July 22, 2014 [emailed to drado@tribune.com]

Diane Rado
Chicago Tribune

Dear Ms. Rado:

This letter is in response to your request for information under the Illinois Freedom of Information Act. Your request was received on July 7, 2014.

On July 14, our agency requested a five-day extension until July 21, 2014.

You have requested “1. A list of all educators in the last five years who possess/teach under a Form 73-96 – “Request for Authorization To Employ Teacher in Position Otherwise Unfilled” --or any precursor or successor form to Form 73-96 that allows a district to employ a teacher in a position otherwise unfilled. 2. A list of all educators in the last five years who possess/teach under a Form 73-86 – “Application for Short Term Emergency Approval in Special Education” – or any precursor or successor form to form 73-86 that allows a district to employ a teacher in a short-term emergency position in special education. 3. A list of all educators in the last five years who possess/teach under Form 73-63 – “Request for Issuance of Provisional License” – or any precursor or successor form to Form 73-63 that allows a district to employer a teacher in provisional license status.” You have also requested additional detailed information about each educator in a spreadsheet format.

Under FOIA, public bodies are not required to create public records which are not already maintained. The information you seek is not contained in a database or list in the format you have specified. This information is located on each individual application or request form submitted by educators. There are over 12,000 such forms.

Therefore, our staff has determined your request for information falls within the category “unduly burdensome” as that term is applied under FOIA 5 ILCS 140/3 (g). In order to compile the information you request, ISBE personnel would have to manually review and redact the submitted forms and document the information you seek. Again, the total number of forms submitted for “Requests for Authorization to Employ Teacher in Position Otherwise Unfilled”, “Applications for Short Term Emergency Approval in Special Education” and “Requests for Issuance of Provisional License” for the past five years is over 12,000. At this time, ISBE staff is unable to compile, review and redact the forms in question without unreasonably burdening agency operations.
To the extent that you are able to revise and narrow your FOIA request so that it is not unduly burdensome or overly broad, we invite you to contact ISBE’s Megan Griffin at mgriffin@isbe.net or 217-782-4648.

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 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 Megan Griffin at (217) 782-4648 or mgriffin@isbe.net.

Sincerely,

Matt Vanover
Director of Public Information