

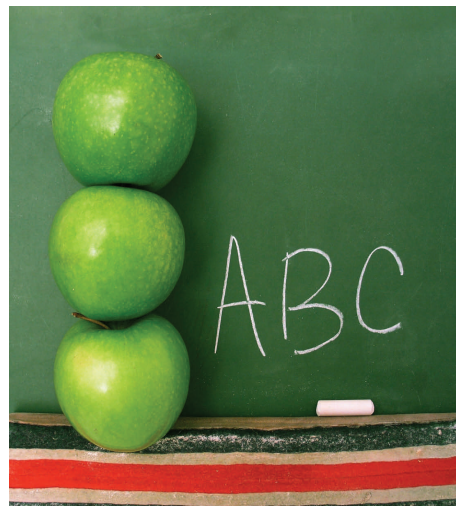
Governor Quinn Vetoes FOIA Amendment Related To Performance Evaluations

The Illinois legislature passed House Bill 5154, amending the Freedom of Information Act to exempt performance reviews from disclosure, on April 29, 2010. Governor Quinn received the bill and issued an amendatory veto on July 26, 2010. Governor Quinn's amendment deletes the exemption for all performance review and instead exempts only "peace officer" performance reviews. This amendment, if adopted, will cover all State and local police officer performance evaluations.

The amendatory veto will be sent to the House of Representatives, which will vote on overriding the veto. If three-fifths of the House so votes, the amendatory veto is sent to the Senate which will also vote. If the Senate also votes three-fifths or greater to override the veto, then the original amendment exempting all performance reviews will become law. If the House and Senate do not successfully override the Governor's amendatory veto, the legislature also has the option to vote to accept the amendatory veto, by a majority vote of each chamber.

Note that the disclosure of public school teacher (defined as "... all school district employees regularly required to be certified [by law] ..."), principal, and superintendent performance evaluations pursuant to the School Code is still prohibited, as recently provided for by Public Act 96-681. Governor Quinn's amendatory veto only applies to performance evaluations mentioned in the FOIA itself, and not to exemptions for disclosure of such evaluations located outside of the Act, such as the educational one just mentioned, which is contained in the School Code.

For more information about matters discussed in this issue, please contact any KTJ School Law Attorneys.



Chicago

20 N. Wacker Drive, Suite 1660
Chicago, IL 60606
T 312.984.6400 F 312.984.6444

Klein, Thorpe & Jenkins, Ltd.

Orland Park

15010 S. Ravinia Avenue, Suite 10
Orland Park, IL 60462
T 708.349.3888 F 708.349.1506