



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 23, 2010

John E. Fester
Scariano, Himes and Petrarca
Two Prudential Plaza, Suite 3100
180 N. Stetson
Chicago, Illinois 60601-6702

Re: Pre-Authorization Request 2010 PAC 9676

Dear Mr. Fester:

We have received and reviewed the written notice from the Board of Education of Rich Township High School District 227 (District) of its intention to deny disclosure of certain records as exempt under Section 7(1)(f) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

██████████ submitted a FOIA request on September 14, 2010 seeking, in part, the following documents:

Taxpayer funded "**Climate Reports**" prepared by outside consultant Frances Curtis Frazier, hired by District 227 in January 2009 to explore the climate at each Rich Campus [Central, South, East]...

A true and correct copy of a report dated **May 20, 2009** compiled by the **Rich Central Climate Task Force Committee**. (Emphasis in original.)

In its written notice, the District asserts that the responsive documents are exempt under Section 7(1)(f) of FOIA as they each contain opinions and recommendation. You further state that the Climate Report was drafted "...for use by the administration and the Board of Education in making decisions regarding the operation of the District's high schools[]" and the Committee Report "...reflects the recommendations of the Rich Central teaching staff regarding how to improve the work environment at Rich Central High School."

Finally, the District asserts that neither document has been publicly cited by the President of the Board of Education.

Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)) exempts from inspection and copying records that constitute “[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 shall not be exempt when the record is publicly cited and identified by the head of the public body.”

Determination

The District’s proposed use of the exemption found in Section 7(1)(f) of FOIA to deny disclosure of certain documents is approved. We have reviewed the documents provided by the District and have determined that they consist of opinions and recommendations, both of which the District asserts have not been publicly cited by the Board President. Thus, the District has met its initial burden of demonstrating that these documents are exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, the District may issue a letter to [REDACTED] denying disclosure of the requested documents.

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By [REDACTED]

[REDACTED]
Jessica O’Leary
Assistant Attorney General

cc: [REDACTED]