



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 1, 2011

City of Chicago Board of Education
Nick Siefert, Law Clerk
125 S. Clark St., Ste. 700
Chicago, IL 60603

Re: Pre-authorization request – 2011 PAC 11867

Dear Mr. Siefert:

We have received from the City of Chicago Board of Education a request for pre-authorization to withhold records requested by Lori Ann Baas under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. Ms. Baas requested “copies of all written comments, reviews and evaluations from internal staff and external review panelists in regard to the Christopher House Charter School.” The Board requested pre-authorization to withhold those records pursuant to Section 7(1)(f) (5 ILCS 140/7(1)(f)).

Section 7(1)(f) 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.” 5 ILCS 140/7(1)(f). The Section 7(1)(f) exemption applies to “predecisional materials used by a public body in its deliberative process.” *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247, 799 N.E.2d 859, 864 (1st Dist. 2003). The exemption is “intended to protect the communications process and encourage frank and open discussion among agency employees before a decision is made.” *Id.* at 248, 799 N.E.2d at 864.

The Board’s request for pre-authorization to withhold the records pursuant to Section 7(1)(f) is **approved**. We have reviewed un-redacted copies of the records, which consist of detailed assessments in which evaluators express opinions and make recommendations regarding Christopher House. Those records are pre-decisional in nature, and there is no indication that the records were publicly cited and identified by the head of the Board. Accordingly, the Board has sustained its initial burden of demonstrating that the records are exempt from disclosure pursuant to Section 7(1)(f).

This letter shall serve to close this file. If you have any questions, please feel free to contact me at 312-814-6756 or ssilverman@atg.state.il.us.

Sincerely,



Steve Silverman
Assistant Public Access Counselor

cc: Christopher House
Lori Ann Baas, Chief Executive Officer
2507 N. Greenview
Chicago, IL 60614-2084