From: Julia Dekovich <dekovich.j@husky.neu.edu>
To: VANOVER, MATTHEW
Sent: Thu, Oct 29, 2009
Subject: Public Records Request from the Center for Law and Education

Re: Public Records Request

Dear Mr. Vanover:

This is a follow-up to the June 3, 2009 public records request submitted over the summer by the Center for Law and Education under the Illinois Freedom of Information Act, 5 ILL. COMP. STAT. ANN. 140/1 et seq. In this request, Arjun Kataria, an AmeriCorps fellow with our organization, had asked for electronic copies of the specific rating levels assigned to each LEA in the State with respect to the State's performance plan (SPP) under the Individuals with Disabilities Education Act (IDEA). As you know, for each LEA, the State must determine whether the LEA has met one of the following levels of performance: (1) Meets the requirements of Part B of IDEA; (2) Needs assistance in implementing the requirements of Part B of IDEA; (3) Needs intervention in implementing Part B of IDEA; or (4) Needs substantial intervention in implementing the requirements of IDEA. We are specifically looking for the rating levels assigned to each LEA under IDEA for the 2007-08 school year.

In an email to Arjun (dated June 5, 2009), you indicated that you were not going to send us an electronic listing of the specific determination levels assigned to each LEA because State education agencies (SEAs) are not required to post publicly each LEA's Determination. Consequently, we would like to revise our request to ask for copies of the letters sent to each LEA in Illinois specifying the LEA's determination level for the 2007-08 school year. These letters fall under the definition of records in 5 ILL. COMP. STAT. ANN. 160/2. Because the Center for Law and Education is a national nonprofit legal advocacy organization whose mission is to promote a high-quality education for all students, in particular those from low-income backgrounds, this information would benefit the public interest. We therefore request that you waive or limit, as much as possible, the costs associated with this request. The Illinois Freedom of Information Act states: Documents shall be furnished without charge or at a reduced charge, as determined by the public body, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. 5 ILL. COMP. STAT. ANN. 140/6(b). We do not need copies of the full letter sent to each LEA; rather, for each of the school districts in Illinois, we are requesting only the single page of the letter that specifies the LEA's rating level.

I would also like to point out that in an October 21, 2009 policy letter, U.S. Education Secretary Arne Duncan stated the following: I strongly encourage States to further the transparency of the determinations process by informing the public of the criteria used in making LEA determinations and the determination category of each LEA in the State by posting this information on the SEAs Internet Web site. Here is a link to the letter: http://www.ed.gov/policy/elsec/guid/secletter/091021.html.

As you are aware, I must be provided with a response within 7 days. 5 ILL. COMP. STAT. ANN. 140/3(c). If you cannot comply with my request, please provide an explanation in writing.

Sincerely,

Julia Dekovich
Legal Intern, Center for Law and Education
Northeastern University School of Law
Candidate for Juris Doctor, 2011

** Please see attached letter **