shall send written notification within five working days asking the requestor to reduce the request to manageable proportions in accordance with the law.

- Approve the request in part and deny it in part, in writing, within five working days of receipt of the request, and notify the requestor of the specific reason why part of the request has been denied, the district personnel responsible for the decision, and the availability to file a Request for Review with the Attorney General's Public Access Counselor (PAC) or seek judicial review.
- Deny the request in its entirety within five working days of receipt of the request, and notify the requestor of the specific reason the request has been denied, the district personnel responsible for the decision, and the availability to file a Request for Review with the Attorney General's Public Access Counselor or seek judicial review.

Upon approval of a request, the district may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs, or give notice of the time and place for inspection of records at its central office, which is located at 18550 Millburn Road, Wadsworth.

Categorical requests creating an undue burden upon the district shall be denied only after extending to the requestor an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with the law. A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with the law, and provide the names and titles of individuals responsible for the decision. It shall also give notice of the requestor's right to file a Request for Review with the Attorney General's Public Access Counselor or seek judicial review.

Copies of all denials will be retained in the superintendent's office and indexed according to the type of exemption asserted. Copies of all requests will be retained in the superintendent's office and indexed according to the types of records requested.

### **Exemptions**

The FOIA law has a presumption that all information is public, unless the public body proves otherwise. There are several exceptions to public disclosure that include, but are not limited to, the following. For a complete list of exemptions, please review Section 7 of the Act.

- Private information – "Private information" is exempt from disclosure under FOIA. FOIA defines "private information" as "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal e-mail addresses." Under FOIA, "private information also includes home addresses and personal license plate numbers, except as otherwise provided by law or when compiled without possibility of attribution to any person."
- Personal information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the person who is the subject of the information. Under FOIA, the "unwarranted invasion of personal privacy" means the "disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." Disclosing information that relates to the public duties of public employees is not considered an invasion of personal privacy.
- Law enforcement records that, if disclosed, would interfere with a pending or reasonably contemplated proceeding or that would disclose the identity of a confidential source
- Information that, if disclosed, might endanger anyone's life or physical safety.
- Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record

or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the district.

- Test questions, scoring keys and other examination data used to administer examinations.
- Information concerning a school's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student.
- Records relating to the district's adjudication of employee grievances or disciplinary cases, but not including the final outcome of cases in which discipline is imposed.
- Communications between the district and its attorney that would not be subject to discovery in litigation.
- Proposals and bids for any contract, grant, or agreement, until a final selection is made.
- Closed meeting minutes not yet available to the public under the Illinois Open Meetings Act
- Collective bargaining documents or information, except for any final contracts or agreements.
- Information regarding real estate transactions until a sale is final
- Requests that are "unduly burdensome."

A request may be considered unduly burdensome if there is no way to narrow the request, and the burden on the district to produce the information outweighs the public interest in the information. However, before relying on this exemption, the district will give the requestor an opportunity to reduce the request to a manageable size. If it is still unduly burdensome, the district will explain in writing the reasons why the request is unduly burdensome and the extent to which compliance will burden the operations of the district. Such a response is considered a denial.

In addition, repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under FOIA are deemed unduly burdensome and may be denied.

When a request is made to inspect or copy a public record that contains information that is exempt from disclosure, but also contains information that is not exempt from disclosure, the District must make the non-exempt information available for inspection and copying. However, the FOIA Officer may redact the exempt information from the document before making it available.

### **Appeal of a Denial**

A requestor whose request has been denied by the district may file a Request for Review with the Attorney General's Public Access Counselor to seek judicial review. A Request for Review with the Attorney General's Public Access Counselor shall be made to:

Public Access Counselor  
Public Access Bureau  
500 S. 2<sup>nd</sup> Street  
Springfield, IL 62706  
(217) 558-0486  
[publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us)

The PAC will review the request and do one of three things:

- Decide that no further action is necessary. If the PAC decides that the alleged violation is unfounded and no further action is necessary, the PAC will inform the requestor and the district that decision.

- Request more information from the district. If more information is needed to review the issue, the PAC may, within seven working days after receiving the Request for Review, send a copy of the request to the public body and ask for any records it needs to complete the review. The public body has seven working days to provide the requested information. The Attorney General, through the PAC, has the authority to issue a subpoena if the district fails to fully respond.
- The PAC may also try to resolve the requestor's FOIA dispute with the district through mediation or other informal efforts.

### **Copying and Inspection of Public Records**

Copies of public records shall be provided to the requestor only upon payment of any charges, which are due. If the person making the request for records states that the purpose of the request is for health, safety and welfare or legal rights of the general public rather than for personal or commercial gain and requests that the fee be waived or reduced, the superintendent may, upon inquiry of the precise reason for the request, grant such waiver or reduction as s/he deems appropriate. Should any person wish to appeal a fee waiver or reduction decision of the superintendent, such appeal is to be made in writing to the Board of Education.

Inspection of public records will be conducted during normal business hours (8 a.m. to 4:30 p.m.) at the main office building (18550 Millburn Road, Wadsworth). For purposes of convenience, inspection of records may take place in another location designated by the district's FOIA officer. With respect to records which are determined to be available, the district's FOIA officer will arrange for the preparation and certification of copies upon tender of any required fee. An employee of the district must be present throughout the inspection, and no records may be removed from the inspection location. In addition, a requestor may be prohibited from bringing bags, brief cases, or other containers into the room where the inspection of records is taking place. Documents, which the requestor wishes to have copied, shall be segregated during the course of inspection. All copying shall be done by district employees.

Unless otherwise waived, duplication fees are as follows:

- For documents that are 8 ½ x 11, 8 ½ x 14, and 11 x 17 and copied in black and white, the first 50 pages, will be duplicated free of charge. Every page beyond 50 will incur a charge of \$0.15 per page.
- The charge for duplicating documents in color or copying items on computer disk, CD or videotape will not exceed the actual cost of reproducing the records or the cost incurred for the purchase of necessary supplies (CDs, videotapes, etc.) to fulfill the request.

Payment for duplications shall be made by cash or money order payable to Millburn District 24 and mailed or hand-delivered to the designated FOIA officer. If the requestor is unwilling or unable to pick up the copies of requested records at the district's main office, the requestor shall incur the costs of mailing or shipping the requested materials.

Records stored by electronic data processing shall be handled in the same manner and under the same rules as normal public record documents (on paper). All converting and copying of electronic records to readable paper form shall be done by district staff. If information is available in no other form than a computer file, the information may be sent in a PDF format via e-mail or on a computer disk and the disk paid for by the requestor. District staff will arrange for the inspection of all electronic records.



### **Commercial Requests**

A commercial request is when the requestor seeks to use part or all of the public records for sale, resale, or solicitation or advertisement for sales or services. Requests by the news media, not-for-profit organizations, scientific or academic institutions are not considered commercial information requests.

The district has 21 business days to respond to a request for information that is made for a commercial purpose. The district can either provide the requested records; advise when the records will be provided and the costs; deny the request (if it falls under an exception); or advise the requestor that the request is unduly burdensome.

The district will charge fees for copies of information. For traditional black and white, letter or legal sized copies (8 ½ x 11 or 11 x 17), the first 50 pages are free, and any additional pages will cost 15 cents per page. For color copies or abnormal size copies, the district will charge the actual cost of copying.

Request for Information under the  
Freedom of Information Act  
(FOIA)

*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 (PAC) you will need to submit a copy of your FOIA request.*

Request made to: Millburn School District 24  
18550 Millburn Road  
Wadsworth, IL 60083

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

Request Submitted by:  E-mail  U.S. Mail  Fax  In Person

Name of Requester: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip (required): \_\_\_\_\_

Telephone (optional): \_\_\_\_\_ Fax (optional): \_\_\_\_\_

E-mail (optional): \_\_\_\_\_

Records Requested: *\*Provide as much specific detail as possible so the public body can identify the information that you are seeking. 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)).*