

Jacksonville School District #117

516 Jordan Street
Jacksonville, Illinois 62650
Office: (217)243-9411
Fax: (217)243-6844



Steve Ptacek
Superintendent of Schools
Dana Kinley

Assistant Superintendent of Human Resources & Public Relations

November 20, 2015

Via Email: RHall@odelsonsterk.com

Robert Hall
Odelson & Sterk, LTD.
3318 West 95th Street
Evergreen Park, Illinois 60805

RE: *FOIA Request of November 17, 2015*

Dear Mr. Hall:

Jacksonville School District 117 acknowledges your November 17, 2015 email wherein, you request that the District provide certain public records pursuant to the Illinois Freedom of Information Act (FOIA). The District received your request on November 17, 2015.

Pursuant to 5 ILCS 140/3(e)(v), the District is extending the time to respond to the request an additional five (5) working days. Accordingly, the District will respond to your request on or before December 3, 2015; however, please be aware that your current request, due to the volume and potential need to redact certain information from the documentation, may prove to be unduly burdensome. I will ask you to narrow your request if, in fact, my search proves to be a voluminous as I expect.

Feel free to contact me should you have any questions.

Yours truly,

A handwritten signature in black ink, appearing to read "Dana Kinley", written over a horizontal line.

Dana F. Kinley,
Freedom of Information Act Officer

Jacksonville School District #117

516 Jordan Street
Jacksonville, Illinois 62650
Office: (217)243-9411
Fax: (217)243-6844



Steve Ptacek
Superintendent of Schools
Dana Kinley

Assistant Superintendent of Human Resources & Public Relations

December 3, 2015

Via Email: R11alk@odelsonsterk.com

Robert Hall
Odelson & Sterk, LTD.
3318 West 95th Street
Evergreen Park, Illinois 60805

RE: *FOIA Request of November 17, 2015*

Dear Mr. Hall:

On November 17, 2015, you submitted a FOIA request asking Jacksonville School District 117 to provide you, for the period November 17, 2013 through November 17, 2015, all Jacksonville School District 117 correspondence or other documents, including email correspondence or other documents, relating to the 8 Points Charter School, including, without limitation, all such correspondence or other documents sent or received by (1) District 117's Superintendent and/or other administrators, (2) District 117's Board of Education members, and/or (3) other District 117 employees. This request involves over 3,000 documents which vary in length and content. Your request is open-ended. It does not specify the subject matter of the documents you seek to have produced. Moreover, to review each document and redact information exempt from disclosure under the law I estimate would involve about 505 work hours. This does not include the considerable expense to the District that is a part of the redaction process. At a time of reduced revenue for the District and with recent significant staff reductions, the time and expense necessary to review and redact each document would place an undue burden on District operations. Such a process would divert District employees from other work which is necessary to meet the educational needs of the District.

I am asking, pursuant to Section 3(g) of the Act 5 ILCS 140/3(g), for the opportunity to confer with you in an attempt to reduce your request for information to manageable proportions. Your request seeks all emails, correspondences and documents is not limited to a specific subject. It is anticipated that many of the documents will contain information exempt from disclosure (e.g. student records, private personnel information). Please contact me to discuss your request and whether we can reach an agreement on narrowing your demand to a manageable amount. I also want to advise you that it is expected that the records you requested will well exceed 50 pages. After the first 50 pages, you will be charged \$.10 per page.

Once I have a better understanding of the magnitude of your request, I will be able to give you a closer estimate of costs that will be incurred. Please note that payment must be received prior to release of documents exceeding 50 pages.

I look forward to speaking with you.

Yours truly,

A handwritten signature in black ink, appearing to read "Dana Kinley", written over a horizontal line.

Dana F. Kinley,
Freedom of Information Act Officer

Tami Stice

From: Robert Hall
Sent: Friday, December 4, 2015 1:15 PM
To: Tami Stice
Subject: RE: FOIA Response

Dear Ms. Stice,

As an accommodation to District 117, in order to facilitate your production without further delay of some of the documents previously and appropriately requested pursuant to the Illinois Freedom of Information Act ("FOIA"), for the period beginning December 1, 2014 through December 4, 2015, please provide copies of all documents, including, without limitation, all email documents, email correspondence and/or other email communications, pertaining to: (1) funding for 8 Points Charter School; and/or (2) the potential renewal or nonrenewal of District 117's contract with 8 Points Charter School and/or the renewal or nonrenewal of the charter authorizing 8 Points Charter School. Thank you for your anticipated cooperation in this important matter.

Robert R. Hall, Jr.
Odelson & Sterk, Ltd.
3318 West 95th Street
Evergreen Park, Illinois 60805
Office: (708) 424-5678
Facsimile: (708) 424-5829
Cell: (773) 485-7577
rhall@odelsonsterk.com

CONFIDENTIALITY NOTE:

This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution of any kind is strictly prohibited. If you are not the intended recipient, contact the sender via reply e-mail and destroy all copies of the original message.

From: Tami Stice [mailto:tstice@jsd117.org]
Sent: Thursday, December 03, 2015 5:23 PM
To: Robert Hall
Subject: FOIA Response

Attached please find your FOIA response.
Thank you!

Tami Stice
Jacksonville School District 117
Human Resources Department
516 Jordan
Jacksonville, Illinois 62650
(217)243-9411 x1122 - Phone
(217)243-0598 - Fax
tstice@jsd117.org

Tami Stice

From: Dana Kinley
Sent: Monday, December 14, 2015 11:43 AM
To: RHall@odelsonsterk.com
Cc: dkinley@jsd117.org; Tami Stice
Subject: FOIA Request on 8 Points Charter School

Dear Mr. Hall,

I just left a message with your administrative assistant regarding your recent FOIA request from Jacksonville School District 117. Due to the volume of documents, including emails, I am still finding your request to be unduly burdensome. I would like to speak with you directly to explain why the volume is so immense and attempt to reduce your request to manageable proportions. I have a few ideas on how to accomplish this, but would like to speak with you before taking further action. Please contact me via phone at your earliest convenience.

Best regards,

Dana F. Kinley

Assistant Superintendent
Human Resources & Public Relations
FOIA Officer
Jacksonville School District 117
516 Jordan Street
Jacksonville, IL 62650
217.243.9411
dkinley@jsd117.org

From: Tami Stice [<mailto:tstice@jsd117.org>]
Sent: Friday, December 4, 2015 1:23 PM
To: Dana Kinley
Subject: FW: FOIA Response

Tami Stice
Jacksonville School District 117
Human Resources Department
516 Jordan
Jacksonville, Illinois 62650
(217)243-9411 x1122 - Phone
(217)243-0598 - Fax
tstice@jsd117.org

From: Robert Hall [<mailto:RHall@odelsonsterk.com>]
Sent: Friday, December 4, 2015 1:15 PM
To: Tami Stice
Subject: RE: FOIA Response

Dear Ms. Stice,

Jacksonville School District #117

516 Jordan Street
Jacksonville, Illinois 62650
Office: (217)243-9411
Fax: (217)243-6844



Steve Ptacek
Superintendent of Schools

Dana Kinley
Assistant Superintendent of Human Resources & Public Relations

December 18, 2015

Via Email: R11all@odelsonsterk.com

Robert Hall
Odelson & Sterk, LTD.
3318 West 95th Street
Evergreen Park, Illinois 60805

RE: FOIA Request of November 17, 2015

Dear Mr. Hall:

On November 17, 2015, you submitted a FOIA request asking Jacksonville School District 117 to provide you, "for the period November 17, 2013 through November 17, 2015, all Jacksonville School District 117 correspondence or other documents, including email correspondence or other documents, relating to the 8 Points Charter School, including, without limitation, all such correspondence or other documents sent or received by (1) District 117's Superintendent and/or other administrators, (2) District 117's Board of Education members, and/or (3) other District 117 employees." This request involves over 3,000 emails alone which vary in length and content. Your request is open-ended. It does not specify the subject matter of the documents you seek to have produced. Moreover, to review each document for the purpose of redacting information exempt from disclosure under the law I estimate would involve about 505 work hours. This does not include the considerable expense to the District that is a part of the redaction process. At a time of reduced revenue for the District, the time and expense necessary to review and redact each document would place an undue burden on District operations. Such a process would divert District employees from other work which is necessary to meet the educational needs of the District.

In my response to you on December 3, 2015, I requested you possibly narrow your demand to a manageable amount. On December 4, 2015, we received your revised request for records "for the period beginning December 1, 2014 through December 4, 2015, please provide copies of all documents, including, without limitation, all email documents, email correspondence and/or other email communications, pertaining to: (1) funding for 8 Points Charter School; and/or (2) the potential renewal or nonrenewal of District 117's contract with 8 Points Charter School and/or the renewal or nonrenewal of the charter authorizing 8 Points Charter School." So while you did reduce the time frame from two years to one year, you also shifted the dates from November to December, which would require further data collecting and processing beyond that already done. Your request continues to be unduly burdensome to the District due to the time and expense necessary to review and redact each document requested.

Therefore, on December 14, 2015, I contacted you via telephone and followed up via email to discuss an attempt to reduce your request to manageable proportions. Your administrative assistant ensured me that you would call right back, but to date, I have not heard from you. Also, my email to you requesting a phone conference has gone unanswered. You did not make any attempt to speak with me directly about the scope of your request. You have given no indication of a willingness to discuss a modification of your open-ended request. As a result, your November 17, 2015, FOIA request is denied as unduly burdensome pursuant to 5 ILCS 140/3(g). As outlined in my previous correspondence, some of the information you may be seeking may be found on our website at www.vision117.com/second-analysis.html and on Boardbook which is our public access venue to official board documents.

If you decide to discuss modifying your request to manageable proportions in the future, you may call me at (217)243-9411. Please note that the District offices will be officially closed for Winter Holiday December 21, 2015 through January 1, 2016, and I will not be available.

Under Section 11 of the Act, you have the right to a review of my decision to deny your request by the Public Access Counselor (PAC). The contact information for the PAC is noted below:

Sarah Pratt
Acting Public Access Counselor
Office of the Attorney General
500 S. 2nd Street
Springfield, Illinois 62706
Phone: 877-299-3642

You are further notified that you have a right to judicial review under 5 ILCS 40/11.

Yours truly,

A handwritten signature in black ink, appearing to read "Dana F. Kinley", written over a horizontal line.

Dana F. Kinley,
Freedom of Information Act Officer

Enclosure: 12/14/15 email

From: Robert Hall [mailto:RHall@odelsonsterk.com]

Sent: Friday, December 18, 2015 2:07 PM

To: Dana Kinley

Cc: Michael Stillman

Subject: FOIA REQUEST

Dear Ms. Kinley,

I write to memorialize our brief telephone conversation in which I confirmed that I am not willing to further modify my appropriate request for information pursuant to the Illinois Freedom of Information Act ("FOIA"), despite your insistence that the FOIA request is unduly burdensome. During our brief telephone discussion, I asked that you stop interrupting me and talking over me; based upon your behavior, I do not agree with your statements that you were attempting to work with me to respond appropriately to the FOIA request. When I told you that I did not agree with your position that my FOIA request is unduly burdensome, you abruptly ended our discussion, after telling me that you would be sending me another written denial of my FOIA request. I again request that you respond to my FOIA request within the deadlines established by FOIA.

Regards,
Bob Hall

Tami Stice

From: Dana Kinley
Sent: Friday, December 18, 2015 5:09 PM
To: RHall@odelsonsterk.com
Cc: Tami Stice; Larry Kuster
Subject: FW: FOIA Letter
Attachments: Response to Robert Hall 12 17 15.Denial.doc

Dear Mr. Hall,

I too will memorialize and clarify our brief telephone conversation from earlier this afternoon.

Yes, I understood you to confirm that you are not willing to further modify your request for information in response to my request that you narrow the scope. It truly was my intention to work with you to meet your request, but within the resources of my organization. My conceptual understanding of unduly burdensome is when this standard cannot be met. The attached document is re-submitted for the record to indicate that until after delivery this morning, you had not responded to my request to further narrow the scope of your request for information, which was the basis of the denial. Please also note that I contacted you via telephone and follow up email on December 14, 2015 to explain why the volume was so immense and to discuss a few ideas on how we could accomplish further narrowing. That email is pasted below.

I am disappointed that we could not come to an agreement because, as you indicated, you did not care about the amount of time and effort involved with your request. Had you, Mr. Hall, engaged in a cooperative conversation, you would have understood that I was simply asking you to agree to some general search terms and phrases (e.g., 8 Points Charter School, funding, renewal, and non-renewal) so that the task of identifying relevant emails could be accomplished with reasonable effort and resources. That was my sole intension when I called and emailed you on December 14, 2015 and today, December 18, 2015. Rather, I was lectured about my obligation to provide you with your demands. I did end the conversation by telling you to have a nice day because I had no desire to engage in an argument with you. You stated that you would not narrow your request, even after my attempts to explain why the search was so burdensome, so there was no need to continue the discussion, which felt much more like a lecture.

I will attempt to communicate my position with you again. The breadth and complexity of culling a large email system over a large time period for general concepts presents many challenges. District staff must queue the system with exact keywords to conduct the search, and each individual email must then be reviewed by someone trained to identify and redact confidential and exempt information. Had you been helpful in coming to an agreement on specific search terms or phrases for queuing the system, I could likely have provided you with the information you are seeking.

It is still my desire to provide you with information, and I will do my best, but without your cooperation in determining search keywords and phrases, I cannot guarantee that I will be able to capture every document that you are seeking. I want to be very clear about my capabilities. I have directed the Director of Technology to conduct a search with the specific search terms and phrases listed below. He has indicated that it will take him approximately five hours to complete this second search. To put this into perspective, your first search involved over 10 hours just to search the system. Once I know how many emails have been captured for the second search with the specific search terms and phrases I had to determine on my own, I will gauge if the volume for further review and redaction falls under the threshold of unduly burdensome. Please know that winter break for the school district begins on December 21, 2015 and staff return on January 4, 2016. Unless there is a small number of emails to review and redact, your request could be deemed unduly burdensome because there simply will be no staff available to conduct the processing work prior to the deadline of December 28, 2014, which is five days from today.

The exact search words and phrases I have identified in the absence of your assistance are:

1. "8 Points Charter School" and "funding"
2. "8 Points Charter School" and "renewal"
3. "8 Points Charter School" and "non-renewal"

I will only be available via email until January 4, 2016, so please let me know as soon as possible if you wish to modify the search queue.

Finally, as I have indicated in my previous correspondences with you, all public documents pertaining to 8 Points Charter School are posted on the District's website at <http://www.jsd117.org/>. Specifically, you may visit the Vision 117 link found at <http://www.vision117.com/second-analysis.html> and the Boardbook link which can be accessed at <https://v3.boardbook.org/Public/PublicHome.aspx?ak=1000316>. Search results for 8 Points Charter can be accessed at <http://www.jsd117.org/Default.asp?PN='AdvancedSearch'&Act='SearchNow'>.

Best regards,

Dana F. Kinley

Assistant Superintendent
Human Resources & Public Relations
FOIA Officer
Jacksonville School District 117
516 Jordan Street
Jacksonville, IL 62650
217.243.9411
dkinley@jsd117.org

From: Robert Hall [<mailto:RHall@odelsonsterk.com>]

Sent: Friday, December 18, 2015 2:07 PM

To: Dana Kinley

Cc: Michael Stillman

Subject: FOIA REQUEST

Dear Ms. Kinley,

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Regards,
Bob Hall

Dana F. Kinley

Assistant Superintendent
Human Resources & Public Relations
FOIA Officer
Jacksonville School District 117
516 Jordan Street

Tami Stice

From: Dana - Work Email
Sent: Monday, December 28, 2015 11:27 PM
To: RHall@odelsonsterk.com
Cc: Tami Stice; Larry Kuster
Subject: Re: FOIA Letter

Dear Mr. Hall,

I am writing in response to your FOIA request dated December 18, 2015. As indicated earlier, all official records relative to 8 Points Charter School are posted online at the links previously provided to you.

With regard to emails, staff have now spent well in excess of 18 work hours conducting a conceptual search of the email system pursuant to your request for information. This effort is in addition to time already spent conducting a network search in response to your first query. I did not hear from you in response to my question about specific search terms/phrases, so based on the proposed queries I made to you on December 18, 2015, the Director of Technology has identified a minimum of 3,513 emails, some of which may possibly be duplications, but no one would know that without reviewing each document individually. I think it is important that you understand the volume of effort that would be required to meet your request.

I also remind you that because of the District's obligation to exempt certain confidential information, the absolute heightened responsibility of protecting student record information, and the legal burden of safeguarding private staff information, it would then be necessary for trained and confidential staff to review each record individually to ascertain that the District's responsibility is met. The investment of further District resources by way of staff time and effort to review each document and attachment and redact all exempt data makes your request unduly burdensome from my perspective and is therefore denied. As before, I am happy to speak with you and/or explain why searching a large technology network for relevant emails is particularly challenging. Also as before, you do have the right to appeal my decision to the Illinois Attorney General. Please refer to my previous correspondences for information about your right to appeal.

Best regards,

Dana F Kinley
Assistant Superintendent
FOIA Officer

Sent from my iPhone