February 12, 2015

Mr. Luis Perez

Re: Oswego 308 English Language Learner Parent Council

Dear Mr. Perez:

I have had the opportunity to review the draft version of the updated Bylaws of the Bilingual Parent Advisory Committee (BPAC) for School District 308 that you emailed to Theresa Ulrich on Sunday, February 1, 2015. While I thank you for the organization’s effort to make changes to be in compliance with applicable federal and state law, the committee structure and its bylaws fall short of its legal obligations.

As you know, in a 2011 compliance letter, the Illinois State Board of Education found the District to be out of compliance on numerous issues relating to its Transitional Bilingual Education programming. The District has successfully remedied many of the issues. One outstanding issue has been the District’s accountability and outreach to parents and legal guardians of English Language Learners. Article 14C-10 of the Illinois School Code affords the District a way to remedy that issue through the establishment of a parent advisory committee to allow parents of English Language Learners (EL) the opportunity to effectively express their views and ensures that the District’s programs for such students are planned, operated and evaluated with the involvement of, and in consultation with, parents or legal guardians of students served by those programs. A majority of each committee shall be the parents or legal guardians of students enrolled in the EL program.

According to your organization’s current bylaws, the organization was established to support and nurture the educational growth and development of non-English speaking children. This has been removed from your proposed bylaws, replaced by a statement that the organization supports and nurtures the social, emotional, academic growth and development of our bilingual community. While District 308 has a strong interest in the social, emotional, academic growth and development of its bilingual community, the parent advisory committee’s focus as prescribed by Section 14C-10 is to be the programming for EL students, not all bilingual students.
Section 2.2 of the proposed bylaws references the autonomous nature of the parent advisory committee’s activities. Please be advised that the parent advisory committee’s operations are to be autonomous only after the committee has been lawfully established. Your organization has not been lawfully established and will no longer be recognized by Community Unit School District 308 as a parent advisory committee under Section 14C-10 of the School Code.

Your organization’s current bylaws state that the organization has been incorporated as a not-for-profit organization with the Illinois Secretary of State’s Office as the “Oswego 308 English Language Learners Parent Council.” A search of the Illinois Secretary of State’s website shows no organization lawfully incorporated under that name. This causes me to question whether the organization has ever been legally incorporated as stated in the bylaws. Please provide me with the documents verifying this incorporation as well as the annual reports filed with the State for that organization.

Even if the organization had been legally incorporated, it fails to meet the requirements of federal and state law. Section 228.5a of ISBE’s regulations implementing the State’s transitional bilingual education program states “This Part establishes requirements for school districts’ provision of services to students in preschool through grade 12 who have been identified as English learners in accordance with Article 14C of the School Code.” Section 228.30(c)(4) requires each district to establish a parent advisory committee consisting of parents, legal guardians, transitional bilingual education teachers, counselors, and community leaders. The committee shall participate in the planning, operation and evaluation of programs for students identified as English learners. Membership on this committee shall be representative of the languages served in the programs to the extent possible.

It is evident that the membership on the BPAC is not representative of the languages served in the District’s EL programs. The majority of the members on the BPAC are parents and legal guardians of English-speaking students who do not qualify for services under Article 14C of the School Code. These individuals constitute ‘community members’ on the committee: they are not lawfully considered parents of students enrolled in EL programs since their children are ‘enrolled’ in a dual language program as a native English-speaking student and not as an EL student. Only a minority of the membership in the currently constituted BPAC are parents and legal guardians of English language learners. Further, that minority on the committee primarily represents native Spanish-speaking students; it does not represent the myriad of other languages served in the District’s EL programs. Because the committee has not been properly established, the BPAC cannot undertake any of the regulatory obligations of a properly established parent advisory committee under Article 14C.

The District is in the process of establishing a parent advisory committee that meets the requirements of the applicable federal and state laws and regulations to afford parents of EL the opportunity to effectively express their views and ensures that the District’s programs for such students are planned, operated and evaluated with the
Involvement of, and in consultation with, parents or legal guardians of students served by those programs. We invite those BPAC members who are, in fact, parents or legal guardians of EL students eligible for services under Article 14C of the School Code to join the parent advisory committee once it is established. Others may join as community members as long as the majority of the members of the newly formed committee are parents/legal guardians of EL students.

In the meantime, the District shall not recognize the BPAC and the BPAC has no legal or functional standing in the District.

Sincerely,

Dr. Paul O’Malley

Cc: Dr. Matthew Wendt
    Dr. Judy Minor
    Board of Education