Freedom of Information Act Request

Please be advised under the federal Freedom of Information Act and 5 ILCS 140 et al I/we are requesting the following information as a public record from the body defined herein as Matt Vanover, FOIA Officer Amanda Simhauser, FOIA Coordinator Freedom of Information Office Illinois State Board of Education 100 North First Street Springfield, Illinois 62777-0001 ATTN: FOIA Request

The following information concerning the residents of Illinois to include the DeKalb County School system and the children attending these schools.

Information of 3 issues:

All responses to enquiries or complaints concerning when a District attorney is allowed access to protected Student and Medical records without a signed authorization by the parents for the child involved. This would include responses from Due Process Officers from past Due Process complaints. I know of at least 4 in existence for which I personally was either the parent or the advocate. I know Mike Risen, Deb Fienen Mrs. Pollock and Mrs. Marino each have submitted opinions on this. This would also include other FOIA request’s pertaining to this question. I am also looking for responses from Andy Eulass Mary Long or any other ISBE entity who may have written stated opinions or produced documents and or guidance to applicable resources.

The second part of this request is for the same sources as they apply to district attorneys acting as district representatives without a live complaint filed. Again I know I myself have brought this up many times including the Due Process complaint for my own son. This would include arguments, complaints, enquiries other FOIA request’s relating to attorneys force attendance in IEP meetings, communication between a parent and district staff. This also includes issues where direct communication of a parent with the district is refused and all communication is forced through the school districts attorney where no formal complaint is yet filed. Again my name will be on many of them. Often 23 Admin Code 226.210 (d) will be a key component of the records.

Third: I am asking for all instances of complaining and or filed complaints pertaining to illegal unethical or inappropriate presence of a district attorney in any part of discussions for evaluations of a child for special education or after IDEA eligibility participating in IEP process, communication or decisions. I am asking for all instances of where in prior Due Process or Civil Court complaints filed against a Illinois State Educational facility or an Illinois school district regardless of the final decision upholding or dismissing a dispute where such a case was filed or a case was submitted as evidence towards a similar case as supportive argument. the case where filed or simply had any submitted as evidence or in motions regarding complaint against release of a Student’s Records or their Medical records. I believe Francis Stepnowski in Bowie v Evanston School district no 65 in 1989 would be included in this as example.

I have made many attempts for clarification on this issue many times over the past 4 plus years. Questions to Andy Euless or Mary Long generate a response that to answer would be giving legal advice. To ascertain The Illinois State Board of Educations official position regarding these issues as they are connected to 34 CFR 300.321 23 admin code 226.210 (d) requires these records in which to form an educated opinion of ISBE’s policies for these issues.
I would accept electronic copies to help reduce cost.

This request is in the interest of the general public and their rights to communicate with the district on behalf of their children. Even upon enacting 34 CFR 300.321 congress thought the issue of attorney presence in education of a particular important public concern. Congress thought it important enough to include arguments for and against it within Federal Register / Vol. 62, No. 204 / Wednesday, October 22, 1997 / Proposed Rules 55129, before putting this issue into law. As congress views this as a public issue so do we. As I am listed in the church directory as my churches volunteer for educational advocate and local resource for educational issues, and I am also authorized to begin conducting educational classes for IEP awareness studies focusing on 20 USC 1415 Procedural Safe Guards with my church. The for which this data will be critical there should be no expense for copies. This is a non for profit volunteer class for the benefit of the public. Dates are not yet set. My Pastor is allowing me to hold these classes but the classes are not a ministry of the church. I am simply being allowed to volunteer to present my personal experience and knowledge to any who would choose to attend without official Church direction for reasons of liability. The content of the classes are not reviewed and may not reflect the doctrines or opinions of my church. However as the classes are intended as a free resource to the public and I will accept zero monetary compensation there can be no dispute as to the public nature of this request.

Even if a cost was relevant the first 68 black and white pages are free. This request should not require any significant media to make this data available. We would accept email files or a paper copy. It is understand there are no charges for any search for records under 5 ILCS 140/6 (b). Also if it is in the “publics interest” there will be no charges applied for records where there is issues of health, safety, and welfare of the legal rights of the public.

I /we expect the information within 10 days per federal guidelines. Non compliance will be reported to the Office of Civil Rights and specifically the U.S. Office of Compliance for FOIA request’s.