



EMPOWERING ALL STUDENTS

Learners Today - Leaders Tomorrow

September 22, 2021

Ms. Kim Neilson

Kim-neilson@hotmail.com

Re: Freedom of Information Request

Dear Ms. Neilson:

On Wednesday, September 15, 2021, Crystal Lake School District 47 received your electronic FOIA/FERPA request dated that same day. This letter is being sent to you in response to your request pursuant to the Illinois *Freedom of Information Act* (FOIA). 5 ILCS 140/1 *et seq.* It is worth noting that your request involves both public records that are governed by FOIA but also student records that are governed by the *Illinois School Student Records Act* (ISSRA)(105 ILCS 10/1 *et seq.*; 23 Ill. Adm. Code Part 375) and the *Family Educational Rights and Privacy Act* (FERPA)(20 U.S.C. § 1232g; 34 CFR Part 99).

1. *The seating chart/arrangement for Bus No. 315 / 315B for September 1, 2021, that exhibits the seating arrangement of students on the bus that day, that indicates the location of my student daughter, Nola Neilson, who is a student enrolled at Bernotas Middle School, 170 N. Oak Street, Crystal Lake, IL 60014, and the location of a student who was allegedly deemed as a student who tested positive for the COVID virus.*

Response: Attached is the seating chart for the bus that your daughter rode on September 1, 2021 that shows her seating assignment. The student who tested positive for COVID-19 will not be designated on the attached chart. If we make this designation on the attached seating chart, Nola could identify the student who was sitting in that seat. This would constitute an unwarranted invasion of personal privacy for the student who was COVID-positive. The disclosure of the identity of this student and his/her medical condition would be highly personal and objectionable to a reasonable person. This student's right to privacy regarding a health condition/diagnosis far outweighs any legitimate public interest that you have in receiving confidential health information about a child who is not your own. Pursuant to FOIA exemption 140/7(1)(c), your request is partially denied. 5 ILCS 140/7(1)(c). The School District also relies on the statutory exemption contained in section 140/7.5(r) of FOIA which prohibits school districts from releasing "information prohibited from being disclosed by the *Illinois School Student Records Act.*" 5 ILCS 140/7.5(r). A student's health records and medical conditions are prohibited from release to a third party without the written consent of that student's parent or guardian. *See* 105 ILCS 10/5(a).

300 Commerce Dr. Crystal Lake, IL 60014 815.788.5000

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2. *The date of the student when tested positive for the COVID virus AND the date of the confirmation of the positive result.*

Response: No public records exist in response to your FOIA request #2. Based on verbal information that the School District received from Student A's family, the student tested positive for COVID-19 on or about September 2, 2021.

3. *Any and all data and information, including but not limited to dates the student who tested positive exhibited any symptoms of COVID infection.*

Response: No public records exist in response to your FOIA request #3.

4. *What method/brand of COVID test was used to test both the student who tested COVID positive, and my daughter, Nola Neilson, to determine the test outcomes?*

Response: On or about September 2, 2021, your daughter was administered a BiNax Now COVID-19 diagnostic test at school. You received a phone call from the school nurse, Ms. Slimko, regarding her test results. No public records exist in response to your FOIA request #4; see response to #1 above regarding the confidentiality of the other student's records. The School District can report that the only COVID-19 diagnostic test that it administers to students is the BiNax Now test.

5. *Any and all documentation of Nola Neilson's COVID test results.*

Response: No public records or documentation is in the possession of the School District in response to your FOIA request #5 All data regarding test results are submitted on the local McHenry County Department of Health database system.

6. *Any and all documentation of the student who tested COVID positive test results (The name of the positive student may be redacted for privacy concerns).*

Response: Your request for the documentation contained in paragraph #6 is denied for the reasons set forth in the response to paragraph #1 above. Paragraph #6 is not a request for public records; instead, you are requesting the student records for another student which is not allowed pursuant to either FOIA or ISSRA.

7. *The total number of students who were ordered quarantined from Bus No. 315 /315B resulting from the incident, and any and all documentation to confirm such quarantine of other students (The names, etc, of all students, including the positive student, other than my daughter may be redacted for privacy concerns).*

Response: No public records are in the possession of the School District that respond to paragraph #7 of your FOIA request. The School District can report that a total of 17 students were considered close contacts to the COVID-positive student who rode the school bus on September 1, 2021.

In the event that you consider this a denial of your FOIA request, you may appeal the School District's response to the Illinois Attorney General, Public Access Bureau, 500 S. 2nd Street, Springfield, Illinois 62706, 217-558-0486 [publicaccess@atg.state.il.us].

Thank you for your inquiry, this fulfills our obligation to your FOIA request.

If you have any questions, please feel free to contact me at 815-788-5000.

Sincerely,



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

September 15, 2021

Crystal Lake School District 47 Attention: FOIA Ocer Clare Bourne District Oces
300 Commerce Drive
Crystal Lake, IL 60014

In re: FOIA REQUEST

Public Records

FOIA@d47.org

CFBourne@d47.org

Dear Ms. Bourne,

Pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1, 4, et al, I would request the following public information:

Any and all documents and information in any and all forms and formats available in order I may file a complaint with the Illinois State Board of Education (ISBE):

1. The seating chart/arrangement for Bus No. 315 / 315B for September 1, 2021, that exhibits the seating arrangement of students on the bus that day, that indicates the location of my student daughter, Nola Neilson, who is a student enrolled at Bernotas Middle School, 170 N. Oak Street, Crystal Lake, IL 60014, and the location of a student who was allegedly deemed as a student who tested positive for the COVID virus.

The names, etc, of all students, including the positive student, other than my daughter may be redacted for privacy concerns.

2. The date of the student when tested positive for the COVID virus AND the date of the confirmation of the positive result.

3. Any and all data and information, including but not limited to dates the student who tested positive exhibited any symptoms of COVID infection.

4. What method/brand of COVID test was used to test both the student who tested COVID positive, and my daughter, Nola Neilson, to determine the test outcomes?
5. Any and all documentation of Nola Neilson's COVID test results.
6. Any and all documentation of the student who tested COVID positive test results (The name of the positive student may be redacted for privacy concerns).
7. The total number of students who were ordered quarantined from Bus No. 315 /315B resulting from the incident, and any and all documentation to confirm such quarantine of other students (The names, etc, of all students, including the positive student, other than my daughter may be redacted for privacy concerns).

I am the parent and legal guardian for Nola Neilson. My request is not for commercial purposes or intent. Standard-size, black and white copies are requested or can be substituted with email. My email address is

Kim-neilson@hotmail.com

Thank you.

Sincerely,

Kim Neilson


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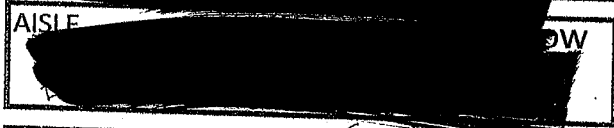

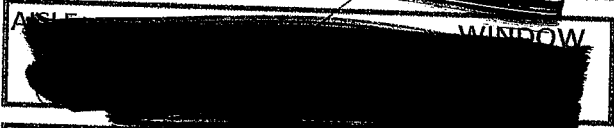
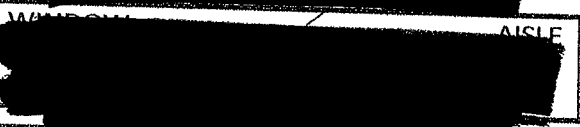


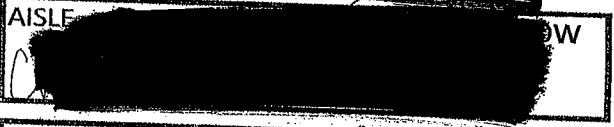






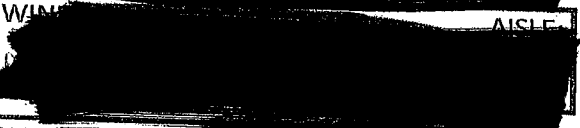
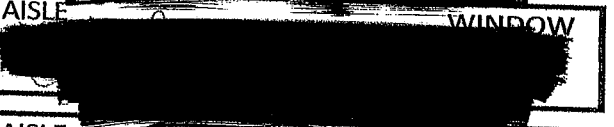
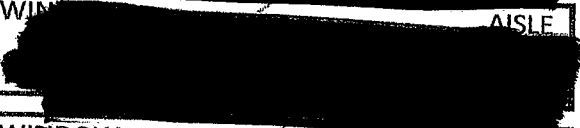
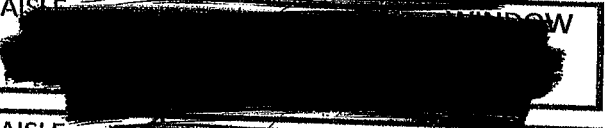
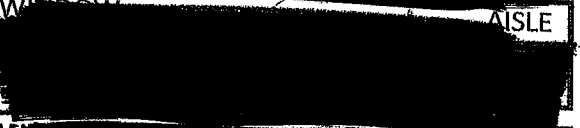



SEATING CHART

Date: 8-25-21

ROUTE # 315

SCHOOL Bernotas M.S.

Driver: 

A		1		B
C	 Nola N.	2		D
E		3		F
G		4		H
I		5		J
K		6		L
M		7		N
O		8		P
Q		9		R
S		10		T
U		11		V
W		12		X