



DECEMBER 18, 2009

e-BLACKBOARD

SCARIANO, HIMES & PETRARCA

Freedom of Information Act

The amended Illinois Freedom of Information Act (FOIA) becomes effective January 1, 2010. The amended FOIA significantly alters the procedures employed by a public body in responding to FOIA requests and makes numerous changes to the exemptions to FOIA. It is imperative that school districts be familiar with the changes to the amended FOIA, and be prepared to take immediate action to implement the Act.

To this end, Scariano, Himes and Petrarca, Chtd. has prepared a FOIA policy, implementing procedures, and sample FOIA forms that address the requirements of the amended FOIA. To further assist school districts in implementing the amended FOIA, we have also prepared a comprehensive "Frequently Asked Questions and Answers" document. Please do not hesitate to contact Darcee C. Williams (ext. 247) or Jessica M. Bargnes (ext. 254) if you would like a copy of those documents.

Because the January 1, 2010 effective date of the amended FOIA is fast approaching, school districts must be prepared to immediately take the following actions:

- The Board of Education should adopt an amended FOIA policy and procedures. If your next opportunity to do so is at the January Board meeting, please do so at that meeting.
- The amended FOIA requires school districts to appoint at least one FOIA officer to handle all FOIA requests. We recommend that the Board of Education appoint two FOIA officers to ensure that one FOIA officer is available in the other's absence. Again, if this cannot be done until the first January meeting, please do so at that meeting.
- The amended FOIA requires that the following documents be posted on a school district's website:
 - A block diagram of the school district's functional subdivisions;
 - The total of the school district's operating budget;
 - The number and location of all of the school district's separate offices;
 - The approximate number of the school district's full and part-time employees;
 - The identification and membership of all boards, commissions and committees which operate in an advisory capacity to the operation of the school district, or which exercise control over the school district's policies or procedures, or to which the school district is required to report and be answerable for school district operations;
 - A description of the methods whereby the public may request information and public records;
 - A directory identifying the FOIA officers;
 - The address where requests for information should be directed; and
 - A schedule of fees permitted under FOIA.

By taking action on these issues prior to January 1, 2010, the effective date of the amended FOIA, the school district will ensure that it is in compliance with the Act.

Please do not hesitate to contact Scariano, Himes and Petrarca, Chtd. to discuss your school district's implementation of the amended FOIA. The Firm offers, five hours of inservice each year as a complimentary service to its clients. We encourage our clients to use that time to review the changes to FOIA, and we invite you and your Board members to attend our annual client seminar on February 6, 2010, where we will present, in greater depth, on the amended FOIA.

Scariano, Himes and Petrarca, Chtd. has also compiled a number of documents to assist in the implementation of the amended FOIA on its newly updated website located at www.edlawyer.com.

The information herein was prepared by Scariano, Himes and Petrarca, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Scariano, Himes & Petrarca, Chtd.

Scariano, Himes and Petrarca, Chtd., represents more than 100 school districts, special education cooperatives and vocational education cooperatives. Our attorneys have expertise in all areas of education law and practice in three locations to more readily serve our clients:

CHICAGO OFFICE

Two Prudential Plaza
180 N. Stetson, Suite 3100
Chicago, Illinois 60601-6702
Phone 312.565.3100 / Fax 312.565.0000

CHICAGO HEIGHTS OFFICE

1450 Aberdeen
Chicago Heights, Illinois 60411
Phone 708.755.1900 / Fax 708.755.0000

WAUKEGAN OFFICE

209 W. Madison Street
Waukegan, Illinois 60085
Phone 847.662.5800 / Fax 847.662.6813

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