

EMPOWERING ALL STUDENTS

Learners Today - Leaders Tomorrow

December 17, 2018

Mr. Cal Skinner
275 Meridian St.
Crystal Lake, IL. 60014

Re: Freedom of Information Request

Dear Mr. Skinner:

On December 14, 2018, Crystal Lake School District No. 47 received a Freedom of Information Act ("FOIA") Request from you via email in which you requested the following:

- Under the FOIA I request a copy of any discrimination or other complaints filed against District 47 with the U.S. Dept. of Education. The one I know exists was filed with the U.S. Dept. of Education's Office of Civil Rights. May I have any one from the last 2 years?

Included in this FOIA are the documents responsive to your request. This fulfills our responsibility of responding to your FOIA request within five working days, after the first day of receipt of your request. If you have any questions, please feel free to contact me 815-788-5000.

Sincerely,

Clare F. Bourne
Freedom of Information Officer
Crystal Lake School District 47

If you have any questions, please feel free to contact me 815-788-5000.

300 Commerce Dr. Crystal Lake, IL 60014 815.788.5000

www.d47.org D47schools [crystallakesd47](https://twitter.com/crystallakesd47)

From: **Cal Skinner** <calskinner2@gmail.com>
Date: Thu, Dec 13, 2018 at 11:28 AM
Subject: FOI Req for Complaint filed with U.S. Dept of Education
To: FOI D47 <CFBourne@d47.org>, Cal Skinner <calskinner2@gmail.com>

Under the FOIA I request a copy of any discrimination or other complaints filed against District 47 with the U.S. Dept. of Education.

The one I know exists was filed with the U.S. Dept. of Education's Office of Civil Rights.

cal skinner
McHenry County Blog
275 Meridian St.
Crystal Lake, IL 60014
815-529-9730

Mr. Skinner:

We are in receipt of your email. If you would give us a time frame (a start and stop date) for your request we would be better able to fulfill your request.

Regards,
Clare Bourne

from: **Cal Skinner** <calskinner2@gmail.com>

FOI CL Dist 47 <foia@d47.org>

date: Dec 14, 2018, 8:23 AM

May I have nay form the last two years?

Thanks,
cal



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

January 24, 2018

Dr. Kathy J. Hinz
Superintendent
Crystal Lake CCSD #47
CORE Center
300 Commerce Dr.
Crystal Lake, IL 60014

Re: OCR# 05-18-1025
Crystal Lake CCSD #47

Dear Dr. Hinz:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), has carefully evaluated the complaint filed with OCR on October 19, 2017, against the Crystal Lake CCSD #47 (District), alleging retaliation and discrimination on the basis of disability. OCR conducted the evaluation in accordance with OCR's *Case Processing Manual* to determine whether to open the complaint for investigation. We have determined that we have the authority to investigate this complaint.

Specifically the complaint alleges:

1. On September 22, 2017, after the Complainant complained about the District's failure to implement Student A's Individualized Education Plan, an administrator at West Elementary School (School) retaliated against the Complainant, parent of a School student (Student A), by threatening to call the Illinois Department of Children and Family Services (DCFS) when the Complainant refused to pick up Student A after the School notified her that Student A had been suspended.
2. School staff discriminated against Student A on the basis of disability (developmental delay) when in September and October 2017 his teacher isolated him behind a blue divider.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Section 504 prohibits discrimination on the basis of disability and retaliation by recipients of Federal financial assistance. Title II prohibits discrimination on the basis of disability and retaliation by certain public entities. As a recipient of Federal financial assistance from the Department and a public entity, the

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District is subject to the provisions of Section 504 and Title II. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Because OCR has determined that it has jurisdiction and the complaint was filed timely, it is opening the allegations for investigation. Please note that opening the allegations for investigation in no way implies that OCR has made a determination with regard to their merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegations, in accordance with the provisions of Article III of the *Case Processing Manual*.

OCR offers, when appropriate, an Early Complaint Resolution (ECR) process to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegations. Some information about the ECR process is in the enclosure to this letter entitled "OCR Complaint Processing Procedures."

In addition, when appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient asks OCR to resolve the complaint. In such cases, a resolution agreement signed by the recipient and submitted to OCR must be aligned with the complaint allegations or the information obtained during the investigation and it must be consistent with applicable regulations. Information about this is in the enclosure to this letter.

- Please read the enclosed document entitled "OCR Complaint Processing Procedures," which includes information about:
- OCR's complaint processing procedures, including the availability of ECR;
- Regulatory prohibitions against retaliation and intimidation of persons who file complaints with OCR or participate in an OCR investigation; and
- Application of the Freedom of Information Act and the Privacy Act to OCR investigations.

OCR intends to conduct a prompt investigation of this complaint. The regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6(b) and (c), requires that a recipient of Federal financial assistance make available to OCR information that may be pertinent to a compliance determination. This requirement is incorporated by reference in the Section 504 regulation at 34 C.F.R. § 104.61. Under the Title II regulation at 28 C.F.R. § 35.171(a)(3), OCR uses its Section 504 procedures to investigate Title II

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complaints. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii) of the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality.

Accordingly, OCR is requesting that you provide the following information to us within fifteen (15) calendar days. Wherever possible, please provide the requested information in electronic format. If responsive data are available through the Internet, please provide the link to the data. Finally, please do not provide OCR documentation -- electronic or hardcopy -- containing social security numbers. If social security numbers appear in a document that is otherwise responsive to OCR's request, please redact them before producing the document to OCR.

1. A narrative response to each allegation.
2. The District's policies, procedures and/or practices with regard to reporting concerns about students to DCFS.
3. A copy of the District's policies prohibiting discrimination on the basis of disability and retaliation along with any related procedures and time frames governing the implementation of such policies/procedures. A description of how the District notifies students, parents and employees of these policies/procedures.
4. A copy of the District and/or School's student code of conduct for the 2017-18 school year.
5. A copy of the District and/or School's policies or procedures regarding School pickup by parents or guardians related to suspensions.
6. Copies of any documentation in the District's possession regarding any DCFS reports involving the Complainant and/or Student A.
7. A copy of Student A's educational file, including discipline referrals for the 2016-17 and 2017-18 school years.
8. Student A's Individualized Education Plan in effect during the fall 2017 semester.
9. A list of times and dates that Student A was placed behind the blue divider, include the name of the District employee who placed Student A behind the blue divider.

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10. Copies of any documentation or memoranda related to Student A's placement behind the blue divider. If such documentation does not exist, a rationale explaining why Student A was placed behind a blue binder.
11. If not included in response to the above items, a copy of all correspondence, memoranda, e-mail messages, and other communication among District personnel or between Student A's parent(s) and District personnel during the 2017-18 school year.
12. A copy of all other documentation in the District's possession related to the allegations in this complaint.

Thank you for your cooperation in this matter. In addition to the information requested above, OCR may need to request additional information and interview pertinent personnel. If an on-site visit is necessary, we will work to schedule a mutually convenient time for the visit.

Please notify OCR of the name, address, and telephone number of the person who will serve as the District's contact person during the processing of this complaint. We would like to talk with this person as soon as possible to discuss the processing of this complaint and we will, at that time, identify the Complainant and Student A.

OCR is committed to prompt and effective service. We will keep you apprised of our investigation of the allegations. OCR is committed to a high-quality resolution of every case. If you have any questions, please contact Geraldo Perez, Equal Opportunity Specialist, at 312-730-1646 or by email at geraldperez@ed.gov.

Sincerely,


Ann Cook-Graver
Supervisory Attorney

Enclosure