

Bond Case Briefs

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PUBLIC RECORDS - ILLINOIS

Better Government Association v. Illinois High School Association

Supreme Court of Illinois - May 18, 2017 - N.E.3d - 2017 IL 121124 - 2017 WL 2180590

Records requester brought action against association of high schools and one of its member school districts, seeking a declaration that they violated the state Freedom of Information Act (FOIA).

The Circuit Court granted association's and district's motions to dismiss. Requester appealed. The Appellate Court affirmed. Requester's petition for leave to appeal was allowed.

The Supreme Court of Illinois held that:

- As a matter of first impression, association was not "subsidiary body" of governmental unit under FOIA;
- As a matter of first impression, a "subsidiary body" does not necessarily include an entity found to be a state actor under federal civil rights laws; and
- Association had not contracted to perform governmental function on behalf of district.

Voluntary association of public and private high schools was not "subsidiary body" of governmental unit under Freedom of Information Act (FOIA), and thus was not subject to FOIA's disclosure requirement. Even though public schools accounted for majority of memberships in association, association was not created by school district or other public body, no public body had control over how governing board was established or comprised, and association did not receive direct governmental funding.