



HINSDALE TOWNSHIP HIGH SCHOOL DISTRICT 86

Via Email

Jennifer Smith Richards
Chicago Tribune
Jrichards@Chicagotribune.com

Jodi S. Cohen
ProPublica Illinois

RE: RESPONSE TO FOIA REQUEST

Dear Ms. Richards and Ms. Cohen:

This letter constitutes the final response of Hinsdale Township High School District No. 86 to your requests for information pursuant to the Illinois *Freedom of Information Act* ("FOIA"), 5 ILCS 140/1 *et seq.*, received on February 11, 2021. The District previously notified you of the need for an extension of time, and we now provide the District's timely response to your request.

Your requests are granted in part and denied in part. Your requests and the District's responses are restated below, and numbered for the District's convenience:

1. Records that show all incidents that included referral to law enforcement and the underlying offense during the 2018-2019, 2019-2020 and the 2020-2021 school years that did not result in arrest. ***To the extent responsive records exist, they are prohibited from disclosure pursuant to Sections 7(1)(c) and 7.5(r) of FOIA, the Illinois School Student Records Act, 105 ILCS 10/1 et seq., and the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and their rules and regulations. We did not interpret your request as including student disciplinary records, which in any event would be exempt under Sections 7(1)(c) and 7.5(r) of FOIA, the Illinois School Student Records Act, 105 ILCS 10/1 et seq., and the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and their rules and regulations. Further any reports from law enforcement would be entirely prohibited from disclosure under the Juvenile Court Act, which prohibits the disclosure of law enforcement records that relate to a minor who has been investigated, arrested or taken into custody before his or her 18th birthday. 705 ILCS 405/1-7(A). See also 2017 PAC 45740 (a public body has no duty to redact and disclose any portion of records covered by the Juvenile Court Act). In addition, the School Code provides that reports from law enforcement concerning children detained for juvenile proceedings "shall not be a public record" and "shall be used solely by the appropriate school official." 105 ILCS 5/22-20.***

Regardless, and on a non-precedential basis, the District's answers are below:

<i>Incident Name</i>	2018-2019	2019- 2020	2020- 2021
Alcohol (Possession/Use)	1	2	
Assault		2	
Attendance	11	1	
Drug Paraphernalia	1		
Drugs (Possession/Use)	13	14	1
Drugs (Sale)	1		
Electronic Cigarette Violation	13	14	
Fighting	29	6	
Fighting without Physical Injury	4		
Gross Misconduct	5	6	
Intent to Deliver Drugs	1	1	
Misconduct	1	2	
Other		1	
Physical Aggression	2	1	
Physical Aggression without Physical Injury	1		1
Possession of Mislaid Property	1		
Possession of Pocket Knife		1	
Theft	3	3	
Threats	5	1	
Tobacco Violation	1	1	
Under the Influence of Drugs	3		
Verbal Altercation	2	1	
Weapons (Possession/Use)		1	

2. Records that show all arrests of students made inside the school district and the underlying offense during the 2018-2019, 2019-2020 and the 2020-2021 school years. ***The District was unable to locate any responsive data. In any event, records of arrests would be exempt under Sections 7(1)(c) and 7.5(r) of FOIA, the Illinois School Student Records Act, 105 ILCS 10/1 et seq., and the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and their rules and regulations. Further any reports from law enforcement would be entirely prohibited from disclosure under the Juvenile Court Act, which prohibits the disclosure of law enforcement records that relate to a minor who has been investigated, arrested or taken into custody before his or her 18th birthday. 705 ILCS 405/1-7(A). See also 2017 PAC 45740 (a public body has no duty to redact and disclose any portion of records covered by the Juvenile Court Act). In addition, the School Code provides that reports from law enforcement concerning children detained for juvenile proceedings "shall not be a public record" and "shall be used solely by the appropriate school official." 105 ILCS 5/22-20.***

3. Records that show the gender and race of students referred to law enforcement, arrested and/or issued a citation or ticket in the 2018-2019, 2019-2020 and the 2020-2021 school years. ***Please be aware that the District does not regularly track issuance of citations or tickets by law enforcement to its students in its databases. Nonetheless, to the extent individually identifiable responsive records exist, they are prohibited from disclosure pursuant to Sections 7(1)(c) and 7.5(r) of FOIA, the Illinois***

School Student Records Act, 105 ILCS 10/1 et seq., and the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and their rules and regulations. Regardless, and on a non-precedential basis, the District's answers are below:

Gender	F	M	Grand Total
2018-2019	36	62	98
2019-2020	16	42	58
2020-2021	0	2	2
Grand Total	36	62	158

Race	2018-2019	2019-2020	2020-2021	Total
Asian	9	4	0	13
Black or African American	34	15	0	49
Hispanic or Latino	16	5	1	22
Two or More Races	1	1	0	2
White	38	33	1	72
Grand Total	98	58	2	158

4. Records that show all incidents in which students were issued a citation or ticket for an ordinance violation during the 2018-2019, 2019-2020 and the 2020-2021 school years. Records that show the gender and race of students referred to law enforcement and arrested for the 2020-2021 school year. **No responsive records or data exist for the 2019-2020 and 2020-2021 school years, and the District does not regularly track this information. To the extent any individually identifiable responsive citations or tickets exist, they are prohibited from disclosure pursuant to Sections 7(1)(c) and 7.5(r) of FOIA, the Illinois School Student Records Act, 105 ILCS 10/1 et seq., and the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and their rules and regulations. Further any reports from law enforcement would be entirely prohibited from disclosure under the Juvenile Court Act, which prohibits the disclosure of law enforcement records that relate to a minor who has been investigated, arrested or taken into custody before his or her 18th birthday. 705 ILCS 405/1-7(A). See also 2017 PAC 45740 (a public body has no duty to redact and disclose any portion of records covered by the Juvenile Court Act). In addition, the School Code provides that reports from law enforcement concerning children detained for juvenile proceedings "shall not be a public record" and "shall be used solely by the appropriate school official." 105 ILCS 5/22-20.**

Regardless, and on a non-precedential basis, there were two records of students being issued a citation or ticket for an ordinance violation during the 2018-2019 school year.

You may have a right to have this response reviewed by the Public Access Counselor (PAC) at the Office of the 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 days of the date of this letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this letter 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.

As the District's FOIA Officer, I am responsible for this response to your requests. This response letter is intended to be fully responsive to your specific requests. If I have misunderstood or misinterpreted your requests in any way, please clarify your requests in writing to me.

Sincerely,

FOIA Officer
Debra Kedrowski
FOIA Officer
Hinsdale Township High School District 86
630.655.6100