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LAW ALERT

Recent FOIA Request for "Legal Opinions of the ISBE"

October 7, 2010

Many Illinois school districts have recently received a Freedom of Information Act request, titled "FOIA Request for Legal Opinions of the ISBE". The four-page request seeks copies of opinions issued by the State Board of Education since 1963 which "mention" School Code Sections 17-2.11 or 17-2.11, or which address various issues regarding the use of life safety funds under those statutory provisions.

Although the response to this FOIA request will depend upon each district's particular circumstances, most school districts do not routinely ask for or receive legal opinions issued by the ISBE - or may not customarily retain such opinions as do come to their attention from time to time. Therefore, it may be appropriate for some districts to state, after making a reasonable effort to determine whether the records they maintain include any ISBE legal opinions of the type described, that they have no records responsive to the FOIA request. For guidance as to specific situations, Robbins, Schwartz attorneys in any of the firm's offices are available to address FOIA compliance issues related to these requests.

Maryam T. Brotine, an associate in the firm's Chicago office, prepared this *Law Alert*.

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