From: E Mathews [mailto:]
Sent: Monday, May 09, 2011 4:29 PM
To: LADAGE JEAN
Subject: Freedom of Information Request >> State Board of Education and State Superintendent

May 9, 2011

ATTN: Jean Ladage, Board Services Coordinator

In accordance with the instructions found on the ISBE website, this e-mail is being sent to your attention. Please relay the freedom of information act request found below to the following members of the State Board of Education and the State Superintendent.

1) Mr. Jesse H. Ruiz, Chairman
2) Mr. James W. Baumann
3) Dr. Andrea S. Brown
4) Dr. David L. Fields
5) Mr. Steven R. Gilford
6) Dr. Vinni M. Hall
7) Ms. Lanita Koster
8) Ms. Melinda A. LaBarre
9) Dr. Christopher J. Ward
AND …
10) State Superintendent Christopher Koch

Thank you.

DATE: May 9, 2011
ATTN: Members of the State Board of Education
RE: Formal document request for "long-standing position" and other related records.

In the March 3, 2009 edition of the "Illinois State Board of Education Weekly Message," the following statement is made on page four of seven.

"A recent Illinois appellate court case confirmed the State Board's long-standing position regarding permanent transfers from the working cash fund. In G.I.S. Venture, the Second District held that a school district could not abate its working cash fund and permanently transfer said money to its operations and maintenance (O & M) fund; repayment was required."

According to the State Board's 2009 newsletter, the appellate court in Elgin apparently confirmed the State Board's “long-standing position”. However, the State Board's newsletter failed to mention any identifying marker that would aid the reader in his or her attempt to personally compare the State Board's "long-standing position" regarding permanent transfers from the working cash fund to the ruling delivered by the appellate court. The newsletter does not offer the usual identifying markers ... title of "position" document, date of original approval by the State Board, date(s), if any, of any revision to the "position", etc.

I have searched your website (www.isbe.net) and have been unable to locate this particular "position" or any other "position" established by the State Board of Education regarding Article 20 of the School Code (Working Cash Fund). I had assumed that this "position" of the State Board of Education along with all others would be something that was digitally archived in a location easily accessible to the many school districts of Illinois, the many citizens of Illinois and the many media outlets in Illinois.

Please consider adding “positions” of the State Board of Education to your website in the near future.

Since I am unable to locate a copy of this "long-standing position" without disturbing the members of
the State Board of Education and the State Superintendent, I am left with no alternative but to make a formal freedom of information act request. Therefore, with this e-mail, I am requesting an electronic copy ("pdf") of the following:

1) The State Board’s long-standing position regarding permanent transfers from the working cash fund mentioned in the Board’s own “Weekly Message” dated March 3, 2009. The appellate court in Elgin apparently confirmed this “long-standing position.”

2) Even though the “position” of the State Board of Education is stated to be "long-standing," this request is for all versions of the “position” of the State Board of Education since 1967 that relate to the subject of transfers (permanent or otherwise) from a school district's Working Cash Fund.

3) In addition to the State Board’s “position(s)” regarding transfers from the working cash fund, I am also requesting any other “position” (long-standing or otherwise) of the State Board of Education since 1967 that relates to any section of Article 20 of the School Code.

4) The Minutes of all meetings held since 1983 in which the State Board of Education has either discussed or approved a "position" regarding the operation of the Working Cash Fund found within Article 20 of the School Code. Please note that the only pages necessary to fulfill this request are the first page showing date, location, etc of the meeting as well as all inside pages covering the topic.

5) The Board’s long-standing position regarding permanent transfers from the working cash fund mentioned in the Board's "Weekly Message" dated March 3, 2009 had to be communicated somehow over the years to the many school districts of the state. What good is a “position” if no one is aware of its existence! Therefore, please include copies of several examples (up to but no more than ten) of written records (communiqués, memos, letters, opinions, presentations, etc.) that contain this “long-standing position” of the State Board of Education. Please include within the example set at least one individual communiqué, if it exists, directed to each of the following: 1) Regional Offices of Education, 2) school districts, 3) IASB, IASBO, and/or IASA, 4) members/committees of the Illinois General Assembly 5) members of the media, 6) members of college/university staff and 7) individuals.

In order not to be restrained unnecessarily by a given word ... if the word "position" needs be replaced by the word “policy” or “rule” or “directive” or “regulation” or any other appropriate word or phrase, please substitute as necessary in order for the intent of this request to be met.

Again, for ease of delivery purposes as well as lessening the use of paper and copying products, I ask that this request for records be handled in a digital format (“pdf”) that can be attached to a reply e-mail. And, I ask for a waiver of any and all fees associated with this request. Clearly the awareness of the State Board of Education’s “position” on important issues is a benefit to everyone in Illinois.

Thank you.

Sincerely,

R. Butler