

**A GUIDE TO
THE ILLINOIS FREEDOM
OF INFORMATION ACT**



KIRBY SCHOOL DISTRICT 140
Tinley Park, Illinois

Julia L. Mikulich
Superintendent

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GUIDELINES

I. Compliance

It is the policy of the Board of Education, School District No. 140, to permit access to and copying of public records in accordance with the Illinois Freedom of Information Act, hereinafter referred to as the "Act", (5 ILCS 140/1 et. seq.). The District acknowledges its obligation to provide public records to requesters as expediently and efficiently as possible pursuant to the Act. All public records as defined in the Act are presumed to be open to inspection and copying and unless a requested record is believed to be exempt from disclosure under Section 7 of the Act, it shall be so made available in a prompt and efficient manner.

II. Requesting Records

A. With the exception of "Student Records" as defined by the Illinois School Student Records Act, a request for records must be in writing and directed to the School District. Requests should be sent to the District Office directed to the District Freedom of Information Officer, but requests received in any school office shall be processed. Upon receipt of a request for records, the request shall be immediately given to a District Freedom of Information Officer.

Any person requesting records for a commercial purpose must advise the School District that the request is for a commercial purpose and such a request will be handled in the manner described in sub part D below.

Any person orally requesting records shall be advised to put the request in writing to the District directed to the attention of a District Freedom of Information Officer. Any person requesting records may, but shall not be required to use the District's "Request for Inspection or Copying of Records" form. This form shall be made available to any person upon request.

Records will be made available for inspection and copying during regular business hours at:

Kirby School District Administrative Center
16931 South Grissom Drive
Tinley Park, Illinois 60477
(708) 532-6462

B. District Freedom of Information Officer.
The District has designated the following as Freedom of Information Officers:

1. Director of Business Services, Michael L. Andreshak
2. Superintendent, Julia L. Mikulich

Upon receiving a request for a public record, the Freedom of Information Officer shall:

- (1) note the date the public body received the written request;
- (2) compute the day on which the period for response will expire and make a notation of that date on the written request;
- (3) maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and
- (4) create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications related to the request.

C. **Content of Requests.** All requests should, to the extent reasonably possible, specify with particularity, the records requested to be retrieved and copied. If any records are to be certified, it must be so indicated in the request, specifying which records are to be certified.

D. **Requests for Commercial Purposes.** In accord with the requirement of the Act, any person requesting public records for a commercial purpose must inform the District that the requested records are to be used for a commercial purpose. The District's response to such a request shall be made within 21 days and shall otherwise be in accord with the applicable provisions of the Act. Section 2c-10 of the Act defines commercial purpose to mean: the use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.

E. **Recurrent Requester.** Public Act 97-0579 defines "recurrent requester" as a person that, in the 12 months immediately preceding the request has submitted to the same public body (i) a minimum of 50 requests for records, (ii) a minimum of 15 requests for records within a 30-day period, or (iii) a minimum of 7 requests for records within a 7-day period. The Act allows additional time for a governmental body to comply with a FOIA request from a recurrent requester. It also authorizes a public body to charge a fee for each hour spent by personnel in searching for and retrieving requested records.

III. Request for Student School Records

Requests for student records from parents, students, or other persons authorized to request records under the authority of the Illinois School Student Records Act may be directed to the Building Principals. Requests for student records by such persons shall be processed in accordance with the Student Records Act and the district's policies and regulations on student records.

IV. Responses to Requests for Records

A. Within five (5) working days after receipt of a written request for records the District Freedom of Information Officer will provide, one or more of the following responses to the person requesting the records:

1. Advise in writing that the records are available for inspection or copying at a designated location within the school district. If copies have been requested that the records are available for pickup at a designated location within the school district along with a statement of the required fee if any. However, in the event that the fee for copying the requested records exceeds Ten Dollars, the records will not be copied unless the fee is paid in advance and the requesting party shall be advised of this requirement.
2. That the five-day limitation has been extended to not more than five (5) additional working days pursuant to Section VII below.
3. Advise in writing that the request is unduly burdensome due to its categorical nature or size and that the requesting party has the opportunity to meet and confer with a District Freedom of Information Officer to attempt to make the request manageable.
4. Deny, in whole or in part, the request in writing, stating the specific basis for denial to include a detailed factual basis for the application of the claimed exemption. Any denial shall be made in writing and mailed or given personally within the five (5) day period or any extension thereof.

V. Intent to Deny Request

If the District receives a request for public records and asserts that the requested records are exempt from disclosure under either subsection (1)(c) or subsection (1)(f) of Section 7 of the Act, the District's Freedom of Information Officer shall, within the time limit for the response (five (5) working days), provide written notice to the requester and to the Public Access Counselor of the District's intent to deny the request in whole or in part. This notice shall include: (1) a copy of the request for the records; (2) the proposed response from the District; and (3) a detailed summary of the District's basis for asserting the exemption.

VI. Right to Review by PAC and to Judicial Review

Any denial of a request for public records shall include a statement that the person requesting the records has the right to a review of the denial by the Public Access Counselor and shall provide the address and phone number of the Public Access Counselor. The requester shall also be informed of the right to seek judicial review pursuant to Section 11 of the Act.

VII. Exempt Records

Certain public records are exempt from copying and inspection pursuant to Sections 7 and 7.5 of the Act. If any public record exempt from disclosure under Section 7 of the Act contains any material which is not exempt, the District may elect to redact the information that is exempt and make the remaining information available for inspection and copying.

VIII. Extension of Time to Comply

The time limit of five (5) working days to comply with a request for records may be extended in each case for not more than five (5) additional working days for certain reasons noted in the Act. If the time is to be extended, Notice shall be given to the requester in writing, indicating the reason for the extension of time for disclosure.

The requester and the District may agree in writing to extend the time of compliance for an agreed upon period of time.

IX. Retrieval and Copying

Retrieval and copying of records is limited only to employees of Kirby School District 140, designated by the Superintendent or other District Administrator.

X. Inspection of Records

Inspection of records shall only be permitted in the presence of an employee of the school district, designated by the Superintendent or other District Administrator.

XI. Catalog of Records

Records received or prepared beginning July 1, 1984, are catalogued by type as listed in these guidelines.

XII. Central File for Denial Letters

A central file of copies of all denial letters, indexed by the type of exception for the denial, will be maintained by the Superintendent's Office.

XIII. Fees

The fees for copies of records shall be as provided below or as otherwise determined by the Board of Education from time to time.

- A. No fee shall be charged for the first 50 pages of black and white copies requested.
- B. \$.15 per page, after 50 for black and white copies.

- C. Actual cost for color copies or electronic medium.
- D. \$1.00 per certificate if the copies are to be certified.

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 benefit 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 he deems appropriate. Should any person wish to appeal a fee waiver or reduction decision of the Superintendent, such appeal is to be made to the Board of Education, in writing.

XIV. Questions

Should any person have any questions regarding access to public records of the School District that are not answered in the Guide, those questions may be addressed to the District's Freedom of Information Officer.

SCHOOL DISTRICT INFORMATION DIRECTORY

XV. Schools and Administrative Center

Kirby School District 140 is a public school district located in Tinley Park, Cook County, Illinois. The district is organized under the laws of the State of Illinois for the purpose of providing its residents with schools for Grades Pre-Kindergarten through eight for the education of all eligible persons in the school district.

The school district operates the following schools, all located in Tinley Park, Illinois and Orland Park, Illinois. There is an office in each of the listed schools.

John A. Bannes School

16835 South Odell Avenue
Tinley Park, Illinois 60477
Phone No. (708) 532-6466
Serves Grades K-5

Fernway Park School

16600 South 88th Avenue
Orland Park, Illinois 60477
Phone No. (708) 349-3810
Serves Grades PreK-5

Helen Keller School

7846 West 163rd Street
Tinley Park, Illinois 60477
Phone No. (708) 532-2144
Serves Grades PreK-5

Christa McAuliffe School

8944 West 174th Street
Tinley Park, Illinois 60477
Phone No. (708) 429-4565
Serves Grades PreK-5

Millennium School

17830 South 84th Avenue
Tinley Park, Illinois 60477
Phone No. (708) 532-3150
Serves Grades PreK-5

Prairie View Middle School

8500 West 175th Street
Tinley Park, IL 60477
Phone No. (708) 532-8540
Serves Grades 6-8

Virgil I. Grissom Middle School

17000 South 80th Avenue
Tinley Park, Illinois 60477
Phone No. (708) 429-3030
Serves Grades 6-8

The Kirby School District 140 Administrative Center for the school district is located at 16931 South Grissom Drive, Tinley Park, Illinois 60477, Telephone: 708-532-6462.

XVI. Board of Education

A. Members. The school district is governed by a seven member Board of Education. The Board's office is located in the Administrative Center located at 16931 South Grissom Drive, Tinley Park, Illinois. Present members of the Board of Education are:

Thomas J. Martelli, President
Chuck Augustyniak, Vice-President
Carol DeMicheal, Secretary
Jacqueline Kelly-McHale
John T. Lutz
John A. Mirecki
Lisa M. Strand

XVII. Employees

The school district employs approximately 517 full-time employees and approximately 88 part-time employees.

XVIII. Operating Budget

The operating budget of the school district is approximately \$40,000,000.

XIX. Organizational Chart

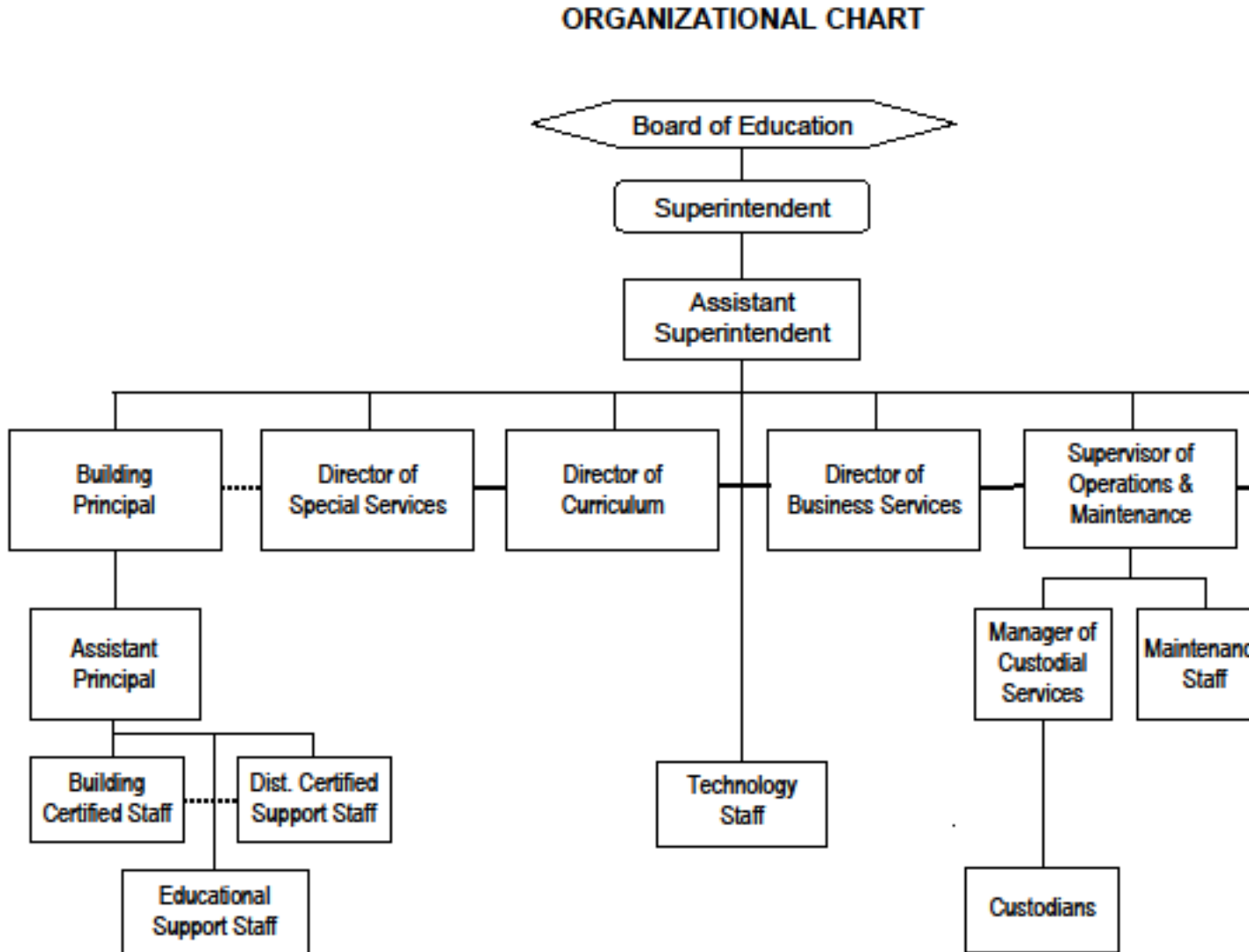
A block diagram of the functional subdivisions of the School District is set forth on page 8 of these Guidelines.

XX. List of Records

A records list of the types or categories of records maintained by the School District is set forth on pages 8-10 of these Guidelines.

ORGANIZATIONAL CHART

The following block diagram of the functional subdivisions of the School District



———— Primary Authority
..... Cooperative Relationship

TYPES OF RECORDS

1. Accident Reports
2. Accreditation and School Visitation Reports
3. Activity Fund Records
4. Agreements (Intergovernmental)
5. Annual Finance Report
6. Annuity Providers
7. Attendance Registers and Reports
8. Audits
9. Bid Documentation and Specifications
10. Bills and Invoices
11. Blue Prints - Buildings
12. Board Members
13. Board Resolutions
14. Board Meetings
15. Board Agenda and Minutes
16. Bonds
17. Budget
18. Building Schedules
19. Bus Records
20. Calendar
21. Cash Receipts and Deposit Slips
22. Committee Agenda and Minutes
23. Contracts
24. Deeds
25. Educational Program Plan
26. Election Records
27. Employee Handbook
28. Enrollment Reports and Records
29. Fall Housing Report
30. Federal Title Programs
31. Fire Inspection Records
32. Forms
33. Freedom of Information Requests and Denials
34. Goals and Objectives - District
35. Graduation Records
36. Grant Programs
37. Immunization Report
38. Imprest Fund Records
39. IMRF Records
40. Insurance Policies
41. Insurance Claims
42. Inventory
43. Legal Notices
44. Life Safety Records
45. Newsletters (current)
46. Payroll Summaries and Check Register
47. Permits
48. Personnel Names, Titles and Dates of Employment
49. Policies
50. Procedures
51. Professional Meeting Records
52. Profile - District
53. PTO Member Names (current)
54. PTO Goals and Objectives
55. Purchase Orders
56. Real Estate Tax Receipts
57. Requisitions
58. Revenue Receipts and Reports
59. Salary Reports and Schedules
60. School Report Cards
61. Special Education Program Records
62. Standardized Testing Records
63. State Aid Records
64. Student Fee Reports (current)
65. Surveys
66. Tax Levies
67. Textbook Program Records
68. Textbooks
69. Unemployment Reports
70. Use of Facilities Reports and Records
71. Utility Bills and Reports
72. Vehicle Records

APPENDIX A

**Kirby School District 140
Forms**

**Relating to the Release of
Records Under the
Illinois Freedom of
Information Act**

WRITTEN REQUEST FOR INSPECTION OR COPYING OF PUBLIC RECORDS

KIRBY SCHOOL DISTRICT 140
ATTENTION: Freedom of Information Officer

1. Name of person making request: _____
2. Address of person making request: _____
3. Telephone number of person making request: _____
4. Date of request: _____
5. Is this a request for records to be used for a commercial purpose? Yes No

Describe in detail below the public records you are requesting and state whether you wish to inspect and/or copy such records. Also, please state whether such public records are to be certified.

Kirby School District 140 will respond to the above request within five (5) business days from the above date unless one or more of the reasons for an extension of time provided for in Section 3(d) of the Act are invoked by the School District.

Signature of person making request

[ROUTING OF REQUEST - FOR OFFICE USE ONLY]

DEPARTMENT OR OFFICE
Assistant Superintendent
Director of Business Services
Director of Special Services

RECORDS AVAILABLE FOR INSPECTION OR COPYING

Dear _____:
(individual involved)

Pursuant to your written request for disclosure of record(s), please be advised that you may inspect or obtain copies of the requested records at the District Administration Center during regular business hours. The fee for copies is _____ per page. We ask that you call the District Office at _____ prior to the time you wish to inspect or copy the records as this will assist us in serving you.

M

KIRBY SCHOOL DISTRICT 140

BY: _____

SIGNATURE

TITLE:

Freedom of Information Officer

L

E

LETTER OF DISCLOSURE

Dear _____:
(individual involved)

Pursuant to your written request for disclosure of record(s), enclosed you will find copies of the record(s) you have requested. The fee for the records is _____. Please make any check payable to Kirby School District 140.

KIRBY SCHOOL DISTRICT 140

BY: _____

SIGNATURE

TITLE: Freedom of Information Officer

P

L

E

**LETTER OF DISCLOSURE WITH DELETION OF
EXEMPT MATERIAL PURSUANT TO SECTION 7 OF
THE FREEDOM OF INFORMATION ACT**

Dear _____:
(individual involved)

Pursuant to your written request for disclosure of record(s), enclosed you will find copies of the record(s) you have requested. Please note that pursuant to Section 7 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 Freedom of Information Act. The reason for the denial of access to the deleted material is _____ (insert reason with a factual basis for the noted exemption) _____.

The fee for the records is _____. Please make any check payable to Kirby School District 140.

As to the deletion of the exempt materials, you are advised that you have the right to a review of this decision by the Public Access Counselor in the office of the Illinois Attorney General by filing a request for such review with the Public Access Counselor within sixty (60) days of this denial. The Public Access Counselor may be contacted at 217-558-0486. The address of the Public Access Counselor is:

500 S. 2nd Street
Springfield, IL 62706
Email: publicaccess@atg.state.il.us

You are further advised that you have the right to appeal this decision to the Circuit Court of this County under Section 11 of the Freedom of Information Act.

KIRBY SCHOOL DISTRICT 140

BY: _____
E

SIGNATURE

TITLE: Freedom of Information Officer

EXTENDING TIME FOR DISCLOSURE

Dear _____ :
(individual involved)

We are unable to fill your request for disclosure, dated _____, for the following records:

for the following reason(s):

- The requested record(s) 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 record(s) in our initial attempt and the search is continuing.
- The requested record(s) require examination by a competent person in order to determine which, if any, are exempt under Section 7 of the Freedom of Information Act.
- It would unduly burden or interfere with the operations of this school district to fill the request within the initial five (5) 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 record(s) you have requested, such record(s) will be available to you by _____, or we will make a decision denying your request in whole or part by such date. Such date will be within five (5) additional working days from _____ (the date of the fifth (5th) working day after the original request was filed).

KIRBY SCHOOL DISTRICT 140

BY: _____
SIGNATURE

TITLE: _____
Freedom of Information Officer

**NOTICE TO MEET AND CONFER TO REDUCE CATEGORICAL
REQUEST TO MANAGEABLE PROPORTIONS**

Dear _____:
(individual involved)

You are hereby notified that your written request dated _____
calling for all records falling within _____
(category of records requested) has been determined to be unduly burdensome
pursuant to Section 3(f) of the Freedom of Information Act, that there is no way to
narrow your request and the burden on the School District outweighs the public interest
in the information requested.

We hereby extend to you an opportunity to meet and confer with the undersigned in
an attempt to reduce your request to manageable proportions. Please call me at
_____ between the hours of _____ and _____ in order to
schedule a conference.

Dated: _____

Freedom of Information Officer

DENIAL LETTER - UNDULY BURDENSOME

Dear _____:
(individual involved)

You are hereby notified that your request for all the School District's _____ (insert as appropriate e.g., financial) _____ records is hereby denied because to comply with your request would be unduly burdensome for the following reason(s):

(set forth why it would be unduly burdensome, such as this is a repeated request for the same records by the same person).

After meeting and conferring with you on the _____ day of _____, 20____, we were unable to reduce your request to manageable proportions and it appears from your explanation as to why you are requesting these records, that the burden on the School District outweighs the public interest in the information being sought.

You are hereby further notified that you have the right to a review of this decision by the Public Access Counselor in the office of the Illinois Attorney General by filing a request for such review with the Public Access Counselor within sixty (60) days of this denial. The Public Access Counselor may be contacted at 217-558-0486. The address of the Public Access Counselor is:

500 S. 2nd Street
Springfield, IL 62706
Email: publicaccess@atg.state.il.us

You are further advised that you have the right to appeal this decision to the Circuit Court of this County under Section 11 of the Freedom of Information Act.

KIRBY SCHOOL DISTRICT 140

By: _____
SIGNATURE

Title: Freedom of Information Officer

DENIAL LETTER

Dear _____:
(individual involved)

You are hereby notified that your request for disclosure, dated _____, for the following record(s):

is hereby denied for the following reason(s):

(insert reference to the claimed exemption and factual basis for the application of the claimed exemption)

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

NAME:

TITLE:

You are hereby further notified that you have the right to a review of this decision by the Public Access Counselor in the office of the Illinois Attorney General by filing a request for such review with the Public Access Counselor within sixty (60) days of this denial. The Public Access Counselor may be contacted at 217-558-0486. The address of the Public Access Counselor is:

500 S. 2nd Street
Springfield, IL 62706
Email: publicaccess@atg.state.il.us

You are further advised that you have the right to appeal this decision to the Circuit Court of this County under Section 11 of the Freedom of Information Act.

KIRBY SCHOOL DISTRICT 140
BY: _____

SIGNATURE

TITLE: Freedom of Information Officer

INTENT TO DENY
Under Subsection (1)(c) or (1)(f) of FOIA

Name / Address of Requester

Name / Address of Public Access Counselor

School District No. 140, Cook County, Illinois intends to deny the request for the disclosure of public records submitted by _____ (insert name) on _____ (insert date), a copy of which request is enclosed herewith.

The District's proposed response denying the request pursuant to either subsection (1)(c) or (1)(f) of Section 7 of the Freedom of Information Act is also enclosed.

The District asserts the exemption based upon the following facts: (insert facts)

KIRBY SCHOOL DISTRICT 140

BY: _____
SIGNATURE

TITLE: _____
Freedom of Information Officer
