

SUBTITLE F

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SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER I: STATE BOARD OF EDUCATION

PART 5001

ACCESS TO INFORMATION OF THE STATE BOARD OF EDUCATION
UNDER THE FREEDOM OF INFORMATION ACT

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AUTHORITY: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted and codified at 8 Ill. Reg. 15443, effective August 8, 1984; amended at 17 Ill. Reg. 14913, effective September 2, 1993; amended at 29 Ill. Reg. 3900, effective February 22, 2005; amended at 29 Ill. Reg. 8503, effective June 2, 2005; amended at 35 Ill. Reg. 5407, effective March 17, 2011; amended at 39 Ill. Reg. 2213, effective January 21, 2015; amended at 39 Ill. Reg. 15615, effective November 23, 2015.

SUBTITLE F**SUBPART A: INTRODUCTION****Section 5001.100 Summary and Purpose**

This Part implements the provisions of the Freedom of Information Act [5 ILCS 140]. The purpose of this Part is to support the policy of providing public access to the public records in the possession of the State Board of Education while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.

(Source: Amended at 29 Ill. Reg. 3900, effective February 22, 2005)

SUBTITLE F

Section 5001.110 Definitions

Terms used in this Part that are not defined in this Section shall have the same meaning as in the Freedom of Information Act.

"FOIA" means the Freedom of Information Act.

"Freedom of Information Officer" ("FIO") means the individual or his or her designee within the Agency who is responsible for receiving and responding to requests for public records.

"Requester" means a person who submits a request for public records in accordance with this Part.

"Agency" means the State Board of Education.

(Source: Amended at 35 Ill. Reg. 5407, effective March 17, 2011)

SUBTITLE F

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 5001.200 Office to Which Requests Are Submitted

- a) Requests for public records shall be submitted in writing to the Freedom of Information Officer of the State Board of Education. Requests may be submitted by mail at the Freedom of Information Office, Illinois State Board of Education, 100 North First Street, Springfield, Illinois 62777, ATTN: FOIA Request; by email to foia@isbe.net; or by facsimile at 217-524-8585.
- b) Oral requests for public records shall not be accepted.

(Source: Amended at 35 Ill. Reg. 5407, effective March 17, 2011)

SUBTITLE F**Section 5001.210 Form and Content of Requests**

A request for public records shall provide the following information:

- a) The requester's full name, address and phone number, except that a requester who wishes to remain anonymous is not required to submit this information;
- b) A brief description of the public records sought, being as specific as possible;
- c) Whether the request is for inspection of public records, copies of public records, or both;
- d) The medium and format of the public records sought (i.e., paper, specific electronic medium);
- e) Whether the request is for a commercial purpose as defined in Section 3.1 of the FOIA; and
- f) Whether the request is a resubmission under Section 8.5 of the FOIA, to include an explanation of the requester's *inability to access the record online*.

(Source: Amended at 39 Ill. Reg. 2213, effective January 21, 2015)

SUBTITLE F

SUBPART C: PROCEDURES FOR AGENCY RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section 5001.300 Agency Response

- a) The Agency shall respond to a written request for public records within the timeline provided in Section 3, Section 3.1 or Section 3.6 of the FOIA, as applicable. The timeline shall begin on the day after the request is received by an Agency employee, regardless of whether the written request is submitted in accordance with the provisions of Section 5001.200(a) of this Part. The Agency may avail itself of all extensions of time and exceptions set forth in the FOIA.
- b) If the request is approved, then the Agency shall:
 - 1) make available the records;
 - 2) give notice that the material shall be made available upon payment of any fees charged pursuant to Section 5001.510 of this Part;
 - 3) give notice of the time and place for inspection of the materials requested;
or
 - 4) provide the website address where the records may be accessed.
- c) If the request is deemed "voluminous", as defined in Section 2(h) of the FOIA, then the Agency shall respond in a manner set forth in Section 3.6 of the FOIA.
- d) A written request from the Agency to the requester for additional information provided within the timelines specified in Section 3, Section 3.1 or Section 3.6 of the FOIA shall be considered a response to the FOIA request.
- e) An individual or entity whose request for public records has been denied by the Agency may seek a review of that decision by the Public Access Counselor in accordance with the provisions of Section 9.5 of the FOIA.

(Source: Amended at 39 Ill. Reg. 2213, effective January 21, 2015)

SUBTITLE F

Section 5001.310 Types of Responses (Repealed)

(Source: Repealed at 29 Ill. Reg. 3900, effective February 22, 2005)

SUBTITLE F

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section 5001.400 Appeal of a Denial (Repealed)

(Source: Repealed at 35 Ill. Reg. 5407, effective March 17, 2011)

SUBTITLE F

Section 5001.410 Superintendent's Response to Appeal (Repealed)

(Source: Repealed at 29 Ill. Reg. 3900, effective February 22, 2005)

SUBTITLE F**SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS****Section 5001.500 Inspection of Records**

- a) For purposes of this Subpart E, “records” includes public records other than materials incorporated by reference in the administrative rules of the State Board of Education.
- b) Unless otherwise approved by the Agency, records will be made available for inspection during normal working hours of the Agency.
- c) Documents that the requester wishes to have copied shall be segregated during the course of the inspection. Unless otherwise approved by the Agency, all copying shall be done by Agency employees.
- d) The inspection of records shall take place at the location within the office designated by the FIO.
- e) An employee of the Agency may be present throughout the inspection. A requester may be prohibited from bringing bags, brief cases or other containers into the inspection room.

(Source: Amended at 29 Ill. Reg. 8503, effective June 2, 2005)

SUBTITLE F**Section 5001.510 Copies of Public Records; Fees**

- a) Copies of public records shall be provided to the requester only upon payment of any charges that are due.
- b) Charges for copies of public records shall be assessed in accordance with the "Fee Schedule for Duplication of Public Records," in Appendix A. Fees for "voluminous" records that are provided in an electronic format shall be as set forth in Section 6(a-5) of the FOIA.
- c) Charges shall be waived if the request is from a State agency, a constitutional officer, or a member of the General Assembly. Charges shall not be waived when the records are to be used for political campaign purposes. Charges may be waived where the Agency determines that the waiver serves the public interest.

(Source: Amended at 39 Ill. Reg. 15615, effective November 23, 2015)

SUBTITLE F

**Section 5001.520 General Materials Available from the Freedom of Information Office
(Repealed)**

(Source: Repealed at 29 Ill. Reg. 3900, effective February 22, 2005)

SUBTITLE F

SUBPART F: ACCESS TO MATERIALS INCORPORATED BY REFERENCE IN
ADMINISTRATIVE RULES

Section 5001.600 Inspection of Materials

- a) All materials incorporated by reference in administrative rules of the State Board of Education shall be available for inspection at the office of the Agency Rules Coordinator, 100 North First Street, Springfield, Illinois (telephone 217/782-5270).
- b) Inspection and copying of incorporated materials shall be governed by the procedures applicable to inspection of other public records pursuant to Subpart E of this Part.

(Source: Section repealed at 29 Ill. Reg. 3900, effective February 22, 2005; new Section added at 29 Ill. Reg. 8503, effective June 2, 2005)

SUBTITLE F

Section 5001.APPENDIX A Fee Schedule for Duplication of Public Records

Type of Duplication	Fee
Paper copy from paper or electronic source, 50 pages or fewer	No charge.
Paper copy from paper or electronic source, 51 pages or more	\$.15 per page, except that no charge will be assessed if the total cost is less than \$7.50.
Diskette or CD-ROM	No charge.
Copy of audio or video material	The cost of tape, disk, etc.

(Source: Added at 39 Ill. Reg. 15615, effective November 23, 2015)