

Foia Appeal

On June 23rd, I sent a FOIA request to Decatur Public Schools District 61. On July 10th, I received an incomplete response. I would like the response to be reviewed and missing documents and communications to be provided.

Below, I will summarize what I requested, the response I received, and additional documents or communications that I expected. Attached are all the documents provided by the District.

Also, regarding Section 5 of FOIA which requires public bodies to "maintain and make available for inspection and copying a reasonably current list of all types or categories of records under its control." I requested this list on June 23rd in a standalone email, on June 23rd as a P.S. on my FOIA request, and again on July 11th. All three emails were sent to Bradford. The June 11th ask was also sent to the Superintendent & the full DPS Board. I sent another email, requesting this list, on July 13th to David Braun dbraun@millertracy.com and Luke Feeney lfeeney@millertracy.com, who I believe are the attorneys for the District. I believe this is not within your purview, but would like to know who's jurisdiction it is to enforce this Section 5 of FOIA.

1 - Staff meetings

I requested:

1. Documents and communications related to the following meetings. I expect a list of attendees, meeting agendas & packets, meeting minutes, audio and video recordings, emails, text messages, memos, chats during the meeting, and any questionnaires or surveys.
 - a. Monday June 19th Webinar meeting regarding the Dennis Schools. This should include questions submitted by staff via a question box that was temporarily available as well as the times the question box was available for staff input. This should also include any recordings or notes taken prior to the start of the meeting, and the time each host & attendee joined and exited the webinar.
 - b. Faculty meetings with Dennis Staff for October 24th, 2022; November 2, 2022; February 7, 2023; March 7, 2023; April 17, 2023;

I received:

- 1a: Questions submitted by staff (and possibly all chats) & time each attendee joined & exited

I did not receive, and/or would like reviewed:

- A. 1a: Audio/video recordings of the meeting, notes taken prior to the start of the meeting. I believe the meeting took place on Zoom and suspect there is a recording in the official District zoom account, or with one or multiple of the staff who attended.
- B. 1a: emails - I know emails were sent to staff to register for the meeting. I expect there were replies to these emails. I expect there were email communications in preparation of this meeting.
- C. 1a: text messages - I suspect there were text communications between administrators in preparation for the meeting, during the meeting, or shortly after the meeting
- D. 1a: chats - I received questions, and would like it reviewed to confirm I received all questions + chats.
- E. 1b: emails - I suspect there were email announcements to tell staff or administrators when meetings would take place. I suspect there are emails between administration (whether Keil building or Dennis admins) in preparation of the meetings & discussing next steps or findings after the meetings.
- F. 1b: texts - Same as E/1b emails (preparation/discussing next steps)
- G. 1b: meeting agendas & packets, meeting minutes - I spoke with staff who said agendas & minutes are available for staff meetings. At the very least, I expect notes were taken by administrators and/or by staff present at the meeting
- H. 1b: List of attendees - I did not receive a list of attendees, and suspect this would have been documented.
- I. 1b: audio/video recordings - I spoke with staff who suggested recordings may be available for staff meetings.
- J. 1b: memos - Same as F/1b texts
- K. 1b: chats during meeting, questionnaires, surveys - I don't have any reason to expect these exist, unless there were remote attendees, but I would like this reviewed

2 - Communications related to Dennis

I requested:

2. All communications related to the Dennis Structural issues (both buildings) between June 1 2022 and June 23, 2023. This should include but is not limited to: emails, text messages, facebook messages, phone call records, video call records, and any other communications. This should include all communications with BFW Engineering and Klingner & Associates between September, 2022 and June 22, 2023. This should also include communications regarding purchase orders and contracts. This should include communications with media, including FOIA request & responses to FOIA requests. This should include communications with Kent Metzger's "maintenance foreman and mason," whom he referenced in a May 26th email. This should

include emails of administration. This should include emails to and from members of the public expressing opinion or asking questions. Search terms for emails should include "Dennis", "French", "Structural", "Structure", "stair", "parapet", "deteriorate", "mosaic", "kaleidoscope", "damage". This request is NOT limited to the search terms I provided.

I received:

- Some Emails with engineering firms
- Some emails with media
- Some emails regarding Purchase orders with BFW

I did not receive, and/or would like reviewed:

A. any text messages, facebook messages, phone call records, video call records, or other records of communications.

B. The email records show multiple gaps in communication where I suspect there was another form of communication. Some of these gaps include:

1. Metzger emailed Holthaus on April 11th & does not appear to get a reply until April 27th
2. Metzger emailed Holthaus on April 27th & does not appear to get a response until May 8th
3. A May 15th email from Holthaus to Metzger states "While you were out of the office last week" - The records provided do not show an email or any other communication to Holthaus, informing Holthaus that Metzger was out of the office from May 8th - May 12th. I expect some communication informing Holthaus of Metzger's being out of the office.

C. Any communications prior to March 23rd. The District states (on <https://engage.dps61.org/dennisfuture>) they sought inspection on March 22nd, but the records in my possession show no communications prior to March 23rd.

D. FOIA Responses related to Dennis. Note that FOIA Requests are viewable at <https://www.dps61.org/Page/70>, but responses are not online.

1. Valerie Wells submitted a request on June 7th related to Dennis & received a response on June 14th. I also received Valerie's email request in a FOIA response I received on June 8th. Neither her email request nor the response to her request were included in my June 23rd response.

2. On June 13, Andrew Matthews requested electronic communications between Mike Curry & Mary Ann Schloz & he received a response on June 21st. That request/response might not have anything to do with Dennis, but I suspect some of the communications in the response do include Dennis-related discussions, and if so I would like the full response to Andrew Matthews, as well as the original email Matthews sent to Bradford.

3. On June 13, Andrew Montgomery requested "Documents, bids, contracts, ... related to the replacement plan of Dennis Lab School campus ..." He received an extension until June 28th. I would like the full response that was sent to Montgomery, as well as the original email Montgomery sent to Bradford.

E. Emails to and from members of the public - I received none of these, and I suspect there are many. I know there are some public comments submitted via email, for the Board of Education meeting, which were not included in my response. Those may be in Board Meeting Minutes, but I believe Bradford should have informed me of this if it is the case.

F. Search terms - I would like it reviewed whether these email searches were conducted & I would like to obtain relevant emails.

G. Purchase orders with Klingner

H. Communications with Kent Metzger's "maintenance foreman and mason" - In a May 26th email, Metzger wrote to Holthaus: "My maintenance foreman and mason are knowledgeable about some structural issues so they can meet too." No communications with the maintenance foreman and mason were included. I suspect there are texts, emails, and/or other forms of electronic communication, possibly including digital maintenance requests or some other kind of internal communication system.

I. Communications with media - WAND covered this Dennis story multiple times, but the FOIA response does not include any communications with WAND.

J. Robocalls & announcements to parents - I know the District has notified parents of some events related to Dennis, such as the school closing on May 31st, and the Special Board meeting on June 21st. I suspect there are other communications of this nature. None were present in the FOIA response.

K. Gmail - Mike Curry forwarded an email from mcurryedu@gmail.com to mcurry@dps61.org containing an attachment "KLINGNER & ASSOCIATES, P.C..pdf" on June 2 at 11:51 am w/ subject KLINGNER & ASSOCIATES, P.C. -- I would like it reviewed whether Mike's gmail was searched for relevant communications, and to obtain such communications if so.

L. The emails show that there was a May 31 meeting with BFW/Holthaus and BLDD Architects. Holthaus, via email, asked to attend via Zoom. I expect documents related to this zoom call (attendees, times, chats, emails containing links, and any communications that contain an agenda or meeting minutes)

3 - Documents related to Dennis Structural Issues

I requested:

All documents related to the Dennis Structural issues.

a. This should include, but is not limited to: purchase orders for any related work, findings from structural inspections performed by BFW, any documentation from Klingner other than the detailed reports released online, as well as any contracts for work from these or other firms.

I received:

- Nothing. The response pointed me to <https://engage.dps61.org/dennisfuture>

I did not receive, and/or would like reviewed:

A. Purchase orders with BFW & with Klingner or any other related work were not present

B. Findings from structural inspections performed by BFW - The linked webpage states that BFW provided completed reports to the District on June 20th. The reports themselves were added to the website on June 29th - 6 days after I received Bradford's response. They are now publicly available & I do not need them sent, but I believe they should have been included in the June 23rd response. It's also worth noting that those two documents were linked in the emails I did receive, on page 39/40. I still believe these should have been made available as part of this Item #3, not just found within the emails response.

C. Preliminary findings from BFW for Mosaic Campus. - The website above details that on May 30th "Initial structural analysis completed on-site at both Dennis Lab school buildings" and provides a link "Click here to view the initial structural engineering analysis." which links to the PDF file

<https://www.dps61.org/cms/lib/IL50010903/Centricity/Domain/4/Dennis%20Lab%20Kaleidoscope%20-%20Minimum%20Recommen>

... Initial findings for the Kaleidoscope campus (original French) were released, but initial findings for Mosaic Campus (original Dennis) were NOT released and still are not available online. I would like the original findings for Mosaic.

D. Contracts for work - These were not included. On May 24th, Angela Brown wrote to Holthaus (BFW) "Attached is the signed agreement." The emails do include a March 23rd contract proposal from BFW, and I believe the "signed agreement" is the same proposal, but would like that reviewed. I believe a signed copy of the contract should have been returned on its own. No contracts with Klingner were sent to me. Michael Fries (Klingner) writes in a June 2nd email (page 45) "Thanks for the signed agreement." The (presumably) attached agreement was not included in the emails & was not sent as part of this FOIA item #3.

E. I suspect there are myriad other documents "related to the Dennis Structural issues", including digital maintenance requests, documents with regard to approving contracts & procuring purchase orders, requests for bid, and possibly others. I did not specify this in my request, but would like to have this reviewed anyway.

F. Al Scheider (a board member) told me "As far as other structural things, Kent [Metzger] had, twice this year, has gone through a whole list of all the schools and what they were doing." - I would like it reviewed whether that mentioned list is responsive to my request.

4 - Documents & repair records related to 2013 10-year HLS Survey

I requested:

4. For both Dennis buildings: Documents and repair records and work records related to the 2013 10-year HLS Surveys, and 2023 annual HLS Surveys performed by the regional superintendent's office for both buildings. As the 10-year surveys are available online, I do not need those.

I received:

- 2023 annual HLS Surveys for both buildings, as well as Kent Metzger's responses indicating what work would be completed.

I did not receive and would like reviewed:

A. Repair records related to problems found in the 2013 survey. The survey itself is available online and details building issues, but any work that came after the survey is not. I suspect the District is supposed to keep records of repairs and report them to ROE #39 or ISBE or both.

5 - Documents related to previous repairs

I requested:

5. Documents related to inspections and repairs detailed in the Klingner inspections. These should include:

- a. Dennis: "previous concerns of the basement slab and foundation had led to others drilling two small exploratory holes in the basement floor slab below the lowest portion of the north stair,"
- b. Dennis: "an [8 inch] steel W-beam was added at some time in the past"
- c. Dennis: "added brick support pedestals on the east and west ends,"
- d. Dennis: "it is possible that the columns were added at some time in the past as a repair attempt"
- e. Dennis: "someone has had to cut the door down to reduce the door height by up to 1" to "allow the doors to be able to swing open."
- f. French: Previous tuckpointing of mortar joints in the area inspected by Klingner
- g. French: "The inside face of parapet appears to have been coated and painted to attempt to prevent moisture infiltration of the parapet,"
- h. French: "A few locations of pocketed roof framing on the south end were observed to have steel straps or shims added in an attempt to prevent the wood framing from pulling out of the pocket"
- i. French: "Previous attempts to sister some of the water deteriorated roof joists was observed near the north wall bearing."

I received:

- A response pointing me to <https://engage.dps61.org/dennisfuture> where the full Klingner report is found.

I did not receive:

A. Any documents related to the work I specified. "a.) basement slab" is likely covered by BFW's report - BFW's June 20th

report shows they are the ones who drilled those holes. The other repairs, b.-i. were done in the past (per Klingner's report), prior to Klingner's inspection, and I am seeking documents related to those past repairs. I am not seeking Klingner's report, which is online, as Bradford mentioned.