

From: [Steven M. Richart](#)
To: "debbievold@icloud.com"; "danlevinthal@icloud.com"
Cc: [Kedrowski, Debra](#); [Prentiss, Tamara](#); [Rachel E. Domash](#)
Subject: Follow Up to FOIA R000750-120319
Date: Tuesday, December 24, 2019 4:21:01 PM
Attachments: [Google Form - Survey.pdf](#)
[November 11, 2019 Email.pdf](#)
Importance: High

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Dear Dr. and Ms. Levinthal:

My firm serves as general counsel for Hinsdale Township High School District No. 86, and I work with the District on FOIA matters. I am responsible for providing this supplemental FOIA response and information to you, in consultation with the District's FOIA Officer and Superintendent.

This email and attachments are in response to Ms. Levinthal's follow up FOIA request dated December 17, 2019, and in response to Dr. Levinthal's emails concerning the District's alleged untimeliness in responding to your FOIA request submitted on December 3rd, amended after hours on December 6th, to which the District responded on December 16th.

First, in response to Ms. Levinthal's follow up request, attached to this email is a PDF copy of the live Google Form referenced and attached to Ms. Gaubatz's November 1, 2019 email. This is the same Google Form that is referenced in Ms. Gaubatz's November 6, 2019 email, and which was accessible via a live link via the responsive records previously released. In response to Ms. Levinthal's remaining request, we have reattached Ms. Gaubatz's email from November 11, 2019, as this email references the only survey results that were released: the names of those who completed the survey, what district they are from, and their district email address. **Please kindly note that there was no attachment to this email.** In regard to the remaining survey results, which were clearly not responsive to Dr. Levinthal's initial request, please be advised it is the District's practice to withhold survey results and related documentation as they are exempt under FOIA Section 7(1)(f), which exempts "[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); *see also* 5 ILCS 140/7(1)(c); *Harwood v. McDonough*, 344 Ill. App. 3d 242 (1st Dist. 2003). Citing the need to encourage survey respondents to provide frank and open feedback, as well as to prevent public bodies from being discouraged to solicit such feedback, the Illinois Attorney General's office has repeatedly found that school district survey results are covered by the exemption at Section 7(1)(f). *See, e.g.*, 2010 PAC 6961 (comments on school district climate survey were exempt); 2010 PAC 9980 (parent surveys regarding student athletics were exempt); 2011 PAC 11835 (results of special education parent survey were exempt); 2011 PAC 13448 (employee opinion survey results were exempt); 2011 PAC 14058 (survey comments were exempt); 2011 PAC 14928 (climate survey responses from parents were exempt); 2012 PAC 20492 (survey raw data results were exempt); 2016 PAC 44309 and 2016 PAC 44311 (survey takers' opinions and raw data were exempt because the responses were used in the District's decision-making process); 2017 PAC 50257 (survey raw data and comments from members of the public gathered by a school district were exempt, notwithstanding the district's publication of general summaries of the survey information, where those specific data and comments were not publicly cited and identified); 2018 PAC 53747 (community survey raw data was exempt).

As to timeliness, I believe the District's December 16th response was timely, and I do not believe it was improper for the District to count the deadline from its receipt of your amended request. However, the issue is moot, as even if the deadline were calculated from your original request of December 3rd, the District was entitled to take an extension, and the District's extended response would have been due on December 17th, which was after the date you actually received the District's response. Please note that when you informed Ms. Kedrowski you were not able to access the records on December 16th, she took the time to make sure you had the records the same evening, responding to your email at 9:03 p.m. letting you know the records were re-posted and attached to her email. Ms. Kedrowski also gave you her cell phone number and clearly went above and beyond in responding to your request.

Not only was the timing of the District's response lawful, but I believe it is baseless to allege that any District employee or agent would falsify any timestamps. It would be unnecessary for the District to do so, as explained above. The District has, however, confirmed that you were told the records were available before they actually became available, due to an issue with the District's FOIA management software that the District is fixing now that it has come to the District's attention. While we appreciate your bringing this to the District's attention, your accompanying allegations of improper conduct by District employees are without basis.

From my work with the District, I can tell you firsthand that the District is committed to its community members and remaining transparent, consistent with the confidentiality concerns stated under FOIA and other laws. However, to the extent you disagree, you may have a right to have the District's response(s) reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General

500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and the District's response(s) when filing a Request for Review with the PAC. You also have the right to seek judicial review of any denial by filing a lawsuit in the State circuit court. 5 ILCS 140/11.

Thank you for your attention.

Sincerely,

Steve Richart

Steven Richart, Partner
Hodges, Loizzi, Eisenhammer, Rodick & Kohn LLP
3030 Salt Creek Lane, Suite 202
Arlington Heights, Illinois 60005
Tel: 847/670-9000
Fax: 847/670-7334

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From: Debbie Levinthal <debbievold@icloud.com>
Sent: Tuesday, December 17, 2019 9:36 AM
To: Kedrowski, Debra <dkedrows@hinsdale86.org>
Cc: Danlevinthal <danlevinthal@icloud.com>
Subject: Re: [Records Center] Public Records Request :: R000750-120319

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Dear Ms. Kedrowski,

Thank you for your response last night and attached FOIA documents. On behalf of Dan who is my husband, I am requesting completion of the FOIA request with the district's inclusion of the following:

1. The google doc referenced and attached to Ms. Gaubatz's November 1, 2019 email
2. The survey referenced and attached in her November 6, 2019 email
3. The survey results referenced and attached to her November 11, 2019 email.

We would appreciate these additional documents as soon as possible.

Thank you,
Debbie Levinthal

On Dec 16, 2019, at 6:46 PM, Daniel Levinthal <danlevinthal@icloud.com> wrote:

Begin forwarded message:

From: "Kedrowski, Debra" <dkedrows@hinsdale86.org>
Subject: Re: [Records Center] Public Records Request :: R000750-120319
Date: December 16, 2019 at 6:41:44 PM CST
To: Daniel Levinthal <danlevinthal@icloud.com>

I will check when I get home.

Sent from my iPhone

On Dec 16, 2019, at 5:20 PM, Daniel Levinthal <danlevinthal@icloud.com> wrote:

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Dear Ms. Kedrowski,

Thank you for your timely response.

I can not view or download any files under the my requests in my FOIA account, nor do I see any attached files listed under details on the public FOIA log.

If you are able tomorrow, I would appreciate you emailing the files to me at this email address or if you are able to let me know when I could expect the files to be uploaded to the FOIA log or my request section, I will be happy to go look again.

Thanks,
Dan

On Dec 16, 2019, at 4:57 PM, Kedrowski,Debra <dkedrows@hinsdale86.org> wrote:

Mr. Levinthal,

Your FOIA response has posted. Please feel free to call my cell if you are having any issues accessing the response or the responsive documents.

Deb Kedrowski
630.561.5447

Debra Kedrowski
Administrative Chief of Staff
Hinsdale District 86
630.655.6108

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From: Daniel Levinthal <danlevinthal@icloud.com>

Sent: Monday, December 16, 2019 4:38 PM

To: Baker,Carol <cbaker@hinsdale86.org>

Cc: HINSDALE86 Support <hinsdale86@mycusthelp.net>; Kedrowski,Debra <dkedrows@hinsdale86.org>

Subject: Re: [Records Center] Public Records Request :: R000750-120319

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Dear Dr. Baker,

It has been 5 business days since Monday December 9th until this writing, December 16th at 16:36.

I have not yet received a response to my FOIA request below for which I provided clarification on the exact email addresses you requested.

Can you please provide the information requested or have your IT department do so, or provide an estimate when this FOIA request will be honored?

Thanks,
Dan

On Dec 6, 2019, at 4:27 PM, Daniel Levinthal <danlevinthal@icloud.com> wrote:

Dear Ms. Baker,

Thank you for your response. No need to pause the clock, in fact I prefer you don't. However, I don't know if your business day ends at 5 or perhaps it is earlier, so I will have to defer to the District protocol in that regard.

Here are the specific emails you have requested.

Stevenson (District 125)

swood@d125.org
tkelly@d125.org

New Trier (District 203)

englishj@newtrier.k12.il.us
wardr@newtrier.k12.il.us

Deerfield (District 113)

jluepke@dist113.org

Highland Park (also District 113)

dkleinschrodt@dist113.org

If there are any further questions feel free to let me know.

Thanks,
Dan

On Dec 6, 2019, at 4:13 PM, Baker,Carol
<cbaker@hinsdale86.org> wrote:

Good Afternoon,

Thank you for your follow-up email. I have contacted our tech department and in order for us to conduct a search in our email system, we need you to provide a list of exact email addresses from the schools that you mentioned; for example, joe.smith@illinoishs.org

We have put a pause on the date of this request in our system; we will restart the clock when you are able to add in the email addresses that you would like us to search for.

Have a good weekend,

Dr. Carol K. Baker
Chief Academic Officer
Assistant Superintendent for Academics
Hinsdale Township High School District 86
cbaker@hinsdale86.org

<image001.png>

From: Daniel Levinthal <danlevinthal@icloud.com>
Sent: Wednesday, December 4, 2019 9:16 PM
To: HINSDALE86 Support <hinsdale86@mycusthelp.net>
Cc: Baker,Carol <cbaker@hinsdale86.org>
Subject: Re: [Records Center] Public Records Request :: R000750-120319

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Dear Ms. Baker,

Thank you for your response and I apologize for my computer faux pas. Somehow I managed to delete the very last part of my FOIA request. I have included below the full text of what I was requesting.

Please provide in PDF form any and all e-mail correspondence dated from October 1, 2019 through the date of this FOIA request FROM OR TO Julie May (the Hinsdale Central Science Department Chair) AND/OR Julie Gaubatz (the Hinsdale South Science Department Chair) through D86 assigned e-mail accounts AND any Science or Math department staff members at any of the following high school districts: Stevenson High School District 125, New Trier Township High School District 203, Township High School District 113 discussing or referencing the D86 PCB (Physics, Chemistry, Biology) science sequence that May and Gaubatz recommended to the D86 BOE at the October 23, 2019 BOE meeting.

I hope this adequately clarifies what I am looking for. If not I would appreciate you letting me know.

Thank you for your kind attention in this matter,
Dan Levinthal
Cell: 312-213-4936

On Dec 4, 2019, at 4:12 PM, HINSDALE86 Support <hinsdale86@mycusthelp.net> wrote:

--- Please respond above this line ---

 <https://uploads.mycusthelp.com/HINSDALE86/CaptureT.png>

December 04, 2019
Daniel Levinthal
FOIA Request # R000750-120319
Created December 03, 2019
Hinsdale Township High School District 86 received your request for information pursuant to the Illinois Freedom of Information Act ("FOIA"), 5 ILCS 140/1 et seq., dated December 03, 2019 for the following:

Please provide in PDF form any and all email correspondence dated from October 1st, 2019 through the date of this FOIA request FROM OR TO Julie May (Hinsdale Central Science Chair) AND/OR Julie Gaubatz (Hinsdale South Science Chair) through D86 assigned email accounts AND any Science or Math department staff members at any of the following high school districts: Stevenson High School District 125, Township High School District 113, and New Trier Township High School District 203.

This letter is to clarify what information that you are seeking.

It is not clear from your request what records you wish to receive, or how the District should go about completing its search. Please clarify which email accounts you would like us to search and what parameters [if any] we should use to search these accounts.

If you would like Hinsdale Township High School District 86 to proceed with your public information

request, please provide clarification by responding to this email. If you prefer, you may request clarification by postal mail, in person to Hinsdale Township High School District 86 5500 South Grant Street, Hinsdale IL 60521.

You may call me directly to discuss the clarification if that is easier for you.

Carol Baker
FOIA Liaison
630.655.6100



To view the full details of this request please log into the [Public Records Center](#).

To monitor the progress or update this request please log into the [Public Records Center](#)

Leaders who offer a physics-first or PCB sequence.

If you lead a department that offers a physics-first or PCB sequence and you'd like to have conversations with people in similar positions, feel free to respond to the questions below. None are required, so you can be brief or you can share a lot - your choice! I'll let everyone who responds know how things develop.

What is your name?

Your answer

What school do you work at?

Your answer

What is your email address?

Your answer

Do you know of other leaders who offer a similar sequence who weren't on our list? If so, feel free add them here.

Your answer



Is there anything you'd like to learn from other leaders who also offer a similar sequence? If so, feel free to add that here.

Your answer

Any other thoughts you'd like to share at this point?

Your answer

Option 1

Submit

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Google Forms



From: [English, Jason](#)
To: [Gaubatz, Julie](#)
Subject: RE: PCB -- survey results
Date: Monday, November 11, 2019 8:53:08 AM

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Thanks, Julie!

Jason English, NBCT
Science Department Chair
New Trier High School
385 Winnetka Ave.
Winnetka, IL 60093
847-784-6710
englishj@newtrier.k12.il.us

From: Gaubatz, Julie [mailto:jgaubatz@hinsdale86.org]
Sent: Monday, November 11, 2019 8:49 AM
To: sophia.liarakos@chsd117.org; English, Jason <englishj@newtrier.k12.il.us>; cmorain@pths209.org; jluepke@dist113.org; jalexander@argohs.net; Mrockrohr@glenbrook225.org; gregory.bays@chsd117.org; mcervantes@loy.org; Ward, Robyn J <wardr@newtrier.k12.il.us>; vturak@bhsd228.com; May, Julie <jmay@hinsdale86.org>
Subject: PCB -- survey results

Hi everyone!

Here are the results from our survey of educational leaders who offer a version of PCB as at least one of their sequence options – who responded and where they are located. Keep this email if you have PCB-related questions that you'd like to send out, and also maybe we can find a time to meet and chat about our experiences.

Julie and I are in the midst of working to offer a new sequence across our district based on the California model of PCB with Earth science integrated in to each of these core courses, and we're currently in a phase where we are hearing concerns from the community and trying to either correct misconceptions or use their concerns to make the program stronger. We'll keep you updated and we may throw out some questions to you all based on how things are developing. 😊

Have a great Monday!

Julie

Sophia Liarakos	Lakes Community High School	sophia.liarakos@chsd117.org
Jason English	New Trier High School	englishj@nths.net

Cynthia Morain	Proviso Math and Science Academy	cmorain@pths209.org
Judi Luepke	Deerfield High School	jluepke@dist113.org
Jill Alexander	Argo Community HS	jalexander@argohs.net
Mary Rockrohr	Glenbrook north	Mrockrohr@glenbrook225.org
Greg Bays	CHSD 117: Antioch Community High School	gregory.bays@chsd117.org
Marissa Cervantes	Loyola Academy	mcervantes@loy.org
Robyn Ward	New Trier High School - Northfield Campus	wardr@nthsh.net
Vivian Turek	D228 Bremen	vturek@bhsd228.com
Julie May	Hinsdale Central	jmay@hinsdale86.org
Julie Gaubatz	Hinsdale South	jgaubatz@hinsdale86.org

Julie Gaubatz, M.S., Ed.D.
Science Department Chair
Hinsdale South High School
630-468-4500

Leaders who offer a physics-first or PCB sequence.

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Your answer

What school do you work at?

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What is your email address?

Your answer

Do you know of other leaders who offer a similar sequence who weren't on our list? If so, feel free add them here.

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Is there anything you'd like to learn from other leaders who also offer a similar sequence? If so, feel free to add that here.

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Science Department Chair
New Trier High School
385 Winnetka Ave.
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847-784-6710
englishj@newtrier.k12.il.us

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Judi Luepke	Deerfield High School	jluepke@dist113.org
Jill Alexander	Argo Community HS	jalexander@argohs.net
Mary Rockrohr	Glenbrook north	Mrockrohr@glenbrook225.org
Greg Bays	CHSD 117: Antioch Community High School	gregory.bays@chsd117.org
Marissa Cervantes	Loyola Academy	mcervantes@loy.org
Robyn Ward	New Trier High School - Northfield Campus	wardr@nthsh.net
Vivian Turek	D228 Bremen	vturek@bhsd228.com
Julie May	Hinsdale Central	jmay@hinsdale86.org
Julie Gaubatz	Hinsdale South	jgaubatz@hinsdale86.org

Julie Gaubatz, M.S., Ed.D.
Science Department Chair
Hinsdale South High School
630-468-4500