Dear Ms. Lopuszanski:

This letter is in response to your recent request for information under the Freedom of Information Act. Your request was received on Jan. 4, 2013.

You have submitted a variety of questions regarding certification and reimbursement information for staff at the Mid-Valley Special Education Cooperative. Please note that as an open records law, FOIA is a method through which individuals seek access to documents. It is not intended to serve as a way to obtain answers to questions. However, in the spirit of cooperation, we are attempting to assist you and have broken down your request into the following items:

Request 1: Any documentation, including emails, for the placement of Linda Huguet to teach the Safe Schools grant-funded high school program from Mid-Valley Special Education Cooperative and/or through the Kane County ROE.

Response 1: Our agency has no emails or documents about Ms. Huguet to or from Mid-Valley or the Kane County ROE. Therefore, we have no documents responsive to this request.

Request 2: Documents that indicate if Mid-Valley Special Education Cooperative and/or the Kane County ROE requested a special short-term emergency certification or any other request to allow Ms. Huguet, an improperly grade level licensed teacher permission to teach a Safe Schools high school program.

Response 2: Our agency has no documents responsive to this request.

Request 3: ISBE’s teacher licensing (certification) requirements for a teacher in a Safe Schools grant-funded high school program.

Response 3: Teachers assigned to special education programs and classrooms are required to hold a certificate valid for the grade level and hold the appropriate Learning Behavior Specialist I (LBSI) approval or endorsement. Alternately, the individual may hold a short term emergency special education certificate.
Request 4: The penalty for a district to knowingly employing an improperly licensed (certified) teacher in a Safe Schools grant funded high school program (grades 9-12) that is required to provide high school students high school credit recovery in core curriculum.

Response 4: As indicated to you in our agency’s responses to your previous FOIA requests, districts that lack appropriately certificated personnel run the risk of recognition sanctions pursuant to 23 Illinois Administrative Code 1.20 (b)

b) Based upon the information provided by the district and the regional superintendent, the State Superintendent shall prepare a certificate of recognition status for each school and for each district as a whole and shall transmit these certificates to all districts. In each case, the recognition status assigned shall be either "Fully Recognized", "On Probation", "Recognized Pending Further Review", or "Nonrecognized".

1) Each school or district that meets the requirements imposed by law, including the requirements established by the State Board pursuant to Section 2-3.25 of the School Code and this Part, shall be fully recognized.

2) A school or district shall be placed on probation if it:
   A) exhibits deficiencies that present a health hazard or a danger to students or staff;
   B) fails to offer required coursework;
   C) employs personnel who lack the required qualifications and who are not in the process of attaining such qualifications;
   D) fails or refuses to serve students according to relevant legal and/or regulatory requirements; and/or
   E) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.

3) A school or district shall be recognized pending further review if it exhibits areas of noncompliance that:
   A) are not serious enough to warrant probation as delineated in subsection (b)(2) of this Section; and
   B) may be corrected prior to the end of the school year following the school year in which they were identified.

4) A district shall be recognized pending further review whenever one or more of the district’s schools are first removed from full recognition, whether recognized pending further review or placed on probation. The district shall subsequently be placed on probation if the instances of noncompliance cited for one or more schools have not been corrected within the time allowed under subsection (b)(3)(B) of this Section.

Request 5: What penalties and or fines are charged against a school district or cooperative that misrepresents the hiring of teachers and placement of teachers in a classroom that they are not licensed to teach at the grade level they have been moved into?

Response 5: Please see Response 4.
Request 6: What steps does the ISBE take when investigating teacher certification fraud and how is funding linked to properly licensed teachers in schools and grant funded programs?

Response 6: For an individual, as per School Code 105 ILCS 5/22-6.5 False Statement or Material Omission is a Class A misdemeanor:

False statement or material omission; Class A misdemeanor. Any person who applies for employment as a teacher, principal, superintendent, or other certificated employee of a school board of any school district, including a special charter district and a district organized under Article 34 of the School Code, who willfully makes a false statement on his or her application for employment, material to his or her qualifications for employment, which he or she does not believe to be true, shall be guilty of a Class A misdemeanor.

If a person's employment history or current or prior employers are required to be furnished on an application for employment, a person who makes a statement which he or she does not believe to be true or who knowingly omits or fails to include any employment history or employer required to be furnished on the application which is material to his or her qualifications for employment shall be deemed to have made a false statement on his or her application within the meaning of this Section.

Each application for employment for a certificated position used by a school district shall state that failure to provide requested employment or employer history which is material to the applicant's qualifications for employment or the provision of statements which the applicant does not believe to be true may be a Class A misdemeanor.

Additionally, according to 105 ILCS 5/21B-15 Qualifications of Educators:

(c) No person may be granted or continue to hold an educator license who has knowingly altered or misrepresented his or her qualifications, in this State or any other state, in order to acquire or renew the license. Any other license issued under this Article held by the person may be suspended or revoked by the State Educator Preparation and Licensure Board, depending upon the severity of the alteration or misrepresentation.

For the second part of your question, the only way our Funding and Disbursements division can check funding to licensed teachers is if the teachers are submitted for approval and claimed under Special Education Personnel reimbursement. They cannot verify licensure of teachers reported in grant programs such as IDEA or NCLB.

Request 7: How are personnel reimbursements determined for special education cooperatives and how often are funds reported and disbursed?

Response 7: Please see the approval and claim procedures that our agency provided in response to your Jan. 3, 2013 FOIA request. Claims are submitted annually on or before Aug. 15 and payments are distributed quarterly at the end of September, December, March and June.

Request 8: Provide the teacher and their license type and support staff names and amount paid to Mid-Valley Special Education Cooperative for employees reported since July 1, 2010 for personnel reimbursements up to today's date (Jan. 4, 2013) and include a separate list for Mid-Valley Special Education Cooperative's ESY summer school program for 2011 and 2012.
Response 8: The attached document (13-175-lopuszanski-doc.pdf) is provided in response to this request. It shows the Fiscal Year 2012 (2010-2011) approval and claim information. If staff served in an extended year program, they are indicated on the computation summary report as Term Code “B” (i.e. Both Regular and Summer Term) and the Sum-Days column has data entered. The 2012-2013 Special Education Personnel claims will not be submitted until August. Reimbursement will not be provided until FY 14.

If you have questions, please contact Amanda Sirnhauser at (217) 782-4648 or asimhaus@isbe.net.

Sincerely,

Matt Vanover
Director of Public Information

Attachment