



CRYSTAL LAKE ELEMENTARY DISTRICT #47

300 Commerce Drive, Crystal Lake, Illinois 60014 (815) 788-5000

www.d47.org

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June 9, 2017

Ms. Doris Nicchia
Dnic2007@yahoo.com

Re: Freedom of Information Request

Dear Ms. Nicchia:

This is in response to your email received by District 47 on Friday, June 2, 2017, Crystal Lake School District No. 47 in which you submitted a Freedom of Information Act ("FOIA") Request where, per your letter, you requested the following:

1). I am requesting the attendance record for Rachel Nicchia for the year of 2013 starting at the beginning of the school year through the end of 2014.

- Your request is a student records request that is governed by the *Illinois School Student Records Act*, not FOIA.

2). All records of substitute dates in which her educational teacher was absent and the names of each substitute teacher that served to fulfill replacement within her classroom.

Absence Date	Sub	Absence Date	Sub
10/4/2013		5/1/2014	E. LUND
10/7/2013	S. HIGGINS	5/5/2014	
10/14/2013		5/9/2014	P. GEDZYK
11/21/2013	R. SALEK	5/13/2014	B. OLIVER
12/12/2013	L. SODERBERG	5/27/2014	A. PATEK
1/24/2014	C. HANSEN	9/19/2014	B. OLIVER
1/30/2014	G. PRINCE	10/9/2014	S. FLIGHT
4/8/2014	S. HIGGINS	10/13/2014	
4/9/2014	S. HIGGINS	10/27/2014	M. HUBBARD
4/21/2014	M. JOHNSON	10/28/2014	W. SOLTYS
4/22/2014	M. JOHNSON	12/10/2014	W. SOLTYS

3). I would also request all names of employees that worked with her that attaining year including aids and if they are current employees of District 47 or if they are no longer employees, staff for District 47.

- The School District does not have a specific record that is responsive to this request and in the format that you request. The FOIA specifically provides that a public body is not obligated to prepare a public record for the purpose of responding to a FOIA request. 5 ILCS 140/1. See also *Harwood v McDonough*, 799 N.E.2d 859, 856 (2003) (noting that a request for records that have not yet been created is invalid).

4) I would request the last day of employment with D47.

- The School District does not have a specific record that is responsive to this request and in the format that you request. The FOIA specifically provides that a public body is not obligated to prepare a public record for the purpose of responding to a FOIA request. 5 ILCS 140/1. See also *Harwood v McDonough*, 799 N.E.2d 859, 856 (2003) (noting that a request for records that have not yet been created is invalid).

To the extent you consider this response a denial to your request; you have the right to have the denial reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to: Public Access Counselor, Office of the Attorney General, 500 South 2nd Street Springfield, Illinois 62706, Fax: 217-782-1396, E-mail: publicaccess@atg.state.il.us, Phone: 312-814-5526. If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days after the date of the denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original request for documents and the denial letter when filing a Request for Review with the PAC. You also have the right to seek judicial review of your denial by filing a lawsuit in the State circuit court. 5 ILCS 140/11.

This response serves as fulfillment of obligation to your request. If you have any questions, please feel free to contact me 815-788-5000.

Sincerely,



Clare F. Bourne
Freedom of Information Officer
Crystal Lake School District 47

To: Clare Bourne or attending FOIA request administrator:

In accordance to the freedom of information act I am requesting the following information pertaining to my daughter Rachel A. Nicchia.

I am requesting the attendance record for Rachel Nicchia for the year of 2013 starting at the beginning of the school year through the end of 2014. I would also request **all records of substitute dates in which her educational teacher was absent and the names of each substitute teacher that served to fulfill replacement within her classroom.** I know that year there was much excitement and expected and unexpected events which have been logged.

I would also request all names of employees that worked with her that attaining year including aids and if they are current employees of District 47 or if they are no longer employees , staff for District 47. Forwarding information would be helpful. If no knowledge to their where about exist **I would request the last day of employment with D47.** Please also **list title next to each staff member within your list.** This was given in a previous request, however incomplete.

Doris Nicchia