

**From:** Robert Flynn <[Flynn@local17insulators.com](mailto:Flynn@local17insulators.com)>  
**Subject:** Updated FOIA Officers email address  
**Date:** June 12, 2019 at 11:34:17 AM CDT  
**To:** Robert Flynn <[Flynn@local17insulators.com](mailto:Flynn@local17insulators.com)>

June 12, 2019

Attention FOIA Officer,

Under the Freedom of Information Act, I am requesting the verification of the most updated email address of the FOIA officer.

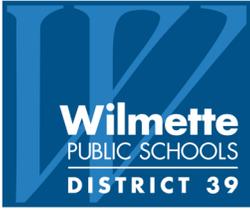
The information request can be faxed, emailed, or mailed to the address listed on this request; whichever is more convenient for you.

This FOIA is for private use. If the required Five (5) day turnaround cannot be met, please contact me with your extension request.

Thank you for your cooperation and public service.

Respectfully,

Bob Flynn  
Business Representative/ Marketing  
Heat & Frost Insulators Local 17  
18520 Spring Creek Dr  
Tinley Park, IL 60477  
Fax: 1.708.468.8017  
Phone: 1.708.468.8000



**Mikaelian Education Center**

615 Locust Avenue  
Wilmette, IL 60091

† 847.512.6000

wilmette39.org

**Ellen Crispino**

*Interim Business Manager*

crispine@wilmette39.org

† 847.512.6001

f 847.256.1782

June 12, 2019

Bob Flynn  
Business Representative/ Marketing  
Heat & Frost Insulators Local 17  
18520 Spring Creek Dr.  
Tinley Park, IL 60477  
Flynn@local17insulators.com

Dear Mr. Flynn:

This letter is in reference to your Freedom of Information Act (FOIA) request received June 12, 2019. Your request was that the following information be provided for Wilmette Public Schools, District 39:

Verification of the most updated email address of the FOIA officer.

In response, the most updated email address for Ellen Crispino, District 39's Freedom of Information Act officer, is [crispine@wilmette39.org](mailto:crispine@wilmette39.org).

If you have any questions pertaining to our response to your request, please contact me at Wilmette Public Schools, District 39, 615 Locust Road, Wilmette, Illinois 60091.

Sincerely,

Ellen Crispino  
FOIA Officer

Michael Day  
501 N. Central  
Chicago, Il. 60644

Feb 3, 2017,

To: Wilmette School District 39,

Under the Illinois Freedom of Information Act I am requesting the following information as

Records:

A. for non-substitute teacher positions ( position would mean that the position was actually a regular teacher position being filled for a length of time more then a day to day assignment), but those( where the district had hired a substitute teacher with the intention or result that he was one, and worked as a substitute teacher ) which were full-time lasting two months or more, where one person took the position or it was intended that one person was to take the position, and those where the position required a teacher certificate or license ( this would be referring to the word teacher below) ( including records of that person was a substitute teacher in the position below), and not just a substitute license, including administrators, nurses, ect, in this state of Illinois, documents as follow;

For each of the school year 2004, 2008, 2012, 2013, 2014, 2015-2016, 2016- 2017

1. The full names of teachers, salaries at hiring and the positions/fields for which they were hired in, such in a final writing and listing of the matters and not a complies list for this request.
2. Full names of all persons applying for the positions and applications' first page ( can redact necessary material ( too personal as under the law ) and with the application number for those who applied to work in the school year- records or part of the application showing the day on which the application was made. There an assumption that applications made before Jan 1, was not for the school year to start after the current school year in which the application was made; however this does not apply to substitute teachers where they were applying to a position such as in A ( although they were applying to a regular teaching position also)
3. All Emails and letters memo, etc., ( even though they may be duplicative ) from board managers, including department heads, board members to the persons showing his or her name, hired for the school year ( to start ) advising them that they have been selected for an interview and other persons who had been selected for an interview and not been hired, with the dates of the emails, letters also.
4. All Emails, memo to persons who were interviewed but not hired for all position becoming open requiring a teacher including as in A.

5. Copies of all letters memos, emails and other records of tell them they were not hiring for the year( each above) to all persons who were not hired for the positions and not interviewed.

6. Instructions to principals of schools from their managers regarding the interviews of the person who would be considered for hiring as teachers for district and statements to be made to them concerning the positions and the things that the teacher would do, say ect, including interactions with parents.

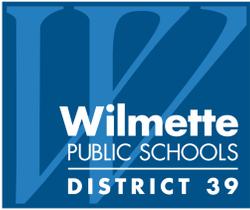
7. Names of all persons in any focus group or any other group including their titles and departments were such persons would decide who to be hired and discuss their qualifications and lack thereof, and all notes, memos ,email, records of such determination and discussions show what was discussed and various specific points discussed.

8. A certification by someone having experience with the documents stating such and the records are true under oath and a showing of that experience.

4/29/19

Dear Superintendent of Education,  
president of Board of Education  
Wilmette school DIST 39,

I have not received the records  
requested here, This is an appeal,  
Please send the records.



**Gail F. Buscemi**  
Business Manager

buscemig@wilmette39.org  
† 847.512.6001  
f 847.256.1782

**Mikaelian Education Center**

615 Locust Avenue  
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wilmette39.org

March 9, 2017

Michael Day  
501 N. Central  
Chicago, IL 60644

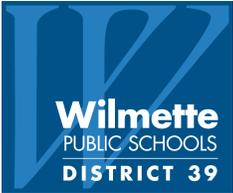
Dear Mr. Day:

The District received your FOIA request on February 9, 2017. On February 16, 2017, the District issued an initial response to your FOIA request, which informed that the District was designating your request as a “voluminous request” under FOIA. Based on this letter, you had until March 2, 2017 to inform the District whether you would like to amend your request so that it is no longer a “voluminous request”. To date, the District has not received any response from you. As such, and in accordance with FOIA, this serves as the District’s response to your February 9, 2017 FOIA request for the following records:

“A. For non-substitute teacher positions (position would mean that the position was actually a regular teacher position being filled for a length of time more than a day to day assignment), but those (where the district had hired a substitute teacher with the intention or result that he was one, and worked as a substitute teacher) which were full-time lasting two months or more, where one person took the position or it was intended that one person was to take the position, and those where the position required a teacher certificate or license (this would be referring to the work teacher below) (including records of that person was a substitute teacher in the position below), and not just a substitute license, including administrators, nurses, ect., in this state of Illinois, documents as follow;

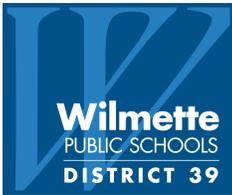
For each of the school year 2004, 2008, 2012, 2013, 2014, 2015-2016, 2016-2017

1. The full names of teachers, salaries at hiring and the positions/fields for which they were hired in, such in a final writing and listing of the matters and not a complies list for a this request.
2. Full names of all persons applying for the positions and applications’ first page (can redact necessary material (too personal as under the law) and with the application number for those who



applied to work in the school year-records or part of the application showing the day on which the application was made. There an assumption that applications made before Jan 1, was not for the school year to start after the current school year in which the application was made; however this does not apply to substitute teachers where they were applying to a position (although they were applying to a regular teaching position also).

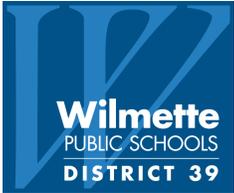
3. All Emails and letters memos, etc., (even though they may be duplicative) from board managers, including department heads, board members to the persons showing his or her name, hired for the school year to start) advising them that they have been selected for an interview and other persons who had been selected for an interview and not been hired, with the dates of the emails, letters also.
4. All Emails, memo to persons who were interviewed but not hired for all position becoming open requiring a teacher including as in A.
5. Copies of all letters, memos, emails and other records of tell them they were not hiring for the year (each above) to all persons who were not hired for the positions and not interviewed.
6. Instructions to principals of schools from their managers regarding the interviews of the person who would be considered for hiring as teachers for district and statement to be made concerning the positions and the things that the teacher would do, say etc., including interactions with parents.
7. Names of all persons in any focus group or any other group including their titles and departments were such persons would decide who to be hired and discuss their qualifications and lack thereof, and all notes, memos, email, records of such determination and discussions show what was discussed and various specific points discussed.
8. A certification by someone having experience with the documents stating such and the records are true under oath and a showing of that experience.”



### The Unduly Burdensome Nature of Your Categorical Request

Your request as currently phrased seeks more than 7 categories of records spanning five (5) calendar years plus two (2) school years. Based upon the categorical nature of your requests dating back to 2004, and for what appears to be any full-time teaching positions and any substitute teaching positions lasting more than two (2) months, the District does not reasonably believe it could comply with your request within the statutory time frame. In fact, the District believes that the search efforts alone in connection with your request would exceed the statutory time for response. The search efforts would reasonably require at least several District personnel to take substantial time away from their regular duties in the operation of the District and education of students, which is contrary to the intent of FOIA. As such, the District believes that the search efforts alone in complying with your request would be unduly burdensome for the District to comply with.

In addition to the extensive search efforts, once the responsive records were identified, the District would then have to examine and evaluate each and every record to determine whether part or all of each record is exempt from disclosure under FOIA Sections 7(1) or 7.5. Because your request appears to seek information about applicants not hired by the District and communications between members of the District's Board of Education and/or the District's administration related to applicants, the interview process, hiring recommendations, this review could only be conducted by an administrator and/or the District's legal counsel, as they would be the only individuals who have the necessary competence and discretion to determine what FOIA exemptions may apply. Notably, the Illinois Attorney General's Public Access Counselor (PAC) has opined on many occasions that the names, other identifiable information and application information of individuals not hired for positions with a public body are completely exempt from disclosure under FOIA Section 7(1)(c), because it would constitute an unwarranted invasion of the applicant's personal privacy if disclosed. Further, many of the other communications you seek, except final decisions, would likely be characterized as part of the District's deliberative process and exempt from disclosure under FOIA Section 7(1)(f). 5 ILCS 140/7(1)(f). The District estimates that it could take many weeks to conduct a review of the responsive communications to redact exempt content and prepare the required written response letter. Such a review conducted by an administrator would gravely disrupt the work of the District, as this would prevent the administrator from attending to critical educational duties for extended periods of time, contrary to the intent of FOIA. Alternatively, if the District's legal counsel conducts the review, the District would incur significant legal fees to be paid from public funds. This is contrary to the intent of FOIA.

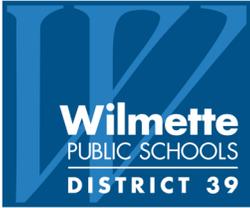


The District's Compliance with Section 3(g) of FOIA

In view of the above, the District believes your categorical FOIA request would be unduly burdensome for the District to comply with, and the burden on the District outweighs any public interest in the information, particularly in view of the fact that a large majority of the records you seek, to the extent such exist, would be exempt from disclosure under FOIA Sections 7(1)(c) and 7(1)(f). 5 ILCS 140/7(1)(c) and 7(1)(f). Therefore, in compliance with FOIA Section 3(g), the District is extending you an opportunity to attempt to narrow your request to a manageable proportion. If you do not reduce your categorical request to a manageable scale, the District will exercise its right under Section 3(g) of FOIA to deny your records request for these records.

Sincerely,

Gail F. Buscemi  
FOIA Request Officer



Mikaelian Education Center  
615 Locust Avenue  
Wilmette, IL 60091  
† 847.512.6000  
wilmette39.org

**Ellen Crispino**  
Business Manager/CSBO

crispine@wilmette39.org  
† 847.512.6001  
f 847.256.1782

May 8, 2019

Michael Day  
501 N. Central  
Chicago, IL 60644  
*Sent via USPS as both 1st class mail and certified mail*

Dear Mr. Day:

The District received your correspondence dated April 29, 2019 via regular mail on May 3, 2019. The correspondence is a copy of a Freedom of Information Act (FOIA) request dated February 3, 2017, that was sent to the District. On the last page of the copy, which you dated 4/29/19, you wrote,

“Dear Superintendent of Education, President of the Board of Education Wilmette School Dist. 39, I have not received the records requested here. This is an appeal. Please send the records.”

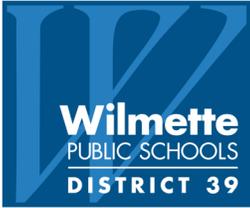
Please be advised that there is no such appeal process in FOIA or within the Board’s policies. As to the reason why no records were sent by the District, please refer to the District’s March 9, 2017 letter. A courtesy copy is enclosed. You never responded to the opportunity the District extended to you to reduce your request to a more manageable proportion, as set forth in detail in the letter.

As a courtesy at this time, the District will extend you another opportunity to reduce your request to a manageable proportion, as determined by the District. If you wish to do so, please submit the proposed narrowed request to my attention in writing by May 20, 2019.

If you have any questions pertaining to our response to your request, please contact me at Wilmette Public Schools, District 39, 615 Locust Road, Wilmette, Illinois 60091.

Sincerely,

Ellen Crispino  
FOIA Request Officer



**Mikaelian Education Center**

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**Ellen Crispino**  
Business Manager/CSBO

crispine@wilmette39.org

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f 847.256.1782

May 29, 2019

Michael Day  
501 N. Central  
Chicago, IL 60644  
*Sent via USPS as both 1st class mail and certified mail*

Dear Mr. Day,

This follows the District's letter to you dated May 8, 2019. The purpose of that letter was to extend you another opportunity to reduce your FOIA request to a manageable proportion. The District received no reply from you or a proposed narrowing of your request. As such, for the reasons set forth in the District's March 9, 2017 letter, the District has determined that your more than 7 categorical requests spanning 5 calendar years plus 2 school years would be unduly burdensome for the District to comply with and the burden on the District outweighs any public interest in the information requests. This is especially true given that a large majority of the records you seek, to the extent such exist, would be completely exempt from disclosure under FOIA.

I am the person responsible for the denial of your request based on a determination that it would be unduly burdensome for the District to comply with. You may ask the PAC to review this denial of your records request, by submitting a Request for Review to the PAC by electronic mail or U.S. Mail within 60 days after receiving this response. A Request for Review by the PAC should be directed to: Public Access Bureau, Office of the Attorney General, 500 S. 2nd Street, Springfield, IL 62706, [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us), (217) 299-FOIA. You also have the right to review by a court of law pursuant to FOIA Section 11.

Sincerely,

Ellen Crispino  
FOIA Request Officer