

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

BETTER GOVERNMENT ASSOCIATION, )  
NBC SUBSIDIARY (WMAQ-TV) LLC )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
CHICAGO PUBLIC SCHOOLS, )  
 )  
Defendant. )

2014CH14398  
CALENDAR/ROOM 13  
TIME 00:00  
General Chancery

**COMPLAINT**

NOW COME Plaintiffs, BETTER GOVERNMENT ASSOCIATION (“BGA”) and NBC SUBSIDIARY (WMAQ-TV) LLC (“NBC CHICAGO”) (collectively “PLAINTIFFS”), by their undersigned attorneys, LOEVY & LOEVY, and bring this suit to remedy CHICAGO PUBLIC SCHOOLS’ systematic failure to comply with the Freedom of Information Act. In support of their Complaint, PLAINTIFFS allege:

**INTRODUCTION**

1. This is a complaint under the Illinois Freedom of Information Act (“FOIA”), 5 ILCS 140/1 *et seq.*
2. Pursuant to the fundamental philosophy of the American constitutional form of government, the General Assembly has declared it to be the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of the Act. 5 ILCS 140/1.
3. Restraints on access to information, to the extent permitted by FOIA, are limited and narrow exceptions to the principle that the people of this state have a right to full disclosure

of information relating to the decisions, policies, procedures, rules, standards, and other aspects of government activity that affect the conduct of government and the lives of the people. *Id.*

4. All public records of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt. 5 ILCS 140/1.2.

5. A public body is required to respond to FOIA requests within five business days, or, when specific criteria are met and the public body properly claims an extension of time within the five-day deadline, within another five business days. 5 ILCS 140/3(d), (e). Failure to respond to a FOIA request in a timely manner constitutes a denial. *Id.*

6. If the court determines that a public body willfully and intentionally failed to comply with FOIA, or otherwise acted in bad faith, the court shall impose upon the public body a civil penalty of not less than \$2,500 nor more than \$5,000 for each occurrence. 5 ILCS 14/11(j).

7. Under FOIA Section 11(h), “except as to causes the court considers to be of greater importance, proceedings arising under [FOIA] shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way.”

8. Defendant CHICAGO PUBLIC SCHOOLS has willfully and intentionally violated FOIA by failing to respond to FOIA requests by BETTER GOVERNMENT ASSOCIATION and NBC CHICAGO for non-exempt records.

9. CHICAGO PUBLIC SCHOOLS has systematically failed to comply with FOIA requests in a timely manner and requires Court-supervised remedial changes to correct this systemic failure and achieve the transparency required under FOIA.

## **PARTIES**

10. Plaintiff BETTER GOVERNMENT ASSOCIATION (“BGA”) is a nonpartisan, Illinois non-profit corporation, whose mission is to educate the **public** about waste, inefficiencies, and corruption in government by acting as a watchdog **agency** uncovering and exposing this type of activity; to promote respect for the law; and to **support** public officials in the rightful performance of their duties. BGA was founded in 1923 to **protect** the integrity of the political process in Chicago.

11. Plaintiff NBC SUBSIDIARY (WMAQ-TV) LLC (“NBC CHICAGO”) is an NBCUniversal owned and operated television station that has provided **continuous** local news coverage of the Chicago area for over sixty-five years. NBC Chicago **broadcasts** over thirty hours of locally produced newscasts each week. The station has received **numerous** awards for journalism, including awards from the Illinois Broadcaster’s Association and a national Emmy Award for Outstanding Regional News coverage.

12. Defendant CHICAGO PUBLIC SCHOOLS is a public body located in Cook County, Illinois.

### **BGA’S FOIA REQUEST AND CHICAGO PUBLIC SCHOOLS’ DENIAL**

13. On April 29, 2014, BGA requested the following records from CHICAGO PUBLIC SCHOOLS: “copies of any and all settlement agreements, severance agreements and termination agreements approved or adopted from Jan. 1, 2013, until present.” (Exhibit A)

14. All settlement agreements entered into by or on behalf of a **public** body are public records subject to inspection and copying by the **public**, provided that **exempt** information may be redacted. 5 ILCS 140/2.2. All records relating to the obligation, receipt, and use of public funds are public records subject to inspection and copying. 5 ILCS 140/2.5.

15. In response on May 6, 2014, CHICAGO PUBLIC SCHOOLS asserted that the request was unduly burdensome under FOIA Section 3(g), erroneously claiming that BGA made a request for “any and all information, without a specified timeframe.” (Exhibit B)

16. BGA’s request plainly sought a specific and discrete set of records for a specific and limited time period—something a public body charged with the education of over 400,000 schoolchildren and an annual budget of over \$5.5 billion should have readily available.

17. The same day as CHICAGO PUBLIC SCHOOLS’ response, BGA responded: “If you look at our original FOIA request we do have a time frame—we’re seeking documents since Jan. 1, 2013. Can you relay how many documents you are dealing with so I can assess the unduly burdensome argument asap?” (Exhibit C)

18. CHICAGO PUBLIC SCHOOLS provided no further response.

#### **NBC CHICAGO’S FOIA REQUEST AND CHICAGO PUBLIC SCHOOLS’ DENIAL**

19. On December 16, 2013, NBC CHICAGO requested the following records from CHICAGO PUBLIC SCHOOLS: “documents sufficient to show (1) a list of Chicago Public School buildings that are currently vacant and/or shuttered; (2) the cost to heat each of these buildings from September 1, 2013 to the present; (3) the cost to provide lighting for each of these buildings from September 1, 2013 to the present; and (4) the cost to provide water for each of these buildings from September 1, 2013 to the present.” (Exhibit D)

20. On January 3, 2014, well after the five-day deadline to respond, CHICAGO PUBLIC SCHOOLS responded, stating: “Please extend us the courtesy of 6 additional business days to comply.” (Exhibit E)

21. On January 29, 2014, well after the six additional business days it requested, CHICAGO PUBLIC SCHOOLS stated that it was working on the request and sought an additional three days to respond. (Exhibit F)

22. CHICAGO PUBLIC SCHOOLS has failed to provide any further response to NBC CHICAGO's December 16, 2013 request.

#### **CHICAGO PUBLIC SCHOOLS' SYSTEMIC FAILURE TO COMPLY WITH FOIA**

23. CHICAGO PUBLIC SCHOOLS has engaged in a pattern and practice of delay in responding to FOIA requests.

24. In February 2013, the Attorney General's Public Access Counselor issued a binding opinion against CHICAGO PUBLIC SCHOOLS for its failure to respond to a request in a timely and complete manner and its failure even to respond to the Public Access Counselor's request for review, in clear violation of multiple FOIA provisions. (Exhibit G)

25. According to records obtained from the Attorney General's Public Access Counselor, from January 2013 to March 2014, CHICAGO PUBLIC SCHOOLS failed to respond to more than 40 different FOIA requests in a timely manner. (Exhibit H)

26. Upon information and belief, based upon the recurring pattern of delay indicated by Attorney General records, discovery will further show that CHICAGO PUBLIC SCHOOLS fails to respond to FOIA requests in a timely manner on a consistent basis.

27. Despite the strong public interest in timely disclosure of information about CHICAGO PUBLIC SCHOOLS and the clear failure of CHICAGO PUBLIC SCHOOLS to comply with requests in a timely manner, upon information and belief, CHICAGO PUBLIC SCHOOLS devotes only one employee to handle the large volume of FOIA requests it receives,

which is plainly insufficient and amounts to at least a reckless disregard for its obligations under FOIA.

28. There is a strong interest from parents and the general public in transparency into the operation of CHICAGO PUBLIC SCHOOLS, and without Court intervention, CHICAGO PUBLIC SCHOOLS will continue to violate FOIA routinely, as evidenced at least by its continuing violations after the Attorney General's February 2013 binding opinion.

#### **COUNT I – WILLFUL VIOLATIONS OF FOIA**

29. The above paragraphs are incorporated by reference.

30. CHICAGO PUBLIC SCHOOLS is a public body under FOIA.

31. The records sought in BGA's request are not exempt.

32. The records sought in NBC CHICAGO's request are not exempt.

33. CHICAGO PUBLIC SCHOOLS willfully and intentionally violated FOIA by failing to respond to BGA's and NBC CHICAGO's requests.

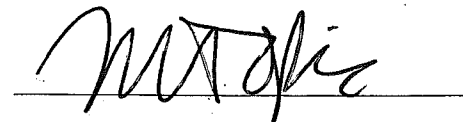
34. CHICAGO PUBLIC SCHOOLS has an ongoing pattern and practice of failing to comply with FOIA in a timely manner.

**WHEREFORE**, PLAINTIFFS ask that the Court:

- i. in accordance with FOIA Section 11(f), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way;
- ii. declare that CHICAGO PUBLIC SCHOOLS has violated FOIA;
- iii. order CHICAGO PUBLIC SCHOOLS to produce the requested records under FOIA;

- iv. order CHICAGO PUBLIC SCHOOLS to undertake remedial measures under the supervision of this Court to correct its systemic failure to comply with FOIA;
- v. enjoin CHICAGO PUBLIC SCHOOLS from withholding non-exempt public records under FOIA;
- vi. order CHICAGO PUBLIC SCHOOLS to respond to FOIA requests within the required deadline;
- vii. award reasonable attorneys' fees and costs;
- viii. only in the event the Court does not enter systemic injunctive relief, award civil penalties of between \$2,500 and \$5,000 for each willful and intentional failure to comply with FOIA and any other act of bad faith in responding to the requests;
- ix. award such other relief the Court considers appropriate.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "Matthew Topic", is written over a horizontal line.

Attorneys for Plaintiffs  
BETTER GOVERNMENT ASSOCIATION  
NBC SUBSIDIARY (WMAQ-TV) LLC

Matthew Topic  
Julie Goodwin  
LOEVY & LOEVY  
312 North May St., Suite 100  
Chicago, IL 60607  
(312) 243-5900  
matt@loevy.com; julie@loevy.com  
Atty. No. 41295



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## FOIA request

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Robert Herguth <rherguth@bettergov.org>  
To: Cassandra D Daniels <cddaniels@cps.k12.il.us>  
Cc: "FOIA@cps.k12.il.us" <FOIA@cps.k12.il.us>

Tue, Apr 29, 2014 at 12:17 PM

Dear FOIA officer,

This is Bob Herguth at the Better Government Association with a request for documents under the Illinois Freedom of Information Act.

Specifically under FOIA I am requesting copies of any and all settlement agreements, severance agreements and termination agreements approved or adopted from Jan. 1, 2013, until present.

Please note this is for a possible news story.

As such I ask that all fees be waived as the law allows.

I ask that this information be conveyed electronically, to this email address: [rherguth@bettergov.org](mailto:rherguth@bettergov.org).

I ask that you contact me with any questions. My direct line is (312) 821-9030.

I appreciate your consideration.

Sincerely,

Bob Herguth

EXHIBIT A





Robert Herguth <rherguth@bettergov.org>

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## FOIA Request

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FOIA, FOIA <foia@cps.edu>  
To: Bob Herguth <rherguth@bettergov.org>

Tue, May 6, 2014 at 1:48 PM

I am writing regarding your Freedom of Information Act Request which was received and processed by the Chicago Public Schools Law Department on April 29, 2014.

Pursuant to (5 ILCS 140/3) (g), the District asks that you narrow your request for information.

Complying with your request as written, for "any and all information", without a specified timeframe, is unduly burdensome to the District.

If you agree to narrow the unduly burdensome parts of your request, you must submit a revised written request to my attention. The CPS will take no further action or send you any further correspondence unless and until your current request is narrowed in writing. If we do not receive your narrowed requests within fourteen (14) calendar days of the date of this letter, the unduly burdensome parts of your current request will be denied.

If you have any questions, feel free to contact me at (773) 553-1660. Thank you for your interest in Chicago Public Schools.

Sincerely,

Cassandra Daniels  
FOIA Officer  
Chicago Public Schools

—  
Cassandra D. Daniels

EXHIBIT B

FOIA Officer  
Chicago Public Schools  
Law Department  
125 S. Clark Street  
7th Floor  
Office: 773/553-1700  
Direct: 773/553-1660



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## FOIA Request

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Robert Herguth <rherguth@bettergov.org>  
To: "FOIA, FOIA" <foia@cps.edu>

Tue, May 6, 2014 at 4:20 PM

Hi Cassandra,  
If you look at our original FOIA request we do have a time frame – we're seeking documents since Jan. 1, 2013.  
Can you relay how many documents you are dealing with so I can assess the unduly burdensome argument  
asap?  
Thanks,  
Bob Herguth  
[Quoted text hidden]

EXHIBIT C

454 North Columbus Drive  
Chicago, IL 60611-5555  
312-836-5555

A Division of National Broadcasting  
Company, Inc.  
www.nbcchicago.com



December 16, 2013

Cassandra Daniels  
Freedom of Information Officer  
125 South Clark Street  
7<sup>th</sup> Floor  
Chicago, Illinois 60603

sent via e-mail to [FOIA@cps.k12.il.us](mailto:FOIA@cps.k12.il.us)  
and sent via U.S. Mail

Dear Ms. Daniels:

This is a request under the U.S. Freedom of Information Act and the Illinois Freedom of Information Act.

I am requesting documents sufficient to show: 1) A list of Chicago Public School buildings that are currently vacant and/or shuttered; 2) The cost to heat each of these buildings from September 1, 2013 to the present; 3) The cost to provide lighting for each of these buildings from September 1, 2013 to the present, and 4) The cost to provide water for each of these buildings from September 1, 2013 to the present.

Please send all requested documentation to me at NBC5 Chicago; 454 North Columbus Drive; Chicago, Illinois 60611. I would also be happy to accept the records electronically, via my e-mail address at [katy.smyser@nbcuni.com](mailto:katy.smyser@nbcuni.com) . And if there is any way in which I can help in gathering these documents or otherwise assisting you in getting this information and documentation, I would be happy to do so.

Because these records are in the public interest, I ask that you waive any reproduction fee. And if you deny this request, please tell me on what grounds, and to whom I should appeal.

If you have any questions concerning this request or need any additional information, please don't hesitate to contact me at [katy.smyser@nbcuni.com](mailto:katy.smyser@nbcuni.com) or at 312-836-3187. Thank you so much for your time and consideration in this matter.

Sincerely,

Katy Smyser  
Producer

EXHIBIT D

**Smyser, Katherine (NBCUniversal)**

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**From:** cddaniels@cps.edu on behalf of FOIA, FOIA <foia@cps.edu>  
**Sent:** Friday, January 03, 2014 8:50 AM  
**To:** Smyser, Katherine (NBCUniversal)  
**Subject:** Re: FOIA request from NBC5 Chicago

Ms. Smyser:

The Chicago Public Schools is working to respond to your request as written. Please extend us the courtesy of 6 additional business days to comply.

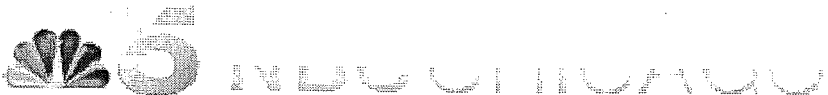
Thank you for your patience.

Kind Regards

Cassandra Daniels

On Mon, Dec 16, 2013 at 11:49 AM, Smyser, Katherine (NBCUniversal) <[Katy.Smyser@nbcuni.com](mailto:Katy.Smyser@nbcuni.com)> wrote:

454 North Columbus Drive	A Division of National Broadcasting
Chicago, IL 60611-5555	Company, Inc.
<a href="tel:312-836-5555">312-836-5555</a>	<a href="http://www.nbcchicago.com">www.nbcchicago.com</a>



December 16, 2013

Cassandra Daniels

sent via e-mail to [FOIA@cps.k12.il.us](mailto:FOIA@cps.k12.il.us)

Freedom of Information Officer

and sent via U.S. Mail

125 South Clark Street

7<sup>th</sup> Floor

Chicago, Illinois 60603

Dear Ms. Daniels:

This is a request under the U.S. Freedom of Information Act and the Illinois Freedom of Information Act.

I am requesting documents sufficient to show: 1) A list of Chicago Public School buildings that are currently vacant and/or shuttered; 2) The cost to heat each of these buildings from September 1, 2013 to the present; 3) The cost to provide lighting for each of these buildings from September 1, 2013 to the present, and 4) The cost to provide water for each of these buildings from September 1, 2013 to the present.

Please send all requested documentation to me at NBC5 Chicago; 454 North Columbus Drive; Chicago, Illinois 60611. I would also be happy to accept the records electronically, via my e-mail address at [katy.smyser@nbcuni.com](mailto:katy.smyser@nbcuni.com). And if there is any way in which I can help in gathering these documents or otherwise assisting you in getting this information and documentation, I would be happy to do so.

Because these records are in the public interest, I ask that you waive any reproduction fee. And if you deny this request, please tell me on what grounds, and to whom I should appeal.

If you have any questions concerning this request or need any additional information, please don't hesitate to contact me at [katy.smyser@nbcuni.com](mailto:katy.smyser@nbcuni.com) or at [312-836-3187](tel:312-836-3187). Thank you so much for your time and consideration in this matter.

Sincerely,

Katy Smyser

Producer

--  
Cassandra D. Daniels  
FOIA Officer  
Chicago Public Schools  
Law Department  
125 S. Clark Street  
7th Floor  
Office: 773/553-1700  
Direct: 773/553-1660

**Smyser, Katherine (NBCUniversal)**

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**From:** cddaniels@cps.edu on behalf of FOIA, FOIA <foia@cps.edu>  
**Sent:** Wednesday, January 29, 2014 3:07 PM  
**To:** Smyser, Katherine (NBCUniversal)  
**Subject:** FOIA Request

The District is working to provide responsive data to your request. Please extend us a courtesy of 3 additional business days to provide this information. We are working to see if this data is maintained in the manner in which you are requesting. I will respond accordingly.

Kind Regards,

Cassandra Daniels

--  
Cassandra D. Daniels  
FOIA Officer  
Chicago Public Schools  
Law Department  
125 S. Clark Street  
7th Floor  
Office: 773/553-1700  
Direct: 773/553-1660





OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

February 21, 2013

**PUBLIC ACCESS OPINION 13-001**  
**(Request for Review 2012 PAC 22708)**

FREEDOM OF INFORMATION ACT:  
Duty to Respond to FOIA Requests

Dr. John Kugler, Reporter  
*Substance News*  
3701 South Winchester Avenue  
Chicago, Illinois 60609

Ms. Cassandra Daniels  
FOIA Officer  
Chicago Public Schools  
Law Department  
125 South Clark Street, 7<sup>th</sup> Floor  
Chicago, Illinois 60603-4044

Dear Dr. Kugler and Ms. Daniels:

This binding opinion is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 120/9.5(f) (West 2011 Supp.)). For the reasons discussed below, this office concludes that the Chicago Public Schools (CPS) violated sections 3(d) and 9(a) of FOIA (5 ILCS 140/3(d), 9(a) (West 2010)), by failing to respond within five business days after receiving a FOIA request from Dr. John Kugler.

**BACKGROUND**

On December 19, 2012, Dr. Kugler submitted a FOIA request to CPS's FOIA Officer seeking "access to and copies of the *Emergency Management Plans*" referenced by a CPS official in three news media reports.<sup>1</sup> (Emphasis in original.) The request further stated:

As a result of the recent murders of school children in  
Newtown, CT we are requesting a list or records identifying all

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<sup>1</sup>E-mail from John Kugler, Reporter, *Substance News*, to Cassandra Daniels (December 19, 2012).



documents \* \* \* that show the Board has current and up-to-date Emergency Plans and training for all CPS staff, documents should include, but not be limited to:

1. A list or records identifying all CPS policies regarding emergency plans
2. A list or records identifying all CPS procedures regarding emergency plans
3. A list or records identifying all training logs and documents showing CPS emergency plans
4. A list or records identifying all CPS directives and training requirements to local work units regarding showing CPS emergency plans
5. A list or records identifying all documents/posters showing CPS emergency plan contact numbers
6. A list or records identifying all documents showing updated CPS staff organizational chart for CPS emergency reporting
7. A list or records identifying any and all other documents that show CPS is in full compliance of laws and regulations regarding emergency plans
8. A list or records identifying all communications requesting that each school perform its annual emergency drill if it hasn't already done so.
9. A list or records identifying all emergency plans which include a scenario for an active shooter.<sup>[2]</sup>

On December 27, 2012, Dr. Kugler submitted to the Public Access Bureau a copy of his December 19, 2012, FOIA request to CPS and a Request for Review alleging that CPS had failed to respond to his request.<sup>3</sup> On January 4, 2013, the Public Access Bureau forwarded a copy of the Request for Review to CPS and asked CPS to provide a "written explanation of its receipt and handling of Dr. Kugler's December 19, 2012, FOIA request. If CPS has responded or issues a response to the FOIA request after receiving this letter, please provide a copy of that response."<sup>4</sup> As of the date of this binding opinion, CPS has not responded to either Dr. Kugler or the Public Access Bureau.

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<sup>2</sup>E-mail from John Kugler, Reporter, *Substance News*, to Cassandra Daniels (December 19, 2012).

<sup>3</sup>E-mail from John Kugler, Reporter, *Substance News*, to Public Access Bureau, Office of the Attorney General (December 27, 2012).

<sup>4</sup>Letter from Steve Silverman, Assistant Attorney General, Public Access Bureau, to Cassandra

Dr. John Kugler  
Ms. Cassandra Daniels  
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## ANALYSIS

"It is a fundamental obligation of government to operate openly and provide public records as expeditiously and efficiently as possible in compliance with this Act." 5 ILCS 140/1 (West 2010). Under section 1.2 of FOIA (5 ILCS 140/1.2 (West 2010)), "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying." Section 3(a) of FOIA (5 ILCS 140/3(a) (West 2010)) provides that "[e]ach public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Section 7 of this Act."

The procedures for responding to a FOIA request are clear. Section 3(b) of FOIA (5 ILCS 130/3(b) (West 2010)) provides that "each public body shall promptly provide, to any person who submits a request, a copy of any public record required to be disclosed by subsection (a) of this Section and shall certify such copy if so requested." Section 3(d) of FOIA further provides:

Each public body shall, promptly, either comply with or deny a request for public records within 5 business days after its receipt of the request, unless the time for response is properly extended under subsection (e) of this Section. Denial shall be in writing as provided in Section 9 of this Act. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. A public body that fails to respond to a request within the requisite periods in this Section but thereafter provides the requester with copies of the requested public records may not impose a fee for such copies. A public body that fails to respond to a request received may not treat the request as unduly burdensome under subsection (g).

The facts are undisputed that CPS did not either comply with Dr. Kugler's request, extend the time for response pursuant to section 3(e) of FOIA (5 ILCS 140/3(e) (West 2010)), or deny the request within 5 business days after December 19, 2012, the date of CPS's receipt of the request. CPS's failure to comply with the requisite procedures constitutes a denial of the request. Further, section 9(a) of FOIA provides:

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Ms. Cassandra Daniels  
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Each public body denying a request for public records shall notify the requester in writing of the decision to deny the request, the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, and the names and titles or positions of each person responsible for the denial. Each notice of denial by a public body shall also inform such person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor. Each notice of denial shall inform such person of his right to judicial review under Section 11 of this Act.

Accordingly, by failing to properly respond to Dr. Kugler's December 19, 2012, FOIA request, CPS violated both sections 3(d) and 9(a) of FOIA.

#### FINDINGS AND CONCLUSIONS

- 1) On December 19, 2012, Dr. John Kugler submitted a FOIA request to CPS seeking information regarding CPS's emergency management plans.
- 2) CPS did not respond to Dr. Kugler's FOIA request.
- 3) The failure of CPS to comply with Dr. Kugler's request, extend the time for response pursuant to section 3(e) of FOIA, or deny the request in whole or in part within 5 business days constituted a denial of the request under section 3(d) of FOIA. Denial of a request by failing to respond does not comply with the requirements of section 9(a) of FOIA.
- 4) On December 27, 2012, Dr. Kugler submitted a Request for Review of CPS's denial of his FOIA request to the Public Access Counselor. Dr. Kugler's Request for Review was timely filed and otherwise complies with the requirements of section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2011 Supp.)). Therefore, the Attorney General may properly issue a binding opinion with respect to this matter.
- 5) On January 4, 2013, the Public Access Bureau determined that further action was warranted and sent a letter to CPS requesting an explanation of its receipt and handling of Dr. Kugler's December 19, 2012, FOIA request. CPS did not respond to that inquiry or provide any explanation of its basis for failing to comply with the requirements of FOIA.

Therefore, it is the opinion of the Attorney General that CPS has violated sections 3(d) and 9(a) of FOIA by improperly denying Dr. Kugler's request for public records. Accordingly, CPS is hereby directed to take immediate and appropriate action to comply with


Dr. John Kugler  
Ms. Cassandra Daniels  
February 21, 2013  
Page 5

this opinion by providing Dr. Kugler with all responsive records, subject only to permissible redactions under section 7 of FOIA (5 ILCS 140/7 (West 2011 Supp.), as amended by Public Acts 97-783, effective July 13, 2012; 97-813, effective July 13, 2012; 97-847, effective September 22, 2012; 97-1065, effective August 24, 2012; 97-1129, effective August 28, 2012).<sup>5</sup> If CPS determines that any portions of the responsive records are exempt from disclosure under section 7, CPS is directed to issue a written partial denial that fully complies with the requirements of section 9(a) of FOIA. Further, CPS is directed to issue timely responses to future FOIA requests by all persons in accordance with section 3(d) of FOIA.

This opinion shall be considered a final decision of an administrative agency for the purposes of administrative review under the Administrative Review Law. 735 ILCS 5/3-101 *et seq.* (West 2010). An aggrieved party may obtain judicial review of the decision by filing a complaint for administrative review in the Circuit Court of Cook or Sangamon County within 35 days of the date of this decision naming the Attorney General of Illinois and Dr. John Kugler as defendants. *See* 5 ILCS 140/11.5 (West 2010).

Very truly yours,

LISA MADIGAN  
ATTORNEY GENERAL

By:   
Michael J. Luke  
Counsel to the Attorney General

cc: Mr. James Bebley  
General Counsel  
Chicago Public Schools  
Law Department  
125 South Clark Street 7<sup>th</sup> Floor  
Chicago, Illinois 60603-4044

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<sup>5</sup>Because CPS did not comply with the statutory requirements for responding to Dr. Kugler's FOIA request, CPS is precluded from treating the request as unduly burdensome or assessing copying fees for the records.



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

January 13, 2014

*Via electronic mail*

[REDACTED]

RE: FOIA Request for Review – 2011 PAC 16193

Dear [REDACTED]

This letter is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2012)). In August of 2011, you submitted a Request for Review to the Public Access Bureau under section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2010)) alleging that the Chicago Public Schools (CPS) failed to provide a response to your June 1, 2011, FOIA request. This office attempted to contact you in a letter dated December 6, 2013, to determine whether you still wished review of CPS' non-response by this office. Our letter advised you that unless you responded by January 6, 2014, we will assume that you are no longer interested in pursuing this matter and your file would be closed. As of today, this office has received no response. Accordingly, we will close your file.

If you have any questions, please contact me at (312) 814-6437, or at the Chicago address listed below. This letter shall serve to close this file.

Very truly yours,

[REDACTED]

TOLX SOBITAN  
Assistant Attorney General  
Public Access Bureau

16193 f closed mun



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

May 3, 2013



RE: FOIA Request for Review – 2012 PAC 19847

Dear 

The Public Access Bureau has received the enclosed responses from Chicago Public Schools (CPS) in connection with the above-referenced Request for Review pursuant to section 9.5(a) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(a) (West 2011 Supp.)). On April 16, 2012, you requested from CPS the name of a certain teacher and the date that teacher was terminated or, alternatively, a copy of any rules, procedures or policies governing the release of that information. Your Request for Review alleged that, as of May 16, 2012, CPS had not responded to your FOIA request.

CPS subsequently documented the enclosed response to your FOIA request dated May 30, 2012, which indicated that CPS lacked sufficient information to process your request. Following discussions with this office, CPS agreed to provide the enclosed supplemental response detailing its efforts to locate responsive records. Those responses resolve your allegation that CPS failed to respond to your FOIA request. Accordingly, this letter shall serve to close this matter. If you wish to file a Request for Review of the adequacy of CPS' response, you must do so "not later than 60 days after the date" of the March 26, 2013, supplemental response. 5 ILCS 140/9.5(a) (West 2011 Supp.).

Please contact me at (312) 814-6756 if you have questions.

Very truly yours,



STEVE SILVERMAN  
Assistant Bureau Chief  
Public Access Bureau

19847 rfr f ml pb resp sd

██████████  
May 3, 2013

Page 2

cc: Ms. Cassandra Daniels (will receive letter only)  
FOIA Officer  
Chicago Public Schools  
Law Department  
125 S. Clark Street  
7<sup>th</sup> Floor  
Chicago, Illinois 60603-4044

Ms. Cheryl Colston (will receive letter only)  
First Deputy General Counsel  
Chicago Public Schools  
Law Department  
125 S. Clark Street  
7<sup>th</sup> Floor  
Chicago, Illinois 60603-4044





OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

April 11, 2013



RE: FOIA Request for Review – 2012 PAC 19953

Dear 

Chicago Public Schools (CPS) provided the enclosed response, dated April 3, 2013, to your request for information under the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2011 Supp.)) in connection with the above-referenced Request for Review. Your Request for Review alleged that CPS failed to respond to your narrowed FOIA request seeking copies of certain traffic and safety studies; the enclosed response, which stated CPS conducted a search but was unable to locate responsive records, resolves that allegation. Accordingly, this letter shall serve to close this matter. If you wish to file a Request for Review of the adequacy of CPS' response to your FOIA request, you may do so "not later than 60 days after the date" of that response. 5 ILCS 140/9.5(a) (West 2011 Supp.).

This letter shall serve to close this matter. Please contact me at (217) 524-7958 if you have questions.

Very truly yours,



STEVE SILVERMAN  
Assistant Attorney General  
Public Access Bureau

19953 rfr f ml pb resp sd

Enclosure

██████████  
April 10, 2013

Page 2

cc: Ms. Cassandra Daniels  
FOIA Officer  
Chicago Public Schools  
Law Department  
125 S. Clark Street  
7<sup>th</sup> Floor  
Chicago, Illinois 60603-4044

Ms. Cheryl Colston  
Deputy General Counsel  
Chicago Public Schools  
Law Department  
125 S. Clark Street  
7<sup>th</sup> Floor  
Chicago, Illinois 60603-4044



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

April 10, 2013

*Via electronic mail*  
Mr. Craig Mijares  
craig@forthegoodofillinois

Ms. Cassandra Daniels  
FOIA Officer  
Chicago Public Schools  
Law Department  
125 South Clark Street  
7<sup>th</sup> Floor  
Chicago, Illinois 60603-4044

RE: FOIA Request for Review – 2012 PAC 20068

Dear Mr. Mijares and Ms. Daniels:

Pursuant to section 9.5(a) of the Freedom of Information (FOIA) (5 ILCS 140/9.5(a) (West 2010)), the Public Access Bureau received a Request for Review concerning a FOIA request submitted by Mr. Craig Mijares to Chicago Public Schools (CPS). On April 5, 2012, Mr. Mijares requested from CPS the "2011 Annual Vendor Name(s) and Annual Payments[,]" and the "2011 Checkbook which should include the Date, Payee and Amount".<sup>1</sup> His Request for Review alleged that CPS did not respond to that request.

On June 18, 2012, the Public Access Bureau forwarded a copy of the Request for Review to CPS and requested a written explanation of its receipt and handling of Mr. Mijares' FOIA request. CPS did not respond. On July 13, 2012, this office sent CPS a second letter directing CPS to respond to our inquiry. CPS did not respond to that letter, either.

Following recent discussions between CPS officials and a representative of this office, CPS responded to the FOIA request on March 26, 2013, by stating that "CPS does not maintain checkbook ledgers. The CPS does not maintain documents responsive to your

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<sup>1</sup>FOIA request submitted by Craig Mijares, For the Good of Illinois, to Chicago Public Schools, April 5, 2012).

Mr. Craig Mijares  
Ms. Cassandra Daniels  
April 10, 2013  
Page 2

request."<sup>2</sup> CPS subsequently clarified that "CPS has not maintained a checkbook ledger since 2008, when the switch was made to an electronic vendor payment system."<sup>3</sup> On April 2, 2013, this office asked CPS to further clarify whether it possesses vendor name and payment information responsive to the first portion of Mr. Mijares' request. On April 3, 2013, CPS furnished responsive records to Mr. Mijares. Those responses resolve Mr. Mijares' complaint that CPS failed to respond to his April 5, 2012, FOIA request.

We note, however, the City did not provide a timely response in accordance with section 3(d) of FOIA (5 ILCS 140/3(d) (West 2010)), which provides, in pertinent part:

Each public body shall, promptly, either comply with or deny a request for public records within 5 business days after its receipt of the request, unless the time for response is properly extended under subsection (e) of this Section. Denial shall be in writing as provided in Section 9 of this Act. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request.

Mr. Mijares' FOIA request was submitted via e-mail on April 5, 2012, at 5:41 p.m. Therefore, CPS should have extended the time for responding, denied the request, or provided all responsive records by April 13, 2012. CPS did not respond to the request in any manner or provide any records to Mr. Mijares for almost a year despite repeated inquiries by this office. CPS should be mindful of its obligation to issue timely responses to FOIA requests under section 3(d) of FOIA as well as its obligation to respond to this office within 7 business days after receipt of a Request for Review. 5 ILCS 140/9.5(c) (West 2011 Supp.).

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<sup>2</sup>E-mail from Cassandra Daniels, FOIA Officer, Chicago Public Schools, to Craig Mijares, For the Good of Illinois (March 26, 2013).

<sup>3</sup>E-mail from Cassandra Daniels, FOIA Officer, Chicago Public Schools, to Steve Silverman, Assistant Attorney General, Public Access Bureau (March 27, 2013)

Mr. Craig Mijares  
Ms. Cassandra Daniels  
April 10, 2013  
Page 3

This letter shall serve to close this matter. If you have any questions, please contact me at (312) 814-6756.

Very truly yours,



STEVE SILVERMAN  
Assistant Attorney General  
Public Access Bureau

Enclosure

cc: Ms. Cheryl Colston  
First Deputy General Counsel  
Chicago Public Schools  
Law Department  
125 S. Clark Street  
7<sup>th</sup> Floor  
Chicago, Illinois 60603-4044



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

March 28, 2013

[REDACTED]  
P.O. Box 64  
Varna, Illinois 61375

RE: FOIA Request for Review – 2012 PAC 20599

Dear [REDACTED]

The Public Access Bureau has received your Request for Review pursuant to section 9.5(a) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(a) (West 2011 Supp.)). On July 11, 2012, you submitted a FOIA request to Chicago Public Schools (CPS) seeking "all contracts and employment records of Andrew Eules and Jay Kraning."<sup>1</sup> On July 20, 2012, you submitted a Request for Review alleging that CPS had failed to respond to your FOIA request.

On March 26, 2013, the Public Access Bureau received CPS' response, a copy of which is enclosed. Now that CPS has responded, your complaint that CPS failed to respond to your FOIA request is resolved.<sup>2</sup>

If, however, you are not satisfied with CPS' response, you may file a new Request for Review "not later than 60 days after the date" of that response (5 ILCS 140/9.5(a) (West Supp. 2011)).

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<sup>1</sup>FOIA Request from [REDACTED] to Cassandra Daniels, FOIA Officer, Chicago Public Schools (July 11, 2012).

<sup>2</sup>Correspondence from Cassandra Daniels, Freedom of Information Officer, Chicago Public Schools to Adetola Sobitan, Assistant Attorney General, Public Access Bureau (March 25, 2013).

March 28, 2013  
Page 2

If you have any questions, please contact me at (877) 299-3642. This correspondence shall serve to close this file.

Very truly yours,

LINDSAY LAVINE  
Assistant Attorney General  
Public Access Bureau

20599 rfr f ml pb resp sd

Enclosure

cc: Ms. Cassandra Daniels  
Freedom of Information Officer  
Chicago Public Schools  
125 South Clark Street, 7th Floor  
Chicago, Illinois 60603



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

November 18, 2013

[REDACTED]  
Stateville Correctional Center  
P. O. Box 99  
Joliet, Illinois 60434

Ms. Cassandra Daniels  
Freedom of Information Act Officer  
Chicago Public Schools Law Department  
125 South Clark Street  
Chicago, Illinois 62794

RE: FOIA Requests for Review - 2012 PAC 20649; 2012 PAC 20651

Dear [REDACTED] and Ms. Daniels:

The Public Access Bureau has been notified that [REDACTED] has elected to file a lawsuit concerning the Chicago Public Schools' failure to respond to his July 5, 2012, requests for records under the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2012)). The same non-responses are at issue in the above-referenced matters. Section 9.5(g) of FOIA (5 ILCS 140/9.5(g) (West 2012)) provides:

If the requester files suit under Section 11 with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor, and the Public Access Counselor shall take no further action with respect to the request for review and shall so notify the public body.

In light of the recent lawsuit challenging the same actions that are the subjects of these pending Requests for Review, the Public Access Counselor will take no further action in these matters. Accordingly, this letter shall serve to close these files. If you have any questions, please contact this office at the Chicago address below.

Very truly yours,

[REDACTED]  
TOLA SOBITAN  
Assistant Attorney General  
Public Access Bureau

20649, 20651 f is sd





OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

March 29, 2013

*Via electronic mail*



RE: FOIA Request for Review – 2012 PAC 21789

Dear 

This letter is to inform you that the Public Access Bureau is in receipt of the March 26, 2013, correspondence from Ms. Cassandra Daniels, on behalf of the Chicago Public Schools (CPS), in which she states that records responsive to your August 29, 2012, Freedom of Information (FOIA) (5 ILCS 140/1 *et seq.* (West 2010)) request are available for you to pick up at your convenience. On this basis, we conclude that no further action is warranted in this matter.

If you have any questions, you may contact me at (312) 814-6437. This letter shall serve to close this file.

Very truly yours,



TOLA SOBITAN  
Assistant Attorney General  
Public Access Bureau

21789 rfr f ml pb resp sd

cc: *Via Electronic Mail*  
Ms. Cassandra Daniels  
FOIA Officer, Chicago Public Schools  
[cddaniels@cps.k12.il.us](mailto:cddaniels@cps.k12.il.us)



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

March 28, 2013



RE: FOIA Request for Review – 2012 PAC 21834

Dear

The Public Access Bureau has received your Request for Review pursuant to section 9.5(a) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(a) (West 2011 Supp.)). On October 5, 2013, you submitted a FOIA request to Chicago Public Schools (CPS) seeking several reports for Miles Davis Magnet Academy between July and September, 2012.<sup>1</sup> On October 18, 2012, you submitted a Request for Review alleging that CPS had failed to respond to your FOIA request.

In a telephone conversation with an Assistant Attorney General in this office on March 27, 2013, you confirmed that CPS has responded to your FOIA request. Now that CPS has responded, your complaint that CPS failed to respond to your FOIA request is resolved.<sup>2</sup>

If, however, you are not satisfied with CPS' response, you may file a new Request for Review "not later than 60 days after the date" of that response (5 ILCS 140/9.5(a) (West Supp. 2011)).

<sup>1</sup>FOIA Request from to Cassandra Daniels, FOIA Officer, Chicago Public Schools (July 11, 2012).

<sup>2</sup>Telephone conversation between Lindsay LaVine, Assistant Attorney General, Public Access Bureau and (March 27, 2013).

March 28, 2013  
Page 2

If you have any questions, please contact me at (877) 299-3642. This correspondence shall serve to close this file.

Very truly yours,  


LINDSAY LAVINE  
Assistant Attorney General  
Public Access Bureau

21834 rfr f ml pb resp sd

cc: Ms. Cassandra Daniels  
Freedom of Information Officer  
Chicago Public Schools  
125 South Clark Street, 7th Floor  
Chicago, Illinois 60603



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

May 9, 2013

*Via electronic mail*  
Mr. Jesus Palafox  
637 South Dearborn, 3<sup>rd</sup> Floor  
Chicago, Illinois 60605  
JPalafox@afsc.org

RE: FOIA Request for Review – 2012 PAC 22269


Dear Mr. Palafox:

The Public Access Counselor has received your Request for Review asserting that Chicago Public Schools (CPS) has not responded to your November 2, 2012, Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2010)) request. In an April 17, 2013, e-mail to an assistant attorney general in the Public Access Bureau, CPS provided the enclosed response.

Because CPS has responded to your request, we conclude that no further action is warranted. This correspondence shall serve to close this matter. Under section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2011 Supp.)), a Request for Review may be filed with the Attorney General's Public Access Counselor "[n]ot later than 60 days after the date of the final denial[]" of the FOIA request by the public body. If you believe that CPS's response constitutes a denial of your request, you are entitled to request a review by this office within 60 days of CPS's response.

If you have questions, please contact me at (217) 785-7438 or at the Springfield address listed below.

Very truly yours,

  
CHRISTOPHER R. BOGGS  
Assistant Attorney General  
Public Access Bureau

Mr. Jesus Palafox  
May 9, 2013  
Page 2

Enclosure

22269 rfr f ml pb resp sd

cc: *Via electronic mail*  
Ms. Cassandra Daniels (will receive letter only)  
FOIA Officer  
Chicago Public Schools  
125 S. Clark Street  
Chicago, Illinois 60603  
cddaniels@cps.edu



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

January 25, 2013

*Via electronic mail*  
Mr. Sulejman Dizdarevic  
Grady Pilgrim Christakis Bell  
SDizdarevic@gradypilgrim.com

RE: FOIA Request for Review – 2012 PAC 22437

Dear Mr. Dizdarevic:

The Chicago Public School District (CPS) provided the enclosed records responsive to your request for information under the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2011 Supp.)) in connection with the above-referenced Request for Review. Your Request for Review alleged that CPS failed to provide you with the records responsive to your FOIA request; the response and records that they furnished to you on January 24, 2013, resolves that allegation. Accordingly, this letter shall serve to close this matter.

Please contact me at (312) 814-5383 if you have questions.

Very truly yours,



MATT ROGINA  
Assistant Attorney General  
Public Access Bureau

22437 rfr f ml pb resp sd

Enclosure

cc: *Via electronic mail*  
Mr. Cassandra Daniels  
FOIA Officer  
cddaniels@cps.edu



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

January 7, 2013

*Via Electronic Mail*

RE: FOIA Request for Review – 2012 PAC 22490

Dear [REDACTED]

You filed the above-referenced Request for Review with the Public Access Counselor alleging that the Chicago Public Schools (CPS) failed to respond to your October 24, 2012, Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2010)) request. We determined that further review was warranted and CPS responded on January 4, 2013, stating that the records responsive to your FOIA request were provided to you on December 18, 2012. Based on this information, this office concludes that further action is not warranted in the above-referenced matter. Accordingly, we will close this file.

If you have any questions, you may contact me at (312) 814-6437.

Very truly yours,

*Tola Sobitan*

TOLA SOBITAN  
Assistant Attorney General  
Public Access Bureau

22490 rfr f ml pb resp sd

cc: *Via Electronic Mail*  
Ms. Cassandra Daniels (will receive letter only)  
FOIA Officer, Chicago Public Schools  
[cddaniels@cps.k12.il.us](mailto:cddaniels@cps.k12.il.us)



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

February 22, 2013

Dr. John Kugler  
[REDACTED]

RE: FOIA Request for Review – 2012 PAC 22729 and 22730

Dear Dr. Kugler:

Chicago Public Schools (CPS) has provided the enclosed responses to your requests for information under the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2011 Supp.)) in connection with the above-referenced Requests for Review. Your Requests for Review alleged that the CPS failed to respond to your FOIA requests; the enclosed responses resolves that allegation. Accordingly, this letter shall serve to close this matter. If you wish to file Requests for Review of the adequacy of the CPS' responses to your FOIA requests, you may do so "not later than 60 days after the date" of those responses. 5 ILCS 140/9.5(a) (West 2011 Supp.).

Please contact me at (312) 814-6756 if you have questions.

Very truly yours,

[REDACTED]  
STEVE SILVERMAN  
Assistant Attorney General  
Public Access Bureau

22729/22730 rfr fml pb resp sd

cc: Ms. Cassandra Daniels (will receive letter only)  
FOIA Officer  
Chicago Public Schools  
Law Department  
125 S. Clark Street 7<sup>th</sup> Floor  
Chicago, Illinois 60603-4044





OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

February 1, 2013

Mr. Michael Ockrim  
16w455 South Frontage Road  
Suite 115  
Willowbrook, Illinois 60527

RE: FOIA Request for Review – 2013 PAC 22740

Dear Mr. Ockrim:

You filed the above-referenced Requests for Review with the Public Access Counselor alleging that the Chicago Public Schools (CPS) failed to respond to your December 17, 2012, Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2010)) request. We determined that further review was warranted and on January 29, 2013, CPD notified this office that the records responsive to your FOIA request have been provided to you. Based on this information, this office concludes that further action is not warranted in the above-referenced matters. Accordingly, we will close this file.

If you have any questions, please feel free to contact me at (312) 814-6437.

Very truly yours,



TOLA SOBITAN  
Assistant Attorney General  
Public Access Bureau

22740 rfr f ml pb resp sd

cc: *Via Electronic Mail*  
Ms. Cassandra Daniels  
FOIA Officer, Chicago Public Schools  
[cddaniels@cps.k12.il.us](mailto:cddaniels@cps.k12.il.us)



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

January 24, 2013



RE: FOIA Request for Review – 2013 PAC 22920

Dear [REDACTED]

The Public Access Counselor has received the Request for Review you submitted pursuant to section 9.5(a) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(a) (West 2011 Supp)). In order to file a Request for Review, section 9.5(a) provides that the Request for Review must be filed with the Public Access Counselor in the Office of the Attorney General "[n]ot later than 60 days after the date of the final denial" of the FOIA request by the public body.

Based on the information that you provided to us, you submitted FOIA requests to Chicago Public Schools (CPS) on October 24, 2012, and October 25, 2012. You requested an update on the status of CPS' responses on November 8, 2012, and CPS replied that responses would be issued by November 20, 2012. You requested another update from CPS on November 28, 2012, but apparently did not receive a response. Your Request for Review alleges that as of January 13, 2013, CPS has not responded to your FOIA requests.

Section 3(d) of FOIA (5 ILCS 140/3(d) (West 2010)) provides, in pertinent part:

Each public body shall, promptly, either comply with or deny a request for public records within 5 business days after its receipt of the request, unless the time for response is properly extended under subsection (e) of this Section. Denial shall be in writing as provided in Section 9 of this Act. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request.

[REDACTED]  
January 24, 2013

Page 2

Section 3(e) (5 ILCS 140/3(e) (West 2010)) further provides that "[t]he person making a request and the public body may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the public body agree to an extension, then "a failure by the public body to comply with any previous deadlines shall not be treated as a denial of the request for the records." In the absence of a written agreement between the parties to extend the response time, an "ongoing dialogue between a public body and a requester after the denial of [a] FOIA request [does] not toll the 60-day period for filing a Request for Review." Ill. Att'y Gen. PAC Req. Rev. Ltr. 21607, issued October 4, 2012.

You did not reach a written agreement with CPS to extend its time for responding to your FOIA requests. Thus, CPS effectively denied the FOIA request you submitted on October 24, 2012, by failing to respond by November 1, 2012; CPS denied the FOIA request you submitted on October 25, 2012, by failing to respond by November 2, 2012. You submitted your Request for Review to this office on January 13, 2013, which is more than 60 days after CPS denied your FOIA requests by failing to respond within 5 business days as required by section 3(d) of FOIA. Accordingly, section 9.5(a) precludes this office from reviewing CPS' denials of your FOIA requests.

You may wish to submit another FOIA request to CPS; if CHA issues a denial or denies your request by failing to issue a timely response, you may file a Request for Review with this office respond within 5 business days, you may file a Request for Review with this office "[n]ot later than 60 days after the date" of the denial.

If you have any questions, please contact me at (312) 814-6756. This letter shall serve to close this file.

Very truly yours,

[REDACTED]  
STEVE SILVERMAN  
Assistant Attorney General  
Public Access Bureau

22920 rfr f past 60 days sd



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

October 9, 2013

*Via electronic mail*

RE: FOIA Request for Review - 2013 PAC 23957 and 23959

Dear [REDACTED]

You filed the above-referenced Requests for Review with the Public Access Counselor alleging that the Chicago Public Schools (CPS) failed to respond to two (2) Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2012)) request submitted to it by you on March 21, 2013. This office determined that further review was warranted and on April 15, 2013, CPS provided a response to your FOIA request. The enclosed CPS' April 15, 2013, response to your FOIA requests resolves these Requests for Review. Accordingly, we will take no further action in these matters.

If you have any questions, please contact me at (312) 814-6437. This letter shall serve to close these files.

Very truly yours,

[REDACTED]  
TOLA SOBITAN  
Assistant Attorney General  
Public Access Bureau

23957; 23959 f pb resp sd

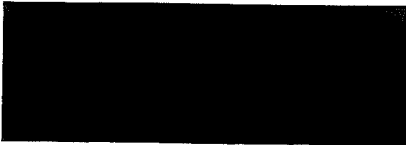
cc: *Via Electronic Mail*  
Ms. Cassandra Daniels (will receive letter only)  
FOIA Officer, Chicago Public Schools  
[cddaniels@cps.k12.il.us](mailto:cddaniels@cps.k12.il.us)



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

April 17, 2013



Re: FOIA Requests for Review – 2012 PAC 24148

Dear 

The Public Access Bureau has received your Request for Review pursuant to section 9.5 of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5 (West 2011 Supp.)). Under section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2011 Supp.)), a Request for Review may be filed with the Public Access Counselor in the Office of the Attorney General "[n]ot later than 60 days after the date of the final denial[ ]" of the FOIA request by the public body. Section 3(d) of FOIA further provides that a public body's failure to respond to a request within 5 business days after its receipt shall be considered a denial of the request. (5 ILCS 140/3(d) (West 2010)).

Based on the information that you provided to us, the Chicago Public Schools (CPS) failed to respond to a FOIA request you submitted on July 26, 2011. CPS' alleged failure to respond within 5 business days of receipt of that request constituted a denial. This office received your Request for Review on April 15, 2013. Because you submitted your Request for Review more than 60 days after the public body's denial of your FOIA request, section 9.5(a) precludes this office from reviewing the public body's denial.

If you have any questions, please contact our office at 500 South Second Street, Springfield, Illinois 62706. This correspondence shall serve to close this matter.

Very truly yours,



STEVE SILVERMAN  
Assistant Attorney General  
Public Access Bureau

24148 f rfr 60 days sd



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

May 30, 2013



RE: FOIA Request for Review – 2013 PAC 24206

Dear 

The Public Access Bureau has received from Chicago Public Schools (CPS) a copy of the enclosed response to your request for information under the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2011 Supp.)) in connection with the above-referenced Request for Review. That response resolves the underlying allegation that CPS failed to respond to your FOIA request. Accordingly, this letter shall serve to close this matter.

If you have any questions, please contact me at (312) 814-6756.

Very truly yours,



STEVE SILVERMAN  
Assistant Attorney General  
Public Access Bureau

24206 f pb resp sd

Enclosure .

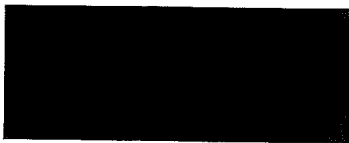
cc: Ms. Cassandra Daniels  
FOIA Officer  
Chicago Public Schools  
Law Department  
125 S. Clark Street  
7<sup>th</sup> Floor  
Chicago, Illinois 60603-4044



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

August 20, 2013



RE: FOIA Request for Review – 2013 PAC 25215

Dear 

You filed the above-referenced Request for Review with the Public Access Counselor alleging that the Chicago Public Schools (CPS) failed to respond to your June 27, 2013, Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2012)) request. This office determined that further review was warranted and on August 16, 2013, CPS provided a response to your FOIA request. CPS' August 16, 2013, response to your June 27, 2013, FOIA request resolves this Request for Review. Accordingly, we will take no further action in this matter.

If you have any questions, please contact me at (312) 814-6437. This letter shall serve to close this file.

Very truly yours,



TOLA SOBITAN  
Assistant Attorney General  
Public Access Bureau

25215 f pb resp sd

cc: *Via Electronic Mail*  
Ms. Cassandra Daniels  
FOIA Officer, Chicago Public Schools  
[cddaniels@cps.k12.il.us](mailto:cddaniels@cps.k12.il.us)



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

April 14, 2014



RE: FOIA Request for Review – 2013 PAC 25661 and 25662

Dear 

Chicago Public Schools (CPS) has provided the enclosed responses to your Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2012)) requests in connection with the above-captioned Request for Review. Your Requests for Review alleged that CPS failed to respond to your FOIA requests; the enclosed responses resolve those allegations. Accordingly, this letter shall serve to close these matters. If you wish to file a Request for Review of either or both of CPS' responses, you may do "not later than 60 days after the date" of each response, dated March 14, 2014 and April 9, 2014, respectively.

Please contact me at (312) 814-6756 if you have any questions.

Very truly yours,



STEVE SILVERMAN  
Assistant Bureau Chief  
Public Access Bureau

25661 25662 f m sd

Enclosure



██████████  
April 14, 2014

Page 2

cc: Ms. Cassandra D. Daniels (will receive letter only)  
FOIA Officer  
Chicago Public Schools  
Law Department  
125 South Clark Street, 7<sup>th</sup> Floor  
Chicago, Illinois 60602



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

September 4, 2013



RE: FOIA Request for Review – 2013 PAC 25684

Dear 

You filed the above-referenced Request for Review with the Public Access Counselor alleging that the Chicago Public Schools (CPS) failed to respond to your August 4, 2013, Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2012)) request. This office determined that further review was warranted and CPS responded on September 4, 2013, asserting that it had provided a response to your FOIA request on August 20, 2013. CPS' August 20, 2013, response to your August 4, 2013, FOIA request resolves this Request for Review. Accordingly, we will take no further action in this matter.

If you have any questions, please contact me at (312) 814-6437. This letter shall serve to close this file.

Very truly yours,



TOLA SOBITAN  
Assistant Attorney General  
Public Access Bureau

25684 f pb resp sd

cc: *Via Electronic Mail*  
Ms. Cassandra Daniels  
FOIA Officer, Chicago Public Schools  
[cddaniels@cps.k12.il.us](mailto:cddaniels@cps.k12.il.us)



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

November 14, 2013

Ms. Sarah Karp  
Deputy Editor  
Catalyst Chicago  
[karp@catalyst-chicago.org](mailto:karp@catalyst-chicago.org)


RE: FOIA Request for Review – 2013 PAC 25890

Dear Ms. Karp:

You filed the above-referenced Request for Review with the Public Access Counselor alleging that the Chicago Public Schools (CPS) failed to respond to your August 7, 2013, Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2012)) request. This office determined that further review was warranted and on November 8, 2013, CPS provided a response to your FOIA request. We conclude that CPS's release of the records responsive to your August 7, 2013, FOIA request resolves this Request for Review. Accordingly, we will close this file.

If you have any questions, please contact me at (312) 814-6437. This letter shall serve to close this file.

Very truly yours,

  
TOLA SOBITAN  
Assistant Attorney General  
Public Access Bureau

25890 f pb resp sd

cc: *Via Electronic Mail*  
Ms. Cassandra Daniels  
FOIA Officer, Chicago Public Schools  
[cddaniels@cps.k12.il.us](mailto:cddaniels@cps.k12.il.us)



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

November 14, 2013

Ms. Sarah Karp  
Deputy Editor  
Catalyst Chicago  
[karp@catalyst-chicago.org](mailto:karp@catalyst-chicago.org)


RE: FOIA Request for Review – 2013 PAC 25890

Dear Ms. Karp:

You filed the above-referenced Request for Review with the Public Access Counselor alleging that the Chicago Public Schools (CPS) failed to respond to your August 7, 2013, Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2012)) request. This office determined that further review was warranted and on November 8, 2013, CPS provided a response to your FOIA request. We conclude that CPS's release of the records responsive to your August 7, 2013, FOIA request resolves this Request for Review. Accordingly, we will close this file.

If you have any questions, please contact me at (312) 814-6437. This letter shall serve to close this file.

Very truly yours,

  
TOLA SOBITAN  
Assistant Attorney General  
Public Access Bureau

25890 f pb resp sd

cc: *Via Electronic Mail*  
Ms. Cassandra Daniels  
FOIA Officer, Chicago Public Schools  
[cddaniels@cps.k12.il.us](mailto:cddaniels@cps.k12.il.us)



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

November 7, 2013

Ms. Linda Lutton  
Chicago Public Radio  
848 East Grand Avenue  
Chicago, Illinois 60611


RE: FOIA Request for Review – 2013 PAC 26189

Dear Ms. Lutton:

You filed the above-referenced Request for Review with the Public Access Counselor alleging that the Chicago Police Schools (CPS) failed to respond to your September 5, 2013, Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq*) Request. The enclosed response from CPS to your FOIA request resolves this Request for Review. Accordingly, we will close our file.

If you have any questions, please contact this office at 877-299-3642 or the Office of the Attorney General, 11<sup>th</sup> Floor, 100 W. Randolph Street, Chicago, IL 60601. Thank you.

Very truly yours,

  
TOLA SOBHAN  
Assistant Attorney General  
Public Access Bureau

26189 f ml pb resp sd

Cc: Ms. Cassandra Daniels (will receive letter only)  
Chicago Public Schools  
125 South Clark Street  
Chicago, Illinois 60603



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

October 30, 2013

Mr. John Kugler  
Substance News  
5132 West Berteau Avenue  
Chicago, Illinois 60641

RE: FOIA Request for Review – 2013 PAC 26508

Dear Mr. Kugler:

You filed the above-referenced Request for Review with the Public Access Counselor alleging that the Chicago Public Schools (CPS) failed to respond to your September 26, 2013, Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.*) request. The enclosed response from CPS to your FOIA request resolves this Request for Review. Accordingly, we will close our file.

If you wish to file a Request for Review of the adequacy of CPS' response to your FOIA request, you may do so "not later than 60 days after the date" of that response. 5 ILCS 140/9.5(a) (West 2012).

If you have any questions, please contact this office at 877-299-3642 or the Office of the Attorney General, 11th Floor, 100 W. Randolph Street, Chicago, IL 60601. Thank you.

Very truly yours,

A black rectangular redaction box covers the signature of Lindsay Lavine.

LINDSAY LAVINE  
Assistant Attorney General  
Public Access Bureau

26508 f pb resp sd

Mr. John Kugler  
October 30, 2013  
Page 2

Cc: Ms. Cassandra Daniels (will receive letter only)  
Chicago Public Schools  
125 South Clark Street  
Chicago, Illinois 60603



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

December 13, 2013

[REDACTED]

RE: FOIA Request for Review – 2013 PAC 26576

Dear [REDACTED]

You filed the above-referenced Request for Review with the Public Access Counselor alleging that the Chicago Public Schools (CPS) failed to respond to your August 22, 2013, Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2012)) request. The response you provided from CPS to your FOIA request resolves this Request for Review. Accordingly, we will close our file.

If you have any questions, please contact this office at 877-299-3642 or the Office of the Attorney General, 11th Floor, 100 W. Randolph Street, Chicago, IL 60601. Thank you.

Very truly yours,

[REDACTED]

LINDSAY LAVINE  
Assistant Attorney General  
Public Access Bureau

26576 f pb resp sd

Cc: Ms. Cassandra Daniels (will receive letter only)  
Chicago Public Schools  
125 South Clark Street  
Chicago, Illinois 60603





OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

November 6, 2013

Ms. Sarah Karp  
Catalyst Chicago  
332 South Michigan Avenue  
Chicago, Illinois 60604

RE: FOIA Request for Review – 2012 PAC 26717

Dear Ms. Karp:

The Public Access Counselor has received your Request for Review submitted pursuant to section 9.5(a) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(a) (West 2012)). On October 3, 2013, you submitted two FOIA requests to the Chicago Public Schools (CPS) seeking all deliverables provided to CPS personnel by the Supes Academy based on work in July, August and September, 2013, and information regarding admissions in 2012-2013 and 2013-2014 school years. In your Request for Review, you complained that CPS did not respond to your FOIA request. On November 4, 2013, you advised this office that CPD has provided you with all the records and that you wished to withdraw your Request for Review.

Accordingly, this letter shall serve to close this matter. If you have any questions, please contact me at (217) 557-0548.

Very truly yours,



STEVE SILVERMAN  
Assistant Bureau Chief  
Public Access Bureau

26717 f wdrawn sd



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

January 9, 2014

*Via electronic mail*  
Mr. Kevin DuJan  
DuJanMedia@gmail.com


RE: FOIA Request for Review – 2011 PAC 26736

Dear Mr. DuJan:

This letter is to advise you that the Chicago Public Schools (CPS) has provided this office with a copy of the enclosed response to your request for information under the Freedom of Information Act (FOIA) (5ILCS 140/1 *et seq.*, (West 2012)). You submitted a FOIA request on October 21, 2013, to CPS requesting Policies & Procedures Handbooks for specific schools, among other things. Your Request for Review alleged that CPS failed to respond to your FOIA request. CPS' enclosed response dated December 30, 2013, resolves that allegation.

This letter shall serve to close this matter. If you have any questions, please contact me at the Office of the Attorney General, 11<sup>th</sup> Floor, 100 W. Randolph Street, Chicago, IL 60601. Thank you.

Very truly yours,

  
DUSHYANTH REDDIVARI  
Assistant Attorney General  
Public Access Bureau

26736 f m pb resp sd

cc: *Via electronic mail*  
Ms. Cassandra Daniels (will receive letter only)  
Chicago Public Schools  
125 South Clark Street  
Chicago, Illinois 60603  
cddaniels@cps.edu



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

December 13, 2013



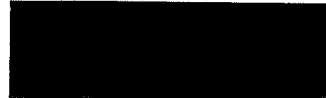
RE: FOIA Request for Review – 2013 PAC 26779

Dear 

You filed the above-referenced Request for Review with the Public Access Counselor alleging that the Chicago Public Schools (CPS) failed to respond to your October 10, 2013, Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2012)) request. The enclosed response from CPS to your FOIA request resolves this Request for Review. Accordingly, we will close our file.

If you have any questions, please contact this office at 877-299-3642 or the Office of the Attorney General, 11<sup>th</sup> Floor, 100 W. Randolph Street, Chicago, IL 60601. Thank you.

Very truly yours,



TOLA SOBĪTAN  
Assistant Attorney General  
Public Access Bureau

26779 f ml pb resp sd

Cc: Ms. Cassandra Daniels (will receive letter only)  
Chicago Public Schools  
125 South Clark Street  
Chicago, Illinois 60603



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

November 14, 2013

*Via electronic mail*  
Dr. John Kugler  
Reporter, Substance News  
[REDACTED]

RE: FOIA Request for Review – 2013 PAC 26795

Dear Dr. Kugler:

This determination letter is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2012)). For the reasons that follow, the Public Access Bureau concludes that no further action is warranted concerning your Request for Review of the Chicago Public Schools' (CPS) response to your FOIA request.

On September 26, 2013, you submitted a FOIA request to CPS seeking copies of its current position file and current list of vendors and contractors. On October 17, 2013, you filed a Request for Review (2013 PAC 26508) with this office, asserting that CPS did not respond to your FOIA request. We forwarded a copy of that Request for Review to CPS and on October 25, 2013, CPS responded by providing you with copies of the requested records.

On October 26, 2013, you sent a follow-up e-mail to CPS, noting that the position file provided by CPS did not include the hire date for each employee and the funding source for each position. On October 28, 2013, Ms. Cassandra Daniels, on behalf of CPS, responded that "[y]our September 26, 2013 request does not seek specific information regarding CPS employee hire dates or funding sources. The CPS provided [its] position file as maintained."<sup>1</sup> You replied, on that same day, contending that you "have position files dating back ten years [and CPS] has purposely left off the information that identifies an individual position (hire date and funding source) in the Chicago Public Schools."<sup>2</sup> On November 6, 2013, you filed this second Request

<sup>1</sup>E-mail from Cassandra Daniels [FOIA Officer, Chicago Public Schools], to John Kugler (October 28, 2013).

<sup>2</sup>E-mail from Dr. Kugler, Substance News, to [Cassandra Daniels, FOIA Officer, Chicago Public Schools], cddaniels@cps.edu (October 28, 2013).

Dr. John Kugler  
November 14, 2013  
Page 2

for Review with the Public Access Bureau, alleging that CPS' October 25, 2013, response is incomplete because CPS did not provide the information you requested on September 26, 2013.

FOIA provides that "all records in the custody or possession of a public body" are open to inspection or copying. 5 ILCS 140/1.2 (West 2012). However, "a requester is entitled only to records that an agency has in fact chosen to create and retain." *Yeager v. Drug Enforcement Admin.*, 678 F.2d 315, 321 (D.C. Cir. 1982). Under section 552(a)(3)(A) of the federal FOIA (5 U.S.C. § 552(a)(3)(A) (2012)) – which is similar to section 3(a) of the Illinois FOIA (5 ILCS 140/3(a) (West 2012)) – an agency must disclose documents if a requester "reasonably describes" the records he or she seeks and complies with applicable rules and procedures. A FOIA request "reasonably describes records if 'the agency is able to determine precisely what records are being requested.'" *Kowalczyk v. Dep't of Justice*, 73 F.3d 386, 388 (D.C. Cir. 1996), quoting *Yeager v. Drug Enforcement Admin.*, 678 F.2d 315, 326 (D.C. Cir. 1982).

Here, your September 26, 2013, FOIA request specifically sought, in pertinent part, "a copy of the current CPS position file as of August 25, 2013".<sup>3</sup> It is clear from CPS' October 25, 2013, response that it had determined that you were seeking the most recent position file created and maintained by CPS. During a telephone conversation with an Assistant Attorney General in the Public Access Bureau, Ms. Cassandra Daniels, on behalf of CPS, further clarified that it is CPS' customary practice to provide a copy of the Employee Position file as maintained on its website in response to a FOIA request for its position files, except when the requester specifies any additional information he/she wants included in the report. CPS also confirmed for this office that the position file that CPS provided to you is the only current position file maintained by CPS, and that it does not possess a current position file containing the additional fields that you requested. Based on the available information, we conclude that CPS' construction of your September 26, 2013, FOIA request was reasonable and that CPS complied with the requirements of FOIA by providing you with the a copy of the only current position file in its possession. You may wish to submit another FOIA request to CPS for the additional information that you seek.

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<sup>3</sup>E-mail from John Kugler, reporter, Substance News, to Records Request Officer, cddaniels@cps.edu (September 26, 2013).

Dr. John Kugler  
November 14, 2013  
Page 3

If you have any questions, please contact me at (312) 814-6437 or at the Chicago address listed on the first page of this letter. This letter shall serve to close this file.

Very truly yours,

A solid black rectangular redaction box covering the signature of Tola Sobitan.

TOLA SOBİTAN  
Assistant Attorney General  
Public Access Bureau

26795 f no fi war sd

cc: Cassandra Daniels  
FOIA Officer, Chicago Public Schools  
cddaniels@cps.edu



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

November 12, 2013

Dr. John Kugler  
5132 West Berteau Avenue  
Chicago, Illinois 60641

RE: FOIA Request for Review – 2011 PAC 26868

Dear Dr. Kugler:

This letter is to advise you that the Chicago Public Schools (CPS) has provided this office with a copy of the enclosed response to your request for information under the Freedom of Information Act (FOIA) (5ILCS 140/1 *et seq.*, (West 2012)). You submitted a FOIA request to CPS on September 26, 2013, for the incident reports for the last five years with respect to twelve schools. Your Request for Review alleged that CPS failed to respond to your FOIA request. CPS's enclosed response dated November 4, 2013, resolves that allegation.

This letter shall serve to close this matter. If you have any questions, please contact me at the Office of the Attorney General, 11<sup>th</sup> Floor, 100 W. Randolph Street, Chicago, IL 60601. Thank you.

Very truly yours,

DUSHYANTH REDDIVARI  
Assistant Attorney General  
Public Access Bureau

26868 rfr f no fi war sd

cc: Ms. Cassandra Daniels (will receive letter only)  
Chicago Public Schools  
125 South Clark Street  
Chicago, Illinois 60603



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

November 12, 2013

Dr. John Kugler  
5132 West Berceau Avenue  
Chicago, Illinois 60641

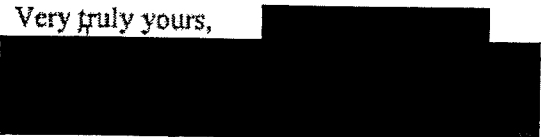
RE: FOIA Request for Review - 2011 PAC 26870

Dear Dr. Kugler:

This letter is to advise you that the Chicago Public Schools (CPS) has provided this office with a copy of the enclosed response to your request for information under the Freedom of Information Act (FOIA) (5ILCS 140/1 *et seq.*, (West 2012)). You submitted a FOIA request to CPS on September 26, 2013, for the CPS position file as of October 26, 2013. Your Request for Review alleged that CPS failed to respond to your FOIA request. CPS's enclosed response dated November 12, 2013, resolves that allegation.

This letter shall serve to close this matter. If you have any questions, please contact me at the Office of the Attorney General, 11<sup>th</sup> Floor, 100 W. Randolph Street, Chicago, IL 60601. Thank you.

Very truly yours,

  
DUSHYANTH REDDIVARI  
Assistant Attorney General  
Public Access Bureau

26870 rfr f no fi war sd

cc: Ms. Cassandra Daniels (will receive letter only)  
Chicago Public Schools  
125 South Clark Street  
Chicago, Illinois 60603





OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

December 19, 2013

Ms. Becky Vevea  
WBEZ 91.5  
848 East Grand Avenue  
Chicago, Illinois 60611

RE: FOIA Request for Review – 2013 PAC 27040


Dear Ms. Vevea:

You filed the above-referenced Request for Review with the Public Access Counselor alleging that the Chicago Public Schools (CPS) failed to respond to your November 4, 2013, Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq*) Request. The enclosed response from CPS to your FOIA request resolves this Request for Review. Accordingly, we will close our file.

If you wish to file a Request for Review of the adequacy of CPS' response to your FOIA request, you may do so "not later than 60 days after the date" of that response. 5 ILCS 140/9.5(a) (West 2012).

If you have any questions, please contact this office at 877-299-3642 or the Office of the Attorney General, 11<sup>th</sup> Floor, 100 W. Randolph Street, Chicago, IL 60601. Thank you.

Very truly yours,

  
ROB OLMSTEAD  
Assistant Attorney General  
Public Access Bureau

27040 f m pb resp sd

Ms. Becky Vevea  
December 19, 2013  
Page 2

Cc: Ms. Cassandra Daniels (will receive letter only)  
Chicago Public Schools  
125 South Clark Street  
Chicago, Illinois 60603



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

December 13, 2013

*Via electronic mail*

[REDACTED]

RE: FOIA Request for Review – 2012 PAC 27101

Dear [REDACTED]

The Public Access Counselor has received your Request for Review submitted pursuant to section 9.5(a) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(a) (West 2012)). You submitted a FOIA request to Chicago Public Schools (CPS) requesting information regarding the FY 2014 Expenditure Report. In your Request for Review, you complained that CPS did not respond to your request. On December 11, 2013, you advised this office that CPS has provided you with all the records and that you wished to withdraw your Request for Review.

Accordingly, this letter shall serve to close this matter. If you have any questions, please contact me at (312) 814-1679.

Very truly yours,

[REDACTED]

ROB OLMSTEAD  
Assistant Attorney General  
Public Access Bureau

27101 f wdrawn sd

Cc. Ms. Cassandra Daniels (will receive letter only)  
Chicago Public Schools  
125 South Clark Street  
Chicago, Illinois 60603



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

December 19, 2013

Mr. Timothy Novak  
*Chicago Sun-Times*  
350 North Orleans Street  
Chicago, Illinois 60654

RE: FOIA Request for Review – 2013 PAC 27103

Dear Mr. Novak:

You filed the above-referenced Request for Review with the Public Access Counselor alleging that the Chicago Public Schools (CPS) failed to respond to your November 4, 2013, Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq*) Request. The enclosed response from CPS to your FOIA request resolves this Request for Review. Accordingly, we will close our file.

If you wish to file a Request for Review of the adequacy of CPS' response to your FOIA request, you may do so "not later than 60 days after the date" of that response. 5 ILCS 140/9.5(a) (West 2012).

If you have any questions, please contact this office at 877-299-3642 or the Office of the Attorney General, 11<sup>th</sup> Floor, 100 W. Randolph Street, Chicago, IL 60601. Thank you.

Very truly yours,

A black rectangular redaction box covers the signature of Rob Olmstead.

ROB OLMSTEAD  
Assistant Attorney General  
Public Access Bureau

Mr. Timothy Novak  
December 19, 2013  
Page 2

27103 f m pb resp sd

Cc: Ms. Cassandra Daniels (will receive letter only)  
Chicago Public Schools  
125 South Clark Street  
Chicago, Illinois 60603



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

January 9, 2014

Ms. Sarah Hains  
Research Facilitator  
Chicago Teachers Union  
350 North Wells Street, Suite 400  
Chicago, Illinois 60654

Re: FOIA Request for Review – 2013 PAC 27434

Dear Ms. Hains:

The Public Access Bureau has received your Request for Review pursuant to section 9.5 of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5 (West 2012)). This Request for Review concerns a FOIA request that you submitted to the Chicago Public Schools (CPS) on September 30, 2013. You state that CPS did not respond to your FOIA request.

FOIA requires a public body to "comply with or deny a request for public records within 5 business days after its receipt of the request, unless the time for response is properly extended under subsection (e) of this Section. \* \* \*. Failure to comply with a written request, extend the time for response, or deny a request *within 5 business days after its receipt shall be considered a denial of the request.*" (Emphasis added.) 5 ILCS 140/3(d) (West 2012). A Request for Review may be filed with the Public Access Counselor in the Office of the Attorney General "[n]ot later than 60 days after the date of the final denial[ ]" of the FOIA request by the public body. 5 ILCS 140/9.5(a) (West 2012).

Based on the information you provided, CPS acknowledged receipt of your request on September 30, 2013. Therefore, CPS denied your request by failing to respond to your request by October 7, 2013. You submitted your Request for Review to this office on December 26, 2013. Because you submitted your Request for Review more than 60 days after CPS denied your request, section 9.5(a) precludes this office from reviewing that denial. You may wish to submit a new FOIA request to CPS. If CPS fails to respond to your request within the requisite time period or denies your request for another reason, you may file a Request for Review with this office within 60 days of the denial.



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

February 7, 2014

*Via electronic mail*

[REDACTED]

RE: FOIA Request for Review – 2014 PAC 27653

Dear [REDACTED]

This letter is to inform you that the Public Access Bureau is in receipt of the February 6, 2014, correspondence from Ms. Cassandra Daniels, on behalf of the Chicago Public Schools (CPS), in which she disclosed to you, the information responsive to your October 3, 2013, Freedom of Information (FOIA) (5 ILCS 140/1 *et seq.* (West 2012)) request. CPS' release of the requested records resolves this Request for Review. Accordingly, we will take no further action in this matter and will close this file.

If you have any questions, you may contact me at (312) 814-6437. This letter shall serve to close this file.

Very truly yours,

[REDACTED]

TOLA SOBITAN  
Assistant Attorney General  
Public Access Bureau

27653 f pb resp sd

cc: *Via electronic mail*  
Ms. Cassandra Daniels  
FOIA Officer, Chicago Public Schools  
[cddaniels@cps.k12.il.us](mailto:cddaniels@cps.k12.il.us)



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

April 7, 2014

*Via electronic mail*  
Mr. Tim Novak  
Reporter  
*Chicago Sun-Times*  
tnovak@suntimes.com

RE: FOIA Request for Review – 2014 PAC 28123

Dear Mr. Novak:

On February 21, 2014, you filed the above-referenced Request for Review with the Public Access Bureau alleging that Chicago Public Schools (CPS) did not respond to your January 13, 2014, Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2012)) request. In a phone conversation this afternoon, you stated that CPS provided a response, resolving your Request for Review. Accordingly, we will close our file. If you have questions, please contact me at (312) 814-8413 or jjones@atg.state.il.us. Thank you.

Very truly yours,



JOSHUA M. JONES  
Assistant Attorney General  
Public Access Bureau

28123 f pb resp sd

cc: Ms. Cassandra D. Daniels  
FOIA Officer  
Chicago Public Schools  
Law Department  
125 South Clark Street, 7th Floor  
Chicago, Illinois 60603