Eagle 3 Analytics

... a Data & Analytics experiment

24 November 2021

Open Records Request

Dear FOIA Officer:

This is a written request for public records made in full compliance with the *Freedom of Information Act of Illinois* (FOIA) (5 ILCS 140/1 *et seq.*). If you are not the FOIA officer responsible for any part of this request you are required by law to forward it to the appropriate FOIA officer.

DECLARATION OF PURPOSE

This is a non-commercial request for public records.

According to Section 2(c-10) of the FOIA: "'Commercial purpose' means the use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services." This request is not for a "commercial purpose" as that phrase is defined within the FOIA.

BACKGROUND

This Request is for records that relate to the filing of a "surety bond" by a school treasurer to the Regional Superintendent of Schools.

In order to determine if our record requests could be fulfilled via records maintained on the ISBE's web site (www.isbe.net), we performed a web site "search" via the search feature found in the upper right-hand corner of the main page. The primary word search was: "School Treasurer".

The following language was found on the ISBE's "School Treasurer Bonds" web page (https://www.isbe.net/Pages/School-Treasurer-Bonds.aspx):

> *"Section 3-8 of the School Code (105 ILCS 5/3-8) describes the duties of the Regional Superintendent of Schools upon receipt of the treasurer bonds. When the bond of any school treasurer is filed with the Regional Superintendent of Schools, the Regional Superintendent shall carefully examine it. If the bond is found to be in all respects according to law and the sureties sufficient, the Regional Superintendent shall endorse his/her approval and file it with the papers of his/her office. If the bond is in any respect defective, or if the sureties are insufficient, the bond shall be returned for correction."*

Our records requests are:

REQUEST #1: ISBE GUIDANCE

Within the ISBE's "School Treasurer Bonds" web page, the ISBE states: "Copies of the actual school treasurer bond should not be filed with ISBE." Given that statement, we assume that the "careful examination" and "sufficiency" determination is performed at the local ROE office and not at the state level within the ISBE.

1A: ISBE - Defective/Insufficient Surety Bond

While it appears that the school treasurer surety bond "sufficiency" review is performed by the ROE, it is possible that the ISBE may also have some involvement in the review process **when** an ROE determines that a particular "surety bond" (operating funds surety bond or debt instrument surety bond) is "…in any respect defective, or if the sureties are insufficient."

Request: Please provide, in PDF file format, copies of all written correspondence between the ISBE and the ROE **since July 1, 2001 and up to the date of this FOIA** that involves the inspection of a particular surety bond and the finding by the ROE that it was either defective or not sufficient. While it is assumed that the ISBE does not involve itself in such matters, the purpose of this Request ("1A") is to request such records if such an event did occur.

1B: ISBE - Guidance

Attached as Appendix #1 is a ROE "checklist" document received from a school district up in DuPage County in response to a prior "surety bond" FOIA. At the top of the page, it states:

Illinois State Board of Education
DuPage Regional Office of Education #19
Treasurer's Bond (Internal Checklist)

The DuPage ROE's "checklist" clearly lists the records that must be filed by a DuPage County school treasurer when filing a "surety bond" for inspection and approval. The "checklist" is divided into two parts: 1) annual operating fund "surety bond" filings and 2) general obligation bond "surety bond" filings that occur from time to time.

Request: Please provide, in PDF file format, copies of all written correspondence between the ISBE and the ROE **since July 1, 2001 and up to the date of this FOIA** that provides "guidance" (memos, publications, letters, etc.) as to the records that must be filed at the ROE counter by the school treasurer (the "checklist").

The fact that the attached "checklist" has the ISBE identified within the header ("Illinois State Board of Education") suggests that the DuPage ROE is following the "guidance" provided by the ISBE. Such "guidance" may include sample documents for the numerous Resolutions, Certifications, ROE Treasurer's Bond Calculation Form (Shows the projected highest fund balance multiplied by 25%) as found within the attached "checklist".

Request: Please provide, in PDF file format, copies of all written correspondence between the ISBE and the ROE **since July 1, 2001 and up to the date of this FOIA** that provides "guidance" as to how a ROE is to mathematically determine "sufficiency". Given the fact that there is a statutory 25% minimum requirement, it is presumed that the ISBE has provided the ROE offices with the actual steps needed to calculate the 25% requirement for: 1) annual operating fund "surety bond" filings and 2) general obligation bond "surety bond" filings. Attached is a "Treasurer Bond Calculation Form" and once again, it is presumed that this form is following "guidance" provided by the ISBE.

REQUEST #2: ROE SCHOOL TREASURER SURETY BOND FILING POLICY

Using the attached "checklist" and "Bond Calculation Form" as a sample set, please provide, in PDF file format, the following:

<u>2A:</u> Filing Policy

The current written Policy of the ROE which outlines what is expected to be filed by the school treasurer during a "surety bond" filing. It is presumed that this Policy and all exhibits, worksheets, forms, sample resolutions, etc. has been distributed over time to the school districts located within the territory of the ROE.

- Please include as part of this request the ROE's written Policy as well as any checklist similar to the attached, any calculation form similar to the attached and all other records attached to the current Policy.
- Please include as part of this request the ROE's written "Filing Receipt" provided to the school treasurer at the time of filing.
- Please include as part of this request the ROE's endorsed "Approval Notice" attached to the surety bond within the papers maintained by the ROE. It is presumed that a copy of the "Approval Notice" is forwarded to the school treasurer for his/her records.
- In addition to the current policy, if the Policy has been amended at any time **<u>since July 1, 2001 and up to the date of this FOIA</u>**, please include each prior version as part of this request.

<u>2B:</u> Current Review Standards for Defective Surety Bond

In addition to the written Policy regarding the filing of records, the public records which indicate the criteria used by the ROE to determine if a particular "surety bond" is defective or not. While we presume that the criteria is probably contained within the written filing Policy, this request is included in order to ensure that it is sent as a record responsive to Request #2A.

<u>2C:</u> Current Review Standards for Sufficiency (25%)

In addition to the written Policy regarding the filing of records, the public records which indicate the criteria used by the ROE to mathematically determine if a particular "surety bond" is "sufficient". Given the fact that there is a statutory 25% minimum requirement, it is presumed that the ISBE has provided the ROE offices with the actual steps needed to calculate the 25% requirement for: 1) annual operating fund "surety bond" filings and 2) general obligation bond "surety bond" filings. Attached is a "Treasurer Bond Calculation Form" and once again, it is presumed that this form is following "guidance" provided by the ISBE.

REQUEST #3: Defective / Insufficient

While it is assumed that very few school treasurer surety bonds have been found by the Regional Superintendent to be either defective or insufficient in terms of coverage, we presume that it does occur.

Please provide, in PDF file format, the records maintained by the Public Body for each "surety bond" found to be either defective or insufficient **<u>since July 1, 2001 and up to the date of this FOIA</u>**. As stated on the ISBE web page: *"If the bond is in any respect defective, or if the sureties are insufficient, the bond shall be returned for correction."* This request is for the records related to the rejection by the ROE, its return to the school treasurer and any follow-up mitigation/resolution.

REQUEST #4: ISBE LEGAL OPINIONS

Please provide, in PDF file format, copies of all formal and/or informal opinions drafted by the General Counsel's office of the ISBE **<u>since July 1, 1981 and up to the date of this FOIA</u>** and circulated to the ROE on the subject of:

- Appointment of School Treasurer
- Approval of the Salary for a School Treasurer
- Duties of the School Treasurer
- Removal of School Treasurer
- Annual Treasurer Surety Bond: Operating Funds
    - o 105 ILCS 5/8-2

  - Determination of “sufficiency”
    - 25% (or otherwise applicable amount)
- Treasurer Surety Bond: General Obligation Bonds / Debt Issuances
  - 105 ILCS 5/19-6 and 105 ILCS 5/8-2
  - Determination of “sufficiency”
    - 25% (or otherwise applicable amount)

REQUEST #5: PUBLICATIONS

Please provide, in PDF file format, copies of all “publications” (memos, bulletins, circulars, white papers, etc.) drafted by the ISBE **since July 1, 1981 and up to the date of this FOIA** and circulated to the ROE on the subject of:

- Appointment of School Treasurer
- Approval of the Salary for a School Treasurer
- Duties of the School Treasurer
- Removal of School Treasurer
- Annual Treasurer Surety Bond: Operating Funds
  - 105 ILCS 5/8-2
  - Determination of “sufficiency”
    - 25% (or otherwise applicable amount)
- Treasurer Surety Bond: General Obligation Bonds / Debt Issuances
  - 105 ILCS 5/19-6 and 105 ILCS 5/8-2
  - Determination of “sufficiency”
    - 25% (or otherwise applicable amount)

REQUEST #6: REGIONAL SUPERINTENDENT/ INTERMEDIATE SERVICE CENTER DIRECTOR

Please provide, in PDF file format, a record (or records) which indicate the identity of each officer holder (Superintendent/Executive Director) **since July 1, 2001 and up to the date of this FOIA**.

TIMING OF DELIVERY OF REQUEST

Pursuant to section 3(d) of FOIA, within five business days after its receipt of the request, the public body is required to take action in one of three ways: (1) comply with the request; (2) deny the request; or (3) extend the time for response under section 3(e). Therefore, a response is due no later than **5:00 PM, Friday, 3 December 2021**.

FILE SIZE

The file size limit for all attachments for a single email cannot exceed ... 25MB. Therefore, please do not attempt to send an email containing attachments that approach that limit. Instead, send multiple emails and include as part of the subject line a brief marker (ex, "1 of 3").

If you have any questions regarding our request, please advise as soon as possible so that the requested records are not unnecessarily delayed.

Thank you in advance for your prompt attention to this request.

Eagle 3 Analytics
scitylana3elgae.09@protonmail.com

File: Eagle3Analytics_FOIA_20211124_ROE_SchoolTreasurer_SuretyBondFilings.odt

Appendix

#1

DuPage Regional Office of
EDUCATION
Excellence in Education

DR. DARLENE J. RUSCITTI
Regional Superintendent
DuPage County Schools

421 N. County Farm Road
Wheaton, Illinois 60187
Phone: 630.407.5800
Fax: 630.407.5802

Illinois State Board of Education
DuPage Regional Office of Education #19
Treasurer's Bond (Internal Checklist)

As required by school code, Treasurers of School Districts are to be properly bonded and General Bond Obligation are to be properly bonded.

Basic Treasurer Duties Surety Bond (105 ILCS 5/8-2) and Treasurer Appointment:	**Checked**
1. Board Resolution Appointment of Treasurer signed by Board President and Board Secretary or Board Minutes if applicable.	
2. Board Certification of Resolution Appointment of Treasurer signed by Board Secretary or Board Minutes if applicable.	
3. Board Resolution Approving Surety Bond of Treasurer signed by Board President and Board Secretary.	
4. Board Certification of Resolution Approving Surety Bond of Treasurer signed by Board Secretary.	
5. State of Illinois – School Treasurer's Bond Illinois – Corporate Surety Form.	
6. Projected Highest Fund Balance for the School Year in which the surety bond will be in effect.	
7. ROE Treasurer's Bond Calculation Form (Shows the projected highest fund balance multiplied by 25%).	
Note: The State Board of Education (ISBE) continues to interpret the law to mean that school district treasurer must be bonded for 25% of the amount he has in custody at any given time, not the total amount over the course of a year.	
General Obligation Bonds / Issuances (105 ILCS 5/19-6 and 105 ILCS 5/8-2):	**Checked**
1. Board Resolution Approving Treasurer's Special Surety Bonds or Board Minutes and General Obligation Bonds signed by Board President and Board Secretary	
2. Board Certification of Resolution Approving Treasurer's Special Surety Bonds or Board Minutes and General Obligation Bonds signed by Board Secretary if applicable	
3. State of Illinois – School Treasurer's Bond Covering Special Bond Issue – Corporate Surety Form	
4. ROE Treasurer's Bond Calculation Form. (Shows the Anticipated Bond Proceeds multiplied by 25%)	

Questions regarding the items listed in this checklist should be directed Diane Kucharczyk at dkucharczyk@dupageroe.org.

DuPage Regional Office of Education

Treasurer Bond Calculation Form Date: ____________

District Name: ____________
Address ____________

Treasurer's Name: ____________

Treasurer's date of election or appointment ____________
Treasurer's date of expiration (if applicable) ____________

School Treasurer's Bond (105 ILCS 5/8-2)

Projected Highest Fund Balance:			Enter highest projected fund balance
Mulipied by 25%	x	25%	
Anticipated Surety Bond Issue Amount	=	$ -	
The amount of the Bond listed on State of Illinos School Treasurer's Bond - Surety Bond Form.			Enter treasurer's surety bond amount
		$0.00	Properly Funded

Surety Company: **Issuance Date:** **Expiration Date:**

Treasurer's Bond For General Oligation Bond Issuance (105 ILCS 5/19-6 and 105 ILCS5/8-2)

Anticipate Bond Proceeds:			Enter anticipated bond proceeds
Mulipied by 25%	x	25%	
Anticipated Special Surety Bond Amount	=	$ -	
The amount of the Bond listed on State of Illinos SchoolTreasurer's Bond Covering Special Bond Issue Form.			Enter special surety bond amount
		$0.00	Properly Funded

Surety Company: **Issuance Date:** **Expiration Date:**

An original of the Bond must be on file in the Regional Superintendent's Office, as well as an original Rider when applicable.

We affirm that the above information is accurate and current.

____
School Board President

____
School Board Secretary

Return completed form by June 12th to:

DuPage Regional Office of Education
Diane Kucharczyk, Coordinator of Admin. Services
421 N. County Farm Road
Wheaton, IL 60187
(630)407-5802