Stephanie Banchero  
Education Reporter  

August 6, 2009  

Matt Vanover  
Spokesman, Illinois State Board of Education  
100 N. 1st Street  
Springfield, IL 62777  

Dear Mr. Vanover  

This is an appeal to you Aug. 3 letter denying my FOIA request for specific student test score data (please see attached FOIA and denial.)  

In your denial, you state that the records are exempt from disclosure under Section (1)(a) and (1)(b)(i) of the Illinois Freedom of Information Act. You also state that under FERPA the release of educational records or personally identifiable information of students is prohibited. 20 U.S.C.A. 1232g (b)(1), adding that the Individual Student Identification numbers are “personally identifiable information” and therefore exempt.  

The records we are seeking do not implicate FERPA or the privacy exemption because they do not lead to the disclosure of student identities. Under FERPA, information is personally identifiable if it would “make the student’s identity easily traceable.” 34 CFR. The information the Tribune seeks would not make a student’s identity easily traceable.  

Moreover, the Illinois State Board of Education has long provided individual student test score data to the Tribune. We have used this data to write stories about general education trends in Illinois. We have never abused the data and have never sought out an individual student based on the data you have provided.  

The Tribune is not interested in using the SIS to identify specific students. If provided the data, we would agree not to use it to pinpoint specific children.  

The Tribune has entered into similar agreements to gain access to other data, including hospital records.  

We therefore request that you reverse this denial and provide the requested records immediately. Under FOIA, you must respond within seven working days from the Notice of Appeal. We look forward to receiving your response.  

Sincerely,  

Stephanie Banchero  
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