November 4, 2013

Matt Vanover, Director of Public Information
Illinois State Board of Education
100 W Randolph St #14-300
Chicago, IL 60601

Delivery via email to: FOIA@isbe.net

Re: FOIA Request

Dear Mr. Vanover:

Pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1), Health & Disability Advocates (HDA) through its Director of the Chicago Medical Legal Partnership for Children, Amy Zimmerman, requests public records from the Illinois State Board of Education (ISBE) relating to a document produced for the Illinois State Board of Education meeting held on June 19-20, 2013 and information relating to a simulation exercise prepared for the ISBE meeting held on October 23, 2013.

As you are aware, under the Illinois Freedom of Information Act, a “public record” is considered “all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristic, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body.” 5 ILCS 140/2(2) (emphasis added). Additionally, “All records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt.” 5 ILCS 140/1.2.

First, we are requesting the records utilized to inform specific statements in paragraph 2 on “Page 95-11” of the 6/17/13 revised version of the Plenary Packet prepared for the Illinois State Board of Education meeting on June 19-20, 2013 identified as “Agenda Topic: Discussion Item: Part 226 (Special Education), Materials: Recommended Rules.” The identified statements found in paragraph 2 are as follows:

1. “An informal survey of all 50 states conducted by staff showed that only 18 states including Illinois had some type of restrictions on class size for self-contained special education classes.”
2. “In addition, six states besides Illinois restricted the number of students with disabilities who could be placed into the general education classroom.”
3. “Illinois’ 70/30 limit appears to be the most stringent, while West Virginia limits to 30 percent the proportion of students with disabilities in academic subject areas only.”

4. “Two states (Indiana and Mississippi) rely on a simple majority of general education students to define a general education classroom.”

5. “The remaining three states of New Jersey, New York and Oklahoma limit the number of students with disabilities to be placed in the general education classroom to eight to 10, 12 and 10, respectively.”

6. “Two of these three states (New Jersey and New York) also require that in a general education classroom where students with disabilities are placed, a co-teacher must be assigned in additional to the general education teacher.”

For each of these statements we are requesting the public records that identify the state(s) referenced and copies of or specific citations to the information presented. Secondly, we are requesting the “simulation exercise” referenced on page 5-1 of the Plenary Packet prepared for the October 23, 2013 ISBE Meeting, listed under “Agenda Topic: Discussion on Class Size and Case Load, Materials: Simulations for Assignment of Students with Disabilities.”

Pursuant to 5 ILCS 140/6(c), the purpose of our request is not for commercial use, but to “access and disseminate information regarding the health, safety and welfare of the legal rights of the general public.” HDA is a national health, education and employment nonprofit based in Chicago that houses the Chicago Medical-Legal Partnership for Children, one of the oldest medical-legal partnerships in the country. Through extensive policy work, expert client representation and provider trainings, we connect vulnerable children and families to a full range of essential supports to address the social determinants of health with the goal of improving health outcomes. The majority of this vulnerable population of children that we serve requires special education services. Given our role, we would request a waiver of fees or a reduced fee for these documents if they are more than 50 pages in length.

HDA believes that these documents may exist in paper copies, electronic format, PDF files, or excel files. If the documents are available in electronic format, HDA would find this format preferable, and it would save mailing costs and expedite the process. All documents can be sent in this format to azimmerman@hdadvocates.org or by mail to Amy Zimmerman at the address listed below. Pursuant to 5 ILCS 140/3, a response must be made within 5 business days from receipt of this request.

I look forward to hearing from you within 5 business days from your receipt of this request.

Sincerely,

[Signature]

Amy Zimmerman, Director
Chicago Medical-Legal Partnership for Children
Health & Disability Advocates
205 W Randolph St., Ste 510
Chicago, IL 60606