

# FOIL (Freedom of Information Law) Request #F9027

This FOIL request (PAHSI's second) was for guidance counselor instructions (see details in the first email, below). Note that on Day 13, we clarified that the FOIL office could send us the written material first and any audiovisual material later (since that might be harder to find).

The story behind the emails on this page is in the blog post titled "Freedom of Information? NYC DOE Drags Feet", which you can find on the home page for PAHSI (Partnership for Accurate Homeschooling Information) at PAHSI.net. Elsa Haas, who made the FOIL requests, is the director of PAHSI, though she didn't initially identify herself that way because FOIL requests are supposed to be honored even if they're just from an individual citizen.

The "Days" in the headings below ("Day 1", etc.) are calendar days, not business days.

*Warning: The DOE sent the letters that were attached to its emails as scanned-in images, so as you scroll down they may appear to be large blank spaces at first. If you're seeing lots of blank space (and if it isn't just the blank space at the bottom of a page, below one of these images), take your time or scroll up and down a bit and you'll see them appear.*

*Update: If you're coming back to this compilation of emails having previously read the blog post titled "Freedom of Information – NYC DOE Drags Feet" (posted back on 02/19/2013), you can skip down to "Day 71" for the newer emails.*

*Later updates: Three more emails were added on 04/03/2013 (skip down to "Day 102"). Another email was added on 04/12/2013 (skip down to "Day 107").*

## DAY 1

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**From:** Elsa Haas [mailto:ElsaHaas2@gmail.com]  
**Sent:** Wednesday, November 21, 2012 9:02 AM  
**To:** 'FOIL@schools.nyc.gov'  
**Subject:** FOIL request: High School Choice

This is a FOIL request for the written and/or audiovisual material that is provided to guidance counselors and other personnel at public middle schools and their private school counterparts for the purpose of instructing them on how to process the 2012-13 "High School Admissions Application" forms.

If there is any defect or pertinent omission in this request, please inform me immediately.

Thank you,  
Elsa Haas

## DAY 10

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**From:** Elsa Haas [mailto:ElsaHaas2@gmail.com]  
**Sent:** Friday, November 30, 2012 2:55 PM  
**To:** 'FOIL@schools.nyc.gov'  
**Subject:** FW: FOIL request: High School Choice

Not counting Thanksgiving or the day after, I think five business days have passed. You are required to respond to FOIL requests within five business days. Please respond.

Elsa Haas

## SAME DAY (DAY 10)

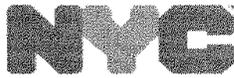
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**From:** [NAME DELETED]  
**Sent:** Friday, November 30, 2012 5:06 PM  
**To:** elsahaas2@gmail.com  
**Cc:** Baranello Joseph [2 OTHER NAMES DELETED]  
**Subject:** FOIL Request #F9027

Ms. Haas:

Please see the attached letter that has information concerning your FOIL request.

Thank you.



**Department of  
Education**

*Dennis M. Walcott, Chancellor*

November 30, 2012

**Courtenaye Jackson-Chase**  
*General Counsel*

**Joseph A. Baranello**  
*Central Records Access  
Officer & Agency Attorney*

**Office of Legal Services**  
NYC Dept. of Education  
52 Chambers Street  
Room 308  
New York, NY 10007

+1.212.374.6888 tel.  
+1.212.374.5596 fax

**VIA E-MAIL**

Elsa Haas  
[Elsahaas2@gmail.com](mailto:Elsahaas2@gmail.com)

**RE: #F9027**  
Materials regarding High School Admissions

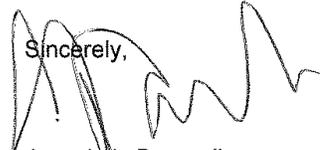
Dear Ms. Haas:

On November 21, 2012, the Office of Legal Services of the NYC Department of Education (DOE) has received your Freedom of Information Law (FOIL) request, dated November 21, 2012 and assigned it a reference number of **F9027**. Please include this FOIL reference number on all subsequent correspondence.

A search for responsive records will be conducted. We anticipate providing you with a response by January 2, 2013.

In addition, if responsive records are located and identified for release, you will be notified of the cost of reproduction. At that time, please make your check or money order payable to the New York City Department of Education and include the FOIL reference number on the instrument of payment. Please be advised that Public Officers Law § 87(1)(b)(iii) permits the DOE to charge a fee of 25¢ per photocopy not in excess of nine inches by fourteen inches, or the actual cost of reproducing any other record in accordance with Public Officers Law § 87(1)(c).

Sincerely,



Joseph A. Baranello  
[FOIL@schools.nyc.gov](mailto:FOIL@schools.nyc.gov)

JAB/mjb

**DAY 12**

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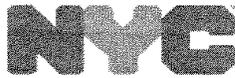
**From:** Beaufiles Natacha  
**Sent:** Wednesday, January 02, 2013 3:59 PM  
**To:** [elsahaas2@gmail.com](mailto:elsahaas2@gmail.com)  
**Cc:** [NAME DELETED]  
**Subject:** F9027

Ms. Haas--

Please see the enclosed in regard to your FOIL request.

Thank you.

[NAME DELETED]  
NYC. Dept. of Education  
Office of Legal Services



**Department of  
Education**

*Dennis M. Walcott, Chancellor*

**Courtenaye Jackson-Chase**  
*General Counsel*

**Joseph A. Baranello**  
*Central Records Access  
Officer & Agency Attorney*

**Office of Legal Services**  
NYC Dept. of Education  
52 Chambers Street  
Room 308  
New York, NY 10007

+1.212.374.6888 tel.  
+1.212.374.5596 fax

January 2, 2013

**VIA E-MAIL**

Elsa Haas  
[Elsahaas2@gmail.com](mailto:Elsahaas2@gmail.com)

**RE: #F9027**  
Materials regarding High School Admissions

Dear Ms. Haas:

This letter concerns the above-referenced Freedom of Information Law (FOIL) request. Pursuant to section VI.B of Chancellor's Regulation D-110, due to the volume and complexity of requests we receive and process, and to determine whether any records or portions thereof will be subject to redactions permitted under Public Officers Law §87(2), additional time is required to respond substantively to your request. Accordingly, a response is currently anticipated by January 31, 2013

Sincerely,

A handwritten signature in black ink, appearing to read "Natacha Beaufils".

Natacha Beaufils  
[FOIL@schools.nyc.gov](mailto:FOIL@schools.nyc.gov)

NB

**DAY 13**

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**From:** Elsa Haas [mailto:[ElsaHaas2@gmail.com](mailto:ElsaHaas2@gmail.com)]  
**Sent:** Thursday, January 03, 2013 1:25 PM  
**To:** 'Beaufils Natacha'  
**Cc:** [NAME DELETED]  
**Subject:** RE: F9027

Dear Ms. Beaufils:

1.) If it is the audiovisual material that is slowing you down, please send me the written material now and the audiovisual material later.

2.) If your reply is meant to cover both the written and the audiovisual material, then five business days, plus the entire month of December, plus twenty more business days is not reasonable for this request, and the reference to redactions is irrelevant (I'm asking simply for instructions to public and private guidance counselors, and none of the exceptions listed in the Public Officers Law apply).

3.) If your reply was just a form letter and you really intend to fulfill the request sooner than January 31, please tell me so.

4.) Should I move this up a notch, as I did with F9052?

Thanks,  
Elsa Haas

## DAY 20

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**From:** Elsa Haas [mailto:ElsaHaas2@gmail.com]  
**Sent:** Wednesday, January 09, 2013 1:06 PM  
**To:** 'jnathan@schools.nyc.gov'  
**Subject:** FW: F9027

Dear Ms. Judy Nathan:

As was initially the case with FOIL request F9052 (which was finally fulfilled the same day I wrote to you about it), F9027 is looking bad for the DOE.

If we happened to know any middle school guidance counselors, we would simply ask one of them for a copy of the instructions that came with the high school applications. The "written material" part of the request (see #1, below) would then be taken care of within a day or so.

Why should it take the DOE so much longer?

We may hand this whole story to a reporter, or include it in the launch of our website. We're discussing our options.

Elsa Haas  
Director, Partnership for Accurate Homeschooling Information (PAHSI)

## DAY 34

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**From:** Elsa Haas [mailto:ElsaHaas2@gmail.com]  
**Sent:** Wednesday, January 23, 2013 2:52 PM  
**To:** 'jnathan@schools.nyc.gov'  
**Subject:** FW: F9027

Dear Ms. Nathan:

We note your lack of response this time.

Elsa Haas

## DAY 39

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**From:** Elsa Haas [mailto:ElsaHaas2@gmail.com]

**Sent:** Monday, January 28, 2013 8:15 PM

**To:** 'jnathan@schools.nyc.gov'

**Subject:** FW: F9027

Dear Ms. Nathan:

PAHSI now has a website. The link is [www.PAHSI.net](http://www.PAHSI.net).

Elsa Haas

## DAY 42

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**From:** Beaufiles Natacha [mailto:NBeaufiles@schools.nyc.gov]

**Sent:** Thursday, January 31, 2013 4:56 PM

**To:** elsahaas2@gmail.com

**Cc:** Baranello Joseph [2 OTHER NAMES DELETED]

**Subject:** F9027

Ms. Haas—

Please see the enclosed in regard to your FOIL request.

Thank you.

Natacha Beaufiles  
NYC. Dept. of Education  
Office of Legal Services



**Department of  
Education**

*Dennis M. Walcott, Chancellor*

January 31, 2013

**Courtenaye Jackson-Chase**  
*General Counsel*

**Joseph A. Baranello**  
*Central Records Access  
Officer & Agency Attorney*

**Office of Legal Services**  
NYC Dept. of Education  
52 Chambers Street  
Room 308  
New York, NY 10007

+1.212.374.6888 tel.  
+1.212.374.5596 fax

**VIA E-MAIL**

Elsa Haas  
[ElsaHaas2@gmail.com](mailto:ElsaHaas2@gmail.com)

**RE: #F9027**  
Materials regarding High School Admissions

Dear Ms. Haas:

This letter concerns the above-referenced Freedom of Information Law (FOIL) request. Pursuant to section VI.B of Chancellor's Regulation D-110, due to the volume and complexity of requests we receive and process, and to determine whether any records or portions thereof will be subject to redactions permitted under Public Officers Law §87(2), additional time is required to respond substantively to your request. Accordingly, a response is currently anticipated by March 1, 2013

Sincerely,

Natacha Beaufile  
[FOIL@schools.nyc.gov](mailto:FOIL@schools.nyc.gov)

NB

## DAY 43

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**From:** Elsa Haas [mailto:[ElsaHaas2@gmail.com](mailto:ElsaHaas2@gmail.com)]  
**Sent:** Friday, February 01, 2013 4:18 PM  
**To:** 'Beaufils Natacha'  
**Cc:** 'Baranello Joseph' [2 OTHER NAMES DELETED]  
**Subject:** RE: F9027

Dear Ms. Beaufile:

You're really planning to take the entire month of February - after having taken five business days, then all of December, then all of January?

There's nothing "voluminous" or "complex" about this request, at least not the part about written materials (and, as I said in a previous email, there will be no need for redactions).

If you can't get the instructions for the guidance counselors from the original source (probably the Office of Student Enrollment), all you have to do is ask a guidance counselor for a copy.

We might almost be excused for thinking that the DOE wants us to have this information too late to do anything with it.

Elsa Haas

## DAY 71

*Update: All of the emails below this point were put up on [www.pahsi.net](http://www.pahsi.net) on 03/16/2013 or later, after the blog post titled "Freedom of Information – NYC DOE Drags Feet" (dated 02/19/2013). So if you've already read that blog post, this is where your update starts.*

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**From:** Beaufils Natacha [mailto:NBeaufils@schools.nyc.gov]  
**Sent:** Friday, March 01, 2013 4:54 PM  
**To:** elsahaas2@gmail.com  
**Cc:** Baranello Joseph [TWO OTHER NAMES DELETED]  
**Subject:** F9027

Ms. Haas—

Please see the enclosed in regard to your FOIL request.

Thank you.

Natacha Beaufils  
NYC. Dept. of Education  
Office of Legal Services



**Department of  
Education**

*Dennis M. Walcott, Chancellor*

March 1, 2013

**Courtenaye Jackson-Chase**  
*General Counsel*

**Joseph A. Baranello**  
*Central Records Access  
Officer & Agency Attorney*

**Office of Legal Services**  
NYC Dept. of Education  
52 Chambers Street  
Room 308  
New York, NY 10007

+1.212.374.6888 tel.  
+1.212.374.5596 fax

**VIA E-MAIL**

Elsa Haas  
[Elsahaas2@gmail.com](mailto:Elsahaas2@gmail.com)

**RE: #F9027**

Materials regarding High School Admissions

Dear Ms. Haas:

This letter concerns the above-referenced Freedom of Information Law (FOIL) request. Pursuant to section VI.B of Chancellor's Regulation D-110, due to the volume and complexity of requests we receive and process, and to determine whether any records or portions thereof will be subject to redactions permitted under Public Officers Law §87(2), additional time is required to respond substantively to your request. Accordingly, a response is currently anticipated by March 29, 2013

Sincerely,

Natacha Beaufile  
[FOIL@schools.nyc.gov](mailto:FOIL@schools.nyc.gov)

NB

## DAY 73

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**From:** Elsa Haas [mailto:[ElsaHaas2@gmail.com](mailto:ElsaHaas2@gmail.com)]  
**Sent:** Sunday, March 03, 2013 2:36 PM  
**To:** 'Beaufils Natacha'; 'jnathan@schools.nyc.gov'  
**Cc:** 'Baranello Joseph' [TWO OTHER NAMES DELETED]  
**Subject:** RE: F9027

Ms. Beaufile:

We're unsure whether anyone in the DOE has told you that your previous emails and form letters about request #F9027 are up on our website. You can see them by going to [www.pahsi.net](http://www.pahsi.net), finding the blog post titled "Freedom of Information – NYC DOE Drags Feet", and clicking on the link for F9027.

Elsa Haas (director, PAHSI)

## DAY 84

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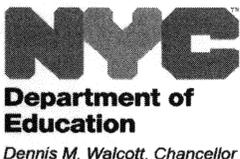
**From:** Beaufils Natacha [mailto:NBeaufils@schools.nyc.gov]  
**Sent:** Thursday, March 14, 2013 4:39 PM  
**To:** elsahaas2@gmail.com  
**Cc:** Baranello Joseph [TWO OTHER NAMES DELETED]  
**Subject:** F9027

Ms. Haas—

Please see the enclosed in regard to your FOIL request.

Thank you

Natacha Beaufils  
NYC. Dept. of Education  
Office of Legal Services



**Courtenaye Jackson-Chase**  
*General Counsel*

**Joseph A. Baranello**  
*Central Records Access  
Officer & Agency Attorney*

**Office of Legal Services**  
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March 14, 2013

**LETTER VIA E-MAIL**  
**RECORDS VIA REGULAR MAIL**

Elsa Haas  
[Elsahaas2@gmail.com](mailto:Elsahaas2@gmail.com)

**RE: #F9027**  
Materials regarding High School Admissions

Dear Ms. Haas:

This letter is in final response to your Freedom of Information Law (FOIL) request in which you seek access to the above-referenced records.

A search for records has been conducted and responsive records have been located. The records will be sent to you via regular mail upon receipt of your mailing address.

Any person denied access to a record may appeal the decision in writing within thirty days. Please state a specific ground for appeal and include copies of the initial request and the denial. Appeals should be sent to: Courtenaye Jackson-Chase, General Counsel, c/o Office of Legal Services, New York City Department of Education, 52 Chambers Street – Room 308, NY, NY 10007, [FOIL@schools.nyc.gov](mailto:FOIL@schools.nyc.gov)

Sincerely,

Joseph A. Baranello  
[FOIL@schools.nyc.gov](mailto:FOIL@schools.nyc.gov)

JAB/sa

## DAY 85

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**From:** Elsa Haas [mailto:ElsaHaas2@gmail.com]  
**Sent:** Friday, March 15, 2013 10:04 PM  
**To:** 'Beaufils Natacha'; 'jnathan@schools.nyc.gov'  
**Cc:** 'Baranello Joseph' [TWO OTHER NAMES DELETED]  
**Subject:** RE: F9027

Dear Ms. Beaufils:

Kids citywide, both homeschooled and otherwise, began finding out this morning at 9AM what high school program they were admitted to in Round 1. At the same moment, the application forms for Round 2 became available.

We think it no coincidence that it was at 4:39 PM yesterday that you declared yourselves ready to fulfill my FOIL Request, which I had filed way back in November. Any changes we might have suggested (for example, changes in the way the application form prints out for homeschoolers) have now been scuttled for 2012-13.

Are you going to try to bill me? We still want the information, but we're not going to pay a fortune for it at this late date.

Elsa Haas

## DAY 102

*Update: All of the emails below this point were put up on [www.pahsi.net](http://www.pahsi.net) on 04/03/2013 or later.*

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**From:** Beaufils Natacha  
**Sent:** Monday, April 01, 2013 9:41 AM  
**To:** Elsa Haas  
**Cc:** Baranello Joseph; Nathan Judy [4 OTHER NAMES DELETED]  
**Subject:** RE: F9027

Ms. Haas—

As stated in the cover letter which was emailed to you on March 14<sup>th</sup>, Please provide a mailing address for the records to be mailed to you.

Thank you.

## SAME DAY (DAY 102)

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**From:** Baranello Joseph [mailto:JBaranello3@schools.nyc.gov]  
**Sent:** Monday, April 01, 2013 9:52 AM  
**To:** Elsa Haas  
**Cc:** Beaufils Natacha [1 OTHER NAME DELETED]  
**Subject:** RE: F9027

Hello Ms. Haas –

You are in fact not being billed for any reproduction or copying fees to which the DOE may be entitled.

Sincerely,

Joseph A. Baranello  
Attorney and Central Records Access Officer  
Office of the General Counsel  
New York City Department of Education  
52 Chambers Street, Room 308  
New York, New York 10007

## SAME DAY (DAY 102)

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**From:** Elsa Haas [mailto:ElsaHaas2@gmail.com]  
**Sent:** Monday, April 01, 2013 1:50 PM  
**To:** 'Baranello Joseph'  
**Cc:** 'Beaufils Natacha'; 'jnathan@schools.nyc.gov' [3 OTHER NAMES DELETED]  
**Subject:** RE: F9027

Hello Mr. Baranello:

Good, because in the eleven minutes between Ms. Beaufils' email and yours, we briefly considered the possibility that the first one was for April Fools'.

Then (because that would have been decidedly unfunny), we began contemplating a snarky blog post of our own – perhaps even a cartoon. (Department of Education: “Give us your address and we’ll send you the package.” PAHSI: “First tell us how much the package will cost.” DOE: “Give us your address.” PAHSI: “Are you refusing to answer my question?” Ad infinitum, drawn as a cartoony loop.)

We’re going to call this “The Eleven-Minute Glitch”, and we thank you for cutting it short by emailing me directly as soon as you saw what was happening.

Look, this is the first time you have ever directly replied to me, and you’re the top person in the FOIL office, so we’re going to take a moment to break through the barrier of form letters and nonsensical delaying tactics and make a couple of observations.

First, at some point much earlier in this drawn-out tale, you might have been wise to tell Ms. Beaufils and everybody else who has ever been CC’ed on this that you were going to take on full responsibility for dealing with me/us.

We can't know for sure, from the outside looking in, but it seems to us that your office is understaffed, and that it's a mistake to expect staff members whose usual role is to reply to a large number of routine requests to also handle complicated issues with unusual repercussions (like negative exposure for the DOE on our website).

In other words, please don't blame Ms Beauflis unduly for "The Eleven-Minute Glitch", and if you ever need someone to point out that your office is understaffed and needs a bigger hiring budget, we'd be happy to back you up on that to the extent that we can, based on our limited, outsiders' knowledge of your staffing levels.

Second, and more importantly, the FOIL office is being directed to withhold information. It's not an accident that your office pretty much limited itself to sending me form letters via email attachment in order to repeatedly extend your self-declared deadlines - until precisely one day after the information I was requesting became useless for 2012-13.

Who told you to withhold this information and then release it strategically, we can't tell from where we sit. But it's a travesty. It undercuts the purpose of the New York State Freedom of Information Law.

We didn't know it was going to be like this when I filed the first of our two FOIL requests, because we hadn't done our homework. By now we know that this is a pattern that echoes accounts like this one, on the website of the United Federation of Teachers (UFT):

<http://www.uft.org/press-releases/uft-sues-doe-failure-comply-freedom-information-requests> .

For now we'll leave it to the UFT and others to go after this problem with the FOIL office, because we're a relatively small organization that is specialized in homeschooling issues and we already have too much on our plates.

We plan to add the two most recent emails (Ms. Beauflis' and yours) to the PDF email compilation at [www.pahsi.net](http://www.pahsi.net), but we probably won't publish a new blog post on the FOIL issue until we see what's in the package you send me. We hope the quality of the information will reflect a good will effort to comply with freedom of information laws and regulations, even at this late date.

The main issue for us is the contents of the package, after all - within the context of how we might improve the high school application process for homeschoolers.

The main issue isn't the functioning of your office, which we hope never to have to contact again. We hope that the NYC Central Office of Home Schooling, even if it never returns to its wide-angled, two-hour, in-person conversations with us, will at least go back to simply providing us with the information we are legally entitled to, the way it used to before what we'll call "The Great Rift." This would be far more sensible than their obliging your office to get involved in what amounts to a waste of time for everybody.

We do hope that if we ever end up contacting the FOIL office again, you will have previously put into place some mechanism for getting our emails directly to you, instead of leaving them in the lap of someone who isn't in a position to see the big picture.

As an aside, if anyone ever tries to tell you that this was all about my son's own application to high school, don't let them get away with it. Our son didn't apply to high school in 2012-13. He did a borough-wide high school fair, two open houses, and a day of student shadowing (all because we didn't want to close any doors to him), and he ended up deciding on his own to continue to homeschool for the time being.

I must say, though, that it didn't help his overall impression of the DOE (and, by implication, the NYC public schools) when he overheard some of the flak I got on the phone from the Office of Home Schooling simply for trying to get his past grade levels in the official computer record corrected (he was shown as having both repeated second grade and skipped fourth grade, despite having always moved up one

grade each year) and (in order to do so, and when all else had failed) going to the citywide archives in person to try to retrieve his old paper records.

Those last two paragraphs may be more than you wanted to know. I tell it all to you in the hope that if you understand how you and I got to where we are today on this issue, that knowledge may grease some bureaucratic wheel for somebody in the future.

My address is: [DELETED]. Please send the package there.

We would appreciate it if you would acknowledge receipt of this email.

Thanks,  
Elsa Haas

## DAY 107

*Update: Any email below this point was put up on [www.pahsi.net](http://www.pahsi.net) on 04/12/2013 or later.*

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**From:** Elsa Haas [mailto:ElsaHaas2@gmail.com]  
**Sent:** Saturday, April 06, 2013 6:37 PM  
**To:** 'Baranello Joseph'  
**Cc:** 'Beaufils Natacha'; 'jnathan@schools.nyc.gov' [3 OTHER NAMES DELETED]  
**Subject:** RE: F9027

Dear Mr. Baranello:

Thank you for the package containing six documents on CD, which arrived yesterday. We have begun looking at them to see whether we have everything we need.

Elsa Haas

[END OF EMAIL COMPILATION SO FAR]