Jan. 13, 2014

Dear Mr. [Redacted]:

This letter is in response to your recent request for information under the Illinois Freedom of Information Act. Your request was received on Jan. 3, 2014.

As our agency offices closed on Jan. 6 due to severe weather, the deadline for your request was extended until Jan. 13.

You have requested the following information:

Request 1: Records, indicating the special exemption negotiated by the Mayor Richard Daley on behalf of the City of Chicago Public Schools (District 299 "CPS") in the mid-1990s, affectively exempting CPS from submitting student-by-student reimbursement for federal funds that pass through the state for the purpose of Special Education and related services, pursuant to the Individuals with Disabilities Education Act (IDEA). This special arrangement allows CPS to receive approximately 30% of the State of Illinois' entire IDEA budget, through a guaranteed block grant issued annually.

Response 1: Our agency does not possess any records responsive to this portion of your request. In the interest of fulfilling the purpose of FOIA – namely, ensuring transparency and accountability through providing public access to records held by a public body – we provide you with the following explanation of Public Act 89-0015. Please note that this Public Act was a law passed by the General Assembly that implemented various changes for Chicago Public Schools, including the establishment of the General Education and Educational Services block grants for the district. Part of the legislation removed a requirement that CPS submit application, expenditure and claim data for all the programs funded through the block grants. In essence, beginning with FY 1996 and thereafter, CPS has been entitled to a fixed percentage of programs contained within each block grant calculated based on the receipt of state funds the district received for those programs in proportion to the total amount distributed to all other local education agencies in FY 1995. Note that this legislation did not affect the federal IDEA funds that the district receives.

Request 2: Records, including memoranda, correspondence, contracts, whether published or unpublished that describes the terms and conditions of said extraordinary
funding arrangement, as well as any dissenting opinions and challenges to the legality of this funding scheme, as contrary to the intent of the US Congress in enacting and reauthorizing the IDEA.

Response 2: Please see Response 1.

Request 3: Records, indicating the policies and procedures, required of all local educational agencies (LEA's) public school districts in the State of Illinois for the purpose of receiving federal funds, administered by ISBE for the purpose of reimbursing Special Education and related services, pursuant to the federal IDEA provisions and in compliance with the Illinois School Code.


Request 4: Records of the exact number, names and addresses of the LEA's public school districts within the State of Illinois, including the names of the current superintendents.

Response 4: The information you seek is available through our Directory of Educational Entities posted at http://www.isbe.net/research/htmls/directories.htm. Click on the link labeled “Directory of Educational Entities” for the most up-to-date listing.

Request 5: Records, indicating the annual disbursement of federal IDEA funds to the LEA's for the past ten years, tabulated by individual school district.

Response 5: Please note that IDEA funds are not distributed to each school district as many are part of special education joint agreements. IDEA disbursements may be viewed via our Financial Reimbursement Information System (FRIS) Inquiry at http://webprod1.isbe.net/FRISInquiry/.

Choose Project Year (you may go back ten years)
Choose Summary Reports Button
From the drop down, choose program 4620 for IDEA Part B Flow Through and 4600 for IDEA Part B Preschool
Choose Report #2, FRISWEB003 Project Listing

Request 6: Any current or proposed policies and procedures, standards, guidelines or practices, adopted and implemented by ISBE, regarding cultural/linguistic awareness with respect to the provisions of Child Find under IDEA, Including screening, evaluation and interventions, especially with respect to Limited English Proficiency (LEP) students, families and communities.

Response 6: The regulations regarding cultural/linguistic awareness may be found at the following link - http://www.isbe.net/spec-ed/pdfs/comparison.pdf - which provides a comparison document of both the state special education regulations (23 IAC, Part 226) and the federal regulations (34 CFR, Part 300).
Request 7: Twelve most recent State Complaints brought against the Chicago Public School District 299 (CPS), finding CPS to be in violation of some provision of IDEA and/or corresponding part of the Illinois School Code, and the final letters of determination.

Response 7: The attached documents, 14-190-\_\_\_\_\_\_doc18.pdf through 14-190-\_\_\_\_\_\_doc29.pdf, provide the original complaint and letter of findings. Please note that pursuant to 5 ILCS 140/7 (1) (a), student and parent names as well as all other identifying information that could reveal student identities, including addresses, language, race, specific disability descriptions, medical diagnoses, etc., have been redacted. Signatures have also been redacted as unique personal identifiers pursuant to 5 ILCS 140/7 (1) (b).

Request 8: Twelve most recent Due Process Complaints, initiated against CPS, resulting in either a mediated settlement or published decision by an ISBE impartial hearing officer (IHO), in favor of the student and his or her parents.

Response 8: The attached documents, 14-190-\_\_\_\_\_\_doc1h.pdf through 14-190-\_\_\_\_\_\_doc12m.pdf, are provided in response to this portion of your request. Please note that cases that were mediated are identified with an "m" in the file name while cases that went to hearing are signified with an "h." Please note that pursuant to 5 ILCS 140/7 (1) (a), student and parent names as well as all other identifying information that could reveal student identities, including addresses, language, race, specific disability descriptions, medical diagnoses, etc., have been redacted. Signatures have also been redacted as unique personal identifiers pursuant to 5 ILCS 140/7 (1) (b).

Request 9: Twelve most recent State Complaints brought against the Glencoe Public School District 35, as well as the letters of determination in those cases.

Response 9: Please note that available ISBE records for complaints extend back to the 1996-1997 school year. No state-level special education complaints have been filed against Glencoe Public School District 35 during that time period. Therefore, we have no documents responsive to this portion of your request.

Request 10: Twelve most recent Due Process Complaints, initiated by the Glencoe Public School District 35, along with the resulting outcome.

Response 10: The attached documents, 14-190-\_\_\_\_\_\_doc13.pdf through 14-190-\_\_\_\_\_\_doc15.pdf, are provided in response to this portion of your request. Pursuant to 5 ILCS 140/7 (1) (a), student and parent names as well as all other identifying information that could reveal student identities, including addresses, language, race, specific disability descriptions, medical diagnoses, etc., have been redacted. Signatures have also been redacted as unique personal identifiers pursuant to 5 ILCS 140/7 (1) (b). Please note that the complaint labeled "14-190-\_\_\_\_\_\_doc15.pdf" has not been redacted as you are the parent of the child involved in the complaint. Also, please note that there are four additional due process cases involving Glencoe Public School District 35 – one from 1997, one from 2001 and two from 2004. Per our agency’s record retention policy for Due Process complaints, case files are destroyed after eleven years. Therefore, our agency no longer possesses records for the 1997 and 2001 cases. Our agency staff members continue to search for the 2004 case files, which were sent to the State Records Center for retention. Without reviewing these files, we cannot say who
initiated the complaints. Pursuant to 5 ILCS 140/3 (e) (i) and (iv), we request an extension as the requested records may be stored in part at other locations having charge of the requested records and the requested records have not been located in the course of routine search and additional efforts are being made to locate them. The new deadline will be Jan. 21.

Request 11: Twelve most recent Due Process Complaints, initiated by Parents (or other persons with standing) against the Glencoe Public School District 35, along with the resulting disposition of the case, either through State-sponsored mediation or hearing.

Response 11: The attached documents, 14-190-doc16.pdf through 14-190-doc17.pdf, are provided in response to this portion of your request. Pursuant to 5 ILCS 140/7 (1) (a), student and parent names as well as all other identifying information that could reveal student identities, including addresses, language, race, specific disability descriptions, medical diagnoses, etc., have been redacted. Signatures have also been redacted as unique personal identifiers pursuant to 5 ILCS 140/7 (1) (b). Also, please note that there are four additional due process cases involving Glencoe Public School District 35 – one from 1997, one from 2001 and two from 2004. Per our agency's record retention policy for Due Process complaints, case files are destroyed after eleven years. Therefore, our agency no longer possesses records for the 1997 and 2001 cases. Our agency staff members continue to search for the 2004 case files, which were sent to the State Records Center for retention. Without reviewing these files, we cannot say who initiated the complaints. Pursuant to 5 ILCS 140/3 (e) (i) and (iv), we request an extension as the requested records may be stored in part at other locations having charge of the requested records and the requested records have not been located in the course of routine search and additional efforts are being made to locate them. The new deadline will be Jan. 21.

Request 12: Records, indicating the total amount of federal IDEA funds requested by and reimbursed to the Glencoe Public School District 35 for the past ten years.

Response 12: Glencoe District 35 is a part of the Northern Suburban Special Education Joint Agreement. You may contact Dr. Tim Thomas at the cooperative to get detailed expenditure and disbursement information between the cooperative and District 35. His contact information is as follows:

Northern Suburban Special Education
760 Red Oak Lane District (NSSED)
Highland Park, 60035-3899
Telephone: 847/831-5100
E-Mail: tthomas@nssed.org

Request 13: Records, indicating unresponsive FOIA requests made by ISBE on CPS, including any correspondence requesting compliance and resolution of FOIA violations by CPS.

Response 13: Our agency has no documents responsive to this portion of your request.

If you feel you have been improperly denied your access to public records, an appeal may be directed to 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 choose to submit a request for review, you must do so within 60 days after the date of this response letter. The request for review must be in writing, signed by you and include (i) a copy of your FOIA request and (ii) this office’s response. In addition, you have the right to seek judicial review of this response.

If you have questions, please contact Amanda Simhauser or Megan Griffin at (217) 782-4648 or asimhaus@isbe.net and mgriffin@isbe.net.

Sincerely,

Matt Vanover
Director of Public Information

Attachments