



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 17, 2010

Mr. Matt Vanover
Director of Public Information
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777

RE: Pre-Authorization Request – 2010 PAC 7227

Dear Mr. Vanover:

We have received and reviewed the written notice from the Illinois State Board of Education (ISBE) of its intent to deny disclosure of three documents as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 7(1)(f). ISBE has asserted that an evaluator's worksheet and drafts of a Letter of Recommendation to Deny and a Letter of Denial are exempt from disclosure under Section 7(1)(f) of FOIA.

Section 7(1)(f) of FOIA exempts from inspection and copying “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.”

ISBE's use of the Section 7(1)(f) exemption with regard to the three documents in question is **approved**. According to ISBE, the documents are used in the course of reviewing applications and contain ISBE staff opinions, questions and analysis intended for discussion by ISBE staff prior to making a final recommendation to the State Superintendent. There is no evidence that these documents have been publicly cited and identified by the State Superintendent. As such, the Board has met its burden of demonstrating that these documents are exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, ISBE should issue a partial denial letter directly to [REDACTED] the FOIA requester. Should you have questions or concerns, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

cc: [REDACTED]

By: [REDACTED]
Sara Gaudin Gallagher
Deputy Public Access Counselor