



# Illinois State Board of Education

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**Christopher A. Koch, Ed.D.**  
State Superintendent of Education

January 23, 2015

Dr. Matthew A. Wendt, Superintendent  
Oswego Community Unit School District 308  
4175 Route 71  
Oswego, IL 60543

Dear Superintendent Wendt:

The Division of English Language Learning (DELL) of the Illinois State Board of Education received a letter dated November 24, 2014 concerning alleged compliance violations in the district’s program for English Learners. A follow up letter dated December 10, 2014 outlined additional allegations.

The complaint alleges that:

<b>Identification of Eligible Students</b>
1. Screening of students’ English language proficiency based on the home language survey as having a background other than English is not being conducted within the 30 day timeframe. Furthermore, known LEP students that transfer to the district from other districts and when their LEP status information is known either from previous district records, Student Information System (SIS) or other means are unnecessarily being screened for their English language proficiency.
<b>Language Acquisition Services</b>
2. District 308 does not offer ELLs equitable support services such as bilingual psychologist, special education teachers, social worker, reading specialists, and speech language pathologists.
3. There is no systematic record-keeping of ELL students’ progress after they have exited ESL based on attaining English language proficiency.
<b>Program Structure</b>
4. There are attendance centers that have 20 or more students in one attendance center of the same language classification and no TBE program is being established. TBE is currently offered at only two attendance centers requiring families to choose ESL English-only resource services at their attendance center (and despite English language proficiency level).
5. Native language instruction is not offered at those attendance centers with 20 or more ELL students of the same language classification
6. The final ISBE DELL audit finding of approval or sufficient to Oswego District 308 in

<p>June 2014 was based on a “Transition Plan” that there will be boundary changes occurring effective school year 2015-2016, as district has and continues to be out of compliance for requiring students to receive TBE and/or TPI services at their attendance center. There are have been no committees formed or efforts made despite the “Transition Plan”. Those boundary changes will not be taking place in school year 2015-2016. Therefore, families of ELL students are forced to receive TBE and/or TPI services in attendance centers that are not their home school or refuse self-contained TBE/TPI services.</p>
<p>7. Instructional ESL minutes reported to the state (high, moderate and low) are not a reflection of the instructional ESL minutes that are accurately in practice. There is suspicion that ESL instructional minutes are being purposely represented in an overabundance of minutes based on student’s ELP level in an effort to maximize revenue from state and federal funds.</p>
<p>8. Newly transferred students are being placed in a TBE or TPI program based on their ELP level rather than simply qualifying for such a program. The current TBE and TPI program and structure is not in accordance with State mandates.</p>
<p><b>Curriculum and Instruction</b></p>
<p>9. School District 308 does not offer EL instruction with a standards based curriculum.</p>
<p><b>Access to Services</b></p>
<p>10. School District 308 does not offer ELLs equal access to education opportunities and programs as they do to non-ELLs.</p>
<p>11. Currently, the student-teacher ratio of 90-10 is not being followed for any of the self-contained ELL classrooms (TBE, TPI or Dual Language).</p>
<p>12. School District 308 does not offer ELs equitable facilities as it does to non-EL students. Students are bounced from school to school yearly. The bus often arrives late to school because of the location which leads students to miss instructional time. In addition. Before school instructional help is available at the school, but EL students do not have access to this service due to the busy situation and location of school in relation to their home.</p>
<p><b>Professional Development</b></p>
<p>13. ELL teachers have no systematic understanding, record-keeping or consistent professional development on differentiating for ELL students based on their English Language Proficiency levels. Instead, the district has and continues to spend an enormous amount of LIPLEP and Title III funds on professional development for non-ELL staff dispersed throughout the district on the SIOP model. Attendance records during the SIOP training provide evidence that this use of funds could be best utilized with appropriate professional development and/or resources to ELL teachers and their classroom.</p>
<p><b>Rights of Parents and Community Engagement</b></p>
<p>14. The parent outreach efforts (Dr. Lourdes Ferrer) to ELL families during school year 2013-2014 did not serve the needs of ELL families, and a majority of the outreach services she provided benefited non-ELL families as evidenced by the attendance record-keeping of the non-ELL families.</p>
<p><b>Student Records and Data Management</b></p>
<p>15. In June 2014, Oswego District 308 passed 19 sanctions, which included the use of certain forms for the proper recordkeeping of ELL students. Many of these forms are not being used. Instead, outreach efforts to ELL staff by current administration to form a committee</p>

for the purpose of rebuilding the ELL manual is unnecessary and gross misuse of state and federal funds as teachers are being paid \$25.00 per hour to participate in committee.

As you may understand, the alleged claims represent a serious concern for the Illinois State Board of Education. In order to assist the Division of English Language Learning with investigating the allegations raised in the complaint, please provide to DELL by **February 27, 2015** the following information:

Please create an EXCEL spreadsheet containing information about all English learners:

- Name
- Home school
- Serving school
- Grade
- Date first enrolled in your district's EL program
- Date students were screened for English Language proficiency
- home language
- Program Placement (TBE Full-time, TBE Part-time, TPI, parent refusal)
- Program Model (e.g. Dual Language, ESL resource, TBE self-contained, etc.)
- Most recent ACCESS composite, reading, writing, and literacy scores.
- Indicate which students also have an Individualized Education Plan (IEP)

A copy of your district's bilingual program manual or policies and procedures for serving ELs, including information about eligibility and accessibility of other services.

Your district's ELs program curriculum, including an ESL curriculum aligned to the 2012 Amplification of the English Language Development Standards Kindergarten-Grade 12 (2012) and other relevant program curricula aligned the Illinois State Learning Standards Incorporating the Common Core

Your district's Spanish language arts curriculum aligned to the "World- Class Instructional Design and Assessment: Spanish Language Arts Standards" (2005), if applicable

Class roster and schedule, by attendance center or caseload, for each bilingual or ESL teacher and paraprofessional

A list of average class sizes for each grade level at each attendance center

List of all professional development opportunities directly related to improving instruction for ELs that have been offered to all district staff in the last school year (include the title, topic(s), and date(s))

Bilingual Parent Advisory Council (PAC) meeting agendas, sign-in sheets, and minutes from the most recent complete school year, if applicable

Flyers and announcements about activities/events/classes for EL parents (include any translations)

Please provide samples in English and all the translated versions currently in use by your district as well copies of procedures that district staff are directed to follow regarding the use of these forms.

- District Registration Forms
- Home Language Survey (HLS)
- Notice of Enrollment in a TBE/TPI Program
- Notice of Continuing Placement/Parental Consent to remain in a TBE/TPI Program Beyond 3 Years
- Notice of Exit from a TBE/TPI Program Prior to 3 Years of Service
- Notice of Program Exit (based on proficiency)
- Refusal of Services Form (if utilized)
- Progress Report/Report Card Templates
- Progress Report /Report Card translation waiver
- A copy of the notification letter to parents if your district failed to make AMAOs (signed and dated)

All documentation must be submitted electronically. Please make sure that the names of any files you send to us include the name of your district.

For confidential information, including all student files, the documentation must be submitted through the secure file submission on the ISBE website. To access the secure electronic file transfer page please go to the ISBE website: <http://www.isbe.net/default.htm> and click on "Send ISBE a file." Please choose "ELL\_Data" in the pull-down menu as the receiver of the information. For non-confidential documents, you can email them directly [szuber@isbe.net](mailto:szuber@isbe.net).

Lastly, I urge the District to conduct its own internal investigation to determine whether or not any of these allegations are founded. Given the breadth of the allegations, additional interviews or a visit to the district may be scheduled after DELL's review of the submitted documentation.

Please send your response to:

Dr. Anna Szuber  
Division of English Language Learning  
Illinois State Board of Education  
100 W. Randolph, Suite 14-300  
Chicago, Illinois 60601  
Email: [aszuber@isbe.net](mailto:aszuber@isbe.net)

We truly appreciate your prompt attention to this important matter that involves the educational rights of English learners. Please do not hesitate to contact me at 312-814-3850, should you have any questions.

Sincerely,

A black rectangular redaction box covers the signature of David González Nieto. A small handwritten mark is visible above the box.

David González Nieto  
Division Administrator  
Division of English Language Learning

cc: Theresa Ulrich, Program Director  
Anna Szuber, Principal Consultant