



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 9, 2024

Via electronic mail



RE: FOIA Request for Review – 2024 PAC 81858; CPS no. N015125-040424

Dear 

This determination letter is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2022), as amended by Public Act 103-069, effective January 1, 2024). For the reasons set forth below, the Public Access Bureau concludes that no further inquiry is warranted.

On April 4, 2024, you submitted a FOIA request to Chicago Public Schools (CPS) seeking Recognizing Educators Advancing Chicago's Students (REACH) test results from school year 2019 through present. In your request, you described REACH as "the district's enhanced, comprehensive system for teacher evaluating and support," and REACH Performance Tasks as "performance-based, formative assessments."¹ You argued that "[t]hese records should be released so the records provided will allow for the results of each student to be matched without revealing private personally identifiable information."² On April 19, 2024, CPS denied your request in its entirety pursuant to sections 7(1)(a), 7(1)(j)(ii), and 7.5(r) of FOIA.³ In connection

¹FOIA portal message from Chicago Public Schools FOIA Center to  (April 4, 2024).

²FOIA portal message from Chicago Public Schools FOIA Center to  (April 4, 2024).

³5 ILCS 140/7(1)(a), (1)(j)(ii) (West 2022), as amended by Public Acts 103-154, effective June 30, 2023; 103-423, effective January 1, 2024; 103-462, effective August 4, 2023; 103-446, effective August 4, 2023; 103-540, effective January 1, 2024; 103-554, effective January 1, 2024; 5 ILCS 140/7.5(r) (West 2022), as amended by Public Acts 103-008, effective June 7, 2023; 103-034, effective June 9, 2023; 103-142, effective January 1, 2024; 103-372, effective January 1, 2024; 103-508, effective July 1, 2023; 103-580, effective December 8, 2023.

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with section 7(1)(a) of FOIA, CPS cited a provision of the School Code⁴ and a provision of the Personnel Record Review Act.⁵ CPS stated that "the sole use of REACH assessments and related assessment data is to inform a teacher's performance review by the district."⁶

On June 18, 2024, you completed the submission of the above-referenced Request for Review. You contended that "[t]his request does not ask for any records that could identify a student or a specific teacher if unidentified, and withholding such records is a violation of the Illinois FOIA."⁷

Section 7(1)(a) of FOIA exempts from disclosure "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law." The School Code provision CPS cited is a State law that provides: "Except as otherwise provided under this Act, disclosure of public school teacher, principal, and superintendent performance evaluations is prohibited." Similarly, the Personnel Record Review Act provision CPS cited states: "This Act shall not be construed to diminish a right of access to records already otherwise provided by law, provided that *disclosure of performance evaluations under the Freedom of Information Act shall be prohibited.*" (Emphasis added.)⁸ These provisions expressly exempt teacher performance evaluations from disclosure pursuant to FOIA.

You noted in your FOIA request to CPS that the test results you seek are generated for evaluating teachers' performance. CPS confirmed in its response to your request that the records are solely used to evaluate teachers' performance. Among other things, these "evaluations can be used in personnel decisions, such as tenure attainment, identification of teacher leaders, or removal of persistently low-performing teachers who are not meeting district expectations."⁹

Under these circumstances, the records you requested plainly constitute

⁴105 ILCS 5/24A-7.1 (West 2022).

⁵820 ILCS 40/11 (West 2022).

⁶E-mail from Annie Righi, Freedom of Information Act Officer, Chicago Public Schools, to [REDACTED] (April 19, 2024).

⁷E-mail from [REDACTED] to Public Access Counselor (June 17, 2024).

⁸Although CPS did not expressly cite section 7.5(q) of FOIA (5 ILCS 140/7.5(q) (West 2022), as amended by Public Acts 103-008, effective June 7, 2023; 103-034, effective June 9, 2023; 103-142, effective January 1, 2024; 103-372, effective January 1, 2024; 103-508, effective July 1, 2023; 103-580, effective December 8, 2023), the exemption pertains to "information prohibited from being disclosed by the Personnel Record Review Act."

⁹University of Chicago Consortium on School Research, Research Brief, *Teacher Evaluation in CPS: Perceptions of REACH Implementation, Five Years In* (2020), at 10.

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performance evaluations which are required to be kept confidential pursuant to the School Code and Personnel Record Review Act. While you stated that you did not seek personally identifiable information, the Personnel Record Review Act and School Code require the withholding of performance evaluations in full; redacting teachers' identifying information is not an option. Accordingly, the Public Access Bureau has determined that no further action is warranted in this matter.

This file is closed. If you have any questions, please contact me at
katherine.goldsmith@ilag.gov.

Very truly yours,

[REDACTED]
KATIE GOLDSMITH
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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