



March 23, 2018

Mike Cook

VIA EMAIL –630710mike@gmail.com

Re: FOIA Request Dated and Received March 22, 2018

Subject: In response to the student fees that District 308 charges and collects from students for the purpose of taking driver education:

1. What portion of the student fee is attributed to teacher salaries, benefits, purchased services, supplies and materials?
2. What dollar amount from property taxes has been allocated to pay for one semester course for each student in both the 2016-17 and 2017-18 school years?

Dear Mr. Cook:

This letter will serve as Community Unit School District 308's response to your March 22, 2018 request under the Freedom of Information Act (5 ILCS 140/1 et seq.), in which you asked for the above referenced information. The letter is confirmation that you received a response to your request. Please see attached.

To promote district transparency and assist others who may have a similar question, this responsive document will be posted online on the district's website. To access it, go to www.sd308.org and select *Our District > Freedom of Information Act Request > FOIA Request Responses*, then select *FOIA ID #18-21*.

Please be advised that to comply with your FOIA request, the district incurred an expense that comprised of the cost of labor and resources used to search for records responsive to your request. Please let me know if you have additional questions. Thank you.

Carrie Szambelan

Carrie Szambelan
Freedom of Information Officer



whittlaw.com

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March 23, 2018

VIA EMAIL

Mike Cook
630710mike@gmail.com

Re: Community Unit School District No. 308
Response to FOIA Request

Dear Mr. Cook:

Please be advised that this law firm represents Community Unit School District No. 308 (herein the "School District"). This letter is in response to your request under the Freedom of Information Act (herein "FOIA" or "the Act") sent via email on March 22, 2018, at 2:19 p.m. to the District's FOIA Officer. In that email, you requested:

Please respond to this FOIA request in response to the student fees that District 308 charges and collects from students for the purpose of taking driver education.

1. What portion of the student fee is attributed to teacher salaries?
2. What portion of the student fee is attributed to teacher benefits?
3. What portion of the student fee is attributed to purchased services?
4. What portion of the student fee is attributed to supplies and materials?
5. What dollar amount from property taxes has been allocated to pay for one semester course for each student in both the 2016-17 and 2017-18 school years?

RESPONSE TO REQUEST FOR CALCULATIONS

The Act provides that "[e]ach public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Section 7 of this Act." 5 ILCS 140/3(a). It does not require public bodies to prepare new records or documents that do not already exist, nor does it require public bodies to fill out forms or surveys. See 5 ILCS 140/1 ("[t]his Act is not intended to create an obligation on the part of any public

body to maintain or prepare any public record” not already maintained or prepared). Illinois courts have held that “the Act is not designed to compel the compilation of data the governmental body does not ordinarily keep” and “does not compel the agency to provide answers to questions posed by the inquirer.” *Kenyon v. Garrels*, 184 Ill. App. 3d 28, 32, 540 N.E.2d 11, 13 (4th Dist. 1989). “[T]here is no duty on a public body to create a record for purposes of the Act.” *Workmann v. Illinois State Bd. of Educ.*, 229 Ill. App. 3d 459, 464, 593 N.E.2d 141, 145 (2nd Dist. 1992). The “Act is not intended to compel public bodies to interpret or advise requesters as to the meaning or significance of the public records.” 5 ILCS 140/3.3.

The School District conducted a search of its records and have found no public records responsive to your request. The School District does not have public record(s) that answer the questions asked in your FOIA request nor is it required by FOIA to create a new record to answer your questions. If you would like to request such information outside of FOIA or to discuss your questions with the School District, please contact Mr. Ryder to the discuss the best way to proceed within the existing procedures of the School District.

RIGHTS UPON DENIAL

This response should not be considered a denial of your requests, because no records have been located and withheld. Illinois courts have held that a public body cannot “refuse to furnish” documents where the body “did not have possession of them.” *Workmann v. Illinois State Bd. of Educ.*, 229 Ill. App. 3d 459, 463 (2nd Dist. 1992).

However, to the extent that you may consider this a denial, please note that denials of FOIA requests may be reviewed by the Public Access Counselor (“PAC”) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). Affected parties may file a request for review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Phone: 1-877-299-3642
Fax: 217-782-1396
E-Mail: publicaccess@atg.state.il.us

If you choose to file a request for review with the PAC, you must do so within sixty calendar days of the date of this letter. 5 ILCS 140/9.5(a). Please note that, if you file a request for review with the PAC, you must include a copy of your original request (i.e.

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your emails sent on March 23, 2017) and a copy of this letter. You also have the right to seek judicial review of a denial by filing a lawsuit in the Illinois circuit court for Kendall County where the School District is located. 5 ILCS 140/11.

Very truly yours,

WHITT LAW LLC


Brittany Flaherty Theis

cc: Jeff Ryder, Director of Finance