
GENERAL REGIONAL OFFICE OF EDUCATION – ADMINISTRATIVE PROCEDURES

ADMINISTRATIVE PROCEDURES – The Illinois Freedom of Information Act

The Regional Office of Education recognizes its obligations under the Illinois Freedom of Information Act to respond to written requests from all persons desiring access to and copies of the Regional Office’s public records.

Requests for access to the Regional Office’s public records shall be in writing and shall be made to the Regional Superintendent. The Regional Superintendent or his/her designee shall respond to each written request within seven (7) working days unless the time period of response is validly extended in accordance with the administrative procedures for disclosure of public records.

If the Regional Superintendent or designee complies with the written request, the requestor shall be given access to the designated requested Regional Office public records at the Regional Office, during regular working hours, in the presence of the Superintendent or his/her designee.

If further information is needed after receiving access to requested documents, requestors may contact the appropriate individual as listed on the Regional Office’s contact directory.

Upon request, copies of the designated requested Regional Office public records shall be produced at the time of inspection. A fee, which is reasonably calculated to reimburse the Regional Office for the actual costs of reproducing and certifying the public records, will be charged. The Regional Superintendent of Schools shall set such fees annually.

The Act provides for waiving any copying fees when information being released is “in the public interest”. If the fee waiver is denied and copying costs appear to be excessive, the denial may be appealed. The Act provides that a purposeful imposition of a fee inconsistent with the Act shall be considered a denial of access to public records for the purpose of judicial review.

In the event that a written request for access to public records is denied, in whole or in part, the Regional Superintendent shall provide the requestor with a written denial and notice of the right to appeal in accordance with the statutes and Regional Office of Education’s administrative procedures for disclosure of public records.

Information about the Regional Office of Education and Its Records

As of July 1, 1984, the following information must be displayed at each administrative center:

1. Purpose of the Regional Office of Education;
2. Block diagram of its organization;
3. Official budget document;
4. Location of all offices;
5. Approximate number of employees, full and part-time;
6. List of members of any boards, commissions or committees including advisory bodies, which control policy or to whom the Regional Office of Education is accountable; and
7. Information about securing records.

Request to Inspect or Copy Records

1. A request to inspect or copy records shall be made by any person in writing on the form furnished by the Regional Office of Education.
2. The request shall specify the particular record(s) to be inspected or copied.
3. The request may include a request of certification of a copy of a record.

Responses to Request

The Regional Office shall comply with or deny a written request within seven (7) working days after its receipt, except that an additional seven (7) working days are available for response if:

1. records are stored at another location;
2. a substantial number of records must be collected;
3. the request is categorical in nature and requires extensive research;

4. after a search, the records cannot be located;
5. an evaluation by a competent person is required to determine whether the records are exempt under Section 7 of the Act as set out in RECORDS EXEMPT FROM INSPECTION AND COPYING, page 4
6. timely compliance would be an undue burden or interfere with regular operation of the entity; or
7. there is need for consultation within 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 requestor shall be so notified within seven (7) working days of receipt of the request.

Effect of Failure to Respond

A failure to respond within the time specified shall be considered a denial of the request.

Charge for Copies and Certification

A fee will be charged for copying all documents. No charge shall be made for staff time expended for search or review of records. Fees may be waived or reduced if the Regional Office of Education determines this to be in the public interest.

Denial of Request

1. Formal Denial
 - a. the decision to deny;
 - b. the reason for denial and, if due to an exemption, the exemption on which denial is based;
 - c. the name and title of each person responsible for the denial; and
 - d. the requestor's right to appeal to the head of the public body.

Copies of all denial notices shall be retained in a central file open to the public and indexed by exemption and, to the extent feasible, by type of record requested.

2. De Facto Denial

The following shall be treated as a denial:

- a. failure of the Regional Office of Education to make a timely response; or
- b. willful imposition of excessive fees; or
- c. final notification that the request is unduly burdensome.

Appeal from Denial

Any person denied the opportunity to inspect or copy a record may appeal that decision by a written notice of appeal to the Regional Superintendent of Schools within thirty (30) days after notice of denial is issued. The Regional Superintendent shall review the appeal and notify the party of the decision within seven (7) working days after the receipt of the notice of appeal. If the appeal is denied, or a timely response is not made, the person appealing is deemed to have exhausted administrative remedies and may pursue other remedies provided by the law. The Regional Office Superintendent shall be informed of all denials of the opportunity to inspect or copy records.

Bases for Denial

A request may be denied if:

1. the records are exempt under Section 7 of the Act (see below), except that, if the record exempt contains any materials not exempt, the nonexempt material shall be separated and made available to the requestor;
2. a request which is made for all records in a category would be unduly burdensome; and if so, the Regional Office of Education must notify the requestor and provide an opportunity to confer so as to narrow the request; and if this effort fails, the Regional Office of Education must notify the requestor in writing of the reasons the request would be unduly burdensome;
3. repeated requests for the same records are deemed unduly burdensome; or
4. the purpose of a request made for records is to further a commercial enterprise.

Records Exempt from Inspection and Copying

The following records are exempt from inspection and copying:

General

1. Information barred from disclosure by federal or state law, including, but not limited to, that specified in the Family Educational Rights and Privacy Act, and the Illinois School Student Records Act;
2. Disclosure of any information that would constitute a clearly unwarranted invasion of the privacy of students, employees, appointees, or elected officials, unless such information bears on the public duties of employees or officials, there is a written consent to release this information, or the requestor is an employee who has a statutory right of access to his or her records;
3. Library circulation records identifying the user with particular materials;
4. “Peer review” information received by the Regional Office of Education in conjunction with faculty information or evaluations; and
5. Information related solely to the internal personnel rules and practices of the Regional Office of Education.

Special Records

1. Investigative records compiled for internal purposes, but only if disclosure would interfere with pending or probable enforcement proceedings, deprive a party of a fair hearing, reveal a confidential source, invade the privacy or endanger the physical safety of any person;
2. Minutes of meetings authorized to be closed;
3. Communications with the attorney or auditor of the Regional Office which are not subject to discovery and are prepared or compiled for auditors or prepared upon request of the attorney in anticipation of civil or administrative proceedings, and other communications which are privileged by law;
4. Information related to data processing or software which could jeopardize the security of the system;
5. Records related to real estate sales or purchases until negotiations are terminated or transactions are consummated;
6. Proprietary records concerning the operation of intergovernmental risk management associations, self-insurance pools, or self-administration health or accident pools;

7. Building security documents or other records which could endanger the health or safety of persons or property if released; and
8. Information concerning the Regional Office of Education’s adjudication of a student or employee grievance or disciplinary case, except for the final outcome.

Preliminary Documents

1. Preliminary drafts, notes, or recommendations unless publicly cited by the Regional Superintendent of Schools;
2. Proposals and bids for grants or contracts until selection or award, if disclosure would confer advantage or frustrate procurement;
3. Architects’ and engineers’ plans
4. Materials related to collective bargaining, except for the final agreement; and
5. Drafts, notes, or recommendations regarding financing transactions, including information regarding the ownership of debt obligations and persons to whom payments are to be made.

Instruction-Related Materials

1. Research data which, if disclosed, may result in private gain or public loss;
2. Questions, scoring keys, or other data related to academic examinations; and
3. Course material or research materials used by faculty members.

RECORDS LIST

The records maintained by the public body include, but may not necessarily be limited to, the following categories:

1. administrative manuals, procedural rules, and instruction to staff;
2. final opinions and orders, except adjudication of student or employee grievances or disciplinary cases;
3. policies adopted and interpretations made by the Regional Office of Education;

4. final planning documents;
5. reports and studies prepared by or for the Regional Office of Education, but excluding reports and studies prepared for internal use by staff;
6. all information concerning expenditure of public funds;
7. names, salaries, titles and dates of employment of all employees and officers;
8. materials containing opinions concerning the rights of the Regional Office of Education or private persons, but excluding legal opinions and other documents prepared for the exclusive use of the Regional Office of Education which are privileged by law;
9. name of every official and final records of voting in any proceeding;
10. information concerning grants or contracts made by the Regional Office of Education and applications for a grant, contract, or permit, except those specifically exempted under the Act;
11. reports, documents, studies, or publications prepared by independent consultants for the Regional Office of Education; and
12. all other information required to be maintained and available for public inspection and copying.

Approved: 07/01/01