Aug. 12, 2013

Dear Mr. Webb:

This letter is in response to your recent request for information under the Illinois Freedom of Information Act. Your request was received on Aug. 2, 2013.

You have requested all records of filing of any due process complaint and subsequent decisions to ISBE, including motions existing in all complaints before, during and after a final decision, for the last 10 years.

On Aug. 7, our agency sent you a letter informing you that our staff has determined that your request for all records falling within this category is "unduly burdensome" as that term is applied under FOIA 5 ILCS 140/3(g). The reason this request is unduly burdensome is because the total number of due process requests our agency has received since 2003 is 3,704. Generally, each of these case files comprise hundreds of pages of materials containing personally identifiable information and student records information that require careful redaction by ISBE personnel.

For your July 22, 2013 FOIA request to our agency for records regarding the 120 cases in which Fred Spitzzeri was a hearing officer, ISBE personnel tested a representative sample of the type of information requested to determine the length of time it would take personnel to redact this category of information. Based upon that representative sample, ISBE estimated that it would take personnel working full-time on your request regarding the 120 cases about 246 hours or 32-plus days to go through and pull out the responsive materials and make the appropriate redactions. Your most recent request seeks records from more than 30 times the amount of cases as your July 22 FOIA request. Therefore, on Aug. 7, we had asked that you narrow the scope of your request to manageable proportions per Section 5 ILCS 140/3(g) of FOIA.

Our Aug. 7 letter once more noted that due process decisions are available on our website at https://sec1.isbe.net/sedsinquiry/dueprocessdecisions.aspx. In an attempt to make your request manageable, we proposed that you select a small number of cases that are priority for you to receive records for, and we will work on getting those to you. This process would get you records in a timelier manner and would not prove to be as great a burden on agency operations and would not lessen the interruption of workflow for our constituents.
We have yet to receive a response from you regarding our proposal to narrow the scope of your request. If you are not willing to reduce your request to manageable proportions, please consider this letter a denial of your request per 5 ILCS 140/3(g). If you feel you have been denied your access to public records, you may file an appeal with the Office of the Attorney General’s Public Access Counselor at 500 S. Second St., Springfield, IL 62706 or publicaccess@atg.state.il.us

If you have questions, please contact Amanda Sirnhauser at (217) 782-4648 or asirnhaus@isbe.net.

Sincerely,

Matt Vanover
Director of Public Information